

Construction Worker Deaths Spike

Building Boom, Cheap Labor Leads to Surge in Laborer Deaths

By SUSAN DONALDSON JAMES

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Construction has increasingly become a deadly business -- especially in New York, where laborers routinely dangle from skyscrapers, all part of a building boom that has defied the national slowdown.

Just this week, high-rise concrete forms collapsed at the site of Donald Trump's hotel and condo complex in Lower Manhattan. One Ukrainian immigrant worker -- the father of several children -- was decapitated as he plunged 42 stories to his death. Three others were injured.

Two months ago, another immigrant worker was killed when he fell 15 stories, prompting formation of a task force to cut down on scaffolding accidents.

At least 43 people died while working construction in New York in 2006, according to the federal Bureau of Labor Statistics, up 87 percent from the year before when 23 people died.

Across the United States, construction ranks as the most dangerous industry, representing about 20 percent of all work-related fatalities, according to federal statistics.

Deaths rose from 1,131 in 2003 to 1,226 in 2006. By comparison, 836 workers died in mining accidents last year, and 447 died in manufacturing. The government reports between six and seven construction deaths per 1,000 workers.

Nationwide, deaths from falling off scaffolding remained steady at about 88 per year.

"The regulations are there," said Philip Russotti, a New York lawyer who represents workers -- many of them in scaffolding accidents.

"Safety costs money," he said. "If you are motivated by profit, you are motivated to push people to move quickly and cut corners with safety. But you're playing with people's lives."

Russotti's firm obtained an \$18 million award for a construction worker who fell from a ladder and suffered a brain injury. Another verdict awarded \$11.1 million to a 53-year-old man who fell 10 feet on his head and suffered dementia and a permanent mood disorder.

There are no statistics on how many pedestrians are killed when scaffolding collapses, but many New Yorkers face daily anxiety as new building sites crop up in their once residential neighborhoods.

"I am so used to seeing scaffolding," said Amanda Schupak, a 26-year-old freelance writer who lives in the bustling East Village. "When I see them putting it up or tearing it down, I'm, terrified and cross the street."

In Chicago in 2002, scaffolding outside the John Hancock Center plunged more than 40 floors to the ground during a windstorm, killing three women in cars.

Still, said industry experts, those incidents are rare.

The rise in construction fatalities can be explained by a deadly mix of untrained immigrant workers, lax attention to safety regulations and profit-minded contractors who cut corners in all areas from labor to materials.

"There is a tremendous pressure, particularly in construction, to put pressure on workers to be productive and to take short cuts," said Joel Shufro, executive director of the New York Committee for Occupational Safety and Health.

Fines for employers who violate regulations are low -- averaging only about \$1,600 an incident, according to Shufro. When a worker is killed, the maximum punishment is six months in jail.

"Fines for harassing a burro on federal land are greater," he said. "But they do the best they can with limited resources."

Bovis Lend Lease, the company that is handling the Trump project, released a statement to the Associated Press saying they would launch an investigation of the worker's death.

"Our hearts go out to the family of the deceased concrete worker, and our prayers are with the injured workers," said Mary Costello, company spokesman.

What is most startling in these accidents is the disproportionate number of immigrant deaths -- and not only in New York, where illegal workers make up 86 percent of all fatalities.

While urban areas are facing a building boom, more rural areas are feeling the effects of a slowing economy, according to construction experts. Unions and employers say they face increased competition from those who hire cheap, illegal immigrants.

"Having a union is first and foremost a defense mechanism in terms of protecting safety," Shufro said. "There is no way an individual worker can stand up to a foreman and say his job is dangerous and he won't do it. He would be fired immediately. Even if you say they

violated the law and will call OSHA to fight it, you're gone. You're fired. And the chances of getting your job back are nil."

For immigrants who fear disclosure and deportation, it's even harder to speak up.

Troy Rosasco, a New York City lawyer who represents immigrants in injury cases, said hiring immigrants is "simply a fact of greed."

"Immigrants are asked to do things that legal residents would never do -- getting on a roof without safety harnesses, without proper shoes, without proper guards around scaffolding," he said. "It's an economic choice. 'If you don't do it,' they tell them, 'I've got 10 others like you.'"

One 30-year-old undocumented immigrant was given hasty instructions from his boss to rip up a floor while another worker was above, tearing down a wall, according to Rosasco, who is fighting to get the man compensation. The wall came crashing down on top of him, fracturing his leg and left hip.

Now, riddled with surgical pins and rods, the immigrant is seeking worker's compensation, but his boss won't pay him because he has been handling his wages "off the books," not reporting it to either the IRS or his insurance company.

"They have no training, except what they get on the job," said Rosasco. "What frequently happens is the boss gives instructions in a broken-English conversation, the employer picks up a sledge hammer to demonstrate and then the boss goes out for coffee."

Illegal workers make up about 5 percent of the total American work force, but 14 percent of the construction industry, according to 2005 statistics from the Pew Hispanic Center.

Laborers International Union of America reports that union employees make more than twice in wages what nonunion workers make.

"Unsafe sites are absolutely driven by lower wages paid to illegal workers without benefits that are negotiated with trade unions," Rosasco said. "It's a horribly regulated industry."

Indeed, in New York City, Occupational Safety and Health Administration (OSHA) inspectors can get to only about five of hundreds of construction sites a day, according to Shufro of the New York Committee for Occupational Safety and Health.

He served on a mayor's task force that increased staff and fines and stopped work where violations were found. Its focus was primarily pedestrian safety, which is not regulated by OSHA, but increased worker safety was a byproduct.

In California, John Schueler, a former San Diego contractor and scaffold design expert who serves as a witness on behalf of both contractors and injured workers, agreed that

most of the "grunt labor" in the construction industry is being done by undocumented workers.

"Accidents are on the rise because an increasing percentage of scaffolding workers are uneducated and don't get the training that OSHA demands," he said.

Contractors are not only cutting costs on labor, but on materials. Schueler said some shoddy scaffolding imported from China is to blame for some accidents.

"The Chinese are cutting corners," he said. "They know what the cost is, and we are open about our designs and they copy us. It's cheaper to buy from China, and the product looks just the same."

These short cuts, as well as paying lower worker wages -- even if it means the occasional worker's compensation payment -- is "just part of doing business," said Rosasco.

But the workers are the biggest victims.

"They fall one day, they are in a coma, the employer never visits them in the hospital and moves on to the next illegal worker," he said. "It's like replacing the widget in a factory."

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