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Testimony

SB 728 – Labor and Employment – Worker Safety and Health – Injury and Illness Prevention Program Favorable with Amendments

AFSCME Council 3 supports SB 728. This legislation would require employers with 10 or more employees, and those with incidence rates that exceed the average for all industries statewide, to establish health and safety Committees. We support the amendment to increase the employee threshold to 20. SB 728 further requires all employers to establish, implement, and maintain a written injury and illness prevention program (IIPP). Employers are required to work with their health and safety committees on the IIPP where they are required. Finally, SB 728 requires the Commissioner to report to the General Assembly annually on the incident rates in Maryland and promulgate standards specific to the hazards causing above-average incident rates.

SB 728 is important legislation to make Maryland workplaces safer. It promotes a collaborative approach to health and safety between employer and employee. It also proactively helps to identify and abate hazards before workers get hurt which leads to fewer worker injuries and cost-saving for the employer. At Council 3, we have seen firsthand how this approach can work in making worksites safer. In 2011, we negotiated a workplace violence prevention program with the Maryland Department of Health to address patient-on-staff assaults in our State Hospitals. We established health and safety committees made up of equal numbers of employees and employers. These committees followed the IIPP model to find and fix hazards that were contributing to assaults on staff. They met regularly and worked on corrective action plans for their hospitals to implement. They eliminated or mitigated risks that lead to people getting hurt in the facility. Between 2012-2015, our State Hospitals saw a reduction in the total number of patient-to-staff assaults by almost 50%, and some facilities saw close to a 20% reduction in the assaults that lead to serious injury. With fewer staff out on work-related accident leave, some hospitals were better staffed and saved money on overtime costs.

Unfortunately, a new administration came in 2015 and decided not to honor our negotiated workplace violence prevention policy anymore. The health and safety committees were no longer required to do the items the policy prescribed for them to do, and management stopped using data to identify potential hazards. Since 2016, we've had patient riots in 2 facilities. We've had a Direct Care Aid and Licensed Practical Nurse rushed to shock trauma as a result of injuries sustained while patients assaulted them. In the one of the assaults, our member is still dealing with physical limitations two years later. In other the assault, the patient used a metal chair to beat our member so badly he was almost knocked unconscious. We had previously demanded that the furniture be weighted down or replaced with furniture more appropriate for the psychiatric setting but under current law, employees have little recourse if management refuses to fix known hazards. HB 923 would have helped in all of these incidents, and it would have empowered MOSH to enforce that injury and illness prevention planning was occurring.

All Maryland workers deserve to return home safely to their families after their shift.

Please provide a favorable report on SB 728.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996