

# United Support & Memorial for Workplace Fatalities Resource Guide for Families of Workplace Tragedy Victims

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*To find detailed information pertaining to the Resource Guide for Families of Workplace Tragedy Victims Family Bill of Rights, visit [www.usmwf.org](http://www.usmwf.org)*

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# I. 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. Some of these could be:

- What really happened to my loved one?
- How could have this been allowed to happen?
- Where can I turn for support and assistance?
- What could I do to ease the pain of this loss?

In many ways the loss of a loved one in a workplace tragedy can pose unique and difficult challenges. The unexpected nature of the incident, the lack of public review of most workplaces and the subsequent secrecy that is often designed to protect the employer can add frustration to the normal grieving process. This resource guide is designed to help families know that they are not alone in this process and where to look for help.

# II. 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:

- **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. Please view page 5.
- **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. United Support & Memorial For Workplace Fatalities web site: WWW.USMWF.ORG E-mail [tammy@usmwf.org](mailto: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. You can gain a list of Unions at <http://www.usmwf.org/resources/Unions.htm>
- **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.
- **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. National COSH Coordinator, Tom O'Connor at [taoc123@bellsouth.net](mailto:taoc123@bellsouth.net). A list of COSH Groups may be located here <http://www.usmwf.org/resources/cosh.htm>.
- **Consider looking for specialty Scholarships for your children.** 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 list scholarships at USMWF visit [http://www.usmwf.org/family\\_packet/scholarships.pdf](http://www.usmwf.org/family_packet/scholarships.pdf).

### III. 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:

- 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 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 – For a list of reliable Attorneys at USMWF visit [http://www.usmwf.org/family\\_packet/Attorneys.pdf](http://www.usmwf.org/family_packet/Attorneys.pdf).
- Before making public statements please visit [http://www.usmwf.org/articles/2007/making\\_public\\_statements.htm](http://www.usmwf.org/articles/2007/making_public_statements.htm) and 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.

### IV. 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 member should find out if this is 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 or procedures.

- 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.
- 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 view [http://www.usmwf.org/family%20packet/family\\_packet.htm](http://www.usmwf.org/family%20packet/family_packet.htm).

Family members who are seeking the facts in these cases should ask as many questions and seek advice in these matters to get the answers you deserve.

## V. Follow-up

Family members are playing an increasing role in 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.
- 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](mailto:tammy@usmwf.org).

## VI. Additional Resources

- Dr. Matsakis is an internationally recognized trauma specialist in areas such as post-traumatic stress disorder and other anxiety disorders. Dr. Matsakis has over thirty years of experience in helping combat veterans, sexual assault victims and survivors of other traumatic events. Dr. Matsakis is also the author of the following books: *Trust After Trauma*, *In Harm's Way* and *Back From the Front: Combat Trauma, Love, and the Family*.
- By Rev. Hiram Johnson, LCSW, A wounded healer offers encouragement and hope to readers who have encountered tragedy, pain and loss. Too many people suffer needlessly from unresolved guilt and shame. In *Tragic Redemption: Healing the Guilt and Shame*, Reverend Hiram Johnson helps readers understand and cope with grief by sharing his own feelings of helplessness and despair.
- Patrice Woepffel, Ed.D. has had a long career in hospital, health care and mental health administration, as well as serving on many state and community boards, and as a hospital board officer. But it was a fall with permanent injury, at a hospital at which she worked, that ended her career and created the impetus to write this book. 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.
- Dr. Baxter is a registered psychologist in private practice in Ottawa, Canada. Dr Baxter's forum has proven to be an asset by offering free advice to those in need. Dr Baxter had also created one of USMWF's first articles "Grief and Bereavement in Accidental Death" located at [http://www.usmwf.org/articles/2004-2006/grief\\_and\\_bereavement\\_in\\_acciden.htm](http://www.usmwf.org/articles/2004-2006/grief_and_bereavement_in_acciden.htm).

For more information on the authors, books and how to obtain them please visit:  
[http://www.usmwf.org/family%20packet/family\\_packet.htm](http://www.usmwf.org/family%20packet/family_packet.htm)

## **VI. Get Involved. Become an Advocate.**

United Support & Memorial for Workplace Fatalities (USMWF) is looking for occupational safety and health advocates. Your story may help to prevent another family from experiencing the pain associated with work place injuries and fatalities. If you are interested in helping to raise awareness of occupational dangers, and improve working conditions for all workers, contact Tammy Miser at [tammy@usmwf.org](mailto:tammy@usmwf.org).