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Our Condolences

At this time there is nothing anyone can say or do to ease the pain. The trauma involved in such an incident is beyond the grieving process. There are many out there that are in the same position as you. We know the devastation that takes place be it mind, body and/or soul. Your loved ones are not forgotten – they are in the hearts and minds of many. They still have a voice through you. Let them be heard!

It has been said, “One death is a tragedy; a million is a statistic”. We mourn approximately 6,000 tragedies each year. These fallen workers should be foremost in our hearts, after all, they stand for the American family; the American dream. We are here to give you something we did not have,

About USMWF

USMWF

USMWF is a 501(c)(3) non-profit organization, dedicated to restoring and revitalizing the quality of life for workers, their families and communities by promoting family involvement, transparency and fairness in the investigative systems, improving workplace protections and the workers compensation system and giving workplace fatalities a face. To insure our these needs are met USMWF offers support, guidance and resources for family, friends and co-workers of individuals who died from a work-related causes, and provides

INSIDE THE FAMILY RESOURCE GUIDE

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USMWF is able to continue its good work because of the generous support of the Public Welfare Foundation.

compassion, understanding, support, and the ability to verbalize in your time of need.

With a heavy yet hopeful heart,

Tammy Miser
Executive Director/Founder

leadership and research to mobilize efforts toward the realization of the promise of safe and healthy workplaces for all.

Aims

Generally USMWF favors:

- Education, advocacy and victim assistance
- Transparency and fairness in the investigative systems
- Improving workplace protections and the workers compensation system.

Families and Progress

Families of workplace tragedies need and deserve hope, answers, direction, support, and acknowledgment. Together USMWF and organizations such as LaborStart, National Coalitions for Occupational Health and Safety, Unions, caring families, and government agencies are changing the way family member victims are treated, and ensuring their needs are met by giving them the right to a fair and transparent investigative process.

One of the recent accomplishments families have made is producing the “Family Bill of Rights” Many of our requests were added to the Protecting American Workers Act (H.R. 2067). Among the reforms proposes are allowing representatives of the injured or killed worker to be involved in the process, increasing penalties and prosecutions, and no longer allowing OSHA to have unclassified violations. Rights, Health and Safety are at the forefront for the first time in years.

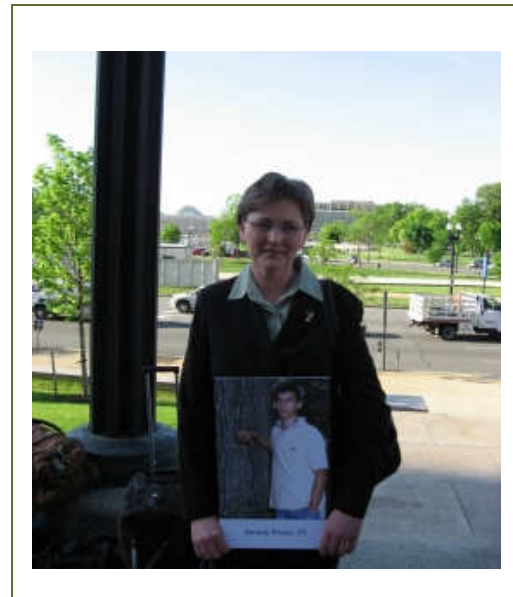
Introduction

When a worker is killed or seriously injured in the workplace, there are often many challenges and questions for those family members and friends who are left behind.

The unexpected nature of the incident, the lack of public review in most workplaces, and the subsequent secrecy by agencies involved, often protects the employer and can add frustration of the normal grieving process.

We developed this Resource Guide because we know how complex the process can get. We have all been there.

We also understand that people grieve differently



Becky Foster holds a picture of her stepson, Jeremy, before she testified at a House Education & Labor Committee hearing about OSHA penalties.

and at diverse times. This Resource Guide can be used by you at your convenience. You are welcome to contact anyone at USMWF at anytime if you have further questions or concerns.

Protecting Workers Alliance

The Alliance was established in early 2009 with the goal of bringing together the nation's major advocates for worker health and safety in a common effort to advance worker safety and health protections.

Visit: <http://www.protectingworkers.org/>

Support

Grieving family members deserve support to cope with the loss or serious injury of loved ones. In addition to the customary support systems available, here are some additional suggestions in the case of workplace tragedies:

- **Factual information can be helpful when you get it.** Workplace tragedies are often surrounded with much chaos and confusion. This is often conveyed to families and friends in stories about what happened, why it happened, etc. It is important to keep in mind that some of this information may not be reliable. It may take some time to get factual information but it is worth waiting for the most reliable information before jumping to conclusions based on inaccurate information. *See page 4 for additional information.*

- **Consider professional help to assist you in the grieving process.** The circumstances surrounding workplace tragedies are almost always catastrophic and often result in Post Traumatic Stress. Counselors can often be very helpful in assisting families in the aftermath of these tragedies. *See page 6 for additional information.*

- **Ask the employer or company for anything** you think would be helpful in your grief process. This might include a visit to the site of the incident, care and financial assistance for household responsibilities or access to any reports, photos or other information they may have in their possession.

- **Connect with other family members as soon as possible.** In cases where there have been multiple losses, the sooner the family members join together, the better. There is a national network of family members who can be helpful in supporting and assisting in the many trials and adversities that may be encountered along the way. *Visit USMWF – United Support &*



*Debi Koehler-Fergen testifying
before a State Senate*

*Memorial For Workplace Fatalities web site:
WWW.USMWF.ORG Email tammy@usmwf.org*

- **Contact the Union in the workplace if there is one.** Unions often do independent investigations into workplace tragedies and can often be a very good source of support. *See page 7 for additional information.*

- **COSH Groups** may be able to provide assistance. The National COSH was formed to provide coordination among the COSH groups of national advocacy campaigns, sharing of educational and training materials and resources, and sharing strategies for improving workplace health and safety conditions. Contact the *National COSH Coordinator, Tom O'Connor at oconnorta@gmail.com.*

- **Consider looking for specialty Scholarships.** If a parent or guardian opted for Social Security Death Benefits this makes a child ineligible for Federal Financial Aid for college. We have a list of scholarships geared just toward children who lost a parent at the workplace. They normally have a deadline so please check to see what they may be. *For scholarships visit USMWF.*

Sorting the Facts

Families often seek information about the circumstances of the workplace tragedy their loved one was involved in. Often this can be a very frustrating process because the standard process of investigating these incidents does not usually include family participation. One of the most important principles of incident investigations is that most facts are present at the time of the incident and they get lost as time marches on. Here are some key facts to keep in mind about this process that is often a surprise to family members:

- In most workplace fatalities, OSHA or MSHA [in mining operations] is designated as the sole government agency to investigate the incident. [There may be exceptions such as the Chemical Safety Board investigating some incidents involving chemicals located <http://www.chemsafety.gov/>. The Agency's main purpose in the investigation is to determine if violations to the standards have occurred. It is **not** trying to discover and document all the facts related to the incident although this may happen in the process of looking for violations. OSHA has six months to finish the investigation once they start it so information is often delayed. Resulting OSHA fines are often pitiful and may not address the real causes of the incident.

- Where there is a union at the workplace, most have health and safety specialists that perform independent investigations or joint investigations with management representatives. This is often a reliable source of information. Family members should find out if this is

Almost 6,000 workers are killed by incident and 60,000 due illnesses & injury a year!

being done and seek assistance from the union.

- Management will often perform their own investigation to determine causes and prevention actions. These can be very unreliable since there is usually a motivation to protect the employer from any responsibility. Be aware that these reports often place blame on the workers in general for some "careless unsafe act". This is the classic "blame the victim" approach. Most workplace tragedy incidents are the result of system failures that were not corrected by management or the result of unsafe equipment, procedures or lack of training.

- Attorneys will often try to investigate the facts of the incident to research the legal options available to family members and prepare for legal action. Since this is often taking place well after the incident, it relies on the investigation facts previously discovered. So document everything and have 3 copies keeping any originals for yourself.

- Other parties may be involved in investigations if they are requested or pressured into it. These may include the District Attorney office, NIOSH [National Institute of Occupational Safety and Health] located <http://www.cdc.gov/niosh/> or other groups with workplace fatality investigations.

- OSHA records are available to the public when requested. Some of these are available on the internet in summary form. Be aware that investigation report files are not available until the cases are closed by OSHA. This means that the investigation, citation issuances, and legal battles have to be over with before the file is available. This often takes years to happen and may require the use of FOIA (Freedom of Information Act) to obtain the information you desire. *For a sample Request and Appeal see page 6 & 7*

Legal Assistance

Workplace tragedies result in very complex legal issues. It is important for family members to get good and accurate advice early in the process. This will protect you and your family's interest. Some questions you may want to ask when choosing an attorney include: Peter you said you had a check list for this?

- Does the attorney have the experience and expertise to represent families in these matters? Lawsuits and legal actions related to workplace tragedies can be very complex. These are often handled by firms specializing in "Third Party Lawsuits". They can often require the use of expert witnesses and other legal strategies not often employed by smaller attorney firms.
- Does the attorney have a good track record with similar types of cases? Ask the attorneys for

Follow Up

Family members are playing an increasing role and demanding justice on behalf of their loved ones. There are many steps along the way where active family members can play critical roles to benefit themselves and issues of workplace health and safety for all workers. Here are some examples:

- Family members can demand all the relevant facts of the circumstances surrounding workplace tragedies. The current system does not include participation of family members. Family members can demand OSHA or other agencies to be doing a complete investigation and documentation of the incident. Families can ask for the District Attorney to investigate. Don't hesitate to meet with the OSHA office or District Attorney to state your case.

examples of cases and the outcomes to show you the level of their experience in dealing with these matters.

- Does this attorney feel trustworthy and willing to help me in the needs and questions I might have as the legal process unfolds. Many times legal cases go on for years so this matter is very important.
- There are several resource lists for attorneys that specialize in workplace tragedies and before making public statements read "The Guidelines for making Public Statements" by Workers Compensation Attorney Jeff Roberts. Jeff Roberts handles Workers Compensation claims, Social Security claims and Personal Injury claims. – *For a list of reliable Attorneys and Jeff Roberts article visit the Family Resources section of USMWF.*

- Identify legal help that you have trust in. Be open to talk with several different firms. Ask questions about what you want help with. Shop around and settle with a firm that you feel comfortable with.
- Become an advocate to fight to improve workplace health and safety so the lives can be saved. No one represents how important it is to prevent these tragedies more than you and your family. USMWF is continually informed as to what issues are being brought about by government officials, organizations and families who are acting on change that affects workers and their families. If you would like to get involved or know what has developed most recently please contact tammy@usmwf.org.

Sample FOIA

Date:

Freedom of Information Act Officer

Name of Agency

Address of Agency

City, State, Zip Code

Freedom of Information Act Request

Dear _____:

This is a request under the Freedom of Information Act.

I request that a copy of the following documents case # normally these have a case number that you may request. If you do not know the case number you should request any and all documents pertaining to the incident and your family member be provided to your name and relationship.

I am seeking this information for personal use and not for a commercial use. I request a waiver of all fees because it is for my personal understanding of operations and activities of the government or whatever agency you are requesting information from and help me to understand the circumstance, my loved ones last moments and ultimately help my grieving process.

You may add this if you wish but I would leave this out at least the first time around If there is a fee for this request I am willing to pay up to \$_____. If you estimate that the fees will exceed this limit, please inform me first.

Thank you for your consideration of this request.

Sincerely,

Name

Address

City, State, Zip Code

Telephone *If you do not include all your information they will more than likely deny your request*

Additional Resources

Dr. Matsakis is an internationally recognized trauma specialist in areas such as post-traumatic stress disorder and anxiety disorders ~ Rev. Hiram Johnson, LCSW, In *Tragic Redemption: Healing the Guilt and Shame* ~ Patrice Woeppel, Ed.D. The stories in *Depraved Indifference* are the stories of ordinary people. Discarded and forgotten by their employers, denied medical coverage by the workers' compensation insurers; many have been left to die, slowly and agonizingly, unnoticed by all but the ones who really care – their grieving families.

Visit The Reading Corner at USMWF for these authors and many more.

Sample FOIA Appeal

Date

Appeal Officer

Name of Agency

Address of Agency

City, State, Zip Code

Re: Freedom of Information Act Appeal

Dear _____:

This is an appeal under the Freedom of Information Act. On date, I requested documents under the Freedom of Information Act. My request was assigned the following identification number: _____. On date, I received a response to my request in a letter signed by name of official. I appeal the denial of my request.

Use one of these for the appeal

- The documents that were withheld must be disclosed under the FOIA because....
- I appeal the decision to deny my request for a waiver of fees. I believe that I am entitled to a waiver of fees. Disclosure of the documents I requested is in the public interest because it is for my personal understanding of operations and activities of the government or agency you are requesting information from and help me to understand the circumstance, my loved ones last moments and ultimately help my grieving process. Provide more details
- I appeal the decision to require me to pay review costs for this request. I am not seeking the documents for a commercial use. Provide more details
- I appeal the decision to require me to pay search charges for this request. I am a family member seeking information. Provide more details

Thank you for your consideration of this appeal.

Sincerely,

Name

Address

City, State, Zip Code

Telephone

Unions in the Workplace

If your loved one was a union member we encourage you to contact your local. They may be able to assist you in many areas including the OSHA investigation process. One organization who has become very accomplished in this area is the USW ERT.

USW ERT (United Steel Workers Emergency Response Team)

ERT essentially acts a bridge between the company and the family of the injured or deceased worker. Typically, ERT members press the employer for help with immediate family needs and with funeral costs if they are not included in the contract.

USMWF

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**Because Going to
work shouldn't be a
grave mistake!**

We're on the Web!

Visit us at:

<http://www.usmwf.org>

The Faces Campaign

Fred R. Barnard said, "*One picture is worth a thousand words.*" How many words does it take to peer into the eyes of tragedy or feel the heartache and pain that is set in motion after our loved one was lost.

The Faces Campaign is intended to give workplace fatalities a face, gain awareness and educate workers, employees, organizations and our government. Honor your loved one and make a difference. It's free as all of our services are.



Sheri Sangji, 23

11/2/1985 - 1/16/2009

Sent in by best friend, Zahra

Khan ~ Killed from a fire that started when she was transferring t-butyl lithium - a chemical that combusts on contact with air while working in a UCLA lab.

www.sherisangji.com

Company Name
Street Address
City, ST ZIP Code



Customer Name
Street Address
City, ST ZIP Code