

US safety agencies bow to corporations as workers file record number of complaints

Jessica Goldstein
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Last week the *Washington Post* reported over 3,000 complaints had been filed with the US federal Occupational Safety and Health Administration (OSHA) by workers against employers for failing to implement or adhere to safety measures to protect workers from infection with COVID-19.

The “largest share of complaints come from health-care workers” according to the article, some of whom “have been given ‘plastic ponchos’ and masks made out of paper towels... a lack of hand sanitizer or soap...But the complaints span a broad variety of workplaces, including Yosemite National Park, factories and funeral homes.”

Information about complaints specifically related to coronavirus safety is not readily available anywhere on the federal OSHA website. The *Post* was only able to obtain the information through the Freedom of Information Act, an indication that the statistics that concern workers the most are specifically being suppressed and that workers have made far more complaints.

It is unlikely that OSHA has issued citations for the coronavirus-related complaints, since the poorly funded and undermanned agency—with 2,100 inspectors responsible for the health and safety of 130 million workers—only issues citations after an investigation.

Combined with COVID-related complaints filed with individual state OSHA offices, the total number filed is significantly higher than what the *Post* has reported. WTVR Richmond 6 News reported that Virginia state OSHA staff have handled more than 3,000 complaints by phone and email from employees and employers related to COVID-19. Oregon state OSHA has received 2,747 complaints about workplace conditions since March 2, but has not issued a single citation, according to the *Portland Tribune*.

In Iowa, Democratic legislators have filed an OSHA complaint urging Tyson Foods to close its plant in Waterloo following the closure of Tyson’s Columbus Junction plant, where two workers died of COVID-19. Workers from Columbus Junction were transferred to Waterloo with no quarantine time in between.

In a separate letter addressed to Tyson, the lawmakers cited an anonymous complaint by a worker who revealed the danger faced by thousands of food processing workers across the US. “I can’t practice social distancing, because of my work. There are a lot of people in front of me and beside me. They gave the workers an unsown fabric mask. They offer a small bonus to keep the workers. They said the workers can call in [to take the day off] without getting a point, they also said that if they call in they will lose the bonus. Tyson did not care about the worker’s health and safety; they only care about their business.”

Iowa is one of a handful of US states with no shelter-in-place order. The Iowa Democrats who filed the complaint are aware that OSHA is incapable of shutting down job sites, which can only be done through a court order. Iowa Republican Governor Kim Reynolds told Des Moines WHO TV 13 that there are no plans to close the Waterloo plant.

On Monday, the *New York Times* editorial board published an opinion piece urging the agency to clamp down. “OSHA has precedent on its side for tougher rules. During the H1N1 flu outbreak, it made C.D.C. rules enforceable, requiring the use of face masks and other measures to slow transmission. It has failed to act so far this time, however.”

Like all aspects of the health system, OSHA is woefully unprepared to deal with the immediate demands of the working class in the wake of the pandemic. The federal and state agencies are drastically understaffed, thanks to personnel cuts carried out by successive Democratic and Republican administrations, and have long bowed to the profit interests and prerogatives of the corporations.

OSHA has made clear that in spite of the crisis, in most cases it will not be able to respond any more quickly than usual to requests for investigations. On average, it takes OSHA six months to complete an investigation in response to a complaint. It has recommended that employers conduct their own investigations and report back to the agency, which will inevitably result in countless cover-ups.

The Centers for Disease Control (CDC) guidelines for workplaces only recommend that employers take measures

to protect workers during the pandemic, including cleaning and disinfecting frequently touched surfaces and social distancing of six feet between workers, and that employees who feel sick should not come to work. If workers become ill, they are recommended to self-monitor for 14 days, but there is no recommendation for implementing widespread testing.

There are no general guidelines for personal protective equipment, other than for critical workers, for whom some kind of face mask at all times is recommended, and no recommendations that employers pay for sick leave and health insurance.

Like the CDC, OSHA only recommends that employers do the “right thing,” and has no legal power to enforce guidelines. Even if businesses are found to have committed serious violations, whatever fines OSHA imposes can be challenged, and are regularly reduced, even when workers are killed.

OSHA is an agency of the US Department of Labor, which is headed by Labor Secretary Eugene Scalia, the son of the late ultra-right Supreme Court justice. Scalia is a member of US President Donald Trump’s recently announced “Opening Our Country Task Force.”

Along with the state, US corporations rely on the trusted service of the trade unions to keep workers on the job and coordinate a return to work under unsafe conditions. The United Food and Commercial Workers (UFCW) has tried to block every job action by workers against unsafe conditions, even as the union itself reports that at least 1,500 of its members have been infected and 30 have died from COVID-19. Smithfield Foods, in Sioux Falls, South Dakota, was only shut down after meatpacking workers protested in opposition to the UFCW.

The United Auto Workers (UAW) is involved in plotting a return to work at auto companies in the coming weeks, complete with bogus “safe work playbooks,” created by the companies, which will do nothing to effectively stop the spread of the virus. The auto industry in the US was shut down only after rank-and-file workers took matters into their own hands with walkouts and other job actions in March, which the union actively opposed.

Federal laws do not require an employer to notify workers if an employee tests positive for the novel coronavirus, which can prevent effective contact tracing and contain the spread of the virus. There are no laws that require employers to follow CDC recommendations for social distancing and PPE, and there are no guidelines as to what constitute “essential” industries. Workers in the US are left at the mercy of business demands with no protection from the unions, state or any of its agencies.

On Monday the *National Law Review* published a detailed

overview of OSHA’s guidelines for workplace inspections arising out of hazards caused to workers by the pandemic. It states that, “OSHA clarifies that fatalities and imminent danger exposures related to COVID-19 will be prioritized for inspections, with particular attention given to healthcare organizations and first responders,” and that inspections in the very highest risk workplaces are not guaranteed but “may” warrant an on-site inspection.

For all other workplaces, even those where workers are at high risk from constant contact with the public and other workers, such as in meatpacking plants, Amazon warehouses and grocery stores, OSHA will only offer phone and antiquated “fax” inspections in most cases.

OSHA has developed a pyramid of Risk of Worker Exposure to SARS-CoV-2 for its official website which ranges from low to very high risk. OSHA states that most US workers fall within the “low risk” category. According to its standards, manufacturing, food processing, retail workers in close contact with other workers and the public only fall under “medium risk,” despite the recorded deaths and outbreaks, due to the fact that they are not medical or morgue workers.

In reality, all workers are at risk for contracting COVID-19 as long as workplaces remain open without mass testing and contact tracing measures in place to contain the spread of the pandemic. The “level of risk” assigned by OSHA is nothing more than a way to justify the corporate ruling class’s demands that workers either stay on the job or are forced back to work in unsafe conditions while the pandemic proliferates.

Workers in the US and worldwide will draw invaluable political lessons from the life-or-death struggle against orders to sacrifice their lives for corporate profit. They cannot allow their fate to be left up to the Democratic Party, state agencies and the unions. Now is the time for workers to take the initiative by forming rank-and-file committees to demand the closing of non-essential workplaces, with full compensation for affected workers, and universal testing, protective gear and a safe working environment for essential workers, which is supervised by rank-and-file committees in conjunction with health care professionals.



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