

TWU Local 556 Safety Team

Michael Massoni – 1st VP and National Safety/Security Coordinator

...The mission of the Unions Safety Team is to provide **Union Leadership** in all issues of health & safety; **Technical Counsel** to the TWU Executive Board; **Representation** to our Membership; **Stewardship** within our Company, Industry, its regulatory bodies and most importantly, **facilitate Effective Communications** between all...

To: TWU Local 556, Executive Board
CC: Audrey Stone, Acting Recording Secretary
Date: April 11, 2010
Re: April 2010 EB Safety Team Report

Currently the Safety Team has the following open and/or resolved action items:

Aviation Safety & Health Data Base (ASHDI) – Reports Under Review = **2**

<u>Report</u>	<u>Acceptance Deadline</u>
ASHDI 1721 (AVIATION SAFETY / SECURITY)	Fri 6/25/2010
ASHDI 1711 (AVIATION SAFETY/SECURITY)	Wed 4/21/2010

ASHDI Incident Reports received to date:

All Sponsor Unions / TWU = **4015+ / 269**

- Accepted Reports to date (TWU) = **182**
 - See Attached Detail
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Southwest Airlines Event Notification System (ENS)

Fielded Events for Period:

- 03/12/10 through 04/11/10 = **116**
 - Emergencies Declared = **19**
 - All OF 2010 to Date = **314**
 - ALL OF 2009 = **1210**
 - ALL OF 2008 = **940**
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- **The Occupational Safety and Health Administration (OSHA) Public Docket 2010-0004, soliciting comments concerning the OSHA Listens Initiative** were prepared by the TWU Department of Legislative and Political

Affairs in conjunction with the TWU Local 556 Safety Team and submitted on March 29th, 2010. The comment submission was as follows:

RE: The Occupational Safety and Health Administration; OSHA Listens Public Meeting, Request for Comments, Docket Number OSHA-2010-0004

Dear Sir or Madam:

The Transport Workers Union of America, AFL-CIO, on behalf of our 200,000 active and retired members in the transportation industry, would like to thank you for holding the OSHA Listens Public Meeting on March 4, 2010 at the Department of Labor in Washington, D.C. and for the opportunity to submit our written comments on a variety of Occupational Safety and Health Issues facing our membership.

The TWU supports increased efforts by the Occupational Safety and Health Administration (OSHA) in the areas of oversight, worker protection, enforcement through employer penalties, health and safety training, and specifically, interagency cooperation with the Federal Aviation Administration (FAA). We feel that the OSHA Listens Public Meeting should serve as the first step towards a broader push by OSHA to finally address labor's long-held concerns regarding worker safety, injury prevention, and employer penalties.

Specific Concerns

The TWU represents transportation workers from the aviation, transit, and rail industries. In these comments, our primary response centers on that of aviation workers, specifically, flight attendants.

Aviation

TWU represents about 10,000 flight attendants at Southwest Airlines. As you well know, since 1975, the FAA has had exclusive jurisdiction over the occupational safety and health for all flight crew members. FAA jurisdiction over health and safety concerns extends from the time the plane is first boarded by a crewmember until the time the last crewmember leaves the aircraft. Even in situations where crewmembers are still working on an aircraft that has its engines shut down, FAA has asserted control over their health and safety.

The decision by the FAA to claim the complete and exclusive jurisdiction over health and safety for crewmembers at all times when they are aboard aircraft allows flight attendants to remain the only private sector workers in America that are not protected by the Occupational Safety and Health Administration. To date, the FAA maintains no active OSHA procedures, does not conduct investigations when incidents occur, and does not even log that incidents have occurred. What persists is a completely unacceptable, dangerous, human rights issue in which flight attendants are routinely subjected to poor cabin air quality, chemicals aboard aircraft, awkward and heavy baggage, and otherwise injury inducing work conditions without government protections or recourse if they should be injured.

For 35 years, affiliate unions of the AFL-CIO Transportation Trades Department have been petitioning for the Administrations involvement in regulating OSHA concerns for flight attendants. In 1990, a request for rulemaking was filed with the FAA asking them to select OSHA regulations and apply them to crewmembers. This request was denied. Following this, the FAA and OSHA entered into an historic Memorandum of

Understanding (MOU)¹ with the specific goal of enhancing safety and health in the aviation industry. This MOU, while promising, yielded only marginally positive results. In 2003, the creation of the *Aviation Safety and Health Partnership Program* (ASHPP) seemed like a positive step forward. Yet, we remained disappointed that the program is entirely voluntary in nature.

It has been and remains to be our position that either the FAA or OSHA must issue a rule that establishes OSHA protections for crewmembers. The joint team created by the MOU has already identified five of OSHA's existing standards could be applied to crewmembers without risking safety; recordkeeping, sanitation, hazard communication, anti-discrimination, and access to employee exposure/medical records. These standards must be explicitly outlined in a rule to ensure that their implementation occurs. It has been 35 years of painful injuries, illnesses, and exposures and we feel that we must demand that attention is once and for all paid to workers aboard aircraft. For this reason, while we were supportive of the MOU and the ASHPP, we would like to see a notice of proposed rulemaking issues that addresses our concerns regarding OSHA protections for flight attendants.

Conclusion

The TWU would like to thank the Administration for holding the OSHA Listens Public Meeting and for actively fostering a renewed discussion of ways in which together we can improve worker safety. Our ultimate goal as a labor union to ensure the best interests of our membership, and we look forward to working with you ensure that there is no stone left unturned in the fight to protect the safety of working Americans.

We feel strongly that to achieve this goal either OSHA or the FAA must issue a rule that applies OSHA protections to aircraft crewmembers. It is imperative that the hundreds of thousands of workers aboard aircraft have the same protections as those who work in any other sector of the economy.

Additionally, we will continue to work with the Administration regarding other TWU members; transit and rail. And, we look forward to building on our collective achievements to further improve OSHA concerns for these industry groups. We have submitted our comments to OSHA docket number OSHA-2009-0044 (March 29, 2010) regarding the reintroduction of the Musculoskeletal Disorder column to the OSHA 300 Log.

We thank you for the opportunity to comment following the OSHA Listens Public Meeting. We look forward to continuing a long-standing relationship of cooperation between the FAA, OSHA, and labor as we all seek to improve the health and safety of all working people. If you require anything further from the TWU please do not hesitate to contact us.

¹ FAA/OSHA *Memorandum of Understanding – Safety and Health in the Aviation Industry*; <http://www.faa.gov/about/initiatives/ashp/media/faa-osha-mou.pdf>

- The Proposed Letter of Agreement (Side Letter to the Contract) between TWU Local 556 and Southwest Airlines Co. concerning **The Southwest Airlines Flight Attendant Aviation Safety Action Program (ASAP)** was rejected by the Company as they believe that the programs Memorandum of Understanding (MOU) sufficiently covered the concerns brought to light in the draft side letter. The TWU Local 556 Safety Team still believes that further clarification of the MOU language is necessary and prudent in the areas of: ASAP and Discipline; as well as Conversations or Interviews conducted through ASAP. Since the Company's rejection was received we have had the MOU thoroughly reviewed by legal counsel and have determined that clarifying language need be added to the MOU in order to satisfy the Union's desire to have the clearest and most unambiguous agreement with Southwest and the FAA as it pertains to Flight Attendant ASAP. We are fully committed to this program and hope the Company is willing to ensure we tailor a program that is well suited to safety needs of our Flight Attendants as well as the operations of Southwest Airlines Co.

OPEN DISCUSSION ITEM(S):

- The Southwest Airlines Flight Attendant Aviation Safety Action Program (ASAP)
 - Update
- Go-Team Training
 - Reducing to 1 new investigator instead of 2 – for cost saving reasons
- Southern California Safety Institute (SCSI) Annual International Safety Symposium
 - Reduced to 1 delegate instead of 2 – for cost saving reasons
- Safety Team coverage during the Global Cabin Air Quality Executive (GCAQE)

SCHEDULED AND STANDING MEETINGS:

- **Thursday April 22nd, 2010 through Thursday April 29th, 2010** – Global Cabin Air Quality Executive, London, UK
- **Thursday May 6th, 2010** International Health and Safety Task Force - (VIA Teleconference)
- **Thursday May 20th, 2010** – Health & Safety Coordination (HASC) with Inflight Safety and Regulatory Standards
- **Sunday May 23rd, 2010 through Thursday May 27th, 2010** – National Safety Council Labor Division Meeting in Tulsa, OK