

...At Abhe & Svoboda, those who complain about safety don't last

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back. He told some co-workers that he'd called OSHA, and he thinks word got back to management.

"They were on me about every little thing," Luey says. "They were watching me, bird-dogging me."

Soon, he got two write-ups for a photo posted on Facebook by his son Shane Luey Jr., who was also working for Abhe & Svoboda under the Ross Island Bridge. The photo showed the two of them standing on a cross-brace above the Willamette River. Shane Luey Sr. was written up for taking a picture on the job and because the picture showed him not wearing a safety harness — both of which violated company rules.

In the end, the company didn't have to fire Shane Luey Sr.; they just declined to hold his job for him after he broke his collarbone in an off-the-job accident July 4. His son, Shane Luey Jr., was fired in November, ostensibly for violating a new rule prohibiting talking on the job.

On Feb. 8, 2017, eight months after Luey Sr. warned OSHA about unsafe scaffolding, Marco Montello fell 40 feet from a scaffold under the bridge and landed on his son Christopher, who was on a lower level. Both were hospitalized after a fire department ladder rescue.

Luey says he decided to go public with his story after hearing about the accident.

"When I heard it on the news, I really got pissed off about it. If they would have handled this when I called OSHA, it probably wouldn't have happened," Luey said.

At least three other OSHA complaints have been filed on Abhe & Svoboda's Ross Island Bridge project. And other former Abhe & Svoboda employees echo Luey's description of an employer openly disregarding safety — in interviews and written statements provided to government agencies and to Painters and Allied Trades District Council 5. The union has been investigating Abhe & Svoboda to find out how the company was able to underbid a unionized contractor by \$11 million.

Fired after talking (about safety)

An Abhe & Svoboda employee who asked to be identified only by his initials, D.R., said he remembers very well the safety meeting at which Luey was threatened by management.

"Everybody on the whole project heard it," he says.

With 23 years experience in marine painting, D.R. was hired by Abhe & Svoboda in March 2016, and served as paint foreman on the Ross Island job until November 2016, when he was replaced by a relative of the project manager. D.R. was demoted to painter.

"There was constant discussion about the way we were doing things, and that people were going to get hurt," D.R. recalls.

"I'm not going to sign that. ... You're retaliating against me because I engaged in concerted and protected activity."

— Omar Rubi



D.R. says by about November, the company was behind schedule. Managers began pushing workers to go faster, and imposed a "no-talking-on-the-job" policy on the project. D.R. says he told his co-worker Shane Luey Jr. that the speedup was going to cause an accident; someone would fall from the scaffolding. Their conversation was within earshot of the new foreman. The next day, D.R. was told there was no work for him. Two days later the project superintendent gave him his last check, and an explanation: "He didn't need me up there yapping when I was supposed to be working," D.R. said.

Fired after filing an OSHA complaint

The next worker to be terminated after raising a safety complaint was Tywan Brown — according to a sworn statement she submitted Feb. 28 to the Oregon Bureau of Labor and Industries (BOLI). In the statement, Brown said she traveled from Virginia to work on the Ross Island Bridge as a sandblaster starting Nov. 7. One month in, she injured her hand and arm on the job, and was assigned to light duty. On Jan. 27, she filed an anonymous complaint with Oregon OSHA. The complaint lists numerous safety concerns, including: injuries going unreported; that workers were working in unsafe weather conditions and falling while working on a platform in freezing rain; and that workers on light duty were still doing tasks that could cause further injury. She was terminated Feb. 2, 2017, after a conversation with Abhe & Svoboda safety manager Thurman London in which he suggested her injury had been caused by non-work activities. She was also accused by a company manager of being "guilty" of filing the OSHA complaint. Afterward, a company manager interviewed a co-worker, her roommate, about her complaint to OSHA.

Fired after telling co-workers they could speak up about safety

Omar Rubi is a union organizer with Painters District Council 5 who got hired on at Abhe & Svoboda's Ross Island Bridge project. But the company didn't know that — until Rubi came out as a "union salt" in a Feb. 15 article in the *Northwest Labor Press*.

Like other workers, Rubi raised safety issues. In fact, on Feb. 7, the day before Marco Martello's 40-foot fall, Rubi attended a safety meeting at which a manager told workers that if they have safety concerns, they should come to management, not to talk to each other or to gov-

ernment agencies about them. In front of his co-workers, Rubi objected, saying that they have a right under federal law to talk to each other, and to government agencies, about safety concerns.

"First thing they do after our employee meeting, they call me in the trailer and Thurman [the safety manager] says, 'Here, I need you to sign this,'" Rubi recalls. "And I'm like, 'What's this?' He goes, 'It's a write up for not wearing your harness.' I'm like, 'No, I'm not going to sign that. ... You're retaliating against me because I engaged in concerted and protected activity.'"

At the end of his shift, Rubi says he was told not to come in the next day — though he had worked on the project five days a week since July 16, 2016. Rubi continued to call in, only to be told there was no work for him. On Feb. 16, he was called back.

"The first thing they had me do was pull me into the trailer, and Thurman has a write-up for me, for not wearing a harness." Again he refused to sign it, and was terminated.

What kind of a safety officer disciplines workers for safety violations after they complain about safety?

It turns out Thurman London used to be a federal OSHA compliance officer, in Denver — until he was indicted, convicted and sentenced for theft of government property. According to a 1997 report from the inspector general of the U.S. Department of Labor, London absconded with an OSHA government-

owned vehicle, eight camcorders and other office equipment, and used a government-issued credit card to make about \$15,000 in unauthorized personal purchases, including clothes, restaurant meals, and car rentals. He later repaid \$13,192 to the government, and his wife repaid \$850.

Company-wide

Safety problems at Abhe & Svoboda aren't limited to Thurman London, or to the Ross Island Bridge project.

Orvin Dean, a member of Portland-based Painters Local 10, worked for Abhe & Svoboda in New Jersey and Florida three years ago, and says workers didn't wear safety gear as required: "A few times I tried to put on my harness and [a company foreman] told me the company doesn't have time for you to walk from Point A to Point B just so you can put on your harness."

OSHA has cited and fined Abhe & Svoboda more than a dozen times at projects around the nation, including nearly \$30,000 for dozens of violations on the Astoria Bridge in 2011. To publicize the company's violations of safety and other labor laws, the Painters District Council 5 put together a web site, *abhe-exposed.com*, which went live April 11.

But Rubi is concerned Oregon OSHA may go easy on the company.

"I've been sending OSHA pictures of guys not using harnesses on the scaffold," Rubi said. "They just don't seem interested. It's almost like they don't care.... When somebody comes to me with something important I jump on it; I behave a certain way. They're not doing that."

ONLINE EXTRA

See video from the Portland Fire Bureau's bridge rescue of injured workers, and a detailed record of Abhe & Svoboda's safety and labor law violations, at <http://abhe-exposed.com>

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