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[A strategic response to Trump’s “ripping off the Band-Aid” to workers’ health and safety: Defense of the status quo ante is not enough](#)



Posted by [garrettbrown](#) on February 8, 2017

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By Garrett Brown, MPH, CIH and Deeg Gold, MPH CIH

In late January, Donald Trump’s press secretary described his immigration and refugee Executive Order as “ripping off the Band-Aid” to get at immigrants. The next week, Trump issued another Executive Order on regulations and is preparing other measures to “rip off the Band-Aid” to get at worker health and safety. Our strategic response has to be more than simply defending the *status quo ante*; we have to rebuild the social movement that was powerful enough 50 years ago to force another right-wing Republican president, Richard Nixon, to support and sign the OSH Act in the first place.

Part of this strategic response has to be recognize that millions of workers in the United States were never covered by any Band-Aid, and that the workplace safety net was and is full of gaping holes.

Of course, the necessary tactical response is to defend the gains that have been made over those 46 years, as incomplete as they are, to the best of

our ability. We should recognize [the valiant efforts](#) of David Michaels, Jordan Barab and many others at Fed OSHA over the last eight years to move the ball forward in spite of many obstacles, including those created by the Obama Administration itself.

But we also need to take into consideration the fact that for millions of workers, federal and state OSHA programs have not been able to protect them, and really have not been part of their working lives. The factors involved in this reality include:

- The exclusion of millions of public sector workers under Fed OSHA;
- The real-world context where millions of workers, especially immigrants but also other vulnerable workers, are too afraid, threatened and intimidated to contact OSHA no matter how unsafe and unhealthy their workplace;
- Fed OSHA and state regulations of chemical exposures and other health regulations that are completely out of date, and barely enforced in any case;
- Some state plans (e.g. [UT, NV and NC](#)) that were established precisely to avoid federal jurisdiction and any possibility of effective enforcement by establishing a state plan;
- The lack of enforcement resources at both federal and state levels means that the “hammer of regulatory enforcement” is not nearly as effective, or scary, as the employers claim.

What’s needed is a reframing of our thinking about how to protect workers’ health and safety to rely less on government bureaucracies and their political overlords, and more on what workers and their organizations can do themselves on the shop floor, more on collaboration with environmentalists, community organizations and social justice activists; and more on the pressure that all these allies working together can exert on regulatory agencies no matter who is in charge.

The current regulatory framework for occupational safety and health came after the industrial bloodbath during World War II and the following two decades. The social movements of the 1960s included a lot of workplace organizing both within and outside of established unions, more often led by rank and file members than by union officials.

The [Mine Safety](#) and [OSH Acts](#) were passed as the result of a broad social movement that united many allies, and were preceded by a wave of strikes, demonstrations and other protests in the late 1960s. The Federal Coal Mine Safety and Health Act was passed in 1969 after coal miners in West Virginia, organized by the [Black Lung Association](#) outside of the unresponsive United Mine Workers union controlled by [President Tony Boyle](#), walked off the job and marched onto the state capitol demanding compensation.

From 1968 to 1970 the Dodge Revolutionary Union Movement (DRUM), and other groups in the [League of Revolutionary Black Workers](#) led wildcat walkouts over working conditions in Detroit auto plants. The Oil, Chemical and Atomic Workers, joined by other unions such as the International Association of Machinists, mobilized their members in political campaigns, conducted strikes and other job actions at work, and joined public health advocates in lobbying for a national law to create a new enforcement agency for occupational safety and health.

Environmentalists, recognizing that pollution starts in the workplace and then moves out into the community and nature, supported “OHS” as well as “EHS” efforts. Social justice organizations recognized that the people (workers and communities) most adversely affected by unsafe and unhealthy working conditions were people of color and women.

For the first 20 years of OSHA existence, the official government regulations were matched by the creation of union health and safety departments with OHS professionals who helped raised the consciousness of their members and other working people, worked to pass more regulatory protections, and rode herd on employers and government agencies alike to meet their responsibilities to protect workers on the job.

For the last 20 years, the tide has gone in the other direction as economic crisis and globalization weakened unions, which then (mistakenly) allowed their H&S departments to become a shadow of their former selves. Also a way of thinking arose in many unions, and society at large, that workplace health and safety – “That’s OSHA job.” Workers’ health and safety became a government function to be administered by a government bureaucracy led by political appointees, with minimal participation by the affected workers.

So it is not surprising that occupational health and safety is essentially an orphan (with some notable parental exceptions) about to be set upon by the ferocious hounds of deregulation.

To defend ourselves – but to also fight for and achieve a more inclusive, more protective OHS system in the United States – we should look back 50 years and rebuild the social movement that got us this far.

Of course, the times and the context have changed. The union movement [is much smaller](#) – with 93% of private sector workers having no union protection at all – and new types of jobs (with hazards of their own, of course) that have replaced or altered the workplaces of 50 years ago. Some unions, such as the California Nurses Association/National Nurses United, the Service Employee’s International Union, and the United Steel Workers are providing leadership in organized labor, as OCAW did in the past.

Although there are two dozen functioning [COSH groups](#), at this time rank and file organizing within the unions, such as coal miners did with the Black Lung Association, has not yet emerged, despite the variety of hazards faced by today’s workforce and the desperate need to fix them.

But today we have many potential allies, and Trump’s broad assault will generate more. These include environmentalists, immigrant rights organizations, and social justice activists of many genders and colors. These also include workers’ centers and labor issue campaigns, such as “Fight for Fifteen,” which involve both organized and unorganized workers. We need to look for people in motion, especially the young, who go to work and face hazards there every day, and then are exposed to the hazards that spill out of other workplaces into their communities.

We need to promote the concept that workers’ health and safety cannot just be left to government bureaucracies, but that workers and communities acting in their own name to protect themselves, are an essential and irreplaceable part of an effective OHS/EHS system that includes government agencies and regulatory enforcement, but so much more.

As OHS professionals, we think our tasks include:

- Strengthening the COSH network and building new COSH groups;
- collaborating with worker organizations – unions but also workers’ centers, day laborers’ organizations and similar groups – to increase the capacity, skills and confidence of these organizations and their members in the area of occupational health and safety ; and
- collaborating with environmental and community organizations to link occupational and environmental health issues and to work jointly on solutions.

In the labor context, union members concerned with workplace safety might consider:

- Prioritizing again health and safety provisions in union contracts and in contract enforcement on the shop floor;
- Conducting job actions of various types to win and enforce contract H&S language;
- Supporting the rebuilding of the union health and safety departments for member education, contract negotiation, and political action;
- Highlighting workplace H&S as an organizing theme to win new members to the unions and to strengthen the union’s own capacity to protect worker health.

There already have been successful examples of these approaches in California. After the 2012 fire at Chevron’s Richmond oil refinery, a coalition of major environmental, community and labor groups [have worked together](#) for several years to improve worker – and thereby community – safety at the state’s 15 refineries and new, stronger regulations are nearing final consideration.

Workplace health and safety has been used as a successful organizing campaign theme by the International Longshore and Warehouse Union with [recycling workers in Oakland, CA](#), by the United Steel Workers union with car washers in Los Angeles ([here](#), [here](#)), and by the Warehouse Worker Resource Center in Ontario, CA ([here](#), [here](#).)

These positive examples can be replicated elsewhere as there is no shortage of workers and communities whose health and safety are threatened on both sides of the fence line.

As the Trump Administration prepares to render Fed OSHA as ineffective as possible, state plans in place like California, Oregon and Washington have a special responsibility to move the ball forward in spite of a roll-back on a federal level. Many aspects of these state plans are already more protective than Fed OSHA, and progress can be made a state level to set the example and model a more effective federal program.

California has several characteristics that OHS activists should take advantage of – the Democratic party has the Governor’s Mansion and a super-majority of 2/3rds of the state legislature – and the power to raise funds and approve legislation to implement new programs. Moreover, all the major political leaders in the state, including the governor, have declared their “rejection of the Trump agenda” and sworn to “protect the people of California” against Trump policies.

Among the demands that can be made on these California politicians are that:

- Cal/OSHA make full use of authorized funding and not “leave money on the table” when it comes to worker protection as has happened over the last 18 months (at least \$6 million) at Cal/OSHA;
- The Governor fill the two vacancies on the seven-member Occupational Safety and Health Standards Board (vacancies have been open since December 2015), because the vacancies mean that approval of any of the important pending standards would require a near-unanimous vote;
- The major workplace health regulations now in development (lead, indoor heat, workplace violence) not be gutted in the standard-setting process by industry pressure, or by a new state economic analysis requirement for “major regulations” that forces limits on the scope and impact of new regulations to stay below the monetary threshold of “major” regs to avoid the onerous and time-consuming cost-benefit analysis; and
- Cal/OSHA use its expanded enforcement resources to prioritize vulnerable workers like Los Angeles garment workers or Central Valley poultry and slaughterhouse workers, and to partner with communities and worker organizations to bring lasting improvements in working conditions for all workers in California.

There is an old adage that points out that the Chinese word for “crisis” consists of two characters: “danger” and “opportunity.” In the evolving crisis our country is now experiencing, it is not difficult to see the many dangers on the horizon. But it is also important to not lose sight that there are many opportunities for uniting allies to defend our rights, to retrace our steps to protect workers, and to bring workers and communities back into the center of occupational and environmental health.

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