



UNITE-HERE Ups The Ante Against Hotels

Insights

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Hotels and other entities should expect unions to routinely use OSHA citations as an organizing tool and a way to harass hospitality employers. In a recent Hospitality Update, we described a May 12 Houston Chronicle article complaining about the allegedly high rate of ergonomic injuries suffered by hotel employees. *[See "Multiple Embarrassing OSHA Citations: The Next Union Organizing Tactic?" by Howard Mavity. Hospitality Update, June, 2010.]*

The newspaper cited a February, 2010, study published in the American Journal of Industrial Medicine, arguably sponsored by UNITE-HERE. Initially, the Union used the study to create a wedge between employees and employers. The Union recently upped the ante by filing OSHA complaints at eight hotels in Illinois, California, Indianapolis, and Honolulu. The complaints, filed on Nov. 8, 2010, all allege housekeeper injuries. The employer, Hyatt, responded that the OSHA complaints were filed against hotels where the company was trying to negotiate a new agreement or in markets where the union's main goal was to increase membership.

These complaints present at least seven lessons for employers:

1. UNITE-HERE will file similar OSHA complaints against other hotels as needed, and will initially focus on housekeepers.
2. Employers should review the February 2010 American Journal of Industrial Medicine article so as to understand the Union's focus, and where possible, to address legitimate concerns.
3. The Union obtained the hotels' OSHA 300 Injury & Illness Logs and analyzed three years of data to determine where potential ergonomic injuries occurred. You should engage in the same review, correct 300 Logs and records if necessary, and act proactively. Unions generally have a right to this information, and you should be prepared for union and employee requests.
4. One of the Union's main arguments is that employees are required to clean too many rooms per day. You should anticipate this claim resurfacing in other contexts.
5. The Union also attacked the hotels' use of "Safety Bingo," a safety incentive program. With OSHA's encouragement, expect to see unions file more OSHA complaints about monetary safety incentives, especially those based upon injury and illness rates.

6. Next year OSHA plans to add a column to the 300 Injury & Illness Log and the addition of this column may make it easier for OSHA and unions to focus on Musculoskeletal Disorders (MSDs) and ergonomic issues, using the "general duty" clause of the OSHAct.
7. While the Union is currently using ergonomic claims, it could easily utilize the same strategy for numerous routine hospitality OSHA violations involving Hazard Communications, bloodborne pathogens, fire extinguishers and emergency response, chemical exposure, and personal protective equipment (PPE). Maintenance and engineering groups present even further exposure.

Attacking a lack of documentation and proof of training is always an easy strategy. Needless to say, unions could also complain about employer recordkeeping compliance as evidenced by the recent spate of six-figure OSHA citations based on inaccurate OSHA 300 Logs.

This development is alarming, but by paying attention to workplace injuries, being proactive in employee education and training, and making sure employees understand that you are concerned about their safety, you can take away "safety" as a union organizing tool.

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