

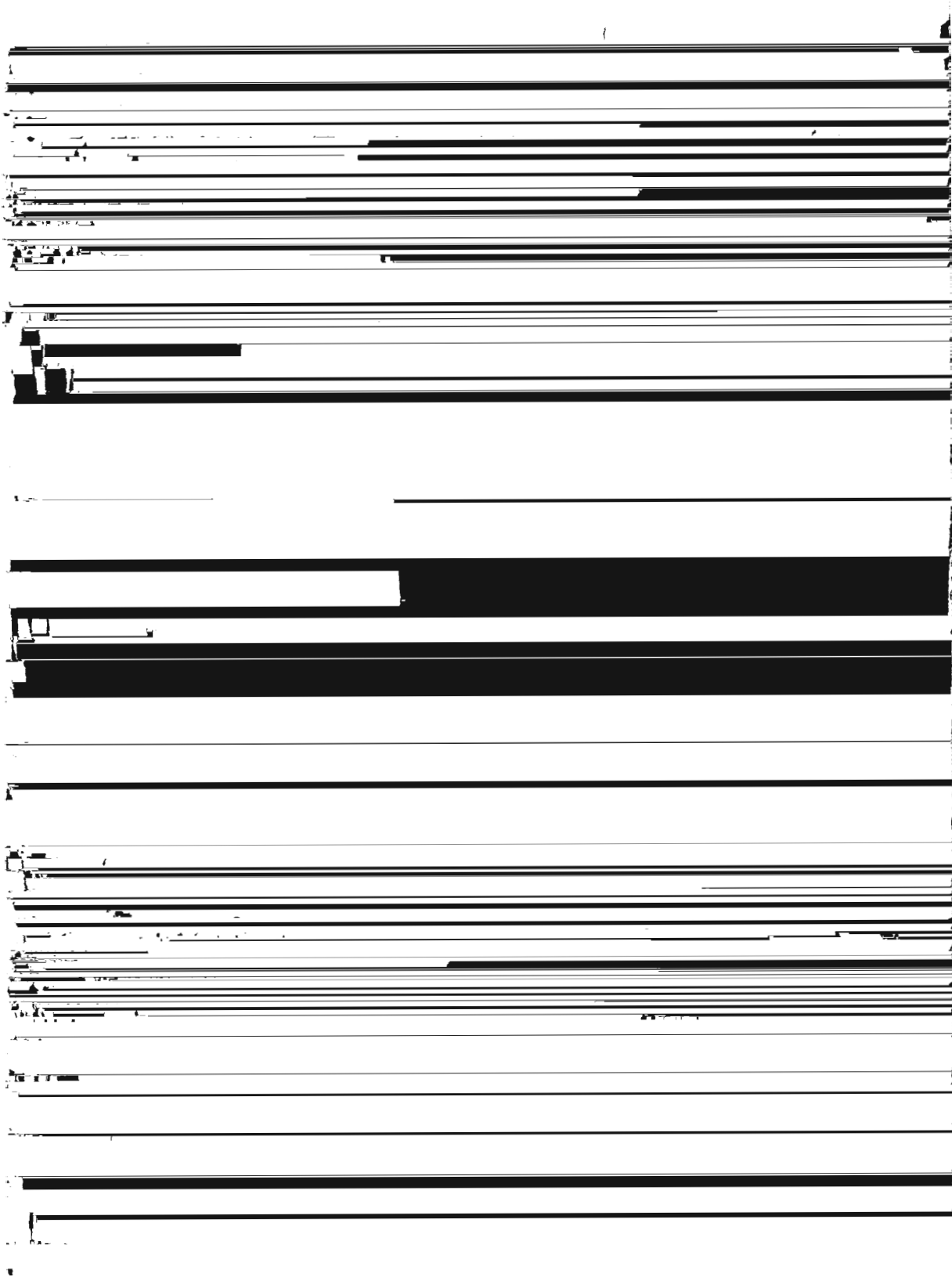


Midwest



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respiratory problems, and workers in positions most sharply affected by processing line speeds and high rates of repetitive motions reported the highest rates of musculoskeletal injuries. Over



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Mr. Emilio Álvarez Icaza
Executive Secretary
Inter-American Commission on Human Rights

**Request for Hearing on the Human Rights Situation of Meat and Poultry Processing
Workers in the United States**

On behalf of the Midwest Coalition for Human Rights, Nebraska Appleseed
Center for Law in the Public Interest, and the Southern Poverty Law Center, we
respectfully request a thematic hearing pursuant to Article 66 before the Inter-American

America.² The meat and poultry processing industries violate the fundamental human rights of their workers by systematically exploiting the lack of ergonomic and work speed safety regulations in the U.S., and the U.S. negligently permits the industry to do so. Every day, workers must endure a punishing, unsafe, and undignified work environment in which they experience extraordinary injury rates, abuse by supervisors, and grueling work shifts. The industry's massive disassembly lines can slaughter and process 400 head of livestock per hour forcing low-wage workers to maintain intensely high rates of speed

in their work in often cold conditions with slippery floors, electric knives,

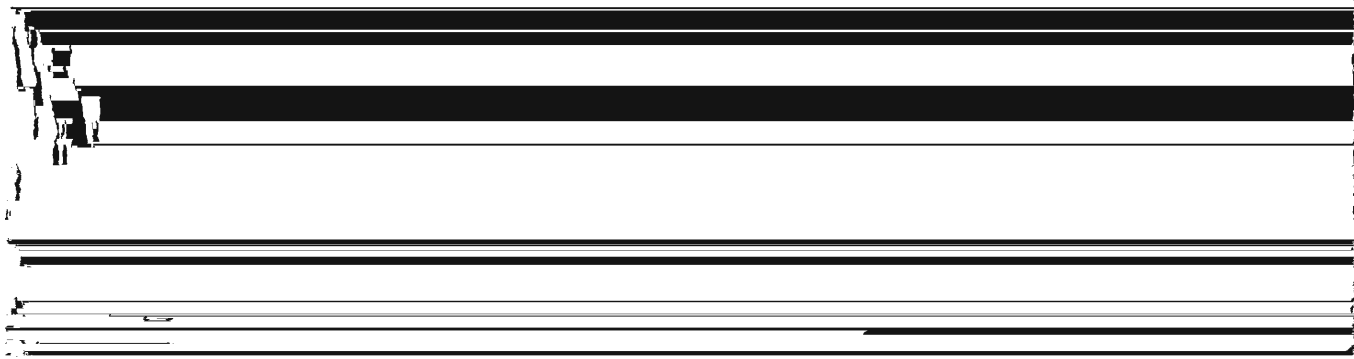
inadequate safety equipment. The extreme speed of the production line often results in permanently crippling repetitive motion injuries to workers' hands, wrists, shoulders, and

backs due to tendon, nerve, joint, and bone damage.³ The work speed is so unrelenting that it has resulted in workers urinating and defecating in their clothing while working on the line because employers deny reasonable bathroom use, violating workers' rights to dignity⁴. Workers also describe serious concerns about proper medical care due to employer-biased medical care and coverage. The story of one former poultry line worker, [REDACTED], given on July 7, 2011, captures some of the common human rights violations workers are experiencing every day:

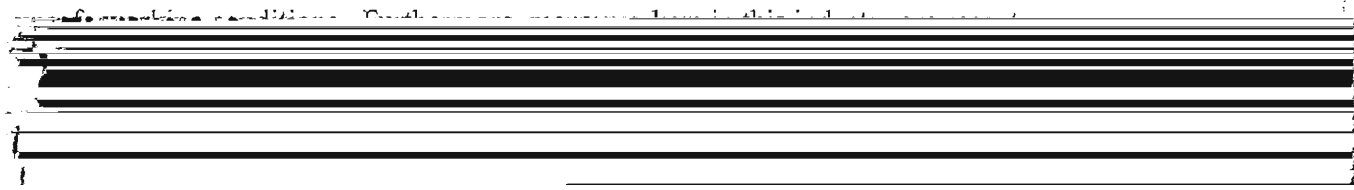
“While working at Jennie-O, I fell and injured my back and arms.

I did not report this injury because I was afraid of being fired because I have known 3 workers who were terminated after reporting injuries. After this injury my supervisor continually told me to work faster, he would yell at me using profane language. I was eventually fired from Jennie-O; my supervisor told me this was because I used the bathroom.” (See appendix M).

The policies, practices and attitudes shown by employers and supervisors in the



industries result in serious physical and mental harm to meatpacking and poultry processing workers, preventing them from reporting injuries or drawing attention to



increase their vulnerability in the workplace. Immigrant workers are often hesitant to report injuries or complain about working conditions for fear of losing their jobs or exposing themselves and their families to the scrutiny of immigration officials.

Meatpacking and poultry workers in the U.S. have “the right to work, under proper conditions” as required by Article XIV of the American Declaration of the Rights

[REDACTED]

inasmuch violating the rights of workers in the poultry industry through its negligence.

The numerous violations of international Occupational Health and Safety (OSH) law

demonstrate the failure to secure proper working conditions for meat and poultry

III. The Victims, Advocates, and Human Rights Violators

The victims are U.S. meatpacking and poultry processing workers, many of whom are immigrant workers from other states in the Inter-American system.¹⁰ The advocates are three non-governmental organizations: the Midwest Coalition for Human Rights

Nebraska Appleseed Center for Law in the Public Interest, and the Southern Poverty Law Center. The Midwest Coalition for Human Rights is a regional network of 56 organizations dedicated to domestic and international human rights activities: Nebraska

injured on the job.¹⁹ The incidence rate of officially reported injuries in the meatpacking industry is nearly double that of the national average for manufacturing industries.²⁰

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pressure by too distant while she sleeps, requiring her immediate aid. These symptoms

conditions found in packinghouses in the U.S.

[REDACTED]

repetitive motion leads to lifelong disabilities that interfere with major life activities for

[REDACTED]

many meat and poultry processing workers.²⁸ Musculoskeletal disorders (MSDs) are severe and crippling injuries to tissue and nerves that occur when repetitive movement,

These disorders are made worse by excessive cold, heat, and the rapid speed of work.³¹ Workers afflicted with MSDs lose the ability to participate in major life activities such as cooking,³² sleeping,³³ using the phone,³⁴ and playing with their

children.³⁵

Meatpacking and poultry processing workers commonly suffer a wide variety of preventable injuries.³⁶ A U.S. Government Accountability Office study found that common injuries include bruises from falling on the treacherously slippery floors and workers cutting themselves because they are either not given sufficient time to sharpen their knives or because they are not given sufficient training in the use and sharpening of

knives.³⁷ The study also found that cutting in close quarters leads to workers accidentally

cutting and injuring others.³⁸ Indeed, the Center for Disease Control and Prevention

noted that “many workers say they do not actually get to leave, slow or stop the line to sharpen their knives.”³⁹ Cleaning crews are also at risk from traumatic injury as they are

These physical injuries are often closely tied to psychological abuse and sexual harassment⁴¹ by supervisors, which is disturbingly common. Workers are regularly

disrespected;⁴² supervisors yell at workers to cut faster, and insult workers with obscenities for not complying.⁴³ Workers are not allowed to leave their line position to use the restroom;⁴⁴ sometimes they have no choice but to urinate and defecate in their

physical and psychological injuries are considered acceptable by the employer.⁴⁶

Law Center's recent report revealed that among all workers surveyed, 66% believed that workers were scared to report injuries, and 78% of those respondents said that fear of

being fired was the reason for this reluctance.⁴⁸ Retaliation weighs heavily on workers

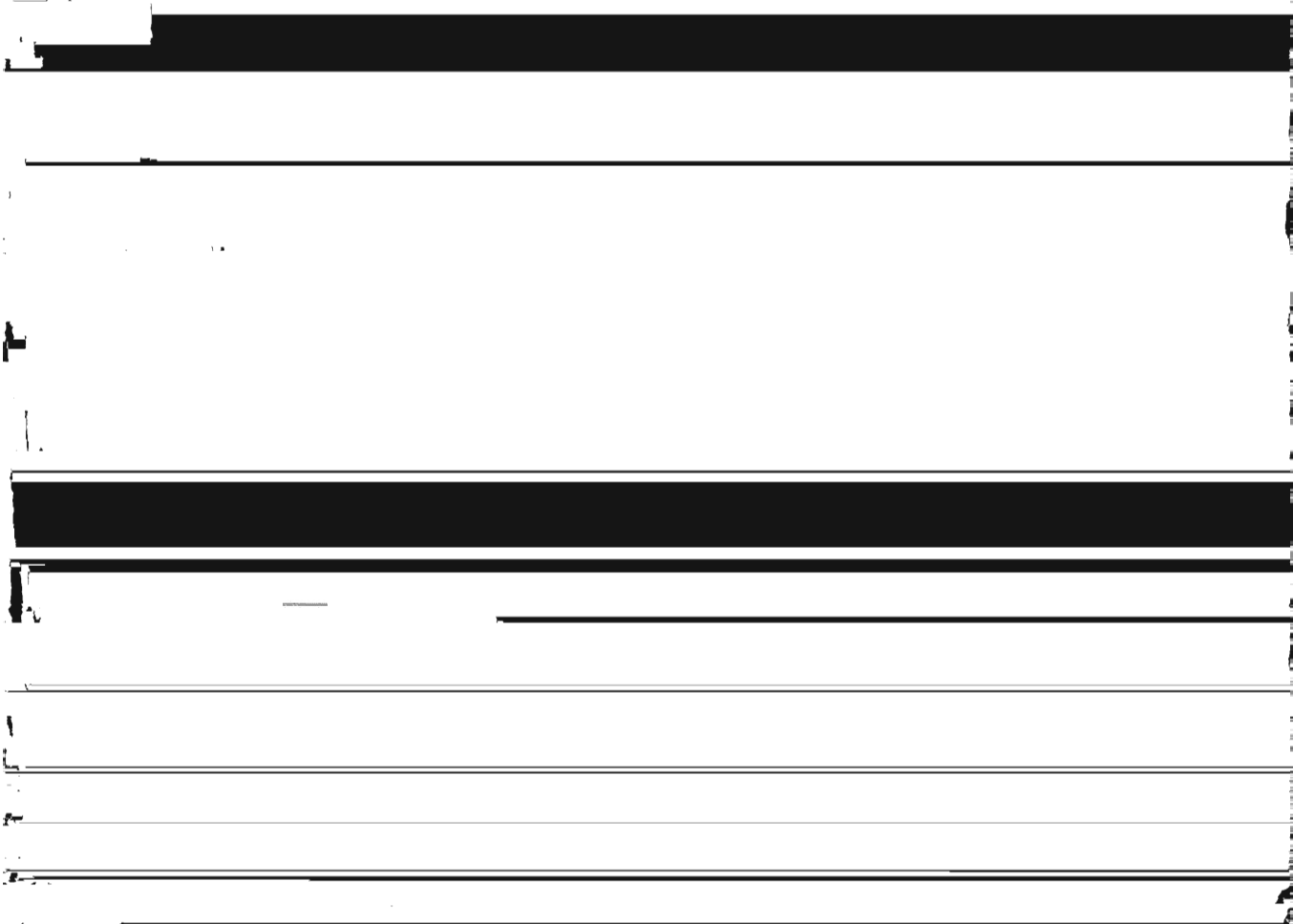
workers they surveyed were uncomfortable in voicing concerns to employers about

workplace safety (69%), safety equipment (57%), discrimination (71%), and harassment

reward for accident free days, and supervisors often discourage or ignore employee reports of injuries.⁵⁴

When employees do report their injuries medical neutrality and effectiveness becomes an issue. Workers are frequently given inadequate treatment by nurses or doctors hired by the company or who receive many referrals from the company.⁵⁵

Company doctors and nurses have been reported to tell seriously injured workers that



they must return to work.⁵⁶ This is also a problem where the worker is injured at a plant with an on-site clinic.⁵⁷ Even when the workers comply and go back to work with injuries, they reportedly experience retaliation and are sometimes discharged from employment simply because of their injuries or because they are seen as a threat.⁵⁸ Furthermore, workers often describe treatment from nurses as being inadequate and unresponsive to their injuries and pain. For instance, workers typically receive

substandard remedies such as aspirin or a Band-Aid, or suggestions to soak their hands in warm water.⁵⁹

V. Violations of Human Rights by the U.S.

[REDACTED]

Rodriguez to meet its obligations to end human rights abuses by packinghouse

[REDACTED]

health, interpreted by several international instruments and texts as a basic human right.⁶²

Of these instruments the most helpful for interpreting the meaning of proper conditions is

Art. 7 of the International Covenant on Economic, Social, and Cultural Rights, which

and healthy working conditions.”⁶³

The U.S. falls well short of fulfilling its duty to ensure proper work conditions as required under Art XIV of the American Declaration because U.S. OSH laws fail to ensure reasonably safe working conditions for thousands of U.S. meat and poultry workers. To realize this obligation, the U.S. Government must put in place adequate laws and regulations and enforce them effectively. The role of the State is elaborated in Art. 9 of The International Labour Organization’s Occupational Safety and Health Convention of 1981, which clarifies that basic requirements for providing safe work conditions include: “1. The enforcement of laws and regulations concerning occupational safety and

system of inspection. 2. The enforcement system shall provide for adequate penalties for

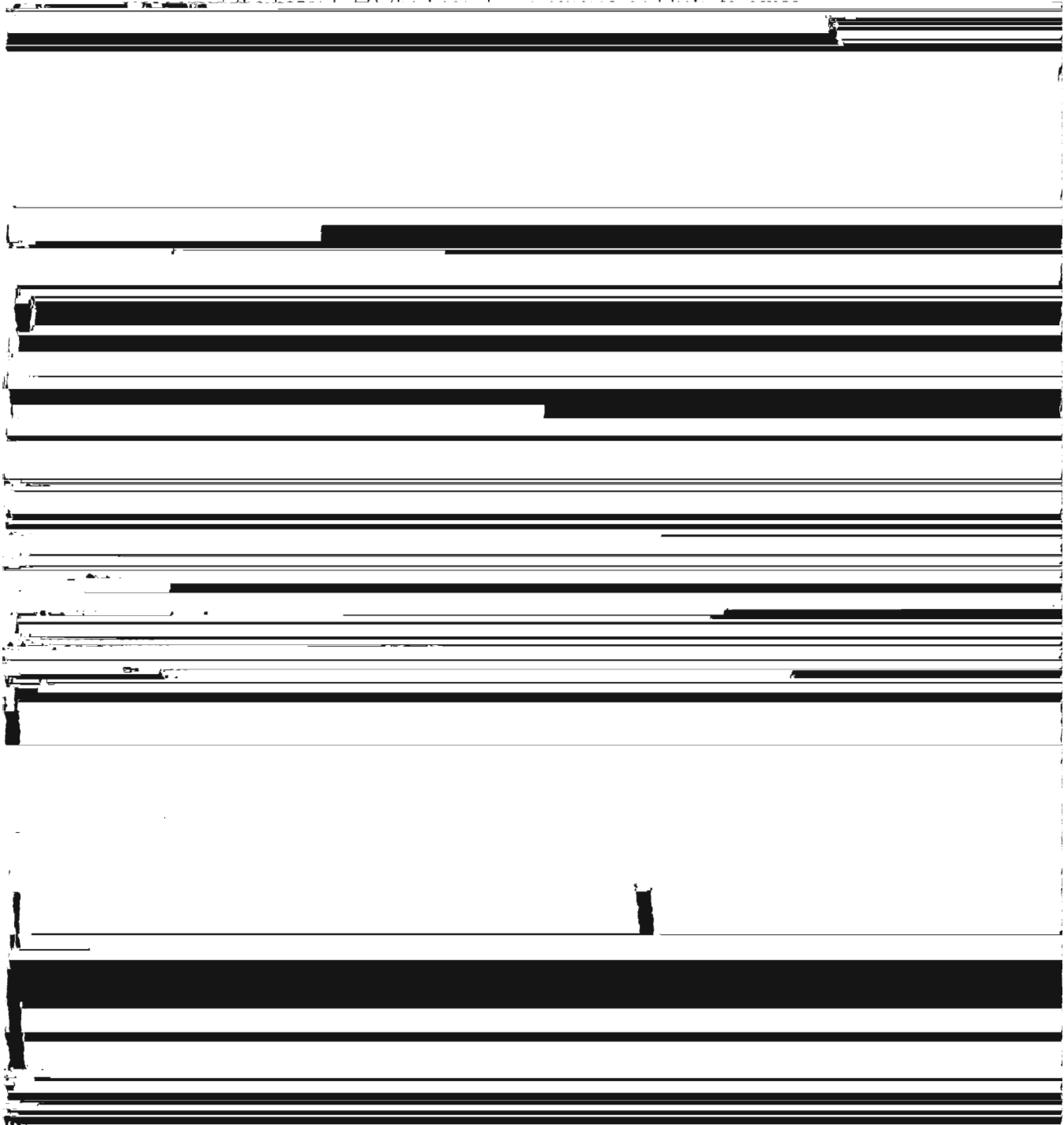
penalties for violations of OSH law are grossly inadequate. The general duty clause of the U.S.'s OSH law⁶⁵ requires all employers to provide working conditions that are "free from recognized hazards that are causing or are likely to cause death or serious physical

harm to his employees."⁶⁶ This general duty clause does not provide adequate protection to workers because it does not provide sufficient guidance on minimum thresholds for worker safety, such as criteria for work speed or ergonomic safeguards.

U.S. OSH law also requires employers to comply with regulations passed by the Occupational Safety and Health Administration (OSHA), the department responsible for enforcement.⁶⁷ But, OSHA has no ergonomics or work speed regulations and does not

the general duty clause has four burdensome elements that must be proven to uphold a general duty violation, these are namely:

- (1) a condition or activity in the employer's workplace presented a hazard to employees,
- (2) the cited employer or the employer's industry



interpreted ergonomics violations similar to those found in meatpacking plants. 73

Although the Commission of the European Communities has been

regulations do not require employers to measurably reduce MSDs,⁷⁷ and employers refuse to enact anything more than the most meager of ergonomics safety plans because it has been difficult to calculate exactly after how many repetitions MSDs occur.⁷⁸ During the entire span of President George W. Bush's administration, OSHA cited only 20 employers for ergonomic hazards using the general duty clause.⁷⁹ OSHA has remained



have faced serious physical impairment and disability from job related conditions with no corrective action from OSHA because standards are not in place to cover the hazards of the average meat processing plant.⁸⁰

Although OSHA issued a well-researched and detailed ergonomics standard in

extent that it affects food safety.⁸³ Ruggie Principle 27 sets forth that States should provide effective and appropriate non-judicial grievance mechanisms to remedy business-related human rights abuses.⁸⁴ The commentary to Principle 27 encourages States to fill

existing gaps "by expanding the mandates of existing non-judicial mechanisms." [REDACTED]

inspectorate⁸⁵ OSHA has approximately 2,400 inspectors⁸⁶ for 139,000,000 U.S.

number of inspectors.⁸⁸ Currently, OSHA only has the resources to inspect a site once every 137 years.⁸⁹ This means that follow-up visits are rare even when plants contain serious violations. As a result of the inadequate resources provided to OSHA, most violations of meat and poultry workers' rights go unreported and right to a remedy goes unfulfilled.

V. Recommendations

We recommend that the commission review the attached documentation of the conditions in the meat and poultry industry and issue a statement regarding the conditions in this industry. The commission should address the U.S.'s gap in worker protection, noting the pressing need for mandatory ergonomics and work speed regulations as well as

facts herein demonstrate that the United States is in violation of Article XIV of the American Declaration by failing to enforce fundamental health and safety protections. As such, the Commission should declare that the United States implement work speed and economic regulation that will permit occupational medicine to be conducted in

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