



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 also understand that people grieve differently and at diverse times. This Resource Guide can be used by you at your convenience. You are welcome to contact anyone at MassCOSH at any time if you have further questions or concerns.

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. Also, 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.

- **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. You may also be entitled to Workers' Compensation benefits. We've included a fact sheet on Massachusetts's workers' comp rules. If you have questions, you can contact MassCOSH. This is also something that a lawyer would be able to assist you with.

- **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. Contact MassCOSH if you would like assistance in finding a counselor in your area.

- **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. 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 & Memorial For Workplace Fatalities web site: www.usmwf.org

- **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.

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.

- 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. See the page 3 for more information on this year's Worker's Memorial 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. MassCOSH 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 MassCOSH.

Worker's Memorial Day

Join MassCOSH and the AFL-CIO to honor your loved one this April on Worker's Memorial Day. Family members of workplace fatality victims across the state of Massachusetts come together each year to "Mourn for the Dead and Fight for Living." In a moving service on the steps of the State House in Boston, family members and other leaders in workplace safety reflect on the past year and renew their commitment to fight for workers in the year to come.



Family members come together before the ceremony in a private service to honor their loved ones with the people who understand most the effects of unsafe workplaces. Families share their stories and gain support from each other. Legislators from the state house will join the group to hear first hand what needs to be changed or enforced in the law to make a difference.

We hope that you will join us for this year's ceremony. As the date gets closer, MassCOSH will send you more information. Feel free to contact us at any time if you have questions.



Massachusetts Workers' Compensation Death Benefits Fact Sheet

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 all Massachusetts employers are required to have for their employees.

Was your spouse or a person you were dependent on covered under workers' compensation?

- Almost all workers are covered by workers' compensation. Workers are covered no matter how many hours they worked per week or how the employer paid them. 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.
- 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 up to \$4,000.
- Weekly benefits equal to two-thirds of the deceased worker's average weekly wage, up to a maximum amount set by the Commonwealth. Surviving spouses can receive these benefits for as long as they remain dependent and do not remarry.
- If the surviving spouse remarries, \$60 a week is paid to each eligible dependent child. The total weekly amount paid to dependent children cannot exceed the amount the spouse had been receiving.

If you haven't heard of these benefits, you should contact DIA.

Contact the Massachusetts Department of Industrial Accidents for more information on workers' compensation death benefits and filing a claim:

Department of Industrial Accidents (DIA)
600 Washington Street, 7th Floor
Boston, MA 02111
1-800-323-3249 x470 (toll free)
617-727-4900 x470
www.mass.gov/dia

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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 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.

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

About MassCOSH

MassCOSH brings together workers, unions, community groups, family members of workplace fatalities and health, safety and environmental activists to organize and advocate for safe, secure jobs and healthy communities throughout Massachusetts. Through building community/labor alliances, training, and technical assistance, MassCOSH mobilizes its members and develops leaders in the movement to end unsafe work conditions. MassCOSH believes that only through collective power will workers be able to change workplace conditions and influence the policies that govern these conditions.

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