

# US occupational safety agency fails to report hundreds of health care worker deaths

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A recent *Kaiser Health News* (KHN) investigation has exposed hundreds of health care worker deaths in dozens of medical facilities and hospitals across the United States that have gone unreported since the COVID-19 pandemic erupted in mid-March. Health care employers have systematically suppressed information on workplace fatalities related to the pandemic, while US Labor Department occupational safety officials have exercised virtually no oversight.

The KHN report examined more than 240 health care worker deaths documented in the *Guardian* newspaper's "Lost on the Frontline" database. Out of the 240 cases, KHN found that employers failed to report more than one-third to any state or federal office of the Occupational Safety and Health Administration (OSHA), an agency within the Labor Department. This criminal policy has been based on internal decisions that deem such deaths to be unrelated to workplaces and on conclusions that have never been independently reviewed.

President Donald Trump installed Eugene Scalia, the son of the late far-right Supreme Court Justice Antonin Scalia, as labor secretary in September of 2019.

The nonreporting of health care worker deaths has been aided by OSHA officials nationwide, who have refused to enforce regulatory laws requiring businesses to report deaths tied to workplace settings. State and federal laws mandate that health care facilities alert OSHA officials about work-related employee deaths within eight hours. Regulators, however, have adopted an extremely lenient stance toward health employers during the pandemic, giving them broad discretion to decide internally whether to report worker deaths.

The officially facilitated coverup of worker deaths has continued in the midst of exploding coronavirus infections and deaths over the past month, leading to

the highest rate of hospitalizations at any point during the pandemic. The massive influx of COVID-19 patients has already brought entire hospital systems to the brink of collapse, exacting a grim toll on exhausted health care workers, including mounting deaths.

Workplace safety advocates have stressed that investigations into health care staff deaths are necessary to help officials carry out contact tracing and pinpoint the spread of the virus, before it endangers the lives of other health workers as well as patients and people in the surrounding community. By suppressing information on these deaths, health care employers, backed by the government, are also able to conceal shortages of personal protective equipment (PPE) and inadequate staffing levels in the health care system.

Much of the effort to even document health care worker deaths has been left to investigative journalists and news outlets. The "Lost on the Frontline" campaign has identified more than 1,400 health care worker deaths over the past year possibly linked to COVID-19. Investigators used family reports, contacts with employers and public records to substantiate the fatalities. These worker deaths were tied to more than 100 health care facilities where OSHA records showed no fatality investigation.

The KHN report cited the tragic case of Walter Veal, a mental health technician who worked at the Ludeman Developmental Center in Chicago. Veal died in May at the age of 53.

As the COVID-19 pandemic began making headway into the city, staff members at the facility increasingly struggled to access basic protective equipment such as masks and other gear. Many staff members were forced to ask family members for donations and wear rain ponchos sent by sports teams.

By mid-May, the number of confirmed COVID-19

positive residents and staffers had ballooned to 247, according to the Illinois Department of Human Services (IDHS). Veal died of the virus on May 16. Three of his colleagues had already passed away, according to interviews with workers at the facility, the deceased employees' families, and trade union representatives. The facility's administrators, however, refused to report the first death on April 13 as work-related. The same decision was made about the three subsequent deaths, including that of Veal.

Although the circumstances surrounding the first death on April 13, including the unmitigated spread of COVID-19 across Chicago and rising case levels, were already shedding light on the dangerous working conditions facing health care workers, no worker safety official arrived to inspect the facility. The IDHS, which operates Ludeman and employs the staff, said it did not report any of the four deaths to the Illinois branch of OSHA.

Since mid-March, staff members at the Ludeman Center had been growing increasingly desperate for PPE and faced frightening shortages of basic supplies, including gloves, gowns and hand sanitizers. The first known Ludeman staff member to lose her life, unit director Michelle Abernathy, was forced to supply her own gloves and died after a resident began showing symptoms in late March.

The Illinois OSHA branch began inquiring into the deaths only after seeing media reports on Abernathy's death. After a cursory review of IDHS responses and a few phone calls, state OSHA officials determined that Abernathy's death was "not work-related."

This ruling was immediately condemned by Abernathy's family. Her mother told KHN that her daughter was "basically a hermit" who could not have gotten the virus from any source other than the facility. In response to OSHA's request for evidence that the exposure was not related to the Ludeman facility, administrators simply wrote "N/A," according to documents reviewed by the KHN.

In a March 27 complaint to Illinois OSHA officials, Ludeman staffers said that it took a week for staff just to be notified of multiple workers who tested positive for the deadly virus. Another complaint in early April was even more candid, saying, "Lives are endangered." According to Walter Veal's widow, her husband was tested at the facility in late April, but by the time the

results were released weeks later, Walter was already dying.

The number of workplace violations documented by OSHA inspectors is a huge underestimation of the true scope of the dangerous conditions in hospitals and medical centers. Despite there being 1,425 health care worker deaths linked to COVID-19 in the "Lost on the Frontline" database, OSHA inspectors have issued only 63 citations to health care facilities for failing to report a death.

In California, public health officials documented about 200 health care worker deaths, yet only 75 fatality reports at health care facilities have been sent to the state's OSHA office.

Federal guidelines nominally enforced by OSHA do not apply to more than eight million public employees in the US. Only 28 states with their own state OSHA agencies cover government workers. For almost half of the country, if a public sector worker succumbs to the virus, such as an ER nurse at a public hospital in Florida or a traveling nurse at a medical facility in Texas, there is no requirement to report the fatality, let alone investigate its circumstances.

The criminal indifference of OSHA is a reflection of the class interests upheld by the Democratic and Republican parties, both of which subordinate government policy on the pandemic to the interests of the financial oligarchy. Both parties have refused to implement any serious measures to slow the pandemic and allocate the necessary resources to hospitals and other facilities facing dire shortages of staffing and PPE. The stock market has reached unprecedented heights, while health care workers, autoworkers, teachers, and workers in other industries have to sacrifice their lives for the capitalist profit system.

To stop the spread of COVID-19 and prevent even more needless deaths, the WSWS urges health care workers to get in touch with the WSWS *Health Care Workers Newsletter* and discuss the formation of independent rank-and-file safety committees that will fight for safe working conditions.



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