

The heat is on, revealing management's true colors



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Throughout the last few years, many city letter carriers across the country have suffered heat-related injuries. Some were very serious.

A few were fatal.

As we investigate these events, we look to see if USPS properly trained their supervisors and our letter carriers.

The Occupational Safety and Health Administration (OSHA) recommends a Heat Illness Prevention Program (HIPP) that includes training, acclimatizing and monitoring workers as well as planning for and responding to heat-related emergencies.

When things go wrong and we find that USPS did not do what OSHA recommends, we determine whether the National Agreement, local grievance settlements or the Occupational Safety and Health Act were violated. If necessary, we file grievances and OSHA complaints.

In most cases, we offer assistance to OSHA and share information to show what really happened. In every failure, NALC's goal is to prevent the same from happening again. In spite of our best efforts, our employer continuously puts budget first, failing its obligation to provide you with a safe work environment. It is this writer's opinion that those supervisors, managers and postmasters who put you in harm's way to make their budget should be fired. Furthermore, the management team behind them should be held accountable, and fired if necessary, until their attitude changes and they make safety a true core value.

The General Duty Clause

In the absence of a specific heat safety rule, OSHA uses the "General Duty Clause" as the basis of a heat safety citation, and, in so doing, must establish that: 1) The employer failed to keep the workplace free of a hazard to which employees of that employer were exposed; 2) The hazard was recognized; 3) The hazard was causing or was likely to cause death or serious physical harm; and 4) There was a feasible and useful method to correct the hazard.

However...

On June 6, USPS joined with the National Association of Home Builders and the National Roofing Contractors Association in an effort to overturn a decision issued by Occupational Safety and Health Review Commission (OSHRC). Administrative Law Judge (ALJ) Carol A. Baumerich upheld

a heat-safety citation issued under the General Duty Clause to a home builder following the death of a roofer on his first day of employment.

Why is this important to you?

Operations at headquarters and in the field have expressed great opposition to the development of an HIPP that would take into account all of the elements suggested by OSHA. Their thought process is that it is too costly and too inconvenient, so they claim it is just not possible given the parameters of our contract. If operations had it their way, they would require you to be a world-class athlete, immune to the weather and able to forge ahead no matter what gets in your way.

The National Institute for Occupational Safety and Health (NIOSH) and OSHA have issued warnings about working in the heat and the need to take precautionary measures as

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indicated above. You know how you feel when you are exposed to extreme heat and you know how it affects your ability to do your best.

Management's decision to join in on the June 6 attack on the General Duty Clause shows their true colors. If the full board of the OSHRC decides to overturn the decision and bar the use of the General Duty Clause for heat safety violations, do you think management will work with NALC to develop an HIPP that protects you from harm to the greatest extent possible? Think again. Operations only does what it has to for you.

Awaiting trial

On a separate note, USPS, NALC and OSHA are scheduled for trial before the OSHRC on some other heat-safety citations. The solicitor for the Department of Labor seeks an "enterprise wide" application of the outcome. USPS submitted a "motion to strike or dismiss the request for an order of enterprise-wide abatement."

In a decision dated June 6, ALJ Sharon D. Calhoun issued a denial of that motion.

An order for enterprise-wide abatement will help NALC's efforts to establish a HIPP in each and every work location in the country.

We will keep you posted on developments. Keep an eye on each other.