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Public Employee Press

Union fights to save ergonomics rule

By MOLLY CHARBONEAU

After a 10-year battle by labor and its allies, a new federal job safety regulation on ergonomics took effect Jan. 16. Ergonomics means tailoring the job to human needs to avoid injuries.

If the Bush administration and major corporate interests leave it alone, the new standard will protect millions of workers — including thousands of DC 37 members — from crippling back and wrist damage.

Musculoskeletal disorders such as carpal tunnel syndrome and back problems are the leading source of workplace injuries, hurting roughly 1 million workers each year.

"DC 37 members already have strong ergonomic protections as part of the union's contract with the city," said Guille Mejia of DC 37's Safety and Health Unit. "But the federal ergonomic standard offers additional protection for members who are at risk for repetitive motion injuries. This is because the state Labor Dept. is required to adopt federal safety standards within six months after they take effect nationally."

Yet according to DC 37's parent union, AFSCME, there are ominous signs that opponents of the ergonomics standard are maneuvering to overturn this important protection, which was adopted late last year by the federal Occupational Safety and Health Administration.

Danger ahead

The Chamber of Commerce, National Association of Manufacturers and other business groups are pushing to repeal OSHA's ergonomics standard. Business groups have already filed lawsuits to stop the standard, which is also at risk from the White House and on Capitol Hill.

"We are putting both the Bush administration and the Republican-controlled Congress on notice that they will have a big fight on their hands if there is any attempt to kill, gut or delay the ergonomics standard," said AFSCME President Gerald W. McEntee.

Besides the business lawsuit, other attacks on the standard are likely to come early this year. They could take a number of different forms, including:

- Legislation to repeal the standard under the Congressional Review Act. Under this law, Congress can repeal rules that have already been issued and block the agency from issuing another similar rule. This essentially means that OSHA could never act to set a strong standard to protect workers from ergonomic hazards.
- An amendment to OSHA's budget to prohibit applying or enforcing the standard. This is a tactic that Republicans have used in the past. With President Bush in the White House, there would be no veto to stop such a restriction.
- Action by the Bush administration to stay or suspend the rule. This would put a hold on the standard, pending reopening of the rule-making process or the outcome of the legal challenges. During this time, the Bush administration could move to repeal or weaken the rule by making a new proposal and holding public hearings.

Strengthening DC 37's contract

"The new standard would benefit thousands of DC 37 members who are affected by repetitive motion injuries — if it is allowed to go forward," said Lee Clarke, head of the Safety and Health Unit. "For added protection, we are also negotiating to update the citywide contract."

New contract language could cover keyboards and holders, the computer mouse, ergonomics of the work environment (including chairs and desks), hand-held computer devices used by members who work as tax assessors, and other new technology issues.

"In the meantime, we encourage members to get involved in AFSCME's campaign to support the OSHA ergonomics standard," Clarke said.

"The battle to defend the ergonomics standard must begin immediately," said James August of AFSCME's Safety and Health Dept. in Washington, D.C. "We need to build broad public and congressional support for this important protection — and members need to participate for this effort to succeed."

The ergonomics standard requires private employers to provide information to their workers on musculoskeletal disorders (MSDs) and their causes, the importance of reporting injuries, how to file reports, and other information by Oct. 15.

Public employers in New York State must meet these requirements by April 15, 2002.

After that, employers must respond to workers' reports or signs and symptoms of MSDs.

When a worker has a work-related MSD, the employer must implement an ergonomics program that includes employee involvement, identification and control of MSD hazards, medical care for the injured workers, training, and evaluation of the ergonomics program.

A fact sheet summarizing the new standard can be found on AFSCME's Web site at www.afscme.org/health/faq-ergo.htm.

Join the campaign

You can join the campaign to support the OSHA ergonomics standard by calling and writing your members of Congress and the Bush administration. Tell them that workers need ergonomic protections to prevent crippling injuries. Ask them to support the standard and to oppose any attempts to repeal this important protection.

Go to www.afscme.org for more information on how you can get involved in the ergonomics battle, including how to contact your legislators.