

Worker Protections

Washington Safe at Work (SB 5217)



Work-related musculoskeletal disorders (WMSDs) are caused by using high force, repetitive movements, awkward postures, or too much vibration on the job. In Washington, the same essential workers who've kept stores stocked, hospitals running, and schools, office buildings and hospitals clean are regularly victims of these preventable on-the-job injuries. That's because workers in our state do not have protections related to repetitive motion injuries. It doesn't have to be this way.

Washington Safe at Work (SB 5217) – The Legislature should empower the Department of Labor and Industries (L&I) to adopt and amend rules to protect workers on the job. SB 5217 would:

- Repeal antiquated restrictions preventing L&I from establishing certain safety rules.
- Require L&I to be particular about which professions are addressed in any new rules, limit the frequency of those rules, and restrict them only those industries with the highest injury rates.
- Refund a portion of workers' compensation premiums to help pay for new equipment employers might need to make their workplaces safe.

WMSDs Are Common... and Expensive – Over the last 20 years, extensive research into these occupational injuries and diseases has been conducted and the evidence is clear. Fully 40% of Washington's compensable workers' comp claims are for these kinds of conditions – or nearly 160,000 injured workers. These injuries are expensive. Between 2006-2015, direct costs for WMSD claims totaled \$3.8 billion, or an average of \$378 million per year.

Shoulder injuries caused by lifting, pulling or pushing, or moving heavy objects accounts for 13% of worker's comp injuries, at an average cost of \$28,000 and more than 4 months of lost work. Healthcare workers are among those most frequently suffering these injuries. Back injuries represent 25% of all WMSDs, at an average cost of nearly \$6,000. Carpal tunnel sufferers were disproportionately women (55%). Workers from meat and poultry processors, building and construction trades, and beauty and personal care were all affected.



Not Just Statistics – Those numbers do not capture the pain and suffering of the injured worker, the stress on the worker and family, and the lost quality of life. In 2015, L&I's SHARP (Safety & Health Assessment and Research for Prevention program) looked into the long-term impacts of work-related carpal tunnel syndrome and found:

- 35% of claimants reported receiving public benefits outside of workers' comp after their injury
- Claimants were twice as likely as other injured workers to have divorced or separated from their partner
- Nearly 28% of claimants reported not working six years after their original claim.

ESD data on those who had returned to work showed that five years later, the median covered earnings were only 82% of their pre-injury earnings. A separate analysis found that among more than 4,000 carpal tunnel syndrome claimants, their loss of income was between \$45,000-\$89,000 per claimant.

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2023 Legislative Priorities of the Washington State Labor Council, AFL-CIO

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WORKER PROTECTIONS: Washington Safe at Work (SB 5217)

(continued from front)



Workers of color are disproportionately impacted by unsafe workplaces. In 2010, SHARP looked at limited English proficient workers with low back disorders in the workers' comp system, and found they were more likely to perform hazardous work, experience higher rates of work-related injury illness, and have worse disability outcomes. Spanish-language-preferring workers were more likely to have their claims contested by employers and had higher claim costs and more lost time. And the frequency of these injuries is likely higher than we know because workers of color are less likely file a workers' comp claim due to concerns with documentation, intimidation, threats, and other reasons.

Oregon, California, and New Hampshire already protect workers to prevent injuries like these.

Why SB 5217 is Necessary — In 2003, the Building Industry Association of Washington (then run by Tom McCabe, current director of the anti-union Freedom Foundation) led a multi-million dollar initiative campaign to repeal an L&I rule intended to protect workers from musculoskeletal

injuries. Outspending the rule's proponents by more than 3-to-1, the rule-repealing measure passed 53% - 47%. But not only did it repeal the rule, the measure included language forever restricting L&I from issuing another one.

In the 20 years since, we've learned a lot about the extraordinary costs of preventable WMSDs, both for injured workers' families and for employers in terms of costs to our workers' compensation system. We've also learned from other states' experience how better to prevent these injuries from happening.

L&I should not be blocked from protecting workers' safety. The Legislature should allow the Washington State Department of Labor and Industries to adopt rules dealing with musculoskeletal disorders, informed by social determinants of health and using a racial justice framework. Washington Safe at Work/SB 5217 limits L&I in terms of which professions are affected and when rules are established, and it restricts rule-making to industries with the highest injury rates.

We can have stronger public health and stronger industries, and support the retention and wellness of Washington workers, by approving SB 5217.

In 2022, similar legislation passed the House but failed to get a vote in the Senate. In 2023, let's give L&I the authority to do its job protecting workers from injury, including costly and debilitating WMSDs.

In addition to SB 5217, there are other legislative efforts supported by the Washington State Labor Council, AFL-CIO to improve health and safety laws and Washington's workers' compensation system. Learn about them in the Worker Protections section of the WSLC 2023 "Better Jobs, Better Communities" legislative agenda at www.wslc.org.



Union members comprise 18% of Washington's workforce, making it the third most unionized state in the nation. Widely considered the "voice of labor" in our state, the **Washington State Labor Council, AFL-CIO** is the state's largest labor organization, representing some 600 unions with 550,000 members. As with collective bargaining, WSLC unions join forces and speak with a united voice on public policy issues affecting working families. Please contact the WSLC's officers and staff if you have questions about the council's positions on workers' issues:

360-943-0608 (Olympia) — **206-281-8901** (Seattle) — wslc@wslc.org — www.wslc.org/legislative-advocacy