OSHA fines XPO $10,347 for the deaths of two workers

Steve Filips
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The results of an investigation by the Occupational Safety and Health Administration (OSHA) into the deaths this past June of two XPO Logistics workers in Lockport, New York, near Buffalo, have led to token fines for the multi-billion-dollar corporation.

Christopher Klosin, 38, and Roger Mangine, 62, were killed when several slabs of DuPont Corian fell on them. The company is under contract to transport and warehouse the countertop material for the chemical giant DuPont Corporation. The two workers had been attempting to unload 11 slabs of Dupont's Corian brand countertop weighing over 800 pounds each when the slabs toppled over on top of them.

The results of the OSHA investigation found, "The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees." It was a first time serious offense with an initial fine of only $12,934 that was further reduced to $10,347 as part of an informal settlement. XPO "respectfully" disagreed with the OSHA findings.

OSHA also found that "The container was opened up two days before the incident and management was aware there was a problem with the load." The OSHA fines were issued for the infraction of the 5-foot by 8-foot countertops not being secured, and that "the employer did not fully document the training that it provided to employees who were involved in unloading overseas shipping containers containing slabs of synthetic granite."

The wives of the deceased workers were forced to file lawsuits against DuPont, the maker of the countertops, because lawsuits against employers are not allowed under New York state's restrictive employment laws. In comments to the local media, Nancy Mangine's attorney Christopher O'Brien said, "Under New York law, your sole remedy is worker's compensation."

The legal proceedings will probably encounter years of delay as the multi-billion-dollar corporations utilize every legal delaying tactic in the book with the help of bought and paid for judges.

The token OSHA fines and New York's ban on lawsuits amount to a blank check to corporations to kill and maim workers. It points to the urgent necessity for workers to take oversight of safety into their own hands through the formation of independent workplace committees.

New York State Workers Compensation law provides death benefits to workers based on their rate of pay, not for the pain and suffering experienced by surviving family members. The Salary.com website reports that warehouse workers in New York state average $14.37 per hour, which is $574.80 per week.

The New York Workers' Compensation Board will pay a surviving spouse of a warehouse worker only 66.66 percent of that worker's weekly pay, or, in the above cited example, $383.16 per week. It should be noted that New York State has the second largest number of billionaires in the US, 94 by one count, second only to California.

XPO is headquartered in Greenwich, Connecticut, and is one of the world's 10 largest logistics companies, with 98,000 employees and revenue of $15.4 billion in 2017. In 2011, Bradley Jacobs, of Jacobs Private Equity, LLC, whose estimated fortune is $2.7 billion, bought up 71 percent of XPO shares for $150 million. Cheap credit and ruthless cost cutting aided Jacobs' strategy of expansion through acquisitions. The company is active around the world with major operations in the US and Europe.

OSHA's wrist slap fines are no deterrent for multi-

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billion dollar corporations like XPO who extract profit at any cost, including imperiling workers' lives and limbs. The $10,347 OSHA fine is the equivalent of about 15 minutes worth of profit based on the company's reported $320.2 million net earnings in 2017.

The claim put forward on the US Department of Labor (DOL) website that "you have a voice in the workplace" is belied by the annual DOL statistics that reveal the reality of thousands of deaths each year due to workplace hazards.

According to the Bureau of Labor Statistics (BLS) there were 5,147 workers killed in 2017, or 14 deaths each day. The BLS noted that "The transportation and material moving occupational group and the construction and extraction occupational group accounted for 47 percent of worker deaths in 2017," or a total of 2,419 fatalities.

The author also recommends:

Two XPO Logistics workers killed near Buffalo, New York

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