

SOAPBOX MAY 29, 2016 5:29 PM

Worker deaths should lead to punishment for companies, executives

HIGHLIGHTS

Criminal prosecutions are rare when employees are killed or seriously injured

Companies often get off with fines, which they see as cost of doing business

Worker rights groups are pushing police and prosecutors to take cases more seriously



David Kearns, area director of OSHA's office in Boise, Idaho, speaks to construction workers at a fall prevention training workshop on May 5. **Kyle Green** - The Idaho Statesman

BY RENA STEINZOR
AND KATHERINE TRACY
Special to The Bee

When we hear about shootings or robberies, we expect the perpetrators to be arrested and punished if they're found guilty. When an employer ignores workplace safety and causes an employee to be seriously injured or killed, it's just as criminal, yet prosecutions are rare.

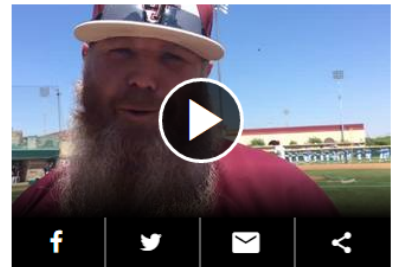
When a worker dies because a trench collapses, and it turns out that managers sacrificed safety to get the job done faster, that's a crime. When managers operate factories with equipment that doesn't have an accessible emergency shut-off switch and an employee is crushed or loses a limb, those managers should be indicted.

But with few exceptions, police and prosecutors treat worker deaths and injuries as unforeseeable "accidents" that can't be prevented. So too many companies think they can save money by cutting corners and view the fines involved as a cost of doing business.

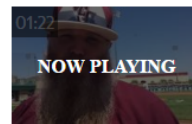
Consider the 2012 death of Lawrence Daquan "Day" Davis, 21, on his first day of work as a "temp" at a Bacardi bottling facility in Jacksonville, Fla. He started by filling out forms and watching a brief safety video. Bacardi put Davis to work within 15 minutes of his



VIDEOS



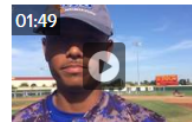
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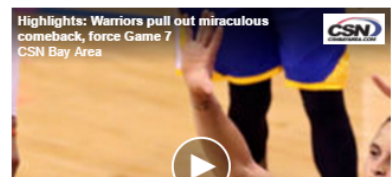
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arrival, ignoring requirements to provide comprehensive safety training. So when a machine malfunctioned and caused several bottles to break, Davis was underneath the machine picking up broken glass when it was turned back on and he was crushed to death.

Yet the only punishment that Bacardi received was a [\\$110,000 fine](#) from the Occupational Safety and Health Administration. The staffing agency that employed Davis, Remedy Intelligent Staffing, was never cited. No criminal charges were brought against either company or their executives.

Davis' story is all too common. On average, more than [4,600 U.S. workers a year](#) are killed on the job. These workers are parents, neighbors and friends all trying to make a day's pay and provide for their families.

Not all worker injuries should result in criminal charges. But serious injuries and fatalities should be treated as potential crimes and examined carefully by police and prosecutors, in coordination with occupational safety officials.

Fortunately, several workers' rights groups are leading efforts to urge local and state prosecutors to file charges under state criminal laws for manslaughter and assault and battery. Our organization, the Center for Progressive Reform, recently released a [new manual](#) for groups across the country to reach out to local prosecutors.

Last month, West Virginia coal baron [Don Blankenship](#) was sentenced to a year in jail for charges growing out of the shortcuts that contributed to a mine collapse that killed 29 miners in 2010. He's one of the first CEOs to go to jail for such behavior. But he's hardly the only one who has earned it. As the threat of spending time behind bars grows, executives will have to think twice before gambling with workers' lives. It's far past time that they did.

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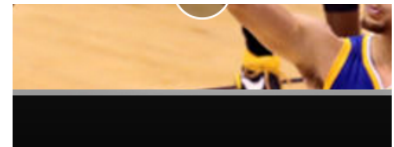
A version of this commentary also appears on FairWarning, a nonprofit news organization based in Pasadena that focuses on public health, safety and environmental issues.



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Rena Steinzor



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