



LAES has developed a series of immigrant issue instructional modules entitled "Tierra de Oportunidad" for orientation to our complex society.

LAES - On the Job Health & Safety

Tierra de Oportunidad - Module 4

READING

Workers should compare the benefits of being employed against the health hazards of their work. Many jobs are very dangerous. Sometimes an injured worker may be out of work for a day or for a few weeks. Sometimes a worker may get chronic health problems that last for years.

The U.S. has many laws designed to protect workers from injuries or occupational health problems, but these laws are difficult to enforce and workers who complain about their working conditions cannot be sure that their rights will be upheld. It is useful for workers to start comparing immediate survival needs against long-term occupational plans.

Workers have the right to refuse to do a job that threatens them with injury or which seriously jeopardizes their health. Some workers who complain about safety hazards on the job might be threatened with dismissal by their employers. Many are fired, if they continue to complain.

If the employer has violated occupational health regulations, the law protects workers from retaliation, and a worker who is fired because they have complained may receive back wages. These cases are not always easy and workers should think carefully about how serious the danger is. Workers should think of other options, such as looking for a new job, or negotiation, e.g., being transferred to a different task.

Many on-the-job-hazards are invisible. Exposure to toxic materials, for example, is often invisible. Farmworkers are exposed to pesticides in many different ways and should learn as much as possible about pesticide hazards. They should know also that fields treated with pesticides must have posted signs with a re-entry date when it is safe to enter the field.

Industrial workers may be exposed to toxic materials such as lead or solvents that are dangerous. California has a number of worker right-to-know provisions requiring employers to inform their employees about the dangers on the job but it is workers' responsibility to make sure their health is not affected.

Workers who think they have been exposed to pesticides or other toxic materials should do whatever they can to document the exposure. Pregnant women may have special risks from exposure to materials that may hurt the unborn child.

Psychological stress is an invisible but real health danger. Workers' wellness involves not only physical health but, also, psychological health. Being treated unfairly, unjustly, or being constantly pushed to work faster can result in real health problems. Workers should weigh the necessity of stressful jobs or jobs where they are treated badly against the income they earn from these jobs.

There have been cases where workers have "taken advantage of the system" by claiming they had stress-related health problems that were not real. This does not mean that those problems don't exist but it means that workers who have a genuine stress-related health problem need to be consistent in recognizing stress, in trying to reduce the stresses of their job, in getting qualified

help, and in documenting the problems they are experiencing.

There are several programs providing support for workers who have been injured on the job. An important benefit is Workers' Compensation that provides for medical treatment of on-the-job injuries, rehabilitation services to recover, retraining for permanently disabled workers, and, in the case of a worker's death, some limited support to their family. Disability Insurance provides support when a worker is incapacitated by illness or injury for a period of several months. Vocational rehabilitation services are another source of help with the medical costs of a serious disability or for retraining.

Farmworkers have special rights to protect them from some problems of on-the-job safety. These rights include: Workers' compensation coverage from a grower who has hired a farm labor contractor even if the labor contractor is not covered -- "joint liability". This right is currently very complex legally and any affected worker will probably need help from a legal services program. The ability to sue under the Agricultural Workers' Protection Act, even, for example, if they were injured while being transported to a job.

Immigrants have the same rights as other workers. They cannot be assigned more dangerous jobs, given worse safety equipment, assigned tasks, such as pesticide application, for which they are not qualified because they are immigrants or because they are not documented.

Workers should share information on job safety with their co-workers or ask their co-workers about the hazards of their jobs. Some companies have let workers set up safety committees to find ways to make their work safer and prevent injuries.

The best preparation for dealing with this issue is to be informed and to be clear in describing and documenting what has happened if there is a problem.

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