

# OCCUPATIONAL HEALTH AND SAFETY AMONG LATINOS IN THE UNITED STATES

## The Issue

Latinos play a prominent role in the labor force and economic well-being of the United States. They are the largest minority group and have the highest employment-population ratio than any other U.S. ethnic group. Although they have a high prevalence of labor force participation, Latinos are less likely than non-Latino Whites to hold professional or high-paying jobs.<sup>1</sup> Furthermore, they are disproportionately overrepresented in industries with low wages and dangerous working conditions with some of the highest rates of fatal and non-fatal work-related injuries. The overrepresentation of Latinos in hazardous job sectors highlights the importance of addressing occupational health and safety issues to improve the well-being of this population.

## Latinos in the U.S. Labor Force

- In 2009, 79% of all Latino men and 56% of all Latina women were employed in the U.S.<sup>1</sup>
- Latinos are highly concentrated in agricultural (45%), ground maintenance (41%), domestic (41%), and construction (44%) occupations.<sup>1</sup>
- 80% of all agricultural workers are of Mexican descent; almost half are legal residents or U.S. citizens.<sup>2</sup>
- Jobs with high Latino employment are less likely to provide health insurance coverage and other employer-sponsored benefits for their employees, less likely to employ on a full-time basis, and are low wage industries.<sup>3,4</sup> This also affects the ability of workers and their families to secure access to health care resources, decent housing, and educational opportunities.<sup>5</sup>

## Work Related Fatalities and Injuries

Latinos have the highest prevalence of work-related fatalities and are at higher risk than other workers for workplace injuries. The risk of injury from working dangerous jobs is compounded by insufficient or no training, isolation from traditional resources for health and safety information, low levels of English proficiency and fear of reporting workplace conditions.

- From 2003 to 2006, the fatality rate for Latinos was 25% higher than for any other worker population, with a high concentration among foreign-born Latinos (67%).<sup>6</sup>
- In 2010, Latino workers accounted for 15% of all fatal work injuries that occurred in the U.S.;<sup>7</sup> In 2009, foreign-born Mexicans account for the largest portion (40%) of work-related deaths among all foreign-born workers.<sup>8</sup>
- In 2009, the main causes of fatality for Latino workers were transportation incidents (27%), contact with equipment (21%), falls (20%), and assaults and violent acts (17%).<sup>1</sup>
- Industries most prone to workplace fatalities among Latinos include construction (34%), administrative and waste services (11%), agriculture (10%), and transportation/warehouse (10%).<sup>6</sup>

- Although Latino workers' increased risk may be due to working in high-risk occupations, an analysis of deaths in the construction industry found that Latino workers still had higher rates when compared with non-Latino workers in the same trade (e.g. laborers or roofers).<sup>9</sup>
- In a National Institute for Occupational Safety and Health study (2009), fatal injuries among Latino construction workers were more likely to be caused by a fall than for their non-Latino White counterparts. The rate of fatal falls for foreign-born Latino construction workers was 5.5 per 100,000 full-time workers, compared to 4.1 for native-born Latino workers.<sup>10</sup>
- Latino workers are less likely to report injuries or file for workers' compensation; contributing factors include fear of losing employment or being punished as a consequence, cost of medical care, pressure to provide for the family, and lack of knowledge about the health care system and eligibility for benefits.<sup>11</sup>

## Work Conditions

Latinos are concentrated in jobs that pose a variety of health hazards, not just from traditional occupational hazards, but also from low wages, long hours, lack of job security, and stress.

- Latinos commonly work in low wage and unskilled jobs with health-hazardous environments: long hours, inadequate rest, time pressure, and repetitive tasks.<sup>12</sup>
- For immigrant workers, the economic pressure to continue working when ill or to work more than one job may also be the cause of psychosocial problems, fatigue, and occupational injuries.<sup>5</sup>
- Latino workers are concentrated in jobs with the highest prevalence of labor law violations—manufacturing, agriculture, wholesale and retail trade, and construction. Common violations include wage theft, poor recordkeeping, youth employment violations, inadequate sanitation, scaffolding hazards, inadequate fall protection, and insufficient hazard communication. Further, current immigration policy and weak penalties for employer law violations intimidate Latinos from exercising their workers' rights, leaving them vulnerable to exploitation and taking a toll on the job quality for all workers.<sup>5, 12</sup>
- Latinos tend to be employed in sectors that provide little legal protection, as they are excluded from certain labor rights and protective regulations, such as the Occupational Safety and Health Act (OSHA) regulations, minimum wages, and right to organize. Further, working in the informal economy, businesses hire independent contractors or temporary employees in order to be exempt from occupational health and safety regulations, anti-discrimination laws, record-keeping requirements, and federal labor laws.<sup>12</sup>
- Domestic workers, who are prominently comprised of Latino

workers, are explicitly excluded from the standards and whistleblower protection provided by OSHA and NLRA.<sup>12</sup>

- Agriculture is among the most hazardous occupations in the U.S. Workers are faced with unique occupational hazards such as pesticide exposure and extreme weather conditions.<sup>2, 12</sup> Yet, farmworkers are excluded from overtime pay provisions, are not subjected to minimum wage requirements, and under the National Labor Regulations Act (NLRA) agricultural workers are not protected from employers who retaliate against attempts to unionize. Further, many states exempt agricultural businesses from worker's compensation requirements.<sup>12</sup>

### Public Policy Recommendations

Latinos are a prominent sector of the U.S. labor force and are concentrated in some of the most hazardous industries yielding the highest work-related fatalities and injuries. To improve the situation, it is imperative to provide safer working environments for this population through more inclusive occupational health and safety regulations.

- Remove current exclusions that prevent farmworkers and domestic workers from accessing workplace protections afforded to all other workers in the U.S. under the National Labor Relations Act, the Fair Labor Standards Act and the Occupational Safety and Health Act.
- Close gaps in workers' compensation coverage and occupational safety and health laws. Temporary/part-time residential jobs are commonly held by immigrant workers (i.e., day labor and childcare) who may be excluded from workers' compensation coverage and do not work enough hours to qualify for benefits. These workers are frequently employed by home owners who may not be cited as employers, resulting in hazardous work environments without the protection of OSHA.
- Improve worker's access to medical care for workplace injuries at public, community, and private health care facilities. Providing adequate training and assistance to clinics, hospitals, and other health care facilities in understanding workers' compensation reporting requirements, obtaining reimbursement for services, and improving linguistic and cultural access for non-English speaking patients may improve medical care for these workers who seek health services for their workplace injuries.
- Labor agencies that focus on wage and hour, health and safety and workers' compensation, should work collaboratively to: address and coordinate work related to low-wage workers, make recommendations on internal procedures and policies that will improve work conditions and facilitate utilization of programs and access to agencies; and develop outreach mechanisms to establish relationships between working immigrant communities and the agencies (for example, the previous Office of Low Wage Workers within California's Labor and Workforce Development Agency.)
- OSHA should develop comprehensive education and outreach programs to reach workers and employers by providing resources in workers' primary language; conduct outreach to Latino workers and build partnerships with community-based organizations; establish and meet agency linguistic capacity goals to recruit and hire bilingual inspectors and target industries where immigrants work; and better assess violations in hazardous industries, independent of worker complaints.

- Remove the threat of deportation. Immigrant workers have been threatened with deportation in retaliation for exercising their rights and reporting hazards. Legal and policy strategies to overcome this obstacle should be explored and developed. Efforts to improve whistleblower protection should take into account that immigrants are particularly vulnerable to retaliation because of their immigration status.

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