



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

INSTRUCTIONAL AREA: *Advancing Work and Career*

**Tierra de Oportunidad - Module 4
On the Job Health and Safety**

Overview

Immigrant workers are employed in some of the most hazardous occupations in the United States. Construction and farm work, for example, are two occupations where many immigrants work which have very high rates of occupational injuries. On-the-job safety and health concerns are, an important instructional priority, particularly because some of the occupational health risks facing immigrants, for example, exposure to toxic materials -- are unfamiliar ones.

The U.S. legal system is structured quite differently than the Mexican system and is a complex one -- difficult not only for workers but, also, for attorneys to understand fully. The laws governing workplace safety are changing rapidly and will continue to change.

Even informally employed workers like domestic workers have most of the same rights as other workers.

Workers must be responsible for working as safely as possible and for protecting their own health, but, at times, they may be required by their supervisors to undertake tasks that are dangerous to their health. While almost anyone who works has, at some time or another, decided to accept an assignment that posed some risks to their health, such choices should, at least, be informed ones.

Workers who report safety violations to Cal-OSHA (the California Occupational Safety and Health Program) are guaranteed immunity from retaliation but such guarantees require time before an unjustly laid off worker's problem is remedied, e.g., by being awarded back pay. They also require that the worker whose rights have been violated actively cooperate with the government in securing redress.

Basic Skills Development

This curriculum module serves to build several basic, generic skills. It will be useful for the instructor to emphasize to the class how the module and the class activities contribute to these skills.

<i>Reference skills:</i>	Securing oral information from others.
<i>Computational skills:</i>	Estimating losses from injuries, costs of medical treatment.
<i>Communication skills:</i>	Interactions with employers and co-workers.

<i>Survival skills:</i>	Awareness of key worker benefits programs, increased awareness of health issues.
<i>Teamwork skills:</i>	Joining with other workers to address common problems.

Teaching Points

1. **Workers should weigh the benefits of being employed against the health hazards of their work.** Jobs held by immigrants are some of the more dangerous in the society. While an injured worker may simply be out of work for a day or for a few weeks, it is sometimes possible to have chronic health problems which last for years or for the rest of one's life. While the U.S. has a multitude of laws designed to protect workers from injuries or occupational health problems, most are difficult to enforce and workers who complain about working conditions cannot be absolutely certain their rights will be upheld. Balancing immediate survival needs against long-term concerns is difficult but most workers choose one approach or another. It is useful for them to be prepared to think about this analytically.
2. **Workers have the right to refuse to do a job that threatens them with injury or which seriously jeopardizes their health.** Workers who complain about safety hazards on the job are likely to be threatened with dismissal by their employers. Many will, if they continue to complain, be fired. However, the law protects workers from retaliation, but only if the employer has violated occupational health regulations and workers who are fired because they have complained may receive back wages. These cases are not always easy. A worker should think carefully, about how serious the danger is, before complaining. Workers should explore other options, such as looking for a new job, or negotiating a transfer to a different task.
3. **Many on the job hazards are invisible.** Exposure to toxic materials is often invisible. Farm workers are exposed to pesticides in many different ways and should seek to inform themselves as fully as possible about pesticide hazards. They should know that fields treated with pesticides must post a re-entry date indicating when it is safe to enter the field. Industrial workers may be exposed to other dangerous toxic materials such as lead or solvents. California has a number of worker right-to-know provisions requiring employers to inform their employees about the dangers on the job, but workers must ultimately bear the responsibility of making sure their health is not affected. Workers who think they have been exposed to pesticides should do whatever they can to document what their exposure was. Pregnant women may have special risks from exposure to materials that may hurt the fetus.
4. **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 stress-related health problems do not exist, but it does mean that workers who have genuine stress-related health problems need to be systematic in recognizing stress, in trying to minimize the stresses of their job, in seeking qualified help, and in documenting the problems they are experiencing.
5. **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.
6. **Farm workers 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 to seek assistance from a legal services program).
 - The ability to sue under AWP (the Agricultural Workers' Protection Act) even, for example, if they were injured while being transported to a job.
 - A new bill under consideration by the California legislature may insure that workers employed by labor contractors can hold the primary employer, e.g., the grower responsible, for complying with labor laws such as minimum wage and overtime.
7. **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.
 8. **Getting Help.** Workers should share information on job safety with their co-workers or ask their co-workers about the hazards of their jobs. Solutions that have worked well at some companies are for employers to let workers set up safety committees to find ways to make their work safer. One good reason to learn to read is to read safety signs. Injured workers may have difficulty in getting the kind of help they need. They should be prepared to spend a good deal of time in standing up for their rights. The best preparation for dealing with this type of issue is being informed and being clear in describing and documenting what has happened when a problem occurs. Free legal advice and assistance are available from CRLA or other legal services groups.

Sample Learning Activities

1. Survey the class orally to see how many have been out of work due to an on-the-job injury or illness -- in the last three months, in the last six months, or in the last year? Estimate lost earnings from disability. How many workers were covered or not covered?
2. Survey who in the class has applied for Workers' Compensation and what their experience was. If people who were hurt on the job did not apply, why was that? Have the class discuss possible strategies that might or might not have helped.
3. Role play scenarios of workers in different job situations and family situations deciding whether to complain about conditions at work, e.g., a woman on her own who is the sole support of her children, a couple where both husband and wife are working, a couple who has two children in school, and a couple with pre-school children.
4. Ask class participants to role play workers talking to their employers about hazardous work conditions. Explore what are effective and ineffective ways to negotiate with employers about safety?
5. Have a class discussion on injuries from drinking on the job. Does anyone know of anyone who had an injury from drinking on the job? Does the class think this is an important issue or not?
6. Discuss the pressures which make workers work without taking safety precautions, e.g., usually the pressure to go faster to keep up with others in a work crew, to not seem "chicken", or the need to show off.
7. Calculate with the class lifetime earnings lost, if a worker cannot work at all, and if a worker can only work half time.
8. Invite a vocational rehabilitation counselor to talk to the class about minimizing injuries and about the workers' compensation system.
9. Invite a farm worker health clinic physician to the class to talk about pesticide safety and special hazards to pregnant women.
10. Discuss stress as a particular form of on the job hazard.
11. Invite local legislators to talk about their positions on pending legislation that will affect workers' rights. Encourage questions from the class.

Resources List

Commercial ESL Textbooks

- All Sides of the Issue, Longman
- ESL for Action, Addison-Wesley
Unit 6, Acting for Health and Safety
- Reader's Choice, Book 3: Discoveries, Contemporary Books
Lesson 8, Accident!
- The Working Culture, Career Development for New Americans, Book 2, Prentice Hall Regents
Part 3, Economic and Legal Awareness: Chapter 12, Laws That Protect Workers
- Workplace Dynamics, SLRC Library
Unit 1, No Excuses
- Workskills, Book 2, Prentice Hall Regents
Unit 3, Safety
Book and Audio tape
- Work-Wise, Tactics for Job Success, Contemporary Books
Unit 9, Protecting Your Rights
- Your First Job, Prentice-Hall
Unit 8, Safety First

Authors: Ed Kissam and Holda Dorsey

A project of the California Department of Education, Youth, Adult and Alternative Educational Services Division, funded by contract #4213 of the Federal P.L. 100-297, Section 353 with California State University Institute and Hacienda LaPuente USD. However, the content does not necessarily reflect the position of that unit or of the U.S. Office of Education. 1997