

Md. must prioritize worker health and safety

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The local United Steelworkers Union held a small service to honor those lost to accidents on the job for Worker's Memorial Day Friday in Newport News.

By **Katherine Tracy**

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With Gov. **Larry Hogan's** focus on putting Marylanders to work and ensuring our state is "**open for business,**" worker health and safety should be a top priority. But when it comes to protecting the health and safety of the 2.5 million workers across our state, the main cop on the beat, the Maryland Occupational Safety and Health (MOSH) division, is exhibiting lackluster **performance.**

The civil servants at the agency no doubt have the best intentions. They are just too few and stretched too thin. In 2016, the most recent year for which data is available, MOSH had the lowest staffing levels in seven years and only conducted about 1,100 inspections. In other words, most Maryland workplaces went uninspected. Over the past few years, MOSH has repeatedly missed its self-imposed inspection goals. Even after cutting its 2016 goal, MOSH still missed the mark, completing only **68 percent** of its planned inspections. During the same year, the number of workplace deaths in the state climbed to 92, from an annual average of 74.

Not only has the agency failed to conduct inspections, it's handled violators with kid gloves. According to a **2017 report** by the AFL-CIO, Maryland ranks 49th in the country for its low penalties. The average penalty per

serious violation in the private sector in 2016 was **\$656.58** — far less than the national average of \$2,279.03. "Serious" violations are classified as such because they are likely to cause death or bodily injury. The penalties should reflect those risks if MOSH has any intention of motivating employers to put safety first.

You'd think that with MOSH struggling in the inspection and enforcement department, it would rally around workers who act as the eyes and ears inside their workplaces, reporting health and safety hazards to the agency. After all, it takes a lot of courage to file a complaint with a government agency because workers who do so often risk being illegally demoted or fired.

Many workers never report employer retaliation because investigations are stressful and time-consuming. Nevertheless, some workers put their faith in the system, in the expectation, or hope, that justice will prevail. But not in Maryland in 2016. MOSH completed only **22 percent** of its whistleblower investigations within the statutory 90-day deadline and didn't take action on behalf of a single worker who reported retaliation.

As troubling and dangerous as these problems are, there are at least two clear-cut solutions to ensure Maryland workers are protected on the job.

First, the state can increase MOSH's budget so it has sufficient resources to hire and train inspectors and meet inspection goals. Unfortunately, Governor Hogan **proposed** only a small boost in MOSH's budget allowance for fiscal year 2019. Full funding should be a top priority of whoever wins the upcoming governor's race in November. In the meantime, leadership at MOSH can ensure staff understand enforcement actions must be substantial to effectively deter violations.

Second, state's attorneys can pursue criminal charges against companies that act recklessly or negligently and cause a worker's death or severe injury. Not all workplace deaths are criminal acts, but police and prosecutors should collaborate to investigate each case, and criminal charges should be on the table when the facts and evidence warrant them. State prosecutors already have the authority to pursue these cases, and they can take action even when MOSH falters. While it appears that such a case has never been brought in our state, prosecutors across the country have **taken on these cases and won**. There's no good reason for Maryland to be lagging in this regard.

The workers who are most at risk of injury or death do some of the most important jobs in Maryland — building **homes, businesses and schools**; working on **power lines and cell phone towers**; and repairing **crumbling infrastructure**. There's no better time than the present to take action.

Saturday is Workers' Memorial Day. Let's do more than offer "thoughts and prayers" to families of fallen workers. Let's thank them for their dedication and service to our great state and stand up and fight to ensure they make it home to their families at the end of every workday.

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