WORKING CONDITIONS OF IMMIGRANT WORKERS

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IMMIGRANT WORKER LABORFORCE, US and MASSACHUSETTS

- 25 million immigrants in US labor force
- ~8 million undocumented immigrants in US labor force
- 1 million immigrants in New England labor force
- Brazilian immigrants
  - Largest immigrant group in Mass.
  - 77,000 - > 300,000 in Mass.

Sources: BLS; Pew Foundation; University of Mass., Boston
Fatalities of Immigrants, Selected Industries, US median/year, 2008 - 2012

- Agriculture, forestry, fishing & hunting: 72
- Construction: 191
- Manufacturing: 51
- Retail trade: 86
- Transportation & warehousing: 120
- Waste management & remediation: 77
- Leisure & hospitality: 59

Source: BLS
Difficulties of Hazard Surveillance

Small size of employers

– lack of knowledge of, and ability & desire to comply with, regulations
Difficulties of Hazard Surveillance

**Immigrants**

- language
- lack of knowledge of rights
  (ex: OSHA)
- fear of retaliation
- immigration authorities
## Workers Unaware of OSHA by Place of Origin

<table>
<thead>
<tr>
<th>Place of Origin</th>
<th>Never Heard of OSHA</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>(471) 41%</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>(101) 68%</td>
</tr>
<tr>
<td>Other Country</td>
<td>(834) 75%</td>
</tr>
<tr>
<td>All patients</td>
<td>(1,406) 63%</td>
</tr>
</tbody>
</table>

Source, Occupational Health and CHC Patients, MDPH, 2007
# Workers Unaware of Workers’ Compensation, by Place of Origin

<table>
<thead>
<tr>
<th>Place of origin</th>
<th>Never Heard of W.C.</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>(483) 15%</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>(101) 42%</td>
</tr>
<tr>
<td>Other country</td>
<td>(838) 52%</td>
</tr>
<tr>
<td>All patients</td>
<td>(1,422) 39%</td>
</tr>
</tbody>
</table>

Source, Occupational Health and CHC Patients, MDPH, 2007
**BLOOD LEAD SCREENING OF BRAZILIAN PAINTERS**

(N=61)

<table>
<thead>
<tr>
<th>BLL (μg/dl)</th>
<th>Freq.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 10</td>
<td>39</td>
<td>64</td>
</tr>
<tr>
<td>10 – 14</td>
<td>7</td>
<td>12</td>
</tr>
<tr>
<td>15 – 24</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>25 – 39</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>&gt;= 40</td>
<td>5</td>
<td>8</td>
</tr>
</tbody>
</table>

Adapted from: COBWEB, “A Report on Brazilian Immigrant Workers in Massachusetts,” 2009
Case Study

LEAD-POISONED
IMMIGRANT HOUSE PAINTERS

• 2 brothers, house painters from Central America
• 1 brother complaining of stomach pain, other ailments
• After several days of complaining to contractor, contractor drove worker to hospital ER
  • Told worker not to reveal work-relatedness
  • Threatened worker with contacting INS
  • Fired worker
Case Study (cont’d)

LEAD-POISONED IMMIGRANT HOUSE PAINTERS

• Blood lead: > 90 µg/dl

• Contacted OSHA, with help of Lead Registry
  Contractor fined
  Contractor paid worker for lost work time

• 2\textsuperscript{nd} brother continued working, with symptoms; didn’t complain
Case Study

WORKER CAUGHT IN CLAM SHUCKING MACHINE

• Shellfish processing company, New Bedford area - Sea Watch International Seafood

• Worker cleaning out clam shucking machine during night shift

• Caught in rotary turbine engine; died

• No lock out/tag out
Case Study
WORKER CAUGHT IN CLAM SHUCKING MACHINE (cont’d)

• OSHA inspected, fined company $35,410
  • Fall hazards

• Hazard Communication

• Prior citations: hazardous waste training, respiratory protection
Case Study

WORKER CAUGHT IN CLAM SHUCKING MACHINE (cont’d)

• OSHA cited, fined temp agency (Workforce Unlimited, Inc. – supplied most of laborforce) $9,000
  • lock out/tag out
  • Haz Comm
  • ladder hazards
TEMPORARY WORKERS

In US Workforce, 2010

• 27% of jobs created were temp
• 90% of companies use temp labor
TEMPORARY WORKERS

Massachusetts

- Growth of temp agencies
  - 1963: 20
  - 2008: 941
- ⅓ of temp workers: low-wage industrial, commercial (~ 25,000)
- Large, growing % are immigrants (most)
TEMPORARY WORKERS

Occupations

- Janitors/cleaners
- Shippers/receivers
- Construction workers

- Manufacturing workers
- Warehouse workers
- Landscapers
TEMPORARY WORKERS

Working Conditions

• Lack of benefits: health insurance, sick time, vacation, pension
• Vulnerable: language, undocumented
• Underground economy
TEMPORARY WORKERS

Underground Economy

- Unregistered, informal companies
- Lack of workers’ compensation
- Paid in cash
- Wage & hour violations, incl. wage theft
TEMPORARY WORKERS

Underground Economy (cont’d)

• Hazardous; noncompliance with health/safety regulations
• Job misclassification: employees => subcontractors
• Target of Massachusetts “Joint Enforcement Task Force on the Underground Economy and Employee Misclassification”
TEMPORARY WORKERS

Lack of information

- Name, contact information of temp agency
- Name, contact information of worksite employer
- Workers’ compensation carrier, rights
- Wages, working conditions
- **RESULT: inability to enforce rights in case of injury/wages issues**
TEMP WORKER RIGHT TO KNOW LAW

Required information for worker

• staffing agency’s name, address and phone number;
• job pay rate and pay date;
• whether any meals or transportation will be provided by the staffing agency or worksite employer;
TEMP WORKER RIGHT TO KNOW LAW

Required information for worker

• Any required special clothing, tools, licenses, or training;
• Name, address, and phone number of the worksite employer
• Workers’ compensation carrier
Case Study – Wage & Hour Violations

• Patricia, young Salvadoran
• Temp agency at unmarked office, van
• Told to write 7 (non-existent) dependents on tax form
• Not told hourly wage
Case Study – Wage & Hour Violations (cont’d)

• Work at printing company, cleaning in-laden machines (no gloves, uniform)

• Transportation to worksite
  Over-crowded van
  Paid $35/week
  Wait for up to 4 hours after work for return ride (in the cold)
Case Study – Health and Safety

Waste recycling company

- José, recruited by temp agency over the phone
- No warning about handling of hazardous, unsanitary refuse material
- No notice that vaccinations needed until arrived at work
Case Study – Health and Safety (cont’d)

Waste recycling company

- No PPE
- “sick” – José and others
- Workers fired after complaining of unsafe work conditions
The company is simply elated with the way you handled that dangerous job nobody wanted so we’re giving you another one!