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<http://laborpress.org/sectors/building-trades/9501-construction-workers-rally-as-council-eyes-safety-bills>

Construction Workers Rally as Council Eyes Safety Bills



Photos cred Building and Construction Trades Council of Greater New York

By Steven Wishnia

New York, N.Y.—As the City Council took up a package of 21 bills intended to strengthen construction and crane safety regulations Jan. 31, thousands of construction workers were rallying alongside City Hall to demand that it pass them. The package’s centerpiece is Intro 1447, sponsored by Housing and Buildings Committee chair Jumaane D. Williams (D-Brooklyn).

It would require workers on buildings 10 stories tall or higher, and on demolitions of buildings of four stories or higher, to have completed an apprenticeship program approved by the state Department of Labor—typically a union apprenticeship—or one “commensurate” with it. That’s “the benchmark for the state of New York,” Gary LaBarbera, head of the Building and Construction Trades Council of Greater New York, told LaborPress. Workers on all other buildings would have to have a minimum number of hours of safety training, as well as skill training equivalent to a one-year apprenticeship.

Of the 30 construction workers killed in accidents in the city recently, 27 were on nonunion sites, LaBarbera said. “That’s 90 percent. That’s why the building-trades unions are now standing up for all construction workers in the industry,” he added. “We have to stop this epidemic of fatalities.”



The rally

The heavily male crowd filled both sides of Broadway for three blocks, resisting the cold and snow with thick brown Carhartt jackets and orange and gray hoodies. “We just want to build the city the right way. Safely,” said Linda Carrillo, a Laborers Local 79 member carrying a “How Many More Must Die?” sign.

“Guys came from all over the city. They poured out of their jobs. They know how important this is,” said James Mahoney, president of the New York State District Council of Ironworkers. “In what industry do 31 people die and there’s no investigation? Imagine if it was 31 sanitation workers. 31 nurses. Or God forbid, 31 cops or firefighters.”

“We’re trying to stop nonunion contractors from sending workers out in the field without proper training,” said Damond Anderson, a Steamfitters Local 638 member from Manhattan. “Their families have to pay the price for it.”

“I was watching a nonunion building and there was a guy 40 floors up without a railing and not tied up,” said Mark S., a Local 638 member who declined to give his last name. “If that was me, I would have been suspended from the job.”

The 21 bills, the Housing and Buildings Committee said in a statement, “were drafted in response to the alarming increase in construction and accident-related fatalities” and are intended “to address the longstanding issues of lax compliance with local construction codes and carelessness” by contractors.

According to city Department of Buildings data cited by Manhattan Borough President Gale Brewer, the number of workers injured in construction-related accidents has more than doubled in the last three years, from 237 in 2014 to 599 in 2016. Two-thirds happened in Manhattan. That far outstripped the roughly 15% increase in the number of construction permits the city granted, according to Mayor’s Management Report figures analyzed by the Council’s Infrastructure Division.

The Buildings Department figures don’t tell the whole story, the Infrastructure Division said, because they track only accidents involving code or public-safety violations. It’s counted 30 construction workers killed on the job in the city on the last three years, including 12 in 2015. But the federal Occupational Safety and Health Administration counted 17 deaths in 2015, and the Bureau of Labor Statistics 25. Of those 25, the BLS said, 18 were immigrants and 13 Latinos. Falls were the most common cause of death.

The 21 bills include several aimed at crane safety, such as prohibiting the operation of cranes that are more than 25 years old and requiring others to have anemometers that can measure three-second wind gusts. Intro 1445 would require safety netting and guardrail systems on floor openings and shafts. Three other measures would raise Buildings Department fines for immediately hazardous safety violations to as high as \$30,000, doubling fines for construction sites that rank in the worst 10% for violations, and increasing the penalty for violations at a site where someone is killed to between \$500,000 and \$1.5 million.

“The bottom line is that we must increase health, safety, and craft training above what is currently required, and that monetary penalties for safety violations must become too costly to

ignore,” Brewer told the committee. The bills are also important, she added, because the Trump administration is likely to cut funding for OSHA and make it “less aggressive.”

Earlier, she’d told the rally that safety regulations are particularly needed for buildings of 10 stories or less, which are overwhelmingly built nonunion. Almost half of recent fatalities have been on jobs of that size, Buildings Commissioner Rick Chandler told the committee.

Chandler said the department supported the bill to ban old cranes, but that some of the measures mandating technological add-ons such as GPS systems needed to be made more practical.

However, it opposes Intro 1448, which would mandate site safety managers at buildings of five or more stories, on the grounds that it is already having a hard time finding qualified managers to cover the much smaller number of buildings twice that height. Chandler said the department generally supports raising fines, but that it already has a system to increase fines for repeat violators, and it would be difficult to collect fines of \$1.5 million.

The de Blasio administration also has concerns about Intro 744, sponsored by Councilmember Elizabeth Crowley (D-Queens), which would require contractors on all publicly subsidized projects to pay prevailing wage: It “could create significant challenges for the development of affordable housing.”

The Buildings Department did not take a position on the apprenticeship requirements in Intro 1447, but Chandler said the mandate that all workers should complete a 10-hour safety course approved by OSHA every five years was fine as long as there was a “reasonable phase-in period” for buildings less than 10 stories tall. He said it opposed Intro 1432, under which workers on all city-subsidized buildings would have to go through an apprenticeship, because that would create barriers for smaller contractors and workers who don’t speak English that well. Brewer said she supported Intro 1447 because she’d seen apprenticeships develop “the country’s best-trained construction workforce,” and that their emphasis on health and safety improves “the culture of safety” on job sites. But the city should ensure that minority and women-owned contractors have the resources to comply, she added.

The strongest opposition to Intro 1447 came from nonunion contractors. Joseph Coello, head of the state chapter of the National Association of Minority Contractors, said in a statement to the Council that building-trades unions had “a history in the lack of diversity,” and that the bill would give them “another unfair advantage over the nonunion developers which continue to hire minorities.”

The New York Building Congress, a trade group whose officials include LaBarbera and city Central Labor Council head Vincent Alvarez, took a more nuanced stance. President and CEO Carlo A. Scissura said in a statement that safety “requires collaboration and cooperation from all sectors of the design, construction, and real-estate industry” and urged Council Speaker Melissa Mark-Viverito to “convene a diverse task force of key stakeholders” who could “reach consensus on a more comprehensive approach to enhancing worksite safety.”

“With 30 people dying, it’s definitely an emergency,” Williams told reporters. “I don’t think in any other industry it would be overlooked.” But while the Council wants to see “safety training

equivalent to an apprenticeship,” he added, they’re still trying to figure out what works best, and the bill’s requirements may change.

“We’re trying to raise the standards for all construction workers in New York City,” said Julian Tanburi, a Colombian-born, Queens-raised 18-year member of International Brotherhood of Electrical Workers Local 3, standing near the back of the rally. “We want everybody to have what we have. We can’t compete with people who are being exploited. Unions set the standard, and once that standard’s gone, we’re going to continue the race to the bottom.”