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DEPARTMENT OF LABOR

Nebraska Meatpacking Industry Workers Bill of Rights 2016 Annual Report

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Introduction

The position of the Meatpacking Industry Worker Rights Coordinator is established with the purpose of inspecting and reviewing the practices and procedures of meatpacking operations in the state of Nebraska, as they relate to the provisions of the Nebraska Meatpacking Industry Workers Bill of Rights, Neb. Rev. Stat. § 48-2213(2).

The goal of the Meatpacking Industry Worker Rights Coordinator is to keep track of reported activity, refer issues to their corresponding agency, educate workers and community organizations on workers' rights, and in collaboration with the meat processing facilities, approach issues with appropriate and fair resolutions.

The coordinator shall, on or before December 1st of each year, submit a report to the members of Legislature and the Governor regarding any recommended action the coordinator deems necessary or appropriate to provide fair treatment of workers in the meatpacking industry.

Third Shift and Third Party Cleaning Operations

Third shift sanitation crews may be one of the most overlooked groups of workers within the meat processing labor industry. Sanitation workers often operate in cold environments where they are likely to be covered in water all night. Workers deal with dangerous chemicals and risk falling when cleaning tall equipment. Sanitation jobs are often outsourced to third party contractors, who not only recruit workers, but also manage and train them, rather than using internal trained staff from the meat processing business. By hiring third-party contractors, the companies are absolved of their responsibility to manage, train, and supervise employees, as well as enforce safety regulations.

Recently, an unfortunate situation was brought to the coordinator's attention regarding a child labor violation that occurred under a third shift sanitation crew at a meat processing facility. The coordinator was able to obtain a copy of the police report, supporting documentation that identified the minor's age, and pay stubs verifying employment of the minor. The child suffered minor chemical burns while working in the facility and reported the incident to their supervisor. The child, who is 14 years old, was working during the night shift hours in the coolers of a meat processing facility.

Upon the NDOL receiving the report, the coordinator visited the minor and meat processing facility separately. It was established that the facility did not have knowledge of the incident or the worker's age and had no knowledge of the sanitation contractor's employees. The minor falsified information for the purpose of obtaining the job. Through the investigation period, the coordinator determined the minor was hired under the sanitation company, who did not have knowledge of the minor's age. Both the facility and sanitation company opened internal investigations, and a report was received from the meat processing facility within 24 hours of the visit.

Since the incident was reported to NDOL and the meatpacking industry worker rights coordinator, the minor has not returned to the job site. The facility and sanitation company were addressed directly under jurisdiction of Nebraska Child Labor Laws. Through the sanitation company's internal investigation, another minor was identified and removed from the property immediately. An action plan was put in place by the sanitation company and the meat processing facility to avoid a similar situation from occurring again.

Recommendation

In effort to bring attention to the industry's third party sanitation workers, the coordinator recommends that facility Human Resources, along with safety professionals, take a dynamic approach with their sanitation contractors. If not already established, a disciplinary policy can be arranged in order to assess sanitation compliance with OSHA (Occupational Safety & Health Administration) regulations and ensure fair labor practices for the workers. Periodic audits can give facilities insight on the sanitation crew's practices, but may not be enough to avoid situations like child labor violations.

Coordinator Involvement

The Omaha area OSHA office introduced the Meat Processing Industry Local Emphasis Program (LEP) effective March 11, 2016. The purpose of the LEP is to decrease the number of injuries and illnesses sustained by workers at meat processing establishments in the state. Although efforts have been made to improve workplace hazards, the meat processing industry continues to yield occupation injuries and illnesses.

A similar attempt was made in February 2000, where the Omaha area office created a group that met every month for "lunch and learn" sessions. Speakers and topics were presented to the group, like those discussed currently in LEP sessions. Attendees were encouraged to talk about successes and obstacles in the development of their safety programs. OSHA's LEP proposal has been long awaited by many industry collaborators, community organizations, and advocacy groups that focus on the safety of workers.

The LEP is focused on evaluating and determining whether the employers are in compliance with current OSHA requirements, as well as ensuring that employees are protected from hazards related to animal slaughtering and processing. With the intent to reach out to all involved stakeholders, OSHA developed an outreach plan and programs to support their enforcement effort. The coordinator, alongside with meat processing employers, local community organizations, advocacy groups, and other interested parties, have participated in training sessions focused on recognition, prevention, and abatement of safety and health hazards in the workplace. Through these sessions, employers are encouraged to develop strategies and programs to prevent costly injuries

and illnesses in the workplace. Educational topics focusing around the meat processing hazards have been presented, including the safety of sanitation crews, lockout/tagout, ergonomics, managing Cumulative Trauma Disorder (CTD) injuries, and sharing best practices.

Conversations among employers began to take a different approach once it was identified that they shared the common purpose of protecting their workers. A few employers have taken the opportunity to engage in group conversations about ways they have eliminated hazards in their facilities, and programs that have been implemented to keep workers motivated and promote safety practices.

OSHA will also conduct random inspections of meat processing establishments as part of the initiative. Inspection cycles will be generated from a master list. Each cycle will consist of six establishments and will be sorted by their assigned number from lowest to highest. Inspections conducted under this meat processing initiative are to identify hazards, educate employers, and issue appropriate citations and penalties to employers found to be out of compliance.

Outreach:

The coordinator has established networks with major groups and organizations focused on the meat processing working communities, in efforts to provide support and outreach. The coordinator continues to work on a routine basis with the following contributors to provide the workforce with training and support: Nebraska Latino American Commissions (NLAC), Nebraska Appleseed, Heartland Workers Center, Nebraska Safety Council, United Food and Commercial Workers International Union (UFCW), and the Omaha Spanish Speaking Radio Station, Radio Lobo. These major collaborators have made it possible for workers to express concerns without the fear of retaliation, and to promote fair treatment and safe workplace conditions.

Conclusion:

The safety and protection of meatpacking workers is an ongoing concern among the meat processing industry. This year in particular one specific focus was identifying gaps in facilities and redirecting their attention to those issues. It is important that meat processing facilities focus their attention on third party sanitation workers with the same values and standards as they would with their own production workers. The LEP is a great step to unite the industry on identifying these potential hazards and working together to resolve them.

Moving forward, the coordinator will focus on engaging the meat processing industry with their third party sanitation companies in order educate and enforce healthy and fair procedures.

2016 Activity Log in support and Meatpacking Industry Worker Rights Programs inspections, investigations, consultation, conferences, business meetings and training sessions:

Conferences/Training Attendance:	17
Lunch Hour & Breaks:	13
Wage Garnishments:	27
Meatpacking plant facility inspections:	3
Meatpacking Employment Discrepancies, wages, safety & health:	26
Consultation/Referrals to government agencies & community service units:	159
• Equal Opportunity Commission	26
• Heartland Worker's Center	8
• Human Rights Commission	3
• Nebraska Appleseed	2
• Nebraska Legal Services	12
• Occupation Safety and Health Administration	6
• Social Security Referrals	3
• Unemployment Insurance Referrals	26
• United Food & Commercial Workers International Union (UFCW)	13
• U.S. Department of Labor	22
• Worker's Compensation Court	38