

Michael P. Maguire – AFSCME Council 13 – Public Sector OSHA testimony

Members of the committee, my name is Michael Maguire, Legislative Director for AFSCME Council 13, representing 65,000 public employees here in Pennsylvania. I want to thank you all for your time and your consideration of this crucial matter.

When I tell someone that public sector workers are not covered by OSHA – whether it’s a stranger on the street or a legislator in the halls of the Capitol – they cannot believe it. But sadly, it is true. I am here today to urge you to work with us toward changing that.

Council 13 represents public employees in many lines of work, some more dangerous than others, but all worthy of protection.

Tom Vitale is a member of AFSCME Local 2143 and an Equipment Operator for PennDOT in Luzerne County. On April 26, which happened to be the first day of National Work Zone Awareness Week, Tom was struck by an oversized load while operating a jackhammer in an active work zone. Tom was hit from behind, thrown and seriously injured. Tom has a broken pelvis and a broken back and several other injuries. He will require multiple surgeries and extensive medical care.

If a worker doing the same kind of job on the same roadway was part of a private company or contractor, he or she would have been covered by OSHA. Tom was not covered as a PennDOT employee. While it is difficult to say whether OSHA protections would have prevented Tom’s injuries, I am confident in saying that extending such protections to public employees like Tom would avoid countless injuries and deaths down the road.

But we need to act now. This kind of policy is long overdue. Our union has been pushing for this for more than 30 years, and we are not backing down until the workers who keep Pennsylvania running safely and efficiently – even throughout a pandemic – are protected.

The COVID-19 pandemic is yet another reminder of why we need workplace protections. America’s workplaces have been a primary source of COVID-19 outbreaks. Early in the pandemic, many workers at public employers found themselves short on Personal Protective Equipment (PPE) and unprepared to implement necessary policies for mask wearing, physical distancing and remote working. AFSCME Council 13 had members catch COVID-19 on the job, and sadly,

some passed away. Nothing could have prepared us for the fallout from this pandemic, but workplace protections could have mitigated the damage.

According to the AFL-CIO Death on the Job Report, 8.1 million public sector workers lack OSHA protection nationwide. In 2019, their injury and illness rate was 64 percent higher than employees in the private sector.

Also in 2019, an average of 275 U.S. workers died each day from hazardous working conditions. 5,333 workers were killed on the job in the United States. An estimated 95,000 workers died from occupational diseases. There were 154 workplace fatalities in Pennsylvania in 2019 alone.

The overall job fatality rate was 3.5 per 100,000 workers, the same as the previous year. Latino and Black worker fatalities increased; these workers are at greater risk of dying on the job than all workers. Employers reported nearly 3.5 million work-related injuries and illnesses. And underreporting is widespread—the true toll of work-related injuries and illnesses is estimated to be 7 million to 10.5 million each year. Workplace violence deaths increased to 841 in 2019, while more than 30,000 violence-related lost-time injuries were reported. Workplace violence is the third-leading cause of workplace death. There were 454 worker deaths that were workplace homicides. Women workers are at greater risk of violence than men; they suffered two-thirds of the lost-time injuries related to workplace violence, and were five times more likely to be killed by a relative or domestic partner in the workplace than men. Deaths among all Latino workers increased in 2019: 1,088 deaths, compared with 961 in 2018. Some 66% of those who died were immigrants. The Black worker fatality rate of 3.6 per 100,000 workers continues to be higher than the national average. In 2019, 634 Black workers died on the job — the highest number in more than two decades. Workers 65 or older have nearly three times the risk of dying on the job as other workers, with a fatality rate of 9.4 per 100,000 workers in 2019. And in addition to the immeasurable cost of human life, the cost of job injuries and illnesses is enormous — estimated at \$250 billion to \$330 billion a year.

The point is this: our workplaces are largely unsafe, and we need to do everything we can to change that. Public sector OSHA in Pennsylvania would move us a big step closer to that goal. Since the establishment of OSHA in 1971, more than

627,000 worker's lives have been saved. Let's extend those protections to our commonwealth's public sector workforce.

I hope you will join us in these efforts. Thank you again for your time, and I would be happy to answer any questions that you may have to the best of my ability.