

## Testimony of Esteban Barrios

### The Subcommittee on Aviation Hearing on: “Oversight of Working Conditions for Airline Ground Workers”

*Wednesday, January 15, 2020*

#### Esteban Barrios

My name is Esteban Barrios and I work at the Miami International Airport. I’m here to talk about how Eulen America, an airline subcontractor for American Airlines and Delta, is putting workers health, safety and lives at risk.

Eulen America is a multi-million dollar multinational company, owned by one of the richest families in Spain. Over there, the vast majority of their workers are unionized. Over here, Eulen has a bad record of mistreating their workers, including threatening and retaliating against those who are trying to improve their jobs and protect themselves through a union — a right that is guaranteed in this country.

I am a ramp worker for Eulen. I load and unload the bags onto Delta planes. It’s a very dangerous job. We’re out in the hot sun all day, working with heavy equipment, right beside the planes.

We’re supposed to unload the luggage and get it to baggage claim in only 20 minutes. When I first started working at the airport, we used to have 5 people per shift. But Eulen keeps cutting down the number of workers and now we’re down to 3 or 4. Sometimes I’m lifting almost 300 bags a day by myself. My whole body hurts. My hand is constantly in pain. But, what can we do? We don’t have sick days so we can’t take a day off to get better. So we just take pain killers and try to get through the day.

I recently fractured my fingers at work. Many of my co-workers have also had injuries. I know someone whose foot was run over by a luggage tow. I know someone else who got a herniated disk after falling on the job, and the next day lifting more than 500 bags in a day .

We have to do flights one right after the other. Imagine running from plane to plane, lifting hundreds of bags in the Miami heat. We don’t have easy access to drinking water and sometimes we feel physically sick from being dehydrated. The noise from the planes is deafening.

I was at a roundtable discussion with Congresswomen Frederica Wilson last year where I talked about how sometimes the equipment doesn’t work, and how sometimes the vehicles break down or don’t have seatbelts—which makes our job even more dangerous. One time I

was driving a luggage tow and the emergency brakes failed in the rain. I slid and did a 360 on the ramp. I could have hit a plane.

Eulen doesn't treat us like human beings. They think we're machines.

When passengers get frustrated that they don't get their luggage on time, I want people to understand that this is why. We are doing our best, but these are the horrible conditions we're working under at Eulen.

I ask myself, why do airlines like Delta and American, who make billions in profit allow this to happen?

Recently OSHA gave Eulen one of the biggest fines at the airport in recent history for air transportation support services over serious violations that could cause death or serious injuries. These include ramp workers like me being exposed to extreme heat that could cause heat stroke or even death. OSHA found roach infestations. Workers report that roaches are inside trucks that transport the cabin cleaners and carry supplies for planes. OSHA also found that Eulen had not offered cabin cleaners hepatitis B vaccines or proper training, even though they are exposed to bloodborne pathogens. Eulen also failed to provide effective information and training for employees who were required to work with certain hazardous chemicals.

But these problems don't just stop at Miami. My colleague from the Orlando Airport, Yolanda Rodriguez is here today because she was knocked unconscious, terrifying her coworkers, when she and several coworkers were involved in an accident in a Eulen vehicle that had no seatbelts. Yolanda still suffers from dizziness and has trouble walking. She has to rely on her sister to bathe and feed her.

In Fort Lauderdale, OSHA is investigating Eulen over safety concerns, including allegations that Eulen failed to provide gloves and make the Hepatitis B vaccine available, even though workers can come into contact with possible blood borne pathogens on the job. Workers have also filed complaints over unpaid wages with Broward County, some of which were settled and some are still pending. Eulen was also accused in two separate cases by the National Labor Relations Board of firing two employees in retaliation over their union organizing activity. Eulen agreed to settle one by paying the fired worker \$21,000 in back wages, while the other case is pending appeal. And finally, Eulen workers at Fort Lauderdale went on strike for the 6th time last September, after the company fired three union activists for dubious reasons.

In New York, OSHA is investigating Eulen at JFK after a woman who was 8 months pregnant, fell onto a conveyer belt and was seriously injured. The New York City Department of Consumer and Worker Protection is also investigating Eulen for complaints of paid sick leave theft and for not paying workers their uniform allowance as required by law. And just recently, Eulen fired three union activists as well.

You should also know that Eulen workers live in neighborhoods where many people have to rely on public assistance just to get by. We work long and hard -yet we can't survive without help from government for basic human needs.

It's in everyone's best interest for workers to have family sustaining jobs, where we can provide for our families in a safe working environment.

I'm speaking out, not just for myself, but for all my coworkers who are too scared to speak out because they can't afford to lose their jobs through retribution. We desperately need and deserve better conditions at work, but we also want our airports to be a safe place for passengers. It's not good for us to be bullied into staying quiet when there are problems. We shouldn't be punished for trying to improve the airport.

Throughout the country, subcontracted airline workers have risen up and won wage increases, better job protections, and union representation. As a result many airline contractors have responded by working with us to raise standards at our nation's airports.

Eulen remains the outlier and the airlines that hire them are the enablers.

The bottom line is - how is Eulen's behavior acceptable? Something must be done. On behalf of the thousands of men and women working for Eulen, please take action to help end this suffering by ensuring that American and Delta Airlines only work with responsible contractors who don't abuse workers or exacerbate our poverty rate while leaving the government and taxpayers with the bill.

## **Additional information on working conditions for contracted airport service workers**

### **Low Wages and Benefits**

Over the last few years, SEIU has been able to win enhanced wages and benefits at several airports for contracted airport services workers across the country. For example, in New York City's airports (JFK, LGA, and EWR), wages for airport workers will rise to \$19/hour by 2023.<sup>1</sup> However, contracted airport services jobs are mostly low-wage jobs. In a 2017 Economic Roundtable report, nearly half of all U.S. airport workers working in the classifications that SEIU organizes and represents are paid less than \$15 per hour.<sup>2</sup> Thirty

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<sup>1</sup> Information from the Port Authority of New York and New Jersey's website, available at [https://old.panynj.gov/press-room/press-item.cfm?headLine\\_id=2997](https://old.panynj.gov/press-room/press-item.cfm?headLine_id=2997).

<sup>2</sup> June 2017 report released by the Economic Roundtable, "Flying Right: Giving U.S. Airport Workers a Lift," at p. 3, available at [https://economicrt.org/wp-content/uploads/2017/06/Flying\\_Right\\_2017.pdf](https://economicrt.org/wp-content/uploads/2017/06/Flying_Right_2017.pdf).

seven percent of the airport labor force, have wages under \$15. At \$10.73, cabin cleaners had one of the lowest median wages in 2017.<sup>3</sup>

Further, the report states that low wages and sometimes limited work hours put some U.S. airport workers into economic distress. Over 46,000 U.S. airport workers and their families live below the poverty threshold; they make up seven percent of the airport labor force.<sup>4</sup> Over 194,000 U.S. airport workers received public assistance benefits; the largest program being Medicaid, followed by food stamps and cash assistance. A total of \$1.2 billion in public assistance are provided each year for low-income airport workers. In addition thirty-seven percent are rent-burdened.<sup>5</sup>

In addition, airport workers generally do not have meaningful and/or affordable benefits. For example, according to an informal survey of 32BJ members at LaGuardia and JFK, 18% of workers employed at those airports workers are uninsured.<sup>6</sup> The remaining workers were covered by Medicaid (28%), Medicare (17%), NY Essential Plan (15%), “Obamacare” (4%)<sup>7</sup>, their spouse/domestic partner’s employer benefits (4%), or other health insurance options (5%). Only 7% of these workers received health insurance through their employer.<sup>8</sup>

### **Airport Workers Health and Safety Problems**

Airport services workers at airports across the country face a number of health and safety hazards. Across the country, the Occupational Health and Safety Administration (OSHA) has repeatedly found multiple contractors in this industry guilty of violations against workers. From October 2018 to September 2019, Federal OSHA cited companies that provided airport service work a total of 88 violations and penalized these companies for \$221,563.<sup>9</sup> To put this figure in context, statutory and budgetary constraints have resulted in OSHA routinely agreeing to reduce penalties as part of informal settlement agreements in exchange for an employer’s promise to fix hazardous conditions immediately.<sup>10</sup> During this period, 164,992 cases closed; approximately 40% of these cases closed with no penalties

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<sup>3</sup> June 2017 report released by the Economic Roundtable, “Flying Right: Giving U.S. Airport Workers a Lift,” at p. 3, available at [https://economicrt.org/wp-content/uploads/2017/06/Flying\\_Right\\_2017.pdf](https://economicrt.org/wp-content/uploads/2017/06/Flying_Right_2017.pdf).

<sup>4</sup> June 2017 report released by the Economic Roundtable, “Flying Right: Giving U.S. Airport Workers a Lift,” at p. 3, available at [https://economicrt.org/wp-content/uploads/2017/06/Flying\\_Right\\_2017.pdf](https://economicrt.org/wp-content/uploads/2017/06/Flying_Right_2017.pdf).

<sup>5</sup> June 2017 report released by the Economic Roundtable, “Flying Right: Giving U.S. Airport Workers a Lift,” at p. 3, available at [https://economicrt.org/wp-content/uploads/2017/06/Flying\\_Right\\_2017.pdf](https://economicrt.org/wp-content/uploads/2017/06/Flying_Right_2017.pdf).

<sup>6</sup> SEIU conducted an in-person and online survey of its members employed at JFK and LGA from December 2018 until May 2019. 801 32BJ members chose to respond to the survey. Respondents were asked, “How do you currently receive health insurance?” The survey method was not scientifically rigorous.

<sup>7</sup> “Obamacare” refers to a Qualified Health Plan that a person purchases through the New York State of Health Marketplace.

<sup>8</sup> Informal Survey referenced in Footnote 29. In addition, SEIU 32BJ has requested participation rates from airport service contractors. As of December 17, 2019, only one had complied fully with this request.

<sup>9</sup> Data for NAICS Code: 4881 Support Activities for Air Transportation Workers available at U.S. Occupational Safety and Health Administration at

[https://www.osha.gov/pls/imis/citedstandard.naics?p\\_esize=&p\\_state=FEFederal&p\\_naics=4881](https://www.osha.gov/pls/imis/citedstandard.naics?p_esize=&p_state=FEFederal&p_naics=4881).

<sup>10</sup> Center for Progressive Reform, “OSHA’s Discount on Danger: OSHA Should Revise Its Informal Settlement Policies to Maximize the Deterrent Value of Citations,” June 2016 Report, at p. 1. available at [http://progressivereform.org/articles/OSHA\\_Discount\\_on\\_Danger\\_Report.pdf](http://progressivereform.org/articles/OSHA_Discount_on_Danger_Report.pdf).

assessed. On average, the current penalties assessed for cases during this period amounted to only \$1,968.<sup>11</sup>

The standards that were violated in this industry include but are not exclusive to those related to respiratory protection, hazard communication, bloodborne pathogens, powered industrial trucks, fall protection and falling object protection, occupational noise exposure, storage and handling of liquefied petroleum gases, and air contaminants.<sup>12</sup>

### Higher Incident Rates of Injuries and Illness for Airport Support Workers than for Workers in Other Industries

According to the Bureau of Labor Statistics, the 2018 incident rates of recorded cases of occupational injuries and illnesses for airport support workers is 29% higher than explosives manufacturing, 63% higher than apparel manufacturing, 121% higher than in mining, quarrying, and oil and gas extraction, and 181% higher than electric power generation.<sup>13</sup>

### U.S. GAO Finds that Airport Workers are At Risk of Exposure to Communicable Diseases

In December 2015, the U.S. General Accountability Office (GAO) released a report in response to a Congressional request for a review of how prepared the US aviation system is to respond to potential communicable disease threats from abroad such as the Ebola epidemic.<sup>14</sup> The GAO interviewed aviation-service employees – including airport cleaning, aircraft cleaning, and passenger service employees – who expressed concern that they did not receive adequate communicable disease training and report challenges accessing appropriate personal protective equipment, cleaning equipment, and cleaning supplies.<sup>15</sup> The GAO found that inadequate training, equipment, and supplies could lead to employee exposures to pathogens that could in turn result in infections.<sup>16</sup>

### U.S. GAO Finds that Ramp Work is Dangerous Work

In November 2007, the U.S. General Accountability Office issued a report on ramp safety that showed in the five previous years, fatal airport ramp accidents were happening in the

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<sup>11</sup> Data from an analysis of OSHA penalties filed between October 2018 and September 2019.

<sup>12</sup> Data for NAICS Code: 4881 Support Activities for Air Transportation Workers available at U.S. Occupational Safety and Health Administration at [https://www.osha.gov/pls/imis/citedstandard.naics?p\\_essize=&p\\_state=FEFederal&p\\_naics=4881](https://www.osha.gov/pls/imis/citedstandard.naics?p_essize=&p_state=FEFederal&p_naics=4881).

<sup>13</sup> U.S. Department of Labor, Bureau of Labor Statistics, Industry Illness and Injury Data, “Incidence rates - detailed industry level - 2018” [https://www.bls.gov/iif/oshwc/osh/os/summ1\\_00\\_2018.htm](https://www.bls.gov/iif/oshwc/osh/os/summ1_00_2018.htm). NAICS codes 4881- support activities for air transportation, 32592 – explosives manufacturing, 315 – apparel manufacturing, 21 – mining, quarrying, and oil and gas extraction, and 22111 – electric power generation.

<sup>14</sup> GAO-16-127, released by the U.S. General Accountability Office in December 2015, “Air Travel and Communicable Diseases: Comprehensive Federal Plan Needed for U.S. Aviation System’s Preparedness,” <https://www.gao.gov/assets/680/674224.pdf>.

<sup>15</sup> GAO-16-127, released by the U.S. General Accountability Office in December 2015, “Air Travel and Communicable Diseases: Comprehensive Federal Plan Needed for U.S. Aviation System’s Preparedness,” at p. 38, available at <https://www.gao.gov/assets/680/674224.pdf>.

<sup>16</sup> GAO-16-127, released by the U.S. General Accountability Office in December 2015, “Air Travel and Communicable Diseases: Comprehensive Federal Plan Needed for U.S. Aviation System’s Preparedness,” at p. 38, available at <https://www.gao.gov/assets/680/674224.pdf>.

US at a rate of about six per year. The majority of these fatalities were ramp workers. Airlines and airports typically control the ramp areas using their own policies and procedures. As a result, the GAO reported that efforts to improve safety in ramp areas was hindered by a lack of complete accident data and standards for ground handling.<sup>17</sup>

### Highlights of Contractors With Health and Safety Issues

Below are just a handful of examples of contractors that OSHA had cited recently for serious violations. Despite these serious violations, these companies are still operating at our nation's major airports.

#### ***Eulen America***

Since 2012, the Occupational Safety and Health Administration has cited Eulen America, a major contractor for American Airlines and Delta Airlines, for multiple violations of federal workplace health and safety standards at Florida Airports.

In April 2019, U.S. Congresswomen Donna Shalala and Frederica Wilson held a Congressional Roundtable at the Miami airport to hear directly from workers after an alarming expose ran in a local TV station. At the roundtable workers testified regarding injuries sustained at work, vehicles in hazardous conditions, and trucks that transport workers and carry supplies for planes being roach infested. Subsequently, as part of a referral, and formal complaint filed by workers, OSHA investigated Eulen at Miami International Airport and issued eight citations as part of two inspections at MIA with an initial total fine amount of \$77,898 (\$55,166 and \$22,732), Eulen entered an informal settlement agreement with OSHA, and penalties were lowered to a total of \$46,739 (\$33,100 and \$13,639).<sup>18</sup> The initial citations included:<sup>19</sup>

- A driver was exposed to getting his fingers caught on the wire mesh that was on the back of the driver's seat as the driver raised the platform in the back of the truck.
- Workers were exposed to fall hazards after lowering a guardrail on the side of the platform to gain access to the interior of a plane.
- Eulen was found to have violated OSHA's General Duty Clause which requires employers to provide a place of employment free from recognized hazards that were causing or likely to cause death or serious physical harm to employees. OSHA found that ramp and baggage handlers which engaged in heavy material handling were exposed to temperature levels that may lead to development of serious heat-related illnesses such as, but not limited to, heat cramps, heat exhaustion, heat stroke and death.

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<sup>17</sup> Aviation Runway and Ramp Safety, Sustained Efforts to Address Leadership, Technology and Other Challenges Needed to Reduce Accidents and Incidents, US General Accountability Office, 2007, available at <https://www.gao.gov/assets/270/269675.pdf>.

<sup>18</sup> [https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1396157.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1396157.015) and [https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1403303.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1403303.015), accessed 11/18/19

<sup>19</sup> OSHA Inspection 1396157.015 and 1403303.015

- Eulen did not administer a continuing, effective hearing conservation program.
- Eulen did not have an effective extermination control program and workers were exposed to sanitation health hazards from insects including, but not limited to an infestation of cockroaches.
- Eulen did not develop and implement a written exposure control plan for employees who are exposed to occupational bloodborne pathogens and other potentially infectious materials, when handling sharps and cleaning up blood. Eulen did not provide training or make Hepatitis B vaccines available within 10 working days of initial assignment to all employees with occupational exposure.
- Eulen did not provide information for workers voluntarily wearing N95 filtering facepiece respirators. Per OSHA if a respirator is used improperly or not kept clean, the respirator itself can become a hazard to the worker.<sup>20</sup>
- Eulen did not maintain copies of required safety data sheets for certain hazardous materials, and did not provide effective information and training for employees who were required to work with certain hazardous chemicals.

Furthermore, OSHA found hazards inside high lift trucks which included tripping hazards due to the rear cab being full of blankets, trucks not having functional seatbelts and inspection sheets not being accurate, OSHA did not cite Eulen for these hazards.<sup>21</sup> As of December 17, 2019, the case statuses on the OSHA inspection detail website is noted as “pending abatement of violations, penalty payment plan in place”<sup>22</sup> for one of the inspections and closed for the other inspection.<sup>23</sup>

In response to the results of the MIA investigations, Eulen stated that it could not be more pleased with the results.<sup>24</sup> However, according to the Department of Labor Enforcement Database data extracted on November 23, 2019, when comparing Eulen’s MIA inspection that totaled \$33,100 in settled penalties with inspections of all other companies coded under the Support Activities for Air Transportation since 2014 to November 2019, Eulen’s current penalty amount ranked as the highest in Florida and the 9<sup>th</sup> nationwide.<sup>25</sup>

Eulen currently has two open OSHA investigations at Fort Lauderdale-Hollywood International Airport and John F. Kennedy International Airport.

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<sup>20</sup> OSHA Standard 1910.134 Appendix D, <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.134AppD>

<sup>21</sup> OSHA Letter to Eulen Re: Inspection 1403303, 10/25/19

<sup>22</sup> [https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1396157.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1396157.015), accessed 12/17/19

<sup>23</sup> [https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1403303.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1403303.015), accessed 12/17/19

<sup>24</sup> Eulen America Letter to Lester Sola Miami International Airport CEO and Director, Dated November 22, 2019

<sup>25</sup> Analysis of Department of Labor Enforcement Database data extracted November 23, 2019, for OSHA inspection with penalty amounts over \$30,000 for 2014 – November 2019, NAICS Code 4881 - Support Activities for Air Transportation Industry.

The attached maps show maps of major cities where Eulen operates clearly shows that Eulen employees live in neighborhoods with high levels of poverty where high numbers of people use public assistance programs.

### **McGee Air Services**

In March 2018, McGee Air Services a wholly-owned subsidiary of Alaska Airlines,<sup>26</sup> In March, 2018, McGee Air Services was fined \$24,000 in connection with four serious violations of Washington State health and safety laws for their operations at Seattle Tacoma International Airport.<sup>27</sup> The Washington State Department of Labor & Industries noted that McGee “ramp agents were not provided safety devices, safeguards, work practices, processes, and the means to make the workplace safe from hazards.”<sup>28</sup> The state also documented several cases in which baggage carts used by McGee Air Services “were not kept in safe and operable condition.”<sup>29</sup>

Because McGee failed to provide information requested by State investigators, the State’s Attorney General Office was forced to intervene and threaten to subpoena the records before they were produced.<sup>30</sup>

### **Menzies**

In July 2019, Maryland Occupational Safety and Health (MOSH) issued a Citation and Notification of Penalty to Menzies, a cargo, fueling, and ground-handling contractor that services all airlines at BWI, including American Airlines and Delta Airlines, for citations concerning five OSHA standards. Three of these initial citations were of a “serious” nature and the proposed penalty was \$5,400.<sup>31</sup> MOSH initially issued citations alleging that Menzies did not train its employees in procedures that would minimize fall hazards in the work area<sup>32</sup>; protective equipment was not provided where there were hazards capable of causing injury and impairment<sup>33</sup>; employees guardrail systems, safety net systems, or personal fall arrest systems were not ensured for workers who worked on a walking-working surface with an unprotected side or edge<sup>34</sup>; portable fire extinguishers were not provided for workers<sup>35</sup>; and nameplates or markings for powered industrial trucks were not in place<sup>36</sup>.

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<sup>26</sup> <https://www.mcgeairservices.com/about-us.html>

<sup>27</sup> Summary of Assessed Penalties Due, Inspection: 317946438, Page 2 of PDF received

<sup>28</sup> Violation 1 Item 1a, WAC 296-800-11010, Citation and Notice of Assessment, Inspection 317946438, page 4 of PDF received from L&I.

<sup>29</sup> Violation 1 Item 3 WAC 296-800-14025, Citation and Notice of Assessment, Inspection 317946438, page 11 of PDF received from L&I.

<sup>30</sup> From inspector’s notes, Enforcement Case File, Page 24 of PDF

<sup>31</sup> MOSH Inspection of Menzies, Inspection Number 1396019. Case No. G4961-028,19. Citation Issuance Date 07/11/2019. Available at [https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1396019.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1396019.015).

<sup>32</sup> Maryland Occupational Safety and Health, Citation and Notification of Penalty. Inspection Number 1396019. Case No. G4961-028,19 No., pg. 6

<sup>33</sup> Ibid., pg. 7

<sup>34</sup> Ibid., pg. 5

<sup>35</sup> Ibid., pg. 7



Menzies later entered into an informal settlement agreement with MOSH and the initial citations for lack of protective equipment where there were hazards capable of causing injury and impairment, personal fall arrest systems, and nameplates and markings for powered industrial trucks were dropped as part of the settlement. The remaining three citations in the settlement consisted of two serious and one non-serious. Penalties for one serious violation were lowered to \$1,701 and penalties for the additional serious violation and a non-serious violation remained at \$0.<sup>37</sup>

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<sup>36</sup> Ibid., pg. 8

<sup>37</sup> MOSH Inspection of Menzies, Inspection Number 1396019. Case No. G4961-028,19. Case closed in September 16, 2019. Available at [https://www.osha.gov/pls/imis/establishment.inspection\\_detail?id=1396019.015](https://www.osha.gov/pls/imis/establishment.inspection_detail?id=1396019.015).