

International Longshore and Warehouse Union
Thirty-fifth International Convention
San Diego, California
June 4 – 8, 2012

M/S/C
6/7/12 pm

Resolution # R39

SUPPORT THE PROTECTING AMERICA'S WORKERS ACT (PAWA)

WHEREAS: in March 2010, Assistant Secretary for Occupational Safety and Health, David Michaels, said he wanted to make it clear that "5,000 preventable worker deaths and 4 million injuries every year are expensive, disruptive, wasteful and completely unnecessary"; and

WHEREAS: in over 40 years there has been only one monetary increase in penalties, despite inflation; and

WHEREAS: since 1970, fewer than 100 cases have been prosecuted criminally while more than 300,000 workers have died from on-the-job injuries; and

WHEREAS: the Protecting America's Workers Act (PAWA), House Resolution 2067 (HR2067) and Senate Resolution 1580 (S1580) was introduced by Representative Lynn Woolsey (Democrat, CA; 6th district) in 2009; and

WHEREAS: PAWA will modernize and upgrade the Occupational Safety and Health Act (OSHA) by increasing fines and penalties, expanding jurisdiction, extending reporting deadlines, improving protections for whistleblowers; and

WHEREAS: PAWA updates OSHA penalties and strengthens criminal penalties to include felony charges in situations where an employer's willful violation of OSHA results in a worker's death or serious injury; and

WHEREAS: this bill would require employers to fix hazards immediately as opposed to the current practice that allows employers to avoid fixing identified and cited violations when they contest them (and since the appeals process can last for months or years, workers continue exposure to the unsafe condition); and

WHEREAS: PAWA would require OSHA to adjust civil penalty minimums and maximums at least once every 4 years to account for increases and decreases to the consumer price index; and

WHEREAS: the House of Representatives and Senate have yet to pass this important legislation and instead have referred both bills to committee; THEREFORE BE IT

RESOLVED: that the ILWU endorse the passage of PAWA; and BE IT FINALLY

RESOLVED: that the ILWU direct its D.C. office to take action on this endorsement and strive to get PAWA passed.