



The Occupational Safety and Health Act: The Past and Future of Workers' Well-Being – Transcript

Hosted by the Aspen Institute Economic Opportunities Program

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Description

President Nixon signed the Occupational Safety and Health Act (OSH) in 1970 following decades of workplace injuries and fatalities at mines, factories, construction sites, and other industrial settings. OSH is meant to ensure safe and healthful working conditions for workers by setting and enforcing standards and by providing training, outreach, education, and assistance. The law has been a tremendous success in protecting workers and has had a considerable impact on workplace safety. [Workplace fatalities](#) have dropped by 65% since 1970, and workplace injuries and illnesses have dropped by 67% in about the same amount of time.

Even with this remarkable progress, challenges remain in protecting workers in traditionally dangerous work, including construction and agriculture, as well as industries such as retail and health care. The COVID-19 pandemic not only underscored the need for worker protections across sectors, but also demonstrated the need for the government to play a role in setting standards, monitoring workplaces, enforcing regulations, and educating and training employers and employees on risks and risk prevention. The rise in temporary work, the gig economy, and the use and misclassification of independent contractors who are excluded from OSH has created additional challenges in protecting workers. And as the pandemic illuminated, access to safe workplaces is not shared equitably. Black and Latino workers suffer disproportionately from dangers in the workplace and are more likely to die on the job. How do we address these inequities and build a safer workplace for all workers? What can we learn from the history and implementation of OSH?

This is the fourth conversation in our five-part series, "[The History and Future of U.S. Labor Law: Conversations to Shape the Future of Work](#)." Learn more about this event at as.pn/osha

Speakers



Magaly Licolli

Executive Director and Co-Founder, Venceremos

Magaly Licolli grew up in Guanajuato, Mexico, and immigrated to Arkansas in 2004. In 2015, Magaly became the executive director of the Northwest Arkansas Workers' Justice Center. As director, she led the poultry campaign in Arkansas, which gained notoriety around the nation. Throughout her work, she has participated as a steering council member of HEAL Food Alliance and as co-chair at the national steering council of Interfaith Worker Justice. She currently serves as a member of the Labor Research and Action Network advisory committee and as a member of the advisory committee of Civil Eats. Her vision to ensure the dignity of poultry workers led her to collaborate with the Coalition of Immokalee Workers to expand the worker-driven social responsibility model into the poultry industry. In 2019, she became the executive director and co-founder of Venceremos, a worker-based human rights organization that works to ensure the dignity of poultry workers. In 2020, she was recognized by the Arkansas Business Publishing Group as one of Arkansas' 250 most influential leaders.



Dr. David Michaels

Epidemiologist and Professor, The George Washington University School of Public Health

Dr. David Michaels is an epidemiologist and professor at the George Washington University. He served as Assistant Secretary of Labor for the Occupational Safety and Health Administration from 2009 to 2017 and was the longest serving administrator in the agency's history. His work primarily focuses on three areas: worker safety and health, defending the integrity of the science underpinning our public health and environmental protections, and COVID-19.



Saket Soni

Executive Director, Resilience Force

Saket Soni is the co-founder and executive director of Resilience Force, the national voice of the resilience workforce — the workforce whose labor helps us prepare for, and repair after, climate disaster. He has organized on the frontlines of climate change for over 15 years. Saket has testified in Congress, and his work has been featured in the New Yorker, the New York Times, and TIME Magazine. A profile in USA Today called him “an architect of the next labor movement.” Saket is from New Delhi, India. He's a proud uncle and loves to cook.



Jon Woodsum

President, Barton Malow Company [@bartonmalow](#)

Jon Woodsum is the president of Barton Malow Company. In his role, Jon provides overall leadership and strategic direction for industrial-based markets including energy, automotive, manufacturing, industrial process, and self-perform building trades. Jon's entire professional career has been with Barton Malow Company, where he began as an intern in 1999. After many years of leading projects in the field, Jon was selected to head up an enterprise-wide technology upgrade, positioning him for a supervisory role in IT systems. After seven years in leadership, including two as vice president of systems, Jon returned to his true passion within project delivery as vice president, and eventually senior vice president, of the company's industrial markets.

This diverse background enables Jon to bring a deep understanding of how technology and innovation can be leveraged to increase business performance. As president of Barton Malow Company, Jon's passion for cultivating a highly engaged and intensely collaborative team directly impacts safety, quality, and productivity, resulting in increased value for clients.

Jon holds a bachelor's degree in civil and environmental engineering from the University of Michigan and a Master of Business Administration from the University of Detroit Mercy. He's also a founding member of the University of Michigan Construction Board of Advisors and a graduate of Leadership Detroit Class XXXVI.

Moderator



Andrea Hsu

Labor and Workplace Correspondent, NPR

Andrea Hsu is NPR's labor and workplace correspondent. Hsu first joined NPR in 2002 and spent nearly two decades as a producer for "All Things Considered." Through interviews and in-depth series, she's covered topics ranging from America's [opioid epidemic](#) to emerging research at the intersection of [music and the brain](#). She led the award-winning NPR team that happened to be in Sichuan Province, China, when [a massive earthquake](#) struck in 2008. In the coronavirus pandemic, she reported a series of stories on the [pandemic's uneven toll on women](#), capturing the angst that women and especially mothers were experiencing across the country, alone. Hsu came to NPR via National Geographic, the BBC, and the long-shuttered Jumping Cow Coffee House.

About

Opportunity in America

The Economic Opportunities Program's [Opportunity in America](#) discussion series has moved to an all-virtual format as we all do what we can to slow the spread of COVID-19. But the conversations about the changing landscape of economic opportunity in the US and implications for individuals, families, and communities across the country remain vitally important. We hope you will participate as we bring our discussions to you in virtual formats, and we look forward to your feedback.

We are grateful to Prudential Financial, Walmart, the Surdna Foundation, the W. K. Kellogg Foundation, Bloomberg, and the Mastercard Center for Inclusive Growth for their support of this series.

Economic Opportunities Program

The Aspen Institute [Economic Opportunities Program](#) advances strategies, policies, and ideas to help low- and moderate-income people thrive in a changing economy. [Follow us on social media](#) and [join our mailing list](#) to stay up-to-date on publications, blog posts, events, and other announcements.

Transcript

Maureen Conway (00:00:00)

Good afternoon, and welcome. I'm Maureen Conway, vice president at the Aspen Institute and executive director of the Institute's Economic Opportunities Program. It's my pleasure to welcome you to today's conversation, "The Occupational Safety and Health Act: The Past and Future of Workers' Wellbeing." This conversation is part of the Economic Opportunities Program's ongoing Opportunity in America discussion series, in which we explore the issues affecting economic opportunity in the United States, implications for workers, business and communities across the country, and ideas for change.

We're incredibly grateful to Prudential Financial, Walmart, The Surdna Foundation, The W.K. Kellogg Foundation, Bloomberg, and the Mastercard Center for Inclusive Growth for their support of our Opportunity in America discussion series. Today's conversation is the fourth event in a series of conversations that we've been having on "The History and Future of U.S. Labor Law: Conversations To Shape The Future Of Work."

In this series, we've been exploring the role labor laws have played in shaping work and opportunity, how these laws align with our values about work and opportunity, and what changes in laws or in their implementation might improve job quality and conditions for all workers. In this fourth conversation, we'll be discussing the Occupational Safety and Health Act passed in 1970.

The law established the Occupational Health and Safety Administration to ensure safe and healthful working conditions for workers by setting and enforcing standards, and by providing training, outreach, education, and assistance. This law responded to real hazards working people faced. And April 28th was Workers Memorial Day, which commemorates the day in 1971 that the law went into effect.

This law has made a real difference in working people's lives. According to OSHA statistics, worker deaths in America are down on average from about 38 worker deaths a day in 1970, to 15 a day in 2019 with a much larger labor force. But today, of course, we have new concerns about health and safety in the workplace. The enduring challenges of COVID-19, along with shifts in our economy, including the rise of subcontracting and gig work, and what that means about who's responsible for establishing a safe and healthy workplace.

These all make it now an opportune time to think about the successes of the law, as well as what could be improved to meet the challenges of today and to plan for a better tomorrow. We have a fabulous panel today with us to talk about all of these issues. And before we start, I want to make two quick notes. First, I want everybody to mark their calendars, because on May 26th, we'll be having a hybrid in-person and livestreamed event called "A Worker's Bill of Rights: What We Want and How To Get There."

And this will be an exciting conclusion of our series on the history and future of labor law, so I hope you all join us for that. Second, before we begin, just a quick review of our technology. All attendees are muted. We do very much welcome your conversations. Please use the Slido box on the right side of your screen for questions. Questions can be submitted and uploaded in the Q&A tab.

We also know that we have a lot of people with expertise in our audience today, so please do share your work experiences, perspectives, comments. Please share those in the Ideas tab that is also in the Slido box. We always appreciate your feedback. Before you leave today, please take a moment to respond to our survey in the Polls tab, also in the Slido box. We're thrilled with today's participation, and we'll try to get to as many questions as we can during today's discussion.

We also encourage you to tweet about this conversation. Our hashtag is #talkopportunity. If you have any technical issues during the webinar, please do message us or email us at eop.program@aspeninstitute.org. The webinar is being recorded and will be shared following this event on our website and via email. Closed captions are also available. Please click the "CC" button at the bottom of your video to activate those if you would like that.

And now I will briefly introduce our panel for today. They are a great panel and I encourage you to take a look at their bios on our website. But I'm not going to read all of that to you. I'll just quickly say names and affiliations. We have with us today Magaly Licolli, executive director and co-founder of Venceremos, David Michaels, professor at the George Washington University School of Public Health. David also served as the assistant secretary of labor for the Occupational Safety and Health Administration during the Obama administration. Saket Soni, executive director and co-founder of Resilience Force. And Jon Woodsum, president of the Barton Malow Company. And we're also delighted to have with us today Andrea Hsu to moderate the discussion.

Andrea's currently labor and workforce correspondent with NPR. During the coronavirus pandemic, she reported a series of stories on the pandemic's uneven toll on women and has recently covered the unionization efforts at Amazon and Starbucks. We're delighted to have Andrea here with us to moderate today's conversation. Andrea, thanks so much for joining us. Let me turn it over to you.

Andrea Hsu (00:05:46)

Well, thank you, Maureen, and thank you to everyone at the Aspen Institute's Economic Opportunities Program for putting on this fantastic series of conversations. I have learned so much from the broad array of panelists that you've brought together over the past couple months and I'm excited about our conversation today around OSHA.

Before the pandemic, workplace safety was not a topic that made headlines very often. You'd hear about it when there was a horrific event, like a mine disaster or an explosion at a chemical plant or a factory fire. And yet every day, as Maureen said, workers were getting injured and too many were dying on the job.

Well, two years ago, COVID turned the spotlight on workplace safety almost from the beginning. Remember those early news reports from Kirkland, Washington, when the virus swept through a life care nursing home. Soon it became apparent that nursing home workers everywhere were being exposed to the coronavirus and had little to protect them.

I spoke with a geriatric nursing assistant in Maryland who had gone to Sherwin-Williams to purchase painter suit and gloves because they had no PPE. And of course the virus was spreading elsewhere too. We saw huge outbreaks at meat packing plants, where workers stand side by side for hours with no

barrier between them. Overnight, the coronavirus had made an already dangerous line of work that much more dangerous.

And in recent months, I have been covering the union campaigns at Starbucks and Amazon. And what's been enlightening to me is to hear workers talk about what it is that drove them to organize. It is money, as one might assume, but it's also so much more than that. I sat down with some Starbucks workers in Virginia, including Galen Berg who's been at the store for four years and has worked their way up to shift supervisor.

Early in the pandemic, Starbucks closed their store for about six weeks amid all the uncertainty and they sent workers home with pay. Well, during that time, the store workers met on Zoom to discuss how they would feel safe coming back. Galen Berg told me the store staff came up with this idea to put a table and a tent outside the door so that customers wouldn't have to come inside the store.

Customers could place their orders on the app. The baristas would make the drinks and place them under the tent for pickup. Well, that idea was ditched by management, who said there were food safety issues, which maybe there were. But for the store workers, getting overruled was frustrating. They felt they didn't have a say in how to keep themselves safe. And that frustration just continued to build throughout the pandemic.

Meanwhile, over at Amazon, something similar was going on. Chris Smalls was a supervisor at an Amazon warehouse on Staten Island. In March of 2020, he described what it was like being in a crowded break room one day. CNN is on the TV, they're watching public health officials urging people to social distance, to avoid crowds, and here they were sitting shoulder to shoulder with no way to social distance.

And meanwhile, coworkers were falling ill with COVID, so Chris Smalls decided to lead a walkout to demand that Amazon closed the facility for a cleaning. He was fired the day of the walkout. Amazon says he violated quarantine. He had been exposed to one of his coworkers who'd gotten sick. And shortly thereafter, he started organizing workers.

And just April 1st, his warehouse voted to unionize. And when you look up the demands that the Amazon Labor Union has laid out, right up there at the top are health and safety issues. They want longer breaks. They say 15 minutes isn't enough given the physically taxing nature of the work that they do. When a worker is injured, they want to be given paid time off for the rest of the day.

And these are just two workplaces I've described, but imagine this happening all across the country in companies big and small. The pandemic has led to a real reckoning about the dangers that some workers face every day when they go to work and about how a disproportionate share of these workers are low wage workers, people of color, people who traditionally don't have a voice.

And it's also led to some tough questions about the role of government, the role of one small agency, OSHA, and its capacity to keep workers safe from hazards on the job as it was created to do. I'm eager to jump into today's conversation. And I want to start by hearing from each of our panelists today about how they got involved in workplace safety.

David, I'm going to start with you. You and I have talked a number of times over the last year. Can you give us a brief history of the Occupational Safety and Health Act, and what conditions were like before it was passed in 1970?

David Michaels (00:10:03)

Well, thank you, Andrea. And listen, let me thank Maureen and all the folks at Aspen for this whole initiative, which I think is really incredibly important right now. I was introduced to worker safety and health by an inspirational labor leader, Tony Mazzocchi, who was with the Oil, Chemical and Atomic Workers International Union, now part of the skilled workers.

Tony understood the need for labor to work with public health scientists to improve worker protections. And he brought me into it, and I'm an epidemiologist. Earlier in my career, I did research on the health of workers exposed to asbestos, solvents, lead, other environmental hazards. Although, I also focused on social determinants of health outside the workplace.

I started the first epidemiology unit at the jail in the United States at Rikers Island, where we look at infectious diseases like HIV and tuberculosis, homelessness and mental illness. And during the AIDS epidemic, I developed a mathematical model to estimate the number of children whose mothers died of HIV/AIDS. I was fortunate to be able to switch over from number crunching to policy.

And I served under President Clinton as assistant secretary of energy for environment safety and health. That's the chief public health position at the Nuclear Weapons Complex. And then President Obama asked me to run OSHA, where I stayed for more than seven years. I was the longest-serving administrator in the agency's history. The OSHA law was enacted in 1970, a little over 50 years ago.

And in some ways, it was a revolutionary law. One of the early OSHA administrators called it a new addition to the Bill of Rights, the right to a safe workplace. And while that is hyperbole to some extent, it did make a fundamental change in the relationship between workers and employers around workplace safety. Before the law, workers in most states had no recourse.

If an employer told them to do a dangerous job, to go up on that roof with no fall protection, they could do that job and risk their life, or they could risk being fired. There was no other recourse. The purpose of the OSHA law was to ensure that workers could leave work at the end of their shift as healthy as when they started that shift. And the law was very clear. It's the responsibility of the employer to provide that safe workplace.

Before the law, there really was carnage in the American workplace. As you heard from Maureen, before the law, there were estimated 38 workers killed every day on the job. And that doesn't include occupational diseases like cancer or lung disease from asbestos or silica. We've made great progress preventing those, but still not enough, and the toll remains very high.

Andrea Hsu (00:12:53)

Well, thank you, David. Now, let's move on to Magaly. Tell us how you became involved in organizing poultry workers. And your organization, Venceremos, I understand it's Spanish for we will win.

Magaly Licolli (00:13:05)

Yes, thank you so much for inviting me to speak about the current work that poultry workers are doing. And well, I began doing this work because I was, 10 years ago, I was working in a community clinic two blocks from one of the biggest Tyson plants in Springdale. In doing that job, I was helping former poultry workers to get into programs. But through that job, I learned the stories of these workers, of how these workers were not able to work anymore.

Many of them had respiratory problems that needed a higher healthcare and they didn't have any resources. For me, it was learning about how women were not able to work in the forties, that were not able to hold their babies, that many of them lost their babies while working in this industry. To me, it was not an isolated case. It was a systemic case that we needed to talk about it.

And whenever I began talking about this issue, I learned that really it was a taboo, and it still is, but we are changing that right now. Because 10 years ago, nobody wanted to talk about poultry workers. They would talk about immigrants, but nobody wanted to talk about the labor side of those immigrants and doing these jobs. And so to me, it was a moment to reflect and I was angry. But it was a moment to not just being angry, it was a moment for me to take responsibility and to do something alongside with this workers.

From there, I started my journey and getting involved in the labor movement, learning how to organize workers. I was the executive director of the Worker Justice Center later on. And then in 2019, a group of poultry women workers and myself co-founded Venceremos, an organization that works to protect the human rights of poultry workers, because we saw that there was the need to form an organization specifically to address the issues in the poultry industry.

Andrea Hsu (00:15:09)

Thank you. And Saket, I know that you also work with immigrant workers. You've been on the front lines of helping many workers to have better access to working conditions. And you work with the Resilience Workforce. Tell us how you got involved in this work and describe who are Resilience workers.

Saket Soni (00:15:28)

Well, absolutely. And again, thanks for the amazing reporting you're doing, Andrea. And thank you, Maureen, for this invitation and this great initiative. I'll just start by describing how this workforce first gathered and gained a foothold in the economy. In the fall of 2005, at the end of August, Hurricane Katrina made landfall in Mississippi. A few days later in New Orleans, the levies were breached.

And the rains and flooding that followed these events turned the US Gulf Coast overnight into the world's largest construction site. Not an ordinary construction site where things are orderly and clean and schedules can be respected, but an extraordinary site of trauma and disaster, where toxic sludge was mixed with rubble, and electrical lines were tangled up in brick and mortar. And hundreds of thousands of people, many working class, mostly African American, left that region.

In order to return home, there needed to be a vast and rapid repair effort, and a very heroic long term rebuilding. That rebuilding was largely done by migrant workers who arrived in the Gulf Coast from states and countries far and wide. And they became a resilience workforce. They became the workers who were the engine of the recovery. Now, Katrina was supposed to be a once in a hundred year storm, but as warmer weather and climate change fueled natural disasters, these hurricanes, floods and fires became more frequent and more destructive.

Last year we counted 20 disasters that caused a billion dollars or more of damage each. And that's just the billion dollar disasters. As that's happened, this labor demand has grown, and the need for the Resilience Workforce has exponentially expanded. You've got these workers now who organize their lives, like farm workers of yesteryear, moving where hurricanes floods and fires go. They roll into a city 72 hours after the disaster, and they work for months, sometimes years rebuilding.

They do it in toxic conditions, they do it in record breaking heat, and they do it living in their cars, and often at the end of subcontracting chains that don't follow even the laws that do exist. That's the context in which the Resilience Workforce is working. Resilience Force was founded after all of these hurricanes hit the Southeast. Our members are migrant workers. Many immigrant, but many US born who nonetheless are migrating as they follow this work.

And the reason we're so concerned with health and safety, and so invested in this discussion is because these workers are working in a deeply toxic and traumatic environment. They're homeless while they do their work. They're working in the heat. They're breathing substances that may not even be known. And many of them have been doing this for a decade or more. These are the front lines of climate change and we want to raise conditions.

Andrea Hsu (00:19:22)

Absolutely. Well, thank you for that. Now we're going to go to Jon who we're lucky to have to represent the employer voice here. Tell us a little bit about your company, its values and how you've incorporated workplace safety into who you are as a company.

Jon Woodsum (00:19:38)

Sure. Thanks, Andrea. And again, thanks to Maureen and the Aspen Institute. Listening just to the introductions for me has been inspiring. Andrea, David, Magaly, Saket, what you do for a living is fascinating. And my story and Barton Malow's story is likely less so as it relates to this particular subject matter. But, hey, really grateful to be here. The company that I lead is a construction company, very basic.

When you think about a large construction organization, we would fit, at a high level terms, kind of the basic bill. We've been building, based out of Metro Detroit, primarily following the ups and downs of the automotive industry for just shy of a hundred years now. And tying this into occupational health and worker wellbeing, certainly in those hundred years, we've seen a number of things. I've personally been in the organization for 20 years.

I've been leading Barton Malow Company, which is one of our two primary operate entities for the last five years. Certainly the advent of construction workers being organized, which took place in the '20s and '30s,. Obviously we've been through that and we've learned a lot from it, and we've benefited greatly from it, I might add. And then certainly, the safety act that we've been discussing today, 1970, over the last 50 years.

So a lot of lessons, a lot of evolution of our business Barton Malow's core purpose, the way that we phrase it is the reason that we exist, our reason for existence is to build with the American spirit. And we say people, projects and communities. People comes first for a reason. The way that I like to describe it, and kind of paraphrase it and make it my own is to say that we exist to build people up in the communities that they live, through the projects that we build.

For us, as a construction company, the projects themselves, our core work is simply a means to build up people. The singular word that I like to use the most in this regard is we want our team members to be edified in their work, that is to be made better by their work. And there's kind of a soft, almost spiritual context for me for that word. A construction worker, certainly, hey, construction's great exercise. They can be physically made stronger and healthier in their work, but we want to create an environment where they're edified more than just physically.

We want to create an environment and an atmosphere where when they come home, hopefully for dinner and hopefully on time, frankly, that would be our preference, they can have conversations with their loved ones about what they've learned, and what their ideas are and what innovations are taking place in our industry and so on and so forth.

For me, safety really starts and ends with our core purpose. Just a very brief story as it relates to me personally in the last number of years, we've been through a period of explosive growth within not only our industry, but certainly Barton Malow's been a beneficiary of that and our business is growing.

If our reason for existence is to build people up, to have them be edified in their work, and our business is growing, that means more people are working. That's a good thing. But it also means that if our safety performance is not improving at a greater rate than our growth, that means that more people are getting hurt by the fact that Barton Malow is growing, and that's a problem. That's a problem for me personally and it flies in the face, frankly, of our reason for existence.

And so as we grow this company and take advantage of these extraordinary market conditions, we need to be doubling down even harder on our safety performance, so that, that performance improves, not just proportionally, but faster than our growth, so that we are putting more people to work and they're living in a safer environment, being more edified, building up those communities. Again, the projects are a means for us.

Andrea Hsu (00:23:36)

What a great concept to be edified by your work, and that we can move on then from there to talking about the actual experiences of workers and issues they've had within the systems that do exist. And Magaly, I want to go to you. Walk us through what a day is like in the life of a poultry worker and what kind of dangers they face.

Magaly Licolli (00:23:55)

Yeah, well, the situation, as you know, it was pretty highlighted during the pandemic, but the issues were even before the pandemic, because workers had been struggling with the line speed issue, with the bathroom breaks, with the chemicals. And so during the-

Andrea Hsu (00:24:12)

Line speed issue, can you just explain what that means for people?

Magaly Licolli (00:24:15)

... Yes. What it is like they industrialize the way that they process the chicken. And so pretty much from the farm goes to the processing plant. And from there, the chicken is hanged and runs in lines and to different processing areas. The lion speed that begins to the slaughtering house runs to 174 birds per minute. And that was increased during the pandemic.

In 2020, when workers were exposed to get sick and die, the Trump administration allowed the USDA to give some waivers to some companies and some plants across the country to increase the line speed. Obviously because there is not regulations whatsoever, I saw all the companies increasing the line

speed because there is no regulation on the line speed. There is not enough inspectors to check whether or not the company is violating the right line speed.

But anyway, that's been an issue that workers have been fighting ever before the pandemic. And obviously during the pandemic, that situation became worse, because many workers began getting sick and less workers were doing the job of many. And still the situation goes like that. The high chemicals that workers don't know what chemicals they use, and the peracetic acid that has very little investigation of the long-term effects on workers.

And so right now the issue is that because before the pandemic the workers were already injured, during the pandemic, they were exposed to get sick and die and exposed to a faster line speed. And right now, the workers, I could tell you that most of the workers, and I could say all the workers processing the chicken are injured doing the job and working faster than before. And so right now the issue has been also the bathroom breaks. The workers are not allowed to take enough bathroom breaks.

Many of them are forced to wear diapers because they don't want to pee on themselves while processing the chicken, because that has happened, that still happens. And so really the workers don't have power because these plants are located in white, rural communities where they don't have community support. And when you don't have community support, you feel so powerless in a community that is anti-immigrant, anti-people of color.

And so right now in Arkansas, we are accepting more refugees, but it's very concerning that these organizations that are bringing these refugees are locating these workers to the poultry industry without having them learning about their rights or learning about what they can do to organize together, to bring power, and that's what we had to do.

During the pandemic, we didn't have any other option, but to organize because the workers felt pretty abandoned by OSHA, by the USDA. And that's what brought the workers to keep organized, and so that's what brought some little victories. But still the issues are going and the situation is getting worse.

Andrea Hsu (00:27:41)

Well, I want to bring in Saket here. Can you give us a story of one or two workers that you've met in disaster zones, and what kind of protections they had or didn't have from OSHA?

Saket Soni (00:27:51)

Yeah. You have to start by visualizing disaster zone. When a hurricane or flood or fire hits, it usually impacts miles, if not hundreds of miles of American landscape. Homes that stood somewhere can disappear. Entire tracks of land can face upheaval. Dozens of school districts at a time can face the complete collapse of their schools.

And when an event like that happens, a clock starts ticking. Everything depends on a fast recovery at scale. Because if you wait, then the water seeps in or the ash goes into the earth, the place becomes more and more toxic and less and less livable. That's really the kind of pressure that these workers drive into.

Now, firstly, there's no infrastructure for them. So hundreds of workers will live in the Home Depot parking lot, sleep on the floor, wash themselves with bottles of water while they build. The building itself is a

herculean effort. If you line up all the rooftops in Florida that need to be rebuilt after a single hurricane, that's 10 football fields easily, maybe 20, right?

And it's relentless and it's hot. That means that there are issues with just normal health and safety. There are muscle-related issues dealing with speed. There are heat-related injuries. One worker who I know very well was on a rooftop in Florida. And because of theft of payment, hadn't eaten, and because of the sun became dizzy. And hunger and heat made him uncomfortable enough that he collapsed and fell from a steep roof onto a floor, hit his head and nearly died. Right?

And so this is an example of where there isn't just one culprit there, it's a totality of circumstances. Add to that the layers of subcontracting and the lack of labor standards connected to all of this federal money that flows down. The project he was working on was a FEMA project. It was funded by FEMA through subcontractors. And it's an example of where his labor rights, whether he was documented or not, should have been protected if the system worked as it should.

And as David knows, and many of you know, as much as we can do on the top, if there isn't enforcement built into every layer, it's very hard for that worker to protect himself. He did ask for a harness and for a break, but he was told, "If you don't want to do the work, then go back home." Go back home doesn't just mean go back to your car, it can mean, "I'll call immigration and you'll be deported to your home country."

Those are the connected issues. And the first place to start, before we even get to policy, is just to recognize this workforce as a workforce. Jon talked about construction workers and auto workers, Magaly talked about poultry workers. It took a while for these workers to be recognized in the American landscape. And this new workforce similarly, as climate change expands our consciousness of what the risks are, the risks these workers face need to be more and more recognized.

Andrea Hsu (00:32:00)

Yeah. Jon, your company has actually collaborated with OSHA and with labor unions to help mitigate some of the dangers on the job. Can you tell us a little bit about those partnerships and what elements you see as critical to making a work site safe?

Jon Woodsum (00:32:16)

Yeah, sure. Andrea, let me just start by saying to both Magaly and Saket, those stories, they're heartbreaking. They're heartbreaking to think about a labor force, to think about that being normal, because that is not normal. It might be common, but it is abnormal and it is not appropriate. Just start there. Okay, you asked me specifically about our partnership.

Hey, we talked about our core purpose already at Barton Malow, and one of our core values, we have three, integrity, partnership and empowerment. Construction is a very fragmented industry. When we hit a job, if we're going to build an auto plant, say, for, I'm talking about hundreds of millions of dollars of a project, or a hospital for a hundred million ... I'm just trying to kind of frame in scale so that people can visualize what it is that we actually, where we participate in the market. Very fragmented.

We're a prime contractor often referred to as a general contractor. Of course there's subcontractors, there's engineers and architects. And there are dozens of entities that require to work together to build something on time in that budget with safety and quality of course. And so partnership is key to us being successful in any of the things that we do, safety or otherwise.

But certainly, the unions in OSHA are key partners in the realm of safety. There are a number of formal partnerships that get formed on a project by project basis. Metrics get established and performance indicators get measured. But I think probably more importantly and more holistically, our industry has had an opportunity to mature beyond what it is that we heard from Magaly and Saket, in that OSHA for us is I'll say kind of provides bumper posts, provides a framework.

David did a great job in his intro describing what the purpose was back in 1970. And that purpose is fundamentally and firmly in place. Essentially, the OSHA rules and regulations are nothing more to us than just a bare minimum guideline. That's just the foundation from which we are working. And then the unions, of course, are our partners in providing a trained and responsible workforce.

When a journeyman carpenter hits a project, they are trained. Whether that's the carpenters, or the mill rights, or the boiler makers or the iron workers, all of these very well established unions have strong training programs in place. We're receiving professional craftsmen and women to do their work. And then for us, the fourth partner there or the third partner that I'm going to mention, us being fourth, is our clients.

Our clients have a responsibility, or where they have the biggest impact is by setting a high expectation. If our clients are willing to let anything go, and there's very low barrier of entry to work on a project, then you're going to get what you pay for. But for our clients, and we work specifically in, I'll say, sophisticated places, auto plants, steel mills, power plants. These are the facilities that we build, hospitals, higher education facilities, stadiums, our clients have a high expectation for safety.

The number one thing that we can do wrong, the number one thing that we can do to ruin a relationship with a client is not to have a late project or is not to go over budget, but it's to get people hurt on their job. They play a huge role in that partnership. And then I've already shared with you. Our kind of underpinnings of values as it relates to why it's so important for us to maintain a safe workplace, but the way that we do it is primarily through planning.

Just like when you're out in your yard trying to do a project, the way that you're going to get hurt is because you're using the wrong tool and because you don't know what you're doing or because you're in a rush. We just try to be absolutely relentless in the way that we plan our work so that people are always using the right tools, they always have the right amount of time allocated, they always have the right equipment, they always have the right number of people and they're essentially working to a plan. I'll pause there.

Andrea Hsu (00:36:39)

Well, great. Well, David, I want to turn to you. You heard Jon say that OSHA rules and their company are used as kind of like a guideline, the bare minimum guidelines, but you also heard from Magaly and Saket. Where do you feel like the OSHA act could be updated? Do you feel like it still stands the test of time or does it need to be revisited?

David Michaels (00:37:00)

That's a great question. It's a complicated answer. But OSHA's played a central role in eliminating many workplace hazards. We talked about the reduction in fatal injuries, and the risk of non-fatal injuries has also gone down tremendously. The extremely toxic exposure is asbestos, lead, benzene. They haven't totally disappeared, but they were ubiquitous before OSHA and now they're mostly under control.

But progress has slowed. Working injury and death rates are no longer decreasing. In fact, they're pretty flat right now. More inspectors would make a big difference. OSHA is a tiny agency with enough inspectors to visit every workplace once every 160 years. And that was before the pandemic. It's harder to do inspections now. OSHA has standards, but they're like minimum wage. They're often not strong enough. You want them to be stronger.

Some employers like Jon's go well beyond OSHA's minimum standards. They recognize the importance of protecting workers, but many don't even comply with those standards. And the process to set new standards is broken. We issued the Silica Standard in 2016, 19 years after OSHA started the process to issue that standard. So each new standard takes a tremendous amount of work. The federal register notice for the Silica Standard was the equivalent of 1800 manuscript pages.

The actual standard was only a couple of dozen pages. The rest were all the analysis of economics, technological feasibility, risk, all the things they're required to issue a standard. The process is so resource intensive. The OSHA has no standard for many common workplace hazards, like airborne pathogens like coronavirus or heat, which were heard from Saket, is a huge issue and getting worse because of climate change. Or line speed and the ergonomic hazards that Magaly just described, there are no standards for those.

So enforcement, just of what's called the OSHA general duty clause is extremely difficult. And for every standard, OSHA has to show in exposure has a significant material effect. You know, Tony Mazzocchi called this the body and the morgue method. Essentially, you have to show the hazard is killing people before you can do anything about it. Given how long it takes to issue a standard, it guarantees many more people will be hurt before OSHA can do much about it.

And then on top of that, the American workplace and the workforce has changed dramatically in the 50 years since the law has passed. A much smaller percentage of workers were in unions. They have less protection. Professor David Wild wrote about the fishing of the workforce. One time, most or all workers in the workplace would be employed by the corporation whose name was on the gate or the factory door.

Now you have multiple employers in every work site with contractors, subcontractors, so called independent contractors who they have no OSHA coverage. And the entire gig economy is an OSHA-free zone. The challenges that OSHA faces are huge and they've gotten worse over the last few decades.

Andrea Hsu (00:40:04)

Wow. Well, have there been lessons learned in the pandemic? I'd love to hear from all of you. Magaly, let's start with you, and others feel free to chime in.

Magaly Licolli (00:40:16)

Well, really the lessons learned, it was that the government did nothing to protect the workers and really did everything to protect the corporation. I think it was a really visual moment for us to understand that the food system is broken, that a lot of things that are in place are not working for workers. And so for me, for example, working with workers, I know that they don't trust OSHA. They don't trust the current institutions that are there to protect workers, but workers do not trust them.

And so for me and for the workers has been a journey to seek other solutions, beyond what the government can do, how we can hold the corporations accountable, how can we make the market

protect the workers' rights. And so for us, it's been really a lesson of what it doesn't work, what it needs to be changed and really to create the power with workers is crucial to all of this.

Andrea Hsu (00:41:28)

Saket, do you have a similar view given the population you work with?

Saket Soni (00:41:34)

Yes, absolutely. One thing we saw very clearly during the pandemic was that some workers have to be on the front lines for the rest of us to function. Right? We celebrated essential workers from the rooftops outside at 7:00 PM at shift change. And the resilience workers I represent are the essential workers of the climate change era. Their vulnerability and connection to the pandemic was pretty clear in one example, right at the beginning of the pandemic.

The first climate disasters of the pandemic era hit in Michigan. Record breaking rains, flooded cities and broke dams, and subcontractors, labor brokers brought workers from Florida to Michigan to rebuild hospitals. Well, Governor Whitmer had instituted excellent policies to protect people from the virus, right? But the litigation by the workers revealed that labor brokers chose not to implement these protections. They put eight people in a room instead of two to a room.

They didn't provide masks. The moral of the story is that all of this is really connected. And somebody has to incur the cost of public good when there's a virus going on and there still need to be crews of workers. Yes, the federal government needs to play a role, yes, the state government needs to play a role, but we also need strong worker organizations and high-road employers.

For example, similar to Jon and his eloquent philosophy of edification, we found really willing high-road employers in our sector to partner with us, so that being good to workers is not a losing proposition in a low road economy. That's very, very important, particularly in the context of a pandemic.

Andrea Hsu (00:43:39)

Right? David, as someone who led OSHA for so many years, what was it like for you? Were you feeling like there were lessons being learned at OSHA? Was that frustrating for you to see what was happening or what wasn't happening?

David Michaels (00:43:56)

Absolutely. I want to start with a thought experiment here. Imagine there were no Zoom. That CEOs, attorneys, professors like myself, if we all had to go into work starting on day one, do you think the country would've made a greater effort to keep workplaces safe? Everybody would've said, "Where is OSHA? Why aren't we protecting us?"

But what really happened, as we all know, is that many workers sacrificed their lives to keep the economy going, to make sure food was harvested and processed and shipped, and that our sick and long-term care patients were taken of. Of course, workers of color were overrepresented in those jobs and they paid a really tragic price. COVID exposed the workplace, environmental justice issues that've been present since the founding of the republic, but could not be more clear today.

And so we know, and OSHA knows how to control coronavirus, because it's just like other airborne hazards. You apply the hierarchy of controls. First, you try to make the environment safe for everyone through eliminating the hazard. Make sure potentially infectious workers stay home, and you have to pay them to do that. And implement engineering controls like ventilation, and filtration and air disinfection.

And then you give people PPE like respirators, which could be necessary, but they're hard to wear. And then you have to use them with other controls if not sufficient. I think when we look at what OSHA's response was, it's been a disappointment under Trump and under President Biden. Candidate Biden promised if he were elected OSHA would issue an emergency standard requiring employers to implement worker protections from COVID. And standards are what makes a difference. People follow standards.

And so OSHA drafted two emergency standards, one covering healthcare workplaces and the other covering everywhere else. And when these were ready to be issued in spring of 2021, the case numbers were dropping and the pure vaccinations were going to really get us out of this. The Delta variant had not arrived. Omicron was far in the distance. And so the White House only allowed OSHA to issue the healthcare standard and killed the one which covered everyone else.

And that, to me, was a tragic mistake. Perhaps now a surprising one, because going back to that thought experiment, decision makers in the powerful of this country don't perceive the risk faced by many of the American workers in these difficult jobs. I think the lesson is we can apply what we know about workplace hazards to COVID just like we did to asbestos. But we haven't done that, because we haven't really cared enough about protecting these workers. And to me, that's a tragedy.

Andrea Hsu (00:46:38)

Jon, how about for you at Barton Malow, what were some lessons that were taken from the pandemic?

Jon Woodsum (00:46:46)

Thank you. For whoever is muting and unmuting me, I am eternally grateful. Lessons. I'll tell you what, lesson number one, for us as an organization and it's certainly inherent to our kind of day-to-day, but was to stay apolitical. If you talk for 10 seconds and you just earnestly from the heart, someone's going to be very upset with what you just said. And so stay apolitical no matter what was kind of position number one.

Communicate very clearly to our people that our number one priority was in fact workplace safety. Certainly early in the pandemic, we were very, very concerned about business continuity as well. Those two things were kind of this mutual value proposition between worker safety, worker ratification and just the fact that we can continue to exist.

What are we going to do to continue to exist was a big concern in the early days. Probably as the pandemic has gone on, we've all learned, by way of this meeting, for example, of totally new ways to do things. And so I think what it's meant for us as we've implemented probably dozens and dozens of new processes to whether it's the surveys coming into the project gates, or whether it's the temperature taking and the privacy issues, and so on and so forth, was we learned to communicate differently and better with one another around best practices than we ever had before.

Obviously, means and methods are a big part of construction anyway, so you would think that we'd be really good at communicating how to build, how to hang drywall upside down in a cement factory. But

we have never communicated as well as we were forced to and eventually kind of adapted and overcame. Asking more questions, listening better than ever and sharing best practices were huge lessons for us throughout the process.

Andrea Hsu (00:48:52)

Wow. Wow. That's great to hear that there were improvements on that front that came out of something so terrible this two years of the pandemic. Well, I want to stick with you, Jon, as we move to some possible solutions. And I want to ask you, what do you think are the best ways to move more businesses towards seeing safety as an investment, as clearly you have, and not just as a cost or an expense?

Jon Woodsum (00:49:17)

Yeah. Yeah, going first, I'll try to be brief, because I'm sure the questions of my colleagues are so much more, or the answers of my colleagues I'm sure are so much more interesting than our own. But let me just start with just one quick stat. We're now four months into this calendar year. Barton Malow Company has worked 1.5 million man hours in these four months.

Essentially, think about 2,200 people working every day at height. I was on a job yesterday, 300 feet in the air with our iron workers. They're connecting steel 300 feet in the air above the street, the city scape of Downtown Detroit. So that's what our people do. And in those 1.5 million man hours, we've had one lost time injury this year so far. That is that one person that works for us wasn't able to come back to work.

They got injured to a degree where they weren't able to come back tomorrow, the very next day. There's been five recordable incidents total. That is anything greater than the first day. I share those stats, not as a boast, but just as a statement to say that this is possible. The number one argument we get into with respect to safety is stuff happens. Work is dangerous. If you're going to do this kind of work, people are going to get hurt. No, they're not. They don't have to be. They don't have to get hurt, because we can plan our way through it and we can respect our ourselves.

We can respect each other through it. We can be our brothers and sister's keep her through it and we don't have to get hurt today. Our foreman, we say that our highest leverage point is with our field foreman. They have no more than a half a dozen or so people working at their direction in these dangerous places every day. And if that foreman wakes up in the morning and says, "Not my crew. Not today. It's just simply not going to happen on my watch. Because we plan the work out well enough and because we have enough respect for each other to just get through today without any of my people on being injured."

You asked specifically about how to get other people to do that. I mean, for me, it's through peer pressure. I mean, I'm telling you right now, in the construction space, if someone else doesn't do it, we're going to take your work and do it safely. Part of it's through peer pressure. And I would also say just as in listening to this dialogue, the advocacy work that's being done by Saket, Magaly, in particular, again, like I said, it's inspiring ask for help.

Because I think it's inspiring, I think we ought to be able to pull each other in multiple industries along and just keep going forward. Keep making the progress and don't be discouraged. The progress that's been made as extraordinary. And in some places, we can do very dangerous things very safely. So let's try to help each other move along that pathway.

Andrea Hsu (00:52:05)

Well, David, do you feel that the path forward for OSHA is stronger enforcement, maybe further increasing the penalties to pressure companies who aren't like Barton Malow doing the right thing? I know the OSHA penalties were already raised significantly, or do we need to completely reimagine the approach?

David Michaels (00:52:25)

Well, I think you need carrots and sticks. I don't think we're going to reimagine anything with Congress in the place it is today. But first, let me say I agree with Jon and Saket. The companies that look at safety as an investment and cost too much better. The example I like to point to is Hasbro, which is a game company, a toy company with ... They've got a factory in East Longmeadow, Massachusetts, which is a high tax state, energy is expensive.

It's a union plant, and their members of the voluntary protection program that OSHA runs. It's a voluntary agreement that Hasbro made with its workers to go well beyond what OSHA asks them to do. The rest of that industry has moved to Asia. But what the Hasbro vice president told me is we could stay in Massachusetts because we're so much more productive because of that safety program.

It affects everything we do. In fact, they recently brought back Plato from Asia to manufacture in the United States because they do so well. I wrote about that in the Harvard Business Review, if anyone wants to go find that article. The flip side though is we need stronger reinforcement and we need higher penalties. There are many steps OSHA could take. OSHA fines are very significant for small employers, but they're tiny for large employers.

A few thousand dollars for a serious violation is meaningless for a big company. They're far lower than the fines issued by other agencies like EPA. For example, there was a tank of sulfuric acid that exploded at a Delaware oil refinery, half owned by Shell Oil and half by Saudi Aramco. It killed a worker named Jeff Davis. I've met with his wife and his kids. Jeff's body was literally dissolved in acid.

The OSHA penalty was \$175,000 to a huge company. In that same incident, thousands of dead fish and crabs were discovered, which led the EPA to issue a citation of 10 million. It was hard to talk to Jeff Davis' wife that saying those fish were worth more than her husband who was killed. Higher fines would send a very strong message to employers that workers' lives need to be protected.

But even more effective would be criminal penalties against plant managers, executives, board members, where a firm's actions or their lack of actions resulted in a death or serious injury of a worker. It sounds perhaps extreme for what we have here, but many countries, Great Britain, Germany, Singapore have laws like this.

In contrast, in the United States, if a worker is killed on the job and the employer received a willful citation from OSHA, that crime is considered a misdemeanor against the company, maximum six months in jail. Of course you can't jail a corporation, so no one goes to jail at all. Essentially there's only a financial penalty. We need just a restructuring of the penalties, and I think criminal penalties would make a big difference.

Andrea Hsu (00:55:24)

Magaly, Americans eat a lot of chickens, certainly we do in my household. And I'm just wondering if you see a role for consumers in trying to improve things for poultry workers.

Magaly Licolli (00:55:35)

Yes, definitely. During this journey of seeking solutions and knowing that the current agencies to protect workers were not doing their job or enough, and not wanting to really lost the trust of workers and trying to really know, learn from others who had built programs like the Coalition of Immokalee Workers that built the worker-driven social responsibility model.

In 2019, I first traveled with a group of poultry workers to learn about that model. And from there, poultry workers saw that, that was the hope for them to change drastically this industry, because through these legal banding agreements that holds the corporation accountable, and that really risks the potential market if they don't follow or they don't protect the human rights of workers. There-

Andrea Hsu (00:56:37)

And the tomato pickers, is that right?

Magaly Licolli (00:56:39)

... Right. And that it was expanded to the dairy workers in Vermont and other workers in the construction sector with the tool. And now we are exploring how to adopt that model into the poultry industry, because workers need to be part of the solution process. They need to be part of the implementation. They need to be able to freely speak up about any violation on the rights.

And so we see that this is the only solution that we see right now that could potentially drastically change systemically the poultry industry to protect these workers. Because if we wait until OSHA or the administration open out the eyes to protect workers, we can't keep exposing workers to this abuse. And so I think that many people should take and look into what programs are working to protect the workers and how we can expand those programs to keep protecting workers in other industries.

And so to answer the question, in this program, I think it's very crucial that consumers learned about where their food comes from. I think there is a big disconnection about the food that we consume and to really what's happening with these workers. It's not only the animals that are suffering, these workers who are suffering because they're exposed to these abuses. And so obviously the consumers have a big role on holding the companies accountable, the supply chain, to force them to adopt this code of conducts that could potentially protect the human rights of these workers.

Yes, I think that if consumers get more involved into holding these companies accountable, many things could change. And I just encourage people to follow the work of Venceremos to keep engaging into the work that we are doing because the workers are in the front line, and the workers need and want solutions to these problems.

Andrea Hsu (00:58:56)

So really starting with educating ourselves. Saket, so many of the challenges we discussed today are ones that are faced disproportionately by immigrant workers, as you have described. And this is a hidden workforce that makes them particularly vulnerable to exploitation. What solutions come to mind for you when you think about how to transform work and safety conditions for them?

Saket Soni (00:59:25)

The thing about resilience is that climate change is an experience every American is having. And inside of it, the problems faced by these workers can really be solved by so many sectors of our ecosystem. Here is a sector where there's an exponentially rising labor demand year after year, because of more and more disaster.

If you work on policy, then you can help attach labor standards to state money and federal money, that Congress has already approved to go down and fuel the rebuilding that these workers are right now doing without as much as a harness. If you're a company, even if you're not in this sector, there's a rising disaster restoration sector. But many, many companies are stakeholders. Where Jon is, Detroit, it's among the most flooded cities in the country. One in five American basements is flooded every year.

This is a workforce issue, it's a resilience issue for large and small corporations. If you're a company, join our growing high road table, and be part of shaping how billions of dollars, as Jon put it, are dollars that fuel businesses where standards can be high. And then to David's point about what the administration can do, those of us in organizations, like Magaly's and mine, we need to make sure we have the Biden administration's back.

We're not vocal enough about health and safety issues. And when we are, most of the conversation is about the injuries you can see or sometimes the ones you can hear. But as David said, our workers work amid so many airborne and bloodborne pathogens. There's a gap in the conversation. I mean, another huge gap is mental health. As workers work in an environment that is traumatic, the wear and tear is not only on the body, but also the will.

And so we need to have those kinds of conversations. If you're an organizer out there, then let's expand, work with us to expand the conversation about the kinds of health and safety that fall within our purview. The silver lining is there's points of everybody and on-ramps to everyone. A lot of this we can do in the near term without Congress. We can partner and cooperate, and enforce raise and define new standards.

Andrea Hsu (01:02:09)

Great. Well, I think we have some time for questions, and a bunch have been submitted so I'm just going to throw these out there and whoever wants to respond can do so. One question actually that I feel like maybe we've addressed a bit is, how can workers who are undocumented be organized, given restrictions with the NLRB? I think that one way that you would say, but Saket and Magaly, please chime in, is to get involved with groups like yours, is that right?

Saket Soni (01:02:38)

I'll let Magaly chime in first because she's doing heroic work organizing and documented workers.

Magaly Licolli (01:02:44)

Yes. Well, first of all, I think we should be mindful to say that, yes, that all the workers are protected under NLRB, the section seven and eight. But really, when it comes with undocumented workers, it brings this concern about whether the employer cannot return the job back on undocumented workers. We always have to be very straight on the risk, whether they're undocumented or documented workers.

During the pandemic, that law was the only law that we had to keep on going with the actions. That's what we really used, to bring old workers to organize. At a point, I was organizing five different plans in the Northwest Arkansas. And so we always had to bring lawyers to help us to do this work, to protect workers.

Whenever workers went on a strike, also we provided them the resources and the education that was needed, because obviously always there is this risk, that workers will lose their jobs and whether or not there will be ways to return their jobs back. There is a process where workers don't have income, where workers are in this vulnerability of what's going to happen.

We always have to be very straightforward on the risk, but always encouraging workers that if they don't stand up, then the situation can get worse. And thankfully to those actions that in 2020, companies were responding. Even they were worried about their image, they were worried about not having enough workers to process the chicken, but at least they were responding to those little demands that were due in back in 2020.

Andrea Hsu (01:04:48)

Right. David, here's a question for you. What role does state and local law play in making workers safer? Is part of the issue dependent on where you live in the US?

David Michaels (01:04:59)

That's a really good question. It certainly is. There are some states that have their own OSHA programs. California and Washington have ones that in some ways are stronger, have better standards than the federal government. Others have really weak OSHA programs. The law says they have to be at least as effective as federal OSHA, but they're not.

I think the one lesson of COVID is that state and local health departments have a really important role to play in protecting workers. And many of them had active programs 50 years ago, but then really disbanded them essentially saying, "Well, the feds are going to take care of this," but they won't, clearly. There's no reason that a state health department or a local health department couldn't play a role when there are obvious hazards at workplaces. I want to go back a little bit to the question though that Magaly just answered, to say that the government has a role here as well.

If we allow low-road employers to hire undocumented workers and keep them fearful from complaining about hazards, that affects every worker in the United States. You can't have safe workers if you have some workers who have no rights around their safety. And so it has to be clear and we have to really make sure the government understands this, that every worker needs protection.

I mean, the OSHA position is that it doesn't make a difference what your documentation status is, you have the same rights, but that doesn't mean that workers can't be intimidated by their employer. We have a memorandum of understanding with Homeland Security that they would do no raids at workplaces where OSHA was doing investigations.

And even more importantly, I think it has to be made clear that the Labor Department and Homeland Security can offer what are called U visas, the ability to stay in the United States if you're a witness or you've been involved in any sort of court case, including when an employer has been inspected by OSHA.

I think this is an issue that we have to raise with the government to just encourage that to take place, because we can't allow conditions to get worse and worse and worse at different workplaces because the employees who are hired have no voice out of fear.

Andrea Hsu (01:07:17)

Yeah. On that note of employees that lack voice, can anyone speak to the challenges and solutions in other sectors such as domestic or agricultural work where protections can be minimal?

Saket Soni (01:07:31)

Well, I'll give an example that connects the dots a little. In 2011, I believe, there was an extraordinary sit-down strike by migrant workers, young student guest workers at a Hershey Chocolate factory in Pennsylvania. This was as a result of backbreaking hours, and low pay and false promises.

The factory tried to undercut its unionized workforce by hollowing out one part of its factory and importing guest workers who could be paid much less. And health and safety was a key concern. Well, one of the most interesting parts of the solution there was that the DOL recognized the Worker Health and Safety Committee as the safety inspectors.

In other words, we were able to have workers themselves become the inspectors of safety standards. That's an example of where worker democracy, workplace democracy gets expanded through the avenue of health and safety inspections. We all are concerned about the future of democracy in this country. Most adults spend most of their day at the workplace, and so we're also concerned about worker democracy.

And we often focus on worker voice around raising wages. But equally, particularly because we've got this complaint-driven system, everything starts with a complaint, right? Well, workers can be the inspectors of their own workplaces. And particularly with high-road employers, for example, we have built a high road table in the resilience economy, large scale companies are joining, and part of our agreement with them is to use the morning safety meeting to raise standards and to allow our committee members to be the inspectors.

I think this is connected to what Jon was saying. What it actually creates over time is a really good feedback loop between the workers and the company. And companies perhaps are afraid of this because they worry that it'll be a fight every day. That's actually not how it works out.

The real way that works out is that company supervisors receive really timely advice on a daily basis about how improvements can be made, and that creates a flexible workplace. These are examples of how on the ground worker voice and worker power can actually be in everybody's interests, and how health and safety in particular can be a way to enter that conversation.

Andrea Hsu (01:10:34)

So really inviting people to give the feedback immediately, I guess, and regularly, like you say, in a daily meeting.

Saket Soni (01:10:42)

That's right.

Andrea Hsu (01:10:43)

Well, here's one more question that maybe, Magaly, I think this was in response to something you were saying, it says food packaging has no information on workers, even though cartons of eggs talk about how the chickens were raised. Is there potential in labeling food and other consumer products about the workers who are behind that product? That's a really innovative idea. Is it something that you have thought about pushing for?

Magaly Licolli (01:11:05)

Yeah. Well, there is not such a thing. I think we are pushing to creating a program that will regulate and protect the human rights of workers. But right now there is not such a label or a way to know where the chicken comes from. And particularly I will just highlight that people that eat organic chicken, I could say that the organic chicken is not being processed any way better.

That the conditions are still bad and worse, and in many cases, because those tend to be smaller poultry companies. And so the smaller the company is, the worst the situation can get. There is not ways to get around that, unless you know for sure that you buy the chicken in that farm and that you watch how it's being killed. Otherwise, if you buy any product from the supermarket, it will probably come with abuses on the labor force.

Andrea Hsu (01:12:06)

Jon, how about for construction projects, is there a way to ... Is it just through your reputation as a company that you can go out and say, "This building was built by a company that really values worker safety, and has taken all kinds of steps to make sure that workers are being edified through their work."?

Jon Woodsum (01:12:25)

Yeah, I think it definitely starts on the client side for us. I mean, it's so much easier to do what it is that we strive for when we've got a client that is setting a high bar in creating that environment. That's a big part of it. In terms of the attraction, we tell our own people, I tell them as often as I can, "Hey ..."

Yesterday, I mentioned I was with some iron workers. I spent some time with some rod busters. Rod busters are a subset of iron workers that install reinforcing steel and concrete. We were talking of 10 rod busters. And the message is, "Guys, this job site, while you are working on our payroll, our expectation is that this is the cleanest, safest, most well-organized, most well-planned project that you've ever been on in your life. That's our expectation. And if it's not, then we need to talk, and that's why I personally am here to share with you."

This happens to be National Construction Safety Week. Yesterday was a day focused on mental health, and it was great. We had this little mental health conversation after I gave my little stump speech, "And how about some feedback guys?" And the first guy who spoke up said, "I appreciate the note on mental health, and we're going up 21 stories today. Make sure you strap your chin so your hat's going to blow off."

That's a great example of kind of the practical communication that Saket referenced earlier. For us, those huddles happened twice a day, both at morning and at lunch. And yeah, it's an opportunity at that high leverage point that we talked about earlier, at the foreman and craftsman level to talk about how in the heck somebody could possibly get hurt just in the next few hours, and we're going to make sure that we avoid that.

Andrea Hsu (01:14:09)

Well, I think we're out of time. I want to thank all the panelists for this fascinating discussion. And Maureen, I'll hand it back to you.

Maureen Conway (01:14:16)

Thank you so much, Andrea. That was fantastic. Thank you so much, Saket, Magaly, Jon, David. I am inspired. I learned a lot. This is a really amazing conversation. I really appreciate your time. Andrea, great job moderating this conversation and bringing all your expertise to the conversation. Really appreciate your work.

I also want to thank my behind-the-scenes colleagues who make this all work, Matt Helmer, Tony Mastria, Victoria Prince, Yoorie Chang, and Adrienne Lee. They do amazing work and really appreciate everything that they put in to making these events work. I also want to thank the folks on social media who've been tweeting about today's events. It always helps us to hear what resonates with you.

Thanks so much to the audience for your engagement. Please do take a moment to give us some feedback in the polls tab. We always really appreciate getting your feedback and advice on how we can make these events better, more engaging, and more useful for you. And just final reminder, May 26th is "A Workers' Bill of Rights: What We Want and How To Get There." Please join us then, and thanks so much. Bye-bye everybody.