

Task force's efforts pay off with worker safety law

Published: 5:15 pm Thu, December 27, 2012

By Douglas K Sheff



What do you get when you bring together attorneys, academics, public officials, and professionals and advocates from industry, labor and health?

That "winning" combination came together as the Massachusetts Bar Association's Workplace Safety Task Force, which helped with the groundbreaking passage of a measure that will provide essential protections to more than 100,000 temporary workers and will prevent law-abiding businesses from being undercut.

Two years ago when I founded the task force, I had no idea that such a spectrum of leaders could unify in a shared mission to prevent injury and death in the workplace.

The task force seeks to eliminate and reduce injuries and fatalities in the workplace and to ensure fair treatment for workers. We began by studying dangerous trends, supported by real-time data. We went on field trips to job sites and heard from an array of guest speakers.

Next, we promoted public safety by educating workers and employers. I personally delivered several English/Spanish/Portuguese presentations in cities such as New Bedford, Lynn and Dorchester, seeking to empower workers with the knowledge of their rights.

More recently, the task force sought to advocate for legislation that would advance its mission. It selected HB1393, the Temporary Workers Right to Know Bill.

The bill required temp agencies to provide workers with written job orders that include essential information about their employment and their worksite employer. It ensured meaningful communication to employees, in a manner they can understand, about the safety, training and equipment necessary to eliminate accidents at work resulting in catastrophic consequences.

In the event of an injury or death, the bill provided information regarding the employee's rights for compensation. It even provided the state Department of Labor Standards tools to enforce labor violations.

The bill had failed to pass in the Legislature on nine previous occasions. Our strategy was to work with a growing coalition of diverse yet like-minded groups throughout the state to maximize our chance for success.

These groups needed the legal community to stand up for workers' rights. The first step was to convince the MBA to support the legislation, which was not an easy process. We vetted the measure through the MBA's 17 section councils, each focusing on a distinct area of the law.

It was approved by the Executive Management Board and ultimately passed on to the MBA's 82-member House of Delegates, representing virtually every aspect of the legal community, including that which represents employers and others who may have been opposed to the bill.

Following countless discussions, presentations and debates, the MBA voted overwhelmingly in support of the legislation.

The MBA and members of the coalition had countless meetings with concerned legislators, including the House speaker and members of the Governor's Office, though opponents to the measure attempted to thwart its passage in the last week of the session.

I was able to appear in hearings and testify as to the virtues of the Right to Know Bill. "I am a plaintiffs' personal injury lawyer," I said. "To my left is a doctor from the Massachusetts Medical Society. To my right is a representative from big business. Since when have we all agreed on anything? If we can agree on this important bill, then it must be the right thing to do."

The bill was reported favorably out of the Labor and Workforce Development Committee with overwhelming support.

I was privileged to stand with Gov. Deval L. Patrick and those responsible for the bill's passage, and am equally proud of the 55,000 attorneys in Massachusetts who provided such strong support throughout the process. The legislation offered one of those rare opportunities in which we could demonstrate not just to the legal community, but to the public, how much good lawyers do for the citizens of Massachusetts.

Dr. Robert Naparstek, who represented the Massachusetts Medical Society on the task force said: "It's in everyone's best interest. Workers, employers, businesses, public health and the commonwealth all benefit when injuries and deaths can be prevented and when social justice is fostered."

The new law will have "a very tangible and meaningful impact on the lives of our state's lowest-wage workers," said Marcy Goldstein-Gelb, executive director of MassCOSH and coordinator of the Reform Employment Agency Law Coalition, which advocated for the bill's passage.

Our work is not done. We need to oversee implementation of the new law, which takes effect on Jan. 1. But the positive effect it has had on attorney public relations is already apparent. There is nothing better to promote a positive public image for attorneys than a true connection with the public at large, especially when it benefits the public good. Sometimes the best work we can do as attorneys is that which helps people we don't represent.

I recently traveled to San Diego where I was invited to address a national bar association created to protect workers' rights. My presentation was entitled "10 Steps to Build a Successful Workplace Safety Task Force." Each state is now seeking to establish its own task force, using Massachusetts as a model. I am prepared to visit the first few states and assist in implementation, and I intend to create a video for the remaining states.

The task force recently launched its website, www.massachusettsworkplacesafety.com. The site will assist attorneys, experts in various fields and the public.

It is a true privilege to chair the task force. The law is a tremendous accomplishment, one of the many efforts of this new and vital group. I am optimistic that it will continue to have a significant, positive and permanent impact on workplace safety.

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