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This webinar is adapted from the training curriculum *Seguridad en las Lecherías: Immigrant Dairy Worker Health and Safety Training* developed by the National Farm Medicine Center and Migrant Clinicians Network.



We will learn

- Rights and responsibilities of workers surrounding safety and health
- Government agency responsible for worker safety and health
- Workers' Compensation
- Importance of reporting work-related injuries and illnesses
- Role of Community Health Worker



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Construction worker dies after falling 53 stories from downtown L.A. high-rise

Veronica Rocha, James Queally, Thomas Curwen
Los Angeles Times
 March 18, 2016

Los Angeles, CA- An electrician in just his second day of work at the downtown Los Angeles Wilshire Grand construction site fell 53 stories to his death Thursday, striking a vehicle and prompting an evacuation of the building.

The man, who was identified Friday as Joseph Sabbatino, 36, of Palmdale, struck the rear of a woman's car on Wilshire Boulevard around noon, according to Sgt. Barry Montgomery, a Los Angeles Police Department spokesman.

'Top-notch' Hazelton Dairy Employee who Drowned Identified

Alex Riggins
Magic Valley
 February 21, 2016

Hazelton, ID- The owner of a dairy where a worker drowned in a waste pond Tuesday said the man was a hard-working father and "top-notch guy."

Ruperto Vazquez-Carrera, 37, of Hazelton was pulled from the waste pond about 4 p.m. Tuesday, about 10 hours after the feed truck he was driving was found submerged in the pond.

The cause of death was accidental drowning, Jerome County Coroner Gerald Brant said.

Report: Farmworker's death should have been prevented

Maria Perez
Naples Daily News
 December 22, 2015

Immokalee, FL- The employer of a farmworker who died picking oranges in an Immokalee grove after showing signs of heat exhaustion violated work safety regulations, according to the federal agency that investigated the man's death.

The Occupational Safety and Health Administration recently issued a citation to the contracted crew leader, Alejandro Victor Garcia Ramos, who has been fined \$4,900.

The citation says Garcia didn't implement a heat illness prevention program for his employees and failed to provide an environment free from death hazards likely to occur.

Officials identify highway workers, driver involved in fatal accident

KRQE News 13
 March 14, 2016

Roy, NM- Authorities say two state transportation workers are dead after being struck by a motorist while working in northeastern New Mexico.

State Police say the workers were repairing potholes along State Road 120 in Harding County when they were hit Monday.

Elevator Repair Worker Killed in Shaft at New Jersey High-Rise Building: Authorities

Brian Thomas and Lori Bordonaro
NBC New York
 February 2, 2016

Guttenberg, NJ- An elevator repair worker was killed after he was dragged up inside an elevator shaft at a high-rise building in New Jersey, authorities said.

The 44-year-old man from New Windsor was performing monthly maintenance in one of the elevators at the 52-story Galaxy Towers on Boulevard E in Guttenberg when he somehow got tangled between the elevator door and the top portion of the elevator car, the Hudson County Prosecutor's Office said.

Employee dies after falling from ladder at local Giant store: Coroner

Eric Veronikis
Penn Live
 February 23, 2016

Shrewsbury, PA- A Giant food store employee has died after recently falling off a ladder at work in Shrewsbury, the York County coroner's office said. Springettsbury Township resident Steven Melhorn, 56, died Sunday of injuries sustained in the fall that occurred the evening of Feb. 14, according to the coroner's office.



What agency is responsible for the safety and health of workers?



Occupational Safety and Health Administration

- Ensures working conditions are safe and healthy.
- Enforces work-related health and safety laws.
- Helps employers comply with regulations.
- Helps workers understand their rights.



Does OSHA protect
immigrant workers?

Safety and Health:
*What are the rights of
workers?*

These are
your basic
rights!



#2 Access to information:

- Injuries and illness that happened at work
- Results of medical tests
- Results of tests done in the workplace to measure hazards

Photo ©earldotter.com



Photo ©NFM

#3 Information about chemicals

- Safety Data Sheets (SDS)
- Labels on chemical containers



Photo ©earldotter.com

#4 Personal Protective Equipment

Protection from hazards

- Safety belts
- Rollover Protective Structures (ROPS)



#5 Ask for a safe workplace without being discriminated against or punished

#6 Health and Safety Training



#7 File a complaint with OSHA

#8 Request an OSHA inspection



Exceptions
to OSHA
coverage





Photo © earldotter.com

Domestic Workers



Miners



Some truck drivers



Transportation workers who are covered by other government departments

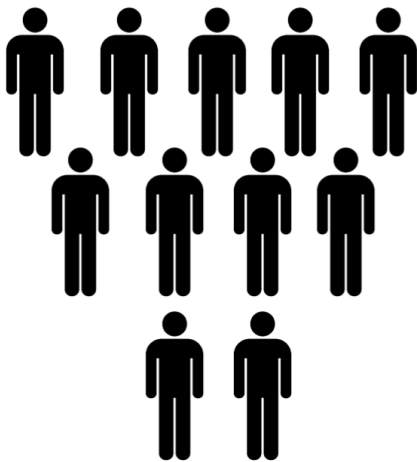


Local or state government workers



Immediate family members of a farm owner that does not employ outside workers

OSHA can enforce health and safety laws on farms that:



Have 11 or more workers



Offer housing for workers

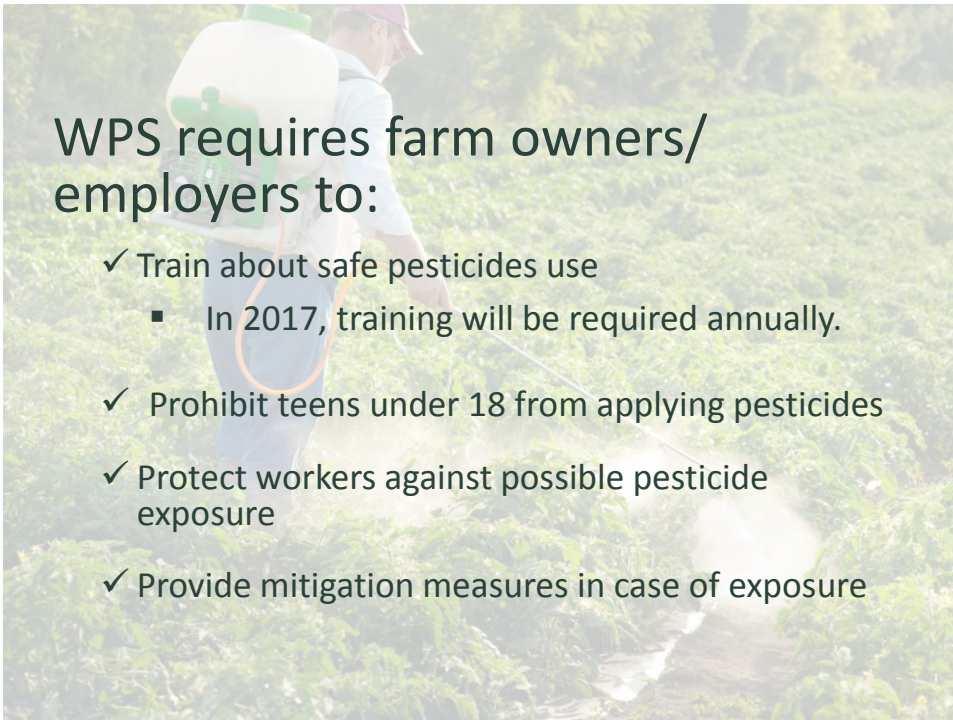
Environmental Protection Agency



EPA's Worker Protection Standard for agricultural workers - reduce the risk of pesticide poisoning

WPS requires farm owners/employers to:

- ✓ Train about safe pesticides use
 - In 2017, training will be required annually.
- ✓ Prohibit teens under 18 from applying pesticides
- ✓ Protect workers against possible pesticide exposure
- ✓ Provide mitigation measures in case of exposure



Summary



Workers have the right to work in a place that is safe, healthy, that does not injure or make them sick.



Workers can ask about and receive information about previous injuries, medical exam files and results of tests. Workers have a right to know about the chemicals they work with.



Workers can receive certain personal protective equipment FOR FREE.



Workers cannot be discriminated against or punished for filing a complaint with OSHA or asking for an OSHA inspection.



Workers must receive training about chemicals and other dangers and how to protect themselves.



Trainings must be in a language the workers understand.



Immigrant workers or undocumented workers have the same rights.



There are certain exceptions. For example, OSHA can only enforce the law in farms with 11 or more employees or in farms that provide housing for workers.



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If a worker gets hurt on the job who should they inform immediately?



Foto © earfdotter.com

It's the worker's responsibility to report

What to report?

- ✓ *Any injury or illness that occurred at work*

To whom should they report?

- ✓ *Report to the supervisor as soon as possible*

What should workers report?

- ✓ Type of injury or illness
- ✓ Details of the incident
- ✓ Origin or cause of the injury or illness
- ✓ Date and time

The employer is responsible for documenting:

- Deaths that occur at work
- Incidents that cause loss of consciousness or fainting
- Injuries or illnesses that require medical attention beyond first aid
- Days of work lost
- Restricted work activities from injuries or illness

2015- **employers required to report** any severe work related injury: hospitalization, amputation, or loss of an eye- **within 24 hours.**



Employers must report a **fatality** that occurred at work within **8 hours**



Employers reported **10,388 fatal injuries** in 2015. In the majority of cases, OSHA assisted the employer to identify and eliminate risks.



Why is it
important to
report?



It's the law

To make
changes and
eliminate
dangers at
work



To train workers

For workers to
receive
workers'
compensation



What is Workers'
Compensation?



Foto © earldotter.com

Benefits

1. Workers receive certain benefits when:

- ✓ They are injured
- ✓ They are sick

2. The family receives benefits if the worker dies



Foto © earldotter.com



It is not
health
insurance

Foto © Robyn Garibald



What medical costs are covered by Workers' Compensation?

Medical Costs

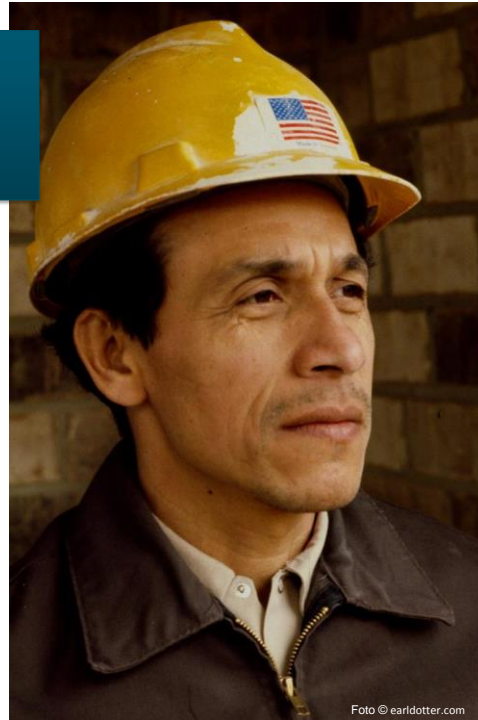
- Costs of medical care and hospital bills
- Costs of transportation for medical visits
- Costs of medicines, lab tests, and therapy



Temporary Disability

Receive part of your salary:

- While you recover
- If injuries prevent you from doing your usual job



Permanent Disability

Workers receive payment when they can no longer work



In case of death

The spouse, children, or other dependents can receive payment



It's the responsibility of the worker:

- Report to the supervisor
- Seek medical attention
- Notify the medical personnel that the injury occurred at work
- Inform the supervisor about "return to work" instructions



Workers' Compensation

- The requirements for compensation are different for each state
- To learn about the regulations in your state you can go to workerscomphub.org/navigating-system

The screenshot shows the homepage of Workers' Comp HUB .org. The navigation menu includes: Home, About, **Navigating the System** (circled in red), Resource Library, and Advocacy. The page content includes a 'Our Purpose' section, a 'Updates' section with three articles, and a 'Tweets' section with three tweets from @WorkersCompHub.

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Our Purpose
At Workers' Comp Hub we provide basic information for workers with job-related injuries and illnesses. We also share resources to advance pro-worker advocacy and action.
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 by Joe LaDou There are over 24 million Americans underemployed or out of work. This includes a... [Read more »](#)

It's No Bargain
 by Cathy Albisa, human rights lawyer and Executive Director of the National Economic and Social... [Read more »](#)

Workers' Memorial Day: A day to remember workers, and also their loved ones
 by Ben Palmquist, NESRI April 28 is Workers' Memorial Day, a... [Read more »](#)

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 NC may cut undocumented workers out of workers' comp, a discriminatory move that would violate workers' human rights. indyweek.com/triangulator/a...

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 Great /L-part in our investigative report on TX
 Tweet to @WorkersCompHub

Injured construction worker, unemployed and waiting for a meal in a Manhattan soup kitchen, 1985.
 Photo credit: Earl Dotter, [earldotter.com](#)

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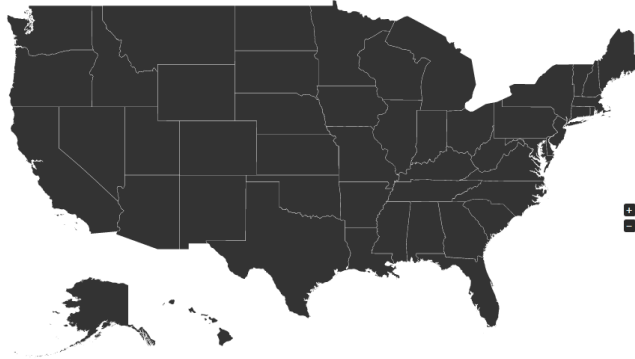
Home » Navigating the System


Navigating the System

Click on your state in the map below or on your state link (links are located below the map) for resources to help navigate the comp system. You can also find a list of organizations working on workers' compensation in your state in the National WC Directory. Please click [here](#) to access the directory.

If you are a federal employee, longshore and harbor worker, or a coal miner who has been injured or made ill at work, [click here for resources](#).

The information in this section does not constitute legal advice. We encourage all injured and ill workers to visit your state agency website, consult a comp attorney if in need of legal advice and if you're a union member, to contact your union rep.



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Home » Environmental and Occupational Health » **Pesticide Reporting a**

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- Cancer
- Children's Health
- Diabetes
- Eye Care
- Family Violence

Report Pesticide Exposures

PESTICIDE REPORTING REQUIREMENT:

■ Required ■ Optional ■ None

al Health » Pesticides » Pesticide Reporting and Workers' Compensation Map

Pesticide Reporting and Workers' Compensation Information for Florida Close or Esc Key

Report Exposure **Workers' Compensation**

Coverage for Farm Workers: **Required (with limitations)**
 Limitations: Agricultural employers **do not have to provide** workers' comp if they have 5 or fewer regular employees and fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year.
 Statute: Fla. Stat. Ann. § 440.02(c)(2) (2009)

Coverage for Undocumented Workers: **Yes**
 Case Law: Fla. Stat. Ann. § 440.02(15)(a) (2009) (defining employee as including aliens "whether lawfully or unlawfully employed")
 Benefits Available for Undocumented Workers: An undocumented worker may receive compensation for medical treatment performed outside the United States. *AMS Staff Leasing, Inc. v. Arreola*, 976 So. 2d 612, 614-615 (Fla. Dist. Ct. App. 2008). To be eligible for wage-loss benefits, an undocumented worker must demonstrate proof of a connection between the injury and the wage loss: he cannot do this by showing a good faith work search (since he isn't entitled to work), but may do so where his injuries are severe enough to excuse a work search. *Cenvill Dev. Corp. v. Candelo*, 478 So. 2d 1168, 1170 (Fla. Dist. Ct. App. 1985).
 Additional Information: Undocumented workers are entitled to workers' compensation coverage. *Cenvill Dev. Corp. v. Candelo*, 478 So. 2d 1168, 1170

You can do it!

- Community Health Workers can make a difference in helping workers to stay safe and healthy at work
- Know the rights and responsibilities
- Think safety in their community

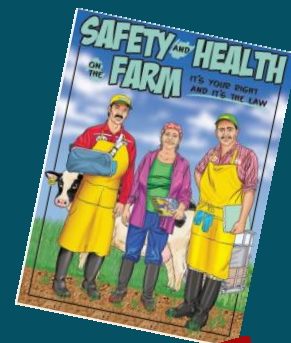


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Please answer the
four questions that
appear on the screen

Other Resources

- *Safety and Health on the Farm: It's your right and It's the Law*
- OSHA webpage- Rights of Workers
(t) 800-321-6742
- National Council for Occupational Safety and Health (NCOSH)



Thank you for your participation!



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 - U.S. Department of Labor. Occupational Safety and Health Administration. *Workers' Rights*. Retrieved February 18, 2016 from <https://www.osha.gov/workers/index.html>
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- This presentation is was adapted from Lesson 4: Worker Rights, an educational module from *Seguridad en las Lecherías: Immigrant Dairy Worker Health and Safety Training Curriculum*. <http://www.migrantclinician.org/seguridad>
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