

Discouraging injury reporting



**Manuel L.
Peralta Jr.**

During this past summer, we received a number of initial heat injury reports, which I review on a continuous basis. In the process of reviewing them, I discovered several issues that caused me concern, not the least of which was the tendency of employees to keep pushing forward and delivering despite suffering from heat-related illnesses. Why do our employees fear reporting their injuries/symptoms? Are there any rules that cover this?

In some cases, the employee calls management, reports the symptoms and then discovers that management's professed commitment to safety is just lip service. The supervisor/manager they speak with is more concerned with getting the mail delivered than focusing on the employee's medical needs.

In a few cases, city carrier assistants (CCAs), who were not yet protected by the just-cause provisions of Article 16, kept on delivering because they feared that they might be let go.

In some cases, our CCAs were threatened with separation during their first 90/120 days, in an effort to force them to continue (and in what appears to be an effort to claim that the injury was the fault of the employee, and not due to the heat). Whether or not you are covered by Article 16, you may put yourself and others in harm's way if you continue to work when it is not safe to do so.

In August of 1977, the national parties reached a Step 4 settlement (M#484) which, in part, reads as follows:

Based on the evidence presented in this grievance, we find that a local management official may interview an employee as a result of an on-the-job injury. This interview may be held in conjunction with a program to train employees in proper safety methods.

However, it is not the National Policy of the Postal Service to induce, compel, or discourage Postal employees from the exercise of their rights under the Federal Employees' Compensation Act, as amended. Therefore, local management should exercise good judgement to ensure that the interviews may not be interpreted as a program of coercion or intimidation against employees who have sustained on-the-job injuries.

Three years later, Carl Ulsaker issued a memorandum to regional directors' employee and labor relations (M#744), indicating:

This will reemphasize the need for careful attention to situations in which disciplinary action for safety rule violation

is considered. While Article XVI of the National Agreement clearly makes discipline for such a cause appropriate, we must be mindful of the requirements of the Federal Employees Compensation Act and our Own policies which prohibit taking action discouraging the reporting of an accident or the filing of a claim for compensable injury with the Office of Workers' Compensation Programs.

In May of 1981, Ulsaker issued a follow-up memorandum to regional directors' employee and labor relations (M#743) which re-emphasized:

...It must be fully understood that postal policy prohibits taking any action which discourages the reporting of an accident or the filing of a claim for compensable injury with the Office of Workers' Compensation Programs.

What kind of action discourages an employee from reporting an injury?

A carrier suffering from the effects of extreme heat drove himself to a nearby hospital, where it was determined that he had suffered heat stroke. How did management react? They held a pre-disciplinary interview (PDI) based on his failure to follow management's "Plan 5" instructions to properly hydrate. A few days later during the same heat wave, the carrier finally decided to leave work to seek medical attention. The management staff mocked the employee who left by announcing to all remaining carriers that, due to his departure, they would be stuck covering his workload.

In another situation, a carrier informed his supervisor that he was feeling sick, had a headache, was dizzy and felt like he was about to pass out. Supervisor JH advised that there was no help available and that the carrier had to keep delivering. Supervisor JH further commented that maybe the carrier should find another job. The injured carrier contacted others, the union got involved and ultimately higher-level management did the right thing. JH should be fired, for putting the injured carrier at risk.

Separately, one of our carriers received a letter of warning that charges him with "...Failure to work in a safe manner... upon your return from your delivery route showed symptoms of a heat related illness..." The charge letter goes on to state that the employee was taught better through management heat safety information.

These are only a few examples of stories that should not exist in our work environment. Until management takes action against its own for endangering letter carriers, this madness will not end.

These three examples show that management defies the requirement that they must not discourage the reporting of injuries. Keep an eye on each other.