

Effects of Social, Economic, and Labor Policies on Occupational Health Disparities

Eliminating Health and Safety
Disparities at Work Conference,
Chicago

Key Federal and State Occ. Safety and Health Laws and Policies

- OSH Act
- Mine Safety and Health Act
- EPA – FIFRA and HAZWOPER
- Wage and Hour Laws - FLSA
- Worker's Compensation Laws
- NLRA- Collective Bargaining Rights
- Immigration Policies

Key Federal and State Occ. Safety and Health Laws and Policies

- Health Insurance (PPACA)
- Paid Leave

Long Story Short ...

- All these federal and state laws and policies have had positive effects in reducing occ. safety and health disparities, but all also still have limitations and gaps that need to be addressed if we want to reduce these disparities in the future.

Case Study on Worker's Comp

- Brazilian immigrant construction worker in Massachusetts injured after falling from ladder was found totally disabled due to fracture in vertebra. He was misclassified as consultant by employer, which did not carry worker's comp insurance for him. Worker's comp fund refused to pay worker's medical bills and wage loss benefits.

Exclusions and Limitations of Federal and State Labor, Economic, and Social Laws and Policies

- Agricultural and Domestic Workers
- Tipped Workers (restaurant workers, taxi drivers, day laborers)
- Public Sector Workers
- Immigrant Workers
- Misclassified Workers- Misclassified as Independent Contractors
- Limited or Lack of Enforcement, Funding and Accountability

Local and State Efforts that May Reduce Occupational Health Disparities

- Living Wage Laws
- Wage Theft Legislation
- Community Benefit Agreements
- Local Hire Policies
- Coordinated and Targeted Enforcement Efforts by Different Government Agencies (e.g. New York, Michigan, Massachusetts, California)

Local and State Efforts that May Reduce Occupational Health Disparities

- Occupational Health Care Services for Marginalized Populations
- Worker Centers and COSH Groups

Key Findings

- Many workers are excluded from labor law protections, especially immigrant workers.
- There are many barriers to utilizing workers' compensation systems.
- Workers' right to organize have eroded.
- There is increasing misclassification of workers as independent contractors.
- Enforcement agencies are underfunded.

Examples of Policy Recommendations

- Introduce legislation to sunset the current FLSA, NLRA, and OSHA exclusions within five years.
- Amend the Fair Labor Standards Act to prohibit an employer from knowingly misclassifying employees as independent contractors.
- Collect data on workers' use of paid and unpaid leave by occupation, industry, and worker demographics.

Examples of Policy Recommendations (cont.)

- Conduct health impact assessments of major labor and economic policies to provide the public and lawmakers with more robust information on the potential consequences of policy decisions.
- Use community-based participatory research to assess occupational health disparities, develop new modes of qualitative data collection, and validate survey instruments within workers' communities.
- Increase penalties for knowingly misclassifying an employee as an independent contractor.