

based Employment Law alliance that underscores why we continue to fight for workers' rights. Sixty three percent (63%) of the poll respondents say that the top reason to join organized labor is – Workplace Safety! More than 40 percent of those polled believe that unions have a substantial impact on improving the working conditions of average American workers. According to the article, getting better benefits, obtaining higher wages and increasing job security were the other reasons respondents listed. Here's to unionism, the American workforce and occupational safety and health!

FEDERAL OSHA COMMISSION RULING HOLD SUBCONTRACTORS ACCOUNTABLE FOR SAFETY VIOLATIONS

In a reversal of a long-standing policy by the Occupational Safety and Health Administration, the Occupational Safety and Health Review Commission (OSHRC) has ruled that general contractors are not responsible for the unsafe practices of their subcontractors.

In a decision by the review commission, *Secretary of Labor v. Summit Contractors, Inc.*, OSHRC No. 03-1622 (April 27, 2007), the OSHA Multi-Employer Citation Policy was rolled back and declared invalid in the construction context when applied against a “controlling employer” who neither creates nor has employees exposed to the cited safety hazard.

Predictably, there has been a mixed reaction within the construction agency in response to this ruling. General contractors are celebrating this key win over a policy they have been fighting for decades, while subcontractors and advocates for construction safety declare it bad news for workplace safety.

The decision impacts states that do not have their own state plans and does not affect general industry multi-employer worksites. In other words, the nature of the work being performed must fall within the construction industry OSHA standards in a state that is regulated by federal OSHA.

OSHA has appealed the *Summit* decision, which coincidentally was made by OSHRC Chairman W. Scott Railton on the last day of his term as Commissioner. The decision will likely have little impact until a decision on the appeal is rendered by the 8th Circuit Court of Appeals.

DEADLINE NEARS FOR 9/11 RESPONDERS

At the New Jersey State AFL-CIO Conference in Atlantic City on June 12, 2007, New Jersey Labor Commissioner David J. Socolow addressed the conference delegates and stressed the importance of the thousands of New Jerseyans who responded to the needs of 9/11, to register for the federally funded workers' compensation program. The commissioner stated that "So far, only a few of the responders who may be eligible have registered for these benefits. On behalf of Governor Corzine, we urge the thousands of New Jerseyans, including firefighters, construction workers and police officers who braved the dust and smoke from Ground Zero, to take this step to maintain their eligibility," Commissioner Socolow said. "This federally-funded program could provide much-needed health care and income to workers whose health was jeopardized by their heroic response to the attacks on 9/11.

The Commissioner further pointed out "Whether you were in the area as an employee or as volunteer, whether you are symptom-free or if you already had a claim denied for health complications attributed to conditions at Ground Zero, you can protect your family and your right to health care," said Commissioner Socolow. "It is important to register now – don't wait until the last minute.

The deadline to register, with the New York State Workers' Compensation Board, for the benefit is August 14, 2007.

Those workers or volunteers who performed rescue, recovery or cleanup work during the 366-day period between Sept. 11, 2001 and Sept. 12, 2002:

- Anywhere in Manhattan south of Canal or Pike Streets, or
 - On the barge operation between Lower Manhattan and Staten Island or
 - At the Staten Island Fresh Kills Landfill or
 - At the New York City morgue
- should register now.

Visit <http://www.nj.gov/labor/press/wcpressevent.htm> for a downloadable registration form or contact the New York State Workers' Compensation Board Customer Service Toll-Free Number (877) 632-4996.

WORKPLACE VIOLENCE IN HEALTH CARE

A recent study, which was conducted by NIOSH for the Bureau of Labor Statistics, indicated that half of employers with 1,000 employees or more had incidents of workplace violence in 2006. According to 2005 statistics from the Bureau of Labor Statistics, 950 New Jersey health care workers were injured on the job due to assaults or other violence.

On June 26, 2006 The Star Ledger highlighted an incident that occurred in an Ocean County psychiatric hospital in January of this year. The incident involved two rival gang members being housed in the same facility. The two gang members were admitted to an Ocean County psychiatric hospital a day apart in January. It didn't take long before verbal threats began to fly and soon they were at one another and overturning a table. Hospital staff, who did not recognize the patients as being gang members, managed to separate the pair before things got out of hand.

The article indicated that the staff was fortunate enough to defuse the situation and separate the gang members. The article went on to say "Whether it's dealing with potentially violent patients or visitors who might become abusive, New Jersey health care workers say their workplaces are becoming increasingly dangerous. And they're demanding their employers do more to protect them."

Members of the New Jersey Legislature has met this problem head on with the introduction of Senate Bill 1761 and Assembly Bill 3027. The bills will be titled "Violence Prevention Health Care Act" and will require certain health care entities to establish violence prevention programs to protect health care workers. The Assembly Bill was voted on and passed prior to the summer recess and is due for a Senate vote upon return from summer recess.