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Hundreds of Mass. workers say companies failed to protect them from COVID-19

Experts worry federal government isn't holding employers accountable

By [Matt Rocheleau](#) Globe Staff, Updated May 17, 2020, 6:14 p.m.



This Walmart store in Quincy temporarily closed after an employee died. Workers filed multiple OSHA complaints in Massachusetts against Walmart. BLAKE NISSEN/THE BOSTON GLOBE

As they risk their own well-being to care for infected patients or rush to keep store shelves stocked, workers across Massachusetts have filed hundreds of complaints with the federal government in recent weeks, alleging their employers failed to keep them protected from the coronavirus.

Yet worker advocates, as well as former leaders of the US Occupational Safety and Health Administration, say the federal agency is falling short of its duty to hold employers accountable.

Most of the OSHA complaints have come from those considered essential workers, such as medical staff, delivery personnel, and supermarket employees, records show.

Some workers said they were forced to work alongside sick colleagues. Others said they were ordered to keep working with symptoms or confirmed infections. The accusations include complaints about a lack of masks, gloves, and personal protective equipment and assertions that companies failed to adequately clean work spaces or communicate risks to employees.

“This pandemic has created an unprecedented worker health and safety disaster,” said Jodi Sugerman-Brozan, executive director of the Massachusetts Coalition for Occupational Safety and Health. “People are literally dying from work.”

Massachusetts logged among the most complaints in the country, trailing only Oregon and California, records show. The files provide an intimate look into the extraordinary circumstances that workers say they were forced to work through during the early weeks of the pandemic.

As of Wednesday, more than 13,600 OSHA complaints and referrals related to COVID-19 had been filed nationwide. About half of those cases had been closed and none had resulted in citations or penalties, OSHA officials said.

Worker safety advocates said OSHA's hands-off approach has put workers at grave risk. David Michaels, who served as the head of OSHA under Barack Obama, said the agency has largely "abdicated" its role to protect workers amid the pandemic.

"As we reopen the economy, unless we have strong OSHA rules, we will not be able to stop this epidemic and more workers will be sickened and killed," said Michaels, now a professor at George Washington University's public health school.

The agency, which is charged with enforcing workplace safety laws, said that it investigates every complaint and that employers have a duty to protect employees. "OSHA is diligently working every day to help employers understand and meet those obligations," the agency said in a released statement.

The Globe examined about 3,500 COVID-19 complaint cases the agency had closed nationwide as of late April. Complaints are closed once OSHA informs an employer of the alleged complaint and receives a satisfactory response about steps the employer has taken to address the issue. And once closed, details of the allegations are made public.

Within those records is a portrait of a stressed Massachusetts labor force that is working through difficult and sometimes dangerous situations.

One complaint about Brigham and Women's Hospital alleged that containers filled with COVID-related waste were

stored inappropriately in hallways. The complaint said the containers were leaking and liquid from them was being tracked through the hospital by people and forklifts.

In a released statement, Brigham spokesman Mark Murphy said the hospital responded to the complaint and that “OSHA has not indicated that further actions are necessary.” The hospital has implemented “robust protocols” to protect patients and staff, he added.

Of Massachusetts’ closed cases, the [Postal Service](#) received the most frequent complaints — 10 overall. It was followed by Amazon and UPS, each with four complaints.

Several of the USPS complaints said Centers for Disease Control guidelines were not being followed to protect workers, including claims that broken sinks left workers with no way to wash their hands. One complaint said a supervisor was disciplining employees for taking leave during the pandemic.

USPS spokesman Stephen Doherty said the complaints have been resolved and did not lead to citations from OSHA. He noted the tally was small considering the agency employs 15,000-plus workers statewide.

Ten other companies received two complaints, including Walmart, which has come [under fire](#) amid deadly outbreaks at stores across the country. Under pressure from the city’s Health Department, the company temporarily closed its Quincy store after a 69-year-old worker died from COVID-19 on May 3.

Local health officials have taken action in other cases. In [New Bedford](#), officials recently shut down a seafood processing plant when workers tested positive for the virus. In [Worcester](#), they shut down a Walmart when dozens of workers became sick.

OSHA’s Walmart complaints cite stores that were not shuttered by the company. One complaint claimed that Fall River

pharmacy employees were working in close proximity to sick customers. Another complaint alleged that three

employees had tested positive at a Tewksbury store but the location had not been disinfected. At both locations, the complaints said employees had not been given personal protective equipment.

The Massachusetts congressional delegation wrote a [letter](#) earlier this month to Walmart's chief executive Doug McMillon, demanding more information about efforts the company is taking to protect workers.

The letter said that the Walmart workers' advocacy group, United for Respect, recently filed an OSHA complaint on behalf of employees, including in Massachusetts. The complaint alleged that the company is failing on several fronts, including informing employees when a co-worker is infected, closing stores for cleaning and disinfecting, and more.

In a statement, Walmart spokesman Randy Hargrove said: "While we are not going to comment on the specifics of a complaint, the controls and practices we have in place are consistent with CDC and OSHA COVID-19 preparedness guidance." The company has rolled out several safety measures at its stores, including limiting the number of customers, performing temperature checks, installing sneeze guards, and making masks and gloves available.

Some worker safety advocates and experts have criticized OSHA for taking what they considered a hands-off approach.

The agency last month [announced](#) it wouldn't conduct on-site inspections unless there is a report of coronavirus-related fatalities or "imminent danger" exposures, particularly at health care and first responder organizations. For other COVID-related complaints, the agency said it will ask employers to investigate such claims themselves.

As of Wednesday, OSHA had launched more than 500 COVID-related inspections nationwide, most triggered by reported coronavirus deaths and hospitalizations, complaints, or referrals. Many of the cases remain open.

The agency had opened 13 COVID-related inspections in Massachusetts, records show. Eight of the inspections were opened as a result of either one or more virus-related deaths or by three or more hospitalizations.

John L. Henshaw, who served as the head of OSHA under George W. Bush, said OSHA has limited resources and needs to make smart decisions based on its capacity.

“OSHA does not have enough inspectors to be going to all of these places,” said Henshaw, who now runs a consulting firm focused on occupational safety and health issues, including the coronavirus.

Still, he said, OSHA should be providing more industry-specific guidance, consultation, and resources to detail best practices employers and employees can follow.

“Most employers are trying to figure out what they need to do because they don’t want their work force sick,” said Henshaw. “They just need a little bit of help, or in some cases maybe a lot, and the agency could be out there telling people ‘do that.’ ”

OSHA has issued guidelines for employers to follow, but critics said those guidelines are weak and not enforceable and many employers aren’t following them. Critics also lamented that the agency has stopped enforcing a requirement that most employers track coronavirus cases among their workers.

“Workers are really fending for themselves right now,” said Sugerman-Brozan, of the Massachusetts Coalition for Occupational Safety and Health. “The agency that’s supposed to be defending them is missing in action.”

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