

CHOCOLATE HEALTH AND SAFETY VIOLATIONS



Nine, including six willful, workplace safety and health violations have been cited by the U.S. Department of Labor's Occupational Safety and Health Administration at the Eastern Distribution Center III, a facility in North Londonderry owned by The Hershey Co. and operated by Exel Inc. In addition to penalties of \$283,000 against Exel, OSHA has also proposed a \$5,000 fine against SHS Staffing Solutions for one violation. While six of the violations lodged against Exel, of Westerville, Ohio, were willful, for not recording injuries and illnesses over a four-year period and not taking required steps to protect workers' hearing, the citation of SHS, of Lemoyne, Pa., was for not training employees regarding safe handling of high-energy equipment. OSHA launched its investigation in response to a complaint from the National Guestworker Alliance on behalf of a group of foreign students who had summer jobs at The Hershey Co. Under a contract with Exel, SHS Staffing Solutions hired the students to work at the facility. Exel, on its part, was responsible for record keeping. The students, who were led to protest against working conditions, say they took the jobs in the belief they would be participating in a cultural exchange, not to be working at low-paying menial jobs that left them little time or energy to do much else. Dr. David Michaels, the assistant secretary of labor in charge of OSHA, said that Exel had been cited primarily for lapses in its records and that the failures were serious because they undermined OSHA's ability to monitor work conditions at the plant. "It's not just paperwork," he said. "It's lives and limbs. The requirement to keep track of injuries is the basis for prevention of those injuries". Lynn S. Anderson, spokeswoman for Exel, said that the company will contest the citations and proposed fines before the independent Occupational Safety and Health Review Commission. She added, "It's important to understand that this is one area of one site and the majority of the citations involve record-keeping". OSHA's account of injuries that Exel did not report is corroborated by many of the students. In one case, a student was injured by a box that flipped off a line and struck him in the face. In another, a packer suffered a back strain that required rest for one month. In a letter issued to Exel, OSHA has recommended a comprehensive change in the packing process saying that workers faced "ergonomic risk factors" from lifting and reaching for boxes.