# Construction accident claims the life of another New York worker

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A deadly workplace incident has claimed the life of yet another New York City construction worker.

Angel Espinosa, 28, of Staten Island was struck in the head with a beam last week while working on scaffolding at a job site in upper Manhattan. He was taken to St. Luke's hospital where he was pronounced dead.

This most recent death of a New York construction worker is the latest in a growing number of workplace fatalities in the state with fatalities steadily increasing over the last two decades.

According to a report produced by the New York Committee for Occupational Safety and Health (NYCOSH), an organization funded by a number of trade unions, construction worker deaths in New York state hit a 14-year high in 2016. The report found that 71 workers died in NY in 2017, up from 55 deaths in 2015.

The report, titled "Deadly Skyline," notes that construction workers are killed on the job at a rate of 4.6 times the average for all workers in general with falls being the leading cause of death.

New York's construction industry is highly dangerous for workers, and workplace fatality rates are trending upward. In the decade beginning in 2006 and ending in 2015, 464 construction workers died while on the job across New York state.

Falls are the top cause of construction deaths in New York. According to 2015 Bureau of Labor Statistics data, 49 percent of deaths in New York state and 59 percent of deaths in New York City were caused by falls.

NYCOSH conducted an in-depth analysis of all construction site inspections in New York in 2014. Over 2 in 3 (68 percent) of site inspections found safety violations.

Employer violations of health and safety laws cause worker fatalities. Almost all OSHA construction fatality site inspections find that employers had been violating health and safety law. Safety violations were found at 87 percent of fatality sites inspected by OSHA in 2014, and over 90 percent of fatality sites inspected by OSHA in 2015.

Non-union construction sites are especially dangerous for workers. In 2014 and 2015, 80 percent and 74 percent, respectively, of construction fatality sites OSHA inspected were non-union. In addition, twice the number of violations were found at non-union compared to union construction sites in 2014.

Misclassification in the construction industry increases risk of workplace injury. Misclassification of construction employees is a common practice in New York's construction industry, and, according to OSHA, misclassified workers face a greater risk of workplace injury.

Latino construction workers face disproportionate danger of death due to falls and "willful" violations of health and safety laws. OSHA data shows that 57 percent of the construction workers who died due to falls in 2015 were Latino, although Latinos accounted for 30 percent of the construction workforce violations of health and safety laws.

Willful violations—where the employer knew a hazardous condition exists, knew that it was a violation, and made no reasonable effort to correct it—were found at 33 percent of sites where Latinos died, while willful violations were found at 5 percent of sites where non-Latinos died.

Wage and hour violators are more likely to be safety and health violators. In 2014, 79 percent of sites OSHA inspected with a history of wage theft were found to have safety violations, compared to 68 percent of all

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construction sites.

It is no coincidence that the number of workers being killed and injured is growing alongside a speculative real estate boom in the city which has greatly enriched developers. Employers are engaged in a never-ending drive to seek more productivity from workers, frequently, criminally breaking safety laws in doing so.

Workers' safety, up to and including their lives, takes a back seat to the demands for greater profits by the bankers, developers and real estate industry. As price increases have started to moderate for luxury high-end apartments in New Yorker, developers have escalated their attacks on workers for greater productivity in order to keep profits flowing. It is the workers who must pay for the inability of developers to sell more apartments in what is becoming an over-saturated marketplace.

While the trade unions have published data analyzing the steady increase in the number of worker fatalities, they have continued to collaborate with the real estate industry demands for greater worker productivity which is directly tied to worker mortality. The "Hard Hat" mass at the city's St. Patricks Cathedral has become an annual event endorsed by the unions. A grim event that may give comfort to some which does nothing to address the real issues facing workers confronted by employers demanding greater productivity.

OSHA fines, when they are issued at all, do not deter the powerful real estate industry in its attacks on workers. The laws and courts generally side with these powerful concerns.

Last year the WSWS reported on the death of Juan Chonillo. Recently Chonillo's former employer, SSC High Rise, paid a mere $10,000 fine for its criminal role in his death. SSC was also charged with stealing more than $500,000 in wages from 50 workers and underreporting payroll tax by some $2 million to evade insurance payments, according to the Manhattan DA's office.

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