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New Report: COVID-19, OSHA's Lackluster Enforcement History Highlight Need for Worker Empowerment

Over the last several decades, U.S. workers have been systematically disempowered and silenced. [A new report](#) from the Center for Progressive Reform explains that because of this, the nation's workplaces are not nearly as safe or healthy as they need to be, and workers lack the power they deserve to speak up against exploitation and abuse without fear of significant retaliation. As the coronavirus crisis has made all too clear, this needs to change, and the report offers a recommendation that would empower workers to address some of the worst workplace health and safety hazards: creating a private right of action.

"The handling of the coronavirus pandemic is emblematic of several decades of choices by our national and state leaders that prioritize short-term profits ahead of people," said Katie Tracy, CPR Senior Policy Analyst and co-author of the report. "At this very moment, President Trump, conservatives in the Senate, and corporate special interests are conspiring to shield employers from liability for failing to protect workers from the risks of COVID-19."

As [OSHA's Next 50 Years: Legislating a Private Right of Action to Empower Workers](#) explains, this increased burden is not equally shared by all.

"Black, Latinx, and other people of color are disproportionately represented in many occupations that make up the low-paid, high-risk jobs, such as health services, child care, public transit, grocery clerks, janitorial services, and meatpacking, that have been deemed essential during the pandemic," said Michael C. Duff, CPR Member Scholar and report co-author. "Our governing institutions have done little to safeguard these workers from the health hazards or economic challenges exacerbated by COVID-19."

While the Trump administration's ongoing assault on our safeguards has worsened these problems and the shortcomings of the Occupational Safety and Health Administration (OSHA), the agency's lackluster enforcement efforts and failure to protect whistleblowers stretches back decades.

"Agencies like OSHA should play a key role in setting policies that ensure health, safety, stability, and power for workers in addressing workplace hazards," said Rena Steinzor, CPR Member Scholar and co-author of the report. "But since 1970, Congress and the White House have hollowed out the agency, denying it resources and trimming its authority, leaving it in a weak state."

It doesn't have to be this way. To address these shortcomings, the report's authors chart a course of action to revolutionize worker health and safety as both OSHA and the Occupational Safety and Health Act approach their 50th anniversaries.

"Fixing the current system requires an updated and vastly improved labor law that empowers workers to speak up about health and safety hazards, rather than risk their lives out of fear of losing employment and pay," said Thomas McGarity, CPR Board Member and report co-author. "It also requires that workers be empowered to fight back when government agencies fail to enforce safety and health requirements."

Key recommendation: The authors recommend creating a private right of action that allows workers to help enforce OSHA's standards and improve health and safety conditions in workplaces across the United States. They note that this right should cover all workers, including the millions who are currently unprotected by OSHA, such as misclassified independent contractors, agricultural workers, and public sector workers in states under federal OSHA's jurisdiction.

"Promoting laws and regulations that safeguard workers and rebalance the power dynamic in the workplace is a vital step in building strong, resilient families and communities," said Sidney Shapiro, CPR Board Member and co-author of the report. "Engaging workers more meaningfully in the enforcement of health and safety standards will not only improve their immediate conditions, but also give workers a real voice and disrupt the cycle of disempowerment that contributes to unsafe and unhealthy working conditions."

The report is available at <https://bit.ly/osh50praprt>.

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