

FAMILY RESOURCE GUIDE

National Council for Occupational Safety
(National COSH)



5/14/08
5/17/08
5/28/08
5/29/08
6/03/08
6/09/08
6/18/08
6/27/08
6/30/08
7/10/08
Ch...
John...
Antonio...
Anthony Br...
Mazen Alwarao,
Michael Soares, 39,
Mallary Dominic, 24, 5...
Kevin Connolly, 50, Fr...
Roger Botelho Jr., 4...
Matteo Russo, 3...
John Orlando...
Kevin Kell...
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D...



Developed by USMWF
modified by MassCOSH
& National COSH



OUR CONDOLENCES



Dear Family Member,

No one should have to experience the pain and heartache of a loved one killed on the job. Please accept my sincerest sympathies for your loss.

On July 27, 2005, my husband was tragically killed at work. Since that time my family and I have met many other families who have been forever impacted by a work place tragedy. Inspired by our loss and the loss of hundreds of other families each year, my three children and I have become active volunteers with the Massachusetts Coalition for Occupational Safety and Health (MassCOSH), one of 22 non profit groups which make up the National COSH Network.

I hope you find the information in this guide helpful during this difficult time. These documents and materials were hard for me to find at the time of my husband's death, but since MassCOSH has compiled it I have referenced it many times.

If you have any questions regarding family rights after a workplace incident, contact a local COSH or National COSH.

With deepest sympathy,
Debbie King

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:

ASK FOR AS MUCH INFORMATION AS POSSIBLE

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. Contact as many agencies as you can to get a full picture of what happened. This can include the employer, OSHA, the union and the District Attorney's office to name a few.

ASK THE EMPLOYER OR COMPANY FOR HELP

Anything that you think would be helpful in your grief process, you should ask for. 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.

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.

SEEK OUTSIDE LEGAL COUNSEL

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. When looking for a lawyer, make sure they have a track record of helping families in similar cases. They are often "Third Party Lawsuits" so you should ask a lawyer for references in those cases. **Make sure that you feel comfortable with the lawyer.** Cases can often take years to resolve and you want to make sure that you like and trust the person handling your case. **Often local COSH groups and National COSH can refer you to qualified, skilled attorneys.**

SUPPORT



KNOW YOUR RIGHTS

You are entitled to information. **Under the Freedom of Information Act, you are guaranteed access to certain documents.** You can use the included FOIA request form to ask the government to send you that information. Speak to the government agency to find out when to put in the FOIA request. Contact a local COSH group or National COSH with questions. Most COSH groups as well as National COSH work closely with a network of skilled attorneys who can assist with a range of legal issues.

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.

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. No matter what the type of accident though, it is helpful to connect with others who are and have been in your situation. **A local COSH or National COSH will link you with family members for support and assistance.**

GET INVOLVED AND BECOME AN ADVOCATE

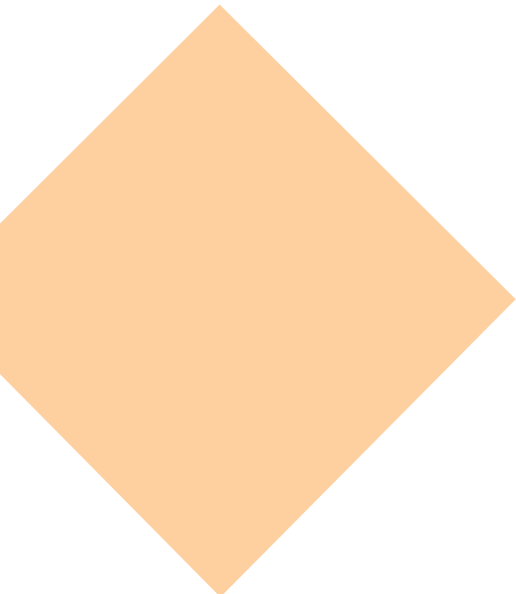
Family members are playing an increasing role and demanding justice on behalf of their loved ones. **There are many steps along the way where active family members can play critical roles to benefit themselves and issues of workplace health and safety for all workers.**



SUPPORT

HERE ARE SOME EXAMPLES:

- Family members can demand **all the relevant facts of the circumstances surrounding workplace tragedies. 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.
- Participate in **Worker's Memorial Day to honor your loved one and all of those that have senselessly lost their lives throughout the year.** Every year, family members, union members, legislators and many other health and safety activists join together in ceremonies across the country (Massachusetts gathers at the State House in Boston) to memorialize victims and bring awareness to workplace safety issues. The theme **"Mourn for the Dead and Fight for the Living"** is a **powerful message that resonates throughout the day.**
- 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. **National COSH and USMWF are 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 a COSH group in your area, or help start one by emailing info@nationalcosh.org.**



WORKERS' COMPENSATION DEATH BENEFITS



If you are the spouse or a dependent¹ of a worker who died of injuries that occurred at work, you may be eligible for financial benefits (death benefits) under workers' compensation. **Workers' compensation is a type of insurance that nearly all employers, in most states, are required to have for their employees.**

WAS YOUR SPOUSE OR A PERSON YOU WERE DEPENDENT ON COVERED UNDER WORKERS' COMPENSATION?

- Workers in most states are covered by workers' compensation. Typically, workers are covered no matter how many hours they worked per week or how the employer paid them. In many states, workers are covered even if they were paid cash "under the table."²
- If workers are self-employed, they are only covered if they have taken out their own workers' compensation insurance.
- In many states, workers are covered even if they were not US citizens. Workers are covered if they were immigrant workers and did not have "papers."

WORKERS' COMPENSATION DEATH BENEFITS YOU MAY BE ELIGIBLE FOR INCLUDE:

- Burial expenses.
- Weekly benefits depending upon the income of your spouse and whether you have dependents.
- If you haven't heard of these benefits, you should contact your state's agency that oversees workers compensation.

¹ Dependents are members of the employee's family or next of kin who were wholly or partly dependent upon the earnings of the employee for support at the time of the injury or at the time of death.

² You must be able to prove that your spouse was an employee. If he or she was paid under the table you may want a lawyer to help you get workers' compensation benefits.

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 all documents, photos, and materials pertaining to case #__, regarding the fatality of _____ (Note here the case number and the name of your loved one), be provided to me.

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 understanding of operations and activities of the government and to help me understand the circumstance of this fatality, learn of my loved one's last moments and, ultimately, help me with my grieving process. (NOTE: see below.)

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.

(NOTE: There may be disturbing photos or pieces of information you do not want to receive and you should note this in your request or possibly have the request go to a third party such as a lawyer who can help screen what you see.)





NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY & HEALTH

is dedicated to promoting safe and healthy working conditions for all working people through organizing and advocacy. Our belief that almost all work-related deaths and serious injuries and illnesses are preventable motivates us to encourage workers to take action to protect their safety and health, promote protection from retaliation under job safety laws, and provide quality information and training about hazards on the job and workers' rights.

USMWF

USMWF is a nonprofit organization dedicated to restoring and revitalizing the quality of life for workers, their families and communities. USMWF promotes family involvement, transparency and fairness in the investigative systems, improving workplace protections and the workers compensation system, and giving workplace fatalities a face.

USMWF
United Support and
Memorial for
Workplace Fatalities



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