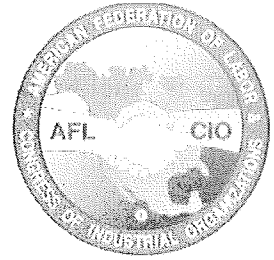


MAINE AFL-CIO

A Union of Unions Standing for Maine Workers
21 Gabriel Drive, Augusta, Maine 04330



(207) 622-9675
Visit our website: www.maineaflcio.org

President
Cynthia Phinney

Vice President
Pat Carleton

Secretary Treasurer
Doug Born

Testimony of Maine AFL-CIO Legislative & Political Director, Adam Goode, in Support of LD 1794, "An Act to Enhance the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees"

Senator Tipping, Representative Roeder and members of the Joint Standing Committee on Labor and Housing, my name is Adam Goode. I'm the Legislative and Political Director of the Maine AFL-CIO. We represent 40,000 working people in the state of Maine. We work to improve the lives and working conditions of our members and all working people. We testify in support of LD 1794.

Maine has an important history as a manufacturing state. Rural communities could once count on manufacturing facilities in the textile, paper and pulp industries to provide good paying jobs with consistent benefits to serve as an economic engine. The increased reliance on forced overtime as a replacement for appropriate staffing is one factor in the diminished reputation of working at paper mills in rural Maine.

Forced overtime in Maine paper mills is widespread, dangerous and is taking a massive toll on workers and their families. Maine paper mills are increasingly mandating overtime — forcing workers to work longer hours and multiple shifts in a row. It's not uncommon for mill workers to complete a twelve-hour shift and be forced to work another immediate twelve hours of overtime. Another common situation is a worker being required to work multiple consecutive days where they have to work eighteen hour shifts.

We are talking about unplanned mandatory overtime where paper workers come in for their normal scheduled shift, and only find out late in their shift that they are expected to stay for an additional six to twelve hours, depending on the worksite. Workers regularly finish an eighteen hour shift at eleven at night and are then expected to come in to work at five the next morning and then do the whole routine again the next day. In addition to not being able to see their families, missing important events and not having the freedom to plan life outside of work, fatigue due to forced overtime causes dangerous situations both inside the paper mill and adds unnecessary risks to public safety.

Today's high demand of hours required to be a paper worker is not the historic practice in this industry. There was a time when working at a paper mill was a great rural Maine job, with a work-life balance that was about working to live instead of living to work. While there are real problems with staffing across many sectors due to demographic shifts, the increased excessive hours required to work at paper mills was avoidable. In the late 1990's management at paper mills had increased expectations from corporate headquarters, requiring consolidation to the extreme. Programs like "lean manufacturing" and performance improvement programs were instituted, making things so lean that now they struggle to adhere to basic staffing. Automation has made these jobs so demanding that the reputation of working at a paper mill has plummeted, making it even harder for management to staff properly.

The result is a paper industry that has decided it is more cost effective to force employees to work overtime and pay them time and a half than to spend the money to hire and train new workers.

It is cruel to miss out on important family events. We aren't just talking about missing the occasional sporting event or family supper. We are talking about workers being told they have to work on wedding days, missing being with loved ones in their final moments of life and robbing workers of booked vacations.

In addition to the strain put on family life, we want to make sure the serious threats to the health and safety of workers and the public are on the forefront of your mind when you consider this bill. Paper mills are dangerous places. Workers at these job sites work with dangerous equipment that requires seamless protection against machine injuries. While working in a paper mill, workers can be struck by mobile equipment or heavy objects, pulled into machinery, poisoned by dangerous chemicals or burned by combustible dust. Mutilating machine-related injuries happen in paper mills.

Paper mills use chemicals in various processes. Workers need to be alert and focused in order to prevent fires, explosions and the release of dangerous chemicals. Two of these chemicals, chlorine gas and chlorine dioxide, are well known components in the bleaching process. Both chlorine gas and chlorine dioxide can cause severe lung damage, not to mention the serious threat to the environment caused by these chemicals if safety protocol is not adhered to.¹

The increased fatigue associated with unplanned, mandatory shifts of eighteen and twenty four hours combined with complex job demands results in accidents. There is an abundance of research that confirms the connection between extended shifts and the risk of major fires and explosions.²

Keep in mind that many people who work in rural Maine have significant commutes. Mandatory, unplanned shifts of this duration do not mix well with half hour and hour long commutes in rural Maine, especially during times of year marked by little daylight and bad roads. There are no snow days at paper mills, and we unfortunately already have experience this year that reminds us that any combination of work-induced fatigue, bad weather and poor vision can lead to tragedy.³

The guardrails in this bill should be a baseline in order to do these jobs safely. Limiting forced overtime to a maximum of two hours beyond a regular shift each day, requiring seven days advance notice to mandate someone for overtime and protecting vacation time by preventing companies from mandating people work overtime on approved vacation time, floater days and holidays are policies that these workers deserve. You shouldn't be disciplined if you say "no" when you are told you have to work a twenty four hour shift midway through your day.

Voluntary overtime at paper mills in Maine is not changed at all in this bill. We know there are workers who like having the option of overtime, so all we are doing is giving workers slightly more choice over how much overtime they are forced to do.

¹U.S. EPA. 1999. Reregistration Eligibility Decision (RED) Chlorine Gas. EPA738-R-99-001.
<http://www.epa.gov/oppsrrd1/REDs/4022red.pdf>

²U.S. Chemical Safety and Hazard Investigation Board (CSB) 2007. Investigation Report: Refinery Explosion and Fire (15 Killed, 180 Injured), BP, Texas City, Texas, March 23, 2005, (Washington, D.C., CSB.).

³https://www.wabi.tv/2023/02/07/no-jail-time-former-maine-corrections-officer-sentenced-deadly-crash-9-year-old/?link_id=1&can_id=7f8dc5647b05e8c908960e833bcbea2e&source=email-papermakers-fight-backiam-s7-valentines-day-solidarity&email_referrer=email_1812541&email_subject=forced-ot-crisis-veterans-valentines-day-solidarity

⁴Dawson D, Reid K. Fatigue, alcohol, and performance impairment. *Nature*. 1997 Jul 17; 388 (6639): 235.

⁵Akerstedt T, Wright K, Sleep Loss and Fatigue in Shift Work and Shift Work Disorder, *Sleep Med Clin* 4 (2009), pp 257-271, doi:10.1016/j.jsmc.2009.03.001

⁶Vegso S, Cantley L, Slade M, Taiwo O, Sircar K, Rabinowitz P, Fiellin M, Russi MB, Cullen MR, Extended Work Hours and Risk of Acute Occupational Injury: A Case-Crossover Study of Workers in Manufacturing, *American Journal of Industrial Medicine*, 50(8), 597-603.

⁷Bopparaju S and Subramanian S, Sleep and Driving, Sleep & Safety, Surani S and Subramanian S, eds, Bentham Science Publishers (2011) at pp 94-109.

This kind of work schedule has serious demands on worker health and safety both in the workplace and community. It is well documented that performance is seriously impaired when someone does not get enough sleep. Worker fatigue is real, and it comes at a major cost. Studies have found that being awake for 24 hours can lead to impairment equivalent to .10% blood alcohol concentration⁴, increased accident risk due to shift-work sleep disorder⁵ and fatigue due to excessive hours worked⁶ and all of the associated hazards that come with driving without getting proper sleep.⁷

Being told you can't go home after an eight or twelve-hour shift, and having to stay another eight or twelve hours is hard on a worker's family and body. Rampant forced overtime is a workplace safety and public safety issue. It is not safe to operate heavy machines after twenty hours without sleep nor is it safe to drive after twenty four hours without sleep. It doesn't have to be this way. Corporations have found it to be cheaper to force employees to work overtime rather than spend the money to hire and train new workers.

Voting out to pass on LD 1794 will help provide paper makers more freedom over how much overtime they are forced to take, improving safety to the public and at work and bringing back the good reputation of working at paper mills in Maine.