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Safety, accidents, and your rights in the aftermath of an accident

The recent accident involving an aerial lift brings to mind that it is time for another discussion about safety, accidents, and your rights in the aftermath of an accident.

One of our greatest strengths is to find creative solutions to problems that don't exist in the "real world." We must be mindful that safety is always of the utmost importance and no shot is worth risking injury to ourselves or others. It is imperative that we constantly engage in hazard analysis so that we identify any hazards and either mitigate them or find another solution.

We should never use any equipment outside the scope of its intended operation unless we are qualified to do so. Aerial lifts are not designed to be lighting platforms but we are qualified to rig them as lighting platforms provided we are following the training materials provided by the lift manufacturers and as directed by our employers through the required Safety Pass B & B2 classes.

This is a good opportunity to review what to do and what to expect in the aftermath of an accident. The first thing is to ensure that everyone is safe and to call for rescue for those who are in need of it. If it is safe to do so and it doesn't require special equipment and/or training, the person doesn't require medical assistance, and the actions are allowed by the employer's Emergency Action Plan we can assist those who may need help evacuating. We also have an obligation to ensure that the accident scene is secured, meaning no one enters the affected area, and it is free from hazards that we control, as long as it is safe to do so, and we abide by any training and/or Emergency Action Plan that is provided by our employer. An example of this is firefighting. We have all taken the Fire Extinguisher Class but have also been instructed that we are not to function as firefighters. Hazards that we control generally fall into two categories, though there may be others. These are electricity and illumination. We may need to cut the power to an area but also find a way to safely get light into it so people can evacuate, and first responders can do their jobs.

Another part of securing the scene is ensuring that any evidence that can help determine the cause of the accident is documented. Equipment should be left in place and not moved or altered unless it is necessary for rescue, evacuation, or to mitigate a hazard. Examples would be the state of controllers and switches, elevation or placement of lifts or vehicles, safety equipment - failed or operational, foreign debris or residue, and electrical distribution equipment including cables, especially if it is not part of our system. We have had multiple issues with third party vendors holding facilities contracts outside the agreements of the IATSE and IBEW. If it is safe to do so, take pictures of everything and write down your recollection of events before you start talking to other people about what happened.

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Things not to do in an accident investigation interview:

- Do not volunteer information.
- Do not assign blame.
- Do not lie to the investigator.
- Do not tell them what you think they want to hear.
- Do not let them tell you what to say. "So, would you say that it was..."
- Do not tell them what you think happened, stick with what you know happened. Even if they ask!

The default position in many occupational safety programs is that the worker is the primary source of accidents. This introduces a bias that in the absence of any other evidence, the accident must have been caused by the worker. It is because of this that we must preserve and document anything that may be related to the accident, not to vindicate ourselves but to ensure that the true cause of the accident is determined.

This bias also leads some industrial safety programs to use the number of disciplinary actions that are issued for safety violations as a metric to measure the effectiveness of their program. Compound this with possible sanctions that employers can receive from regulatory agencies like OSHA and some unscrupulous employers are eager to pin the blame on an "independent employee action" for which they are not responsible. In our industry the employers who take our safety seriously typically don't fall into this category and many will have a Zero Tolerance Policy towards safety violations.

The motion picture and television industry is unique in that many of us have friendlier relationships with our employers than workers in other sectors of manufacturing. All of these friendships will go out the window in the aftermath of an accident and it is important to protect ourselves when this happens. It is essential to know that your Weingarten Rights are just as important in an accident investigation as they are in any disciplinary interview. From my personal experience representing members during these investigations, more often than not the interview starts with "I am not looking to assign blame, I am just trying to figure out what happened." While I won't go so far as to say that the person doing the interview was lying in every case, but the person they reported to was under no obligation to honor this promise. As a reminder, you are entitled to Union representation for an interview that may lead to discipline, so if you reasonably believe this is a possibility, request a Union representative.

Our job as Local 728 members is to light sets, not be versed in labor law. There is a lot of nuance in the enforcement of Occupational Health and Safety regulations that has nothing to do with Set Lighting and this is where it is important to have representation. We had one case where an outside investigator was hired by production specifically to avoid a finding by CalOSHA that they had shirked their responsibility to provide a safe workplace. Our crew was not directly involved in the accident but witnessed it happen and had been in the area of the hazard a few minutes before the accident occurred. Several members of our crew were summoned to "help figure out what happened." Fortunately, the crew knew better and





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invoked their Weingarten Rights so the interrogations were put on hold until we were able to schedule a time with our members and the investigator. The line of questioning was intended to blame us for not reporting the hazard in an attempt to alleviate the responsibility of the employer to correct it.

Despite the high-profile nature of accidents in our industry the motion picture and television industry is considered as "Low Hazard" by OSHA. This doesn't mean that there are no hazards in our work and in the hands of people who don't know how to mitigate these hazards, they can prevent significant danger to cast and crew.

It is important that we always be aware of our surroundings and not only our activities but also of the activities of those around us. The more eyes looking out for potential issues, the better.

In solidarity,

Alan M. Rowe
Safety & Training Director
Lighting Technicians IATSE Local 728

