

Family Resource Guide

New Hampshire Coalition for
Occupational Safety and Health

We are sorry for your loss

Dear Family Member,

No one should have to experience the pain and heartache of a loved one killed on the job. Please accept my sincerest sympathy for your loss.

On July 21, 2016 my father was tragically killed at work. I have been inspired by my family's loss to become active with the New Hampshire Coalition for Occupational Safety and Health as a way to honor the memory of my dad. NHCOSH is a statewide non-profit organization working to make New Hampshire workplaces safer so that no more families will experience the grief and loss that your family and mine have had to endure.

I hope you find the information in this guide helpful during this difficult time. NHCOSH has compiled these materials to help families of those killed at work find the information they need and to understand their rights after a loved one's death.

If you have any questions regarding family rights after a workplace fatality, call either Susi Nord or Brian Mitchell at NH COSH at (603) 232-4406. If you need a sympathetic ear to talk to (or to cry to) NHCOSH is here to help.

With deepest sympathy,
Samantha Wooten
New Hampshire COSH Board Member



NH COSH Board Chair Representative Mark MacKenzie, Reverend Gail Kinney and Samantha Wooten at 2017 Workers' Memorial Vigil



Samantha holds a picture of her dad, Tom, in front of the NH State House. Sam has worked to help highlight discrepancies in response and investigations of serious injuries and illness for public vs. private employees.

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.

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 be a very good source of support.

Seek Outside Legal Counsel

Workplace tragedies result in very complex issues. It is important for families to get good and accurate advice early in the process. This will protect you and your family's interests. When looking for a lawyer, make sure they have a track record of helping families in similar cases. These are often "Third Party Lawsuits" so you should ask a lawyer for references regarding those cases. 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.

NH COSH can help refer you to a qualified, skilled attorney.

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. Speak to the government agency to find out when to put in the FOIA request. Contact NHCOSH with questions. NHCOSH works closely with a network of skilled attorneys who can assist with a range of legal issues. For more information about FOIA requests, go to www.foia.gov.

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 NHCOSH 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 in, and have been in, *your* situation. **NHCOSH can link you with family members in New Hampshire for support and assistance.**

Get Involved and Become an Advocate



Family members are playing an increasing role in demanding justice on behalf of their loved ones. There are many ways that family members can have an impact on laws and issues of workplace safety. **NH COSH can help you get involved with advocacy around workplace health and safety issues or help support you in your search for justice for your loved one.**

Advocacy Examples

- ➔ Family members can demand all the relevant facts of the circumstances surrounding workplace tragedies. Families can ask for the District Attorney to investigate. Don't hesitate to meet with the OSHA office or District Attorney's office to state your case.
- ➔ Participate in Workers' Memorial Week events to honor your loved one and all of those who have senselessly lost their lives throughout the year. Every year, family members, unions, legislators and many other health and safety activists join together in ceremonies across the country to memorialize victims and raise awareness around workplace safety issues. The theme "Mourn the dead and fight for the living" is a powerful message that resonates throughout the day.
- ➔ Tell your loved one's story. Speak to elected officials, members of the public, the media and anyone who will listen. Too often the narrative around a workplace tragedy is "What a terrible accident. Who knew?" The reality is that most workplace incidents are preventable if proper safety procedures and equipment are in place and properly used.
- ➔ The Granillo family of Dallas, TX pushed the city council to pass a law requiring water and rest breaks for construction workers after Roendy Granillo died of heat exhaustion at work. Roendy's 11-year-old sister, Jasmine was an eloquent speaker for a measure that might have saved her brother's life had it been in place at the time of his death and will certainly positively impact untold workers in Texas where several workers die every year of heat exhaustion.

Scholarships for Families of Fallen Workers

Please feel free to check the NHCOSH website or call our office for information about how to apply for these scholarships.

The **American Society of Safety Engineers Foundation** scholarship was established in 2013 to assuage the hardship of families affected by a workplace tragedy. This scholarship, available to spouses and children who have lost a loved one in a workplace incident, provides educational funding to minimize the financial impact of their loss and encourage continuing education.

Kids' Chance is a 501(c)(3) nonprofit organization that was created for the purpose of creating, assisting and supporting programs that provide educational opportunities and scholarships for the children of workers seriously injured or killed on the job.

Was Your Loved One Covered by Workers Compensation?

- Almost all workers are covered by workers' compensation. Workers are covered no matter how many hours they worked per week, how long they were employed or how the employer paid them. Workers are covered even if they were paid cash "under the table".
- Workers are covered even if they were not US citizens. Workers are covered if they were immigrant workers and did not have "papers". If you are in this situation, an attorney may be helpful to protect your rights and help you collect your benefits.
- If workers are self-employed, they are only covered if they have taken out their own workers' compensation insurance.

NH Workers' Comp Benefits You May be Eligible for Include:

- Weekly benefits for a surviving spouse, partner and/or dependent child(ren) or parent(s).
- If the surviving spouse re-marries, dependent children will continue to receive benefits until the age of 18 or 25 if they are still in school and unmarried.
- Burial expenses up to \$10,000

If you have not heard of these benefits, you should contact the NH Department of Labor immediately.

"Dependent" means the employee's widow, widower, children, parents, persons in the direct line of ascent or descent, or next of kin, who were wholly or partially dependent, in fact, upon the earnings of the employee for support at the time of the injury. A common law wife or husband of the deceased and posthumous children may also be considered dependents.

For More Information about Workers' Compensation

Contact the New Hampshire Department of Labor:

95 Pleasant Street Concord, NH 03301

Coverage: (603) 271-2042

Claims: (603) 271-3174

Vocational Rehabilitation: (603) 271-3328

Self-Insurance: (603) 271-6172

Workers Compensation Benefits under NH State Law RSA 281-A:26

<https://www.nh.gov/labor/workers-comp/employee-benefits/death-benefits.htm>

Freedom Of Information Act (FOIA) Request

The basic function of the Freedom of Information Act is to ensure informed citizens, vital to the functioning of a democratic society. The agency will typically first search for the records and then review them to determine what can be disclosed. While FOIA allows for many records to be released, there are also nine exemptions that protect certain types of information, such as personal privacy and law enforcement interests. The length of time to respond to your request will vary depending on its complexity and any backlog of requests.

Sample FOIA Request

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 a copy of all documents, photos, and materials pertaining to case # _____ regarding the fatality of _____. (Write down the case number and the name of your loved one), be provided to me.

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 understanding of operations and activities of the government and to help me understand the circumstance of this fatality, learn of my loved one's last moments and, ultimately, help me with my grieving process. **(*Note: see below.)**

Thank you for your consideration of this request.

Sincerely,

Name

Address

City, State, Zip Code

Telephone

Email

If you do not include all your information, your request will more than likely be denied. *This is not an unusual step to take and the agency will not consider you a troublemaker for requesting this information.*

***Note:** *There may be disturbing photos or pieces of information you do not want to receive and you should note this in your request or possibly have the request go to a third party such as a lawyer who can help you screen/prepare for what you see.*

About New Hampshire Coalition for Occupational Safety and Health

NH COSH is a 501(c)3 charitable non-profit working to make the men and women of New Hampshire safer on the job. We do this through training, advocacy and raising awareness about workplace injuries and fatalities. We envision a 21st century workforce that is empowered to speak up for safe jobs and fair employment practices. We believe workers are an organization's most valuable asset and that when workers' voices are valued, work is safer, more productive and more profitable for everyone. A strong and vibrant workforce is the cornerstone of a healthy, thriving economy.

About United Support and Memorial for Workplace Fatalities

United Support and Memorial for Workplace Fatalities is a national charitable non-profit dedicated to restoring and revitalizing the quality of life for workers, their families and communities. USMWF promotes family involvement, transparency and fairness in the investigative systems, improving workplace protections and the workers' compensation system and giving workplace fatalities a face. Visit their website at www.usmwf.org.



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