



MORE ON **LABOR AND EMPLOYMENT**

## Looking at worker safety after Bumble Bee Foods tragedy

A horrific accident has resulted in the company paying out \$6 million

BY JULIANA KENNY  
AUGUST 24, 2015



In August, Bumble Bee Foods agreed to shell out \$6 million for various reparations following the horrific death of an employee. Allegations against the company cite that it knew questionable safety practices were occurring and did not take necessary actions in response, ultimately resulting in the death of Jose Melena who burned alive in a 36-foot-by-54-inch oven while repairing it.



The \$6 million will divvy up as such: \$3 million to buy new automated ovens, \$1.5 million to the state government and courts, and \$1.5 million to the family of Melena. Aside from the gruesome details of the case, the workplace safety violations are ones other businesses should do well to take note of. Speaking to *InsideCounsel*, [Mark Spring](#), partner at California employment and labor law firm Carothers DiSante & Freudenberger LLP, said that workplace safety must be a priority for employers — particularly those with workers in higher-risk environments.

On top of Bumble Bee Foods' payout, two of its safety employees are now facing criminal charges and possible prison time. So, what can other businesses learn from the Bumble Bee Foods case in terms of securing their workplace safety policies? [Spring](#) says three items are vital:

- Employers must ensure that employee safety is given high priority;
- Employers have the most up-to-date safety policies and practices; and
- Not only must employees be properly trained, but both employees and supervisors must be properly implementing and incorporating the safety training and methods into their work procedures, even if there are "easier" ways to get things done.

[Spring](#) notes that the last item is where the biggest risks occur: "Even though training is provided, there can be pressure to take shortcuts to make things easier or more efficient," [he says](#). "Employers must make sure that

corners are not getting cut. It is like the guy who rides his bike to work every day. The one time he decides it is too hot to wear his helmet is probably the time where he crashes. It only takes one mistake.”

Employers should also be aware of the constant evolution of technology and production methods. In environments where automated tools can be used instead of placing a worker in a dangerous environment, an employer would do well to utilize the automated option — something for which Bumble Bee is now doling out \$3 million. And stock policies are not good enough given how production methods are constantly changing.

**Spring** says training is key here. Among the many procedures employers must have in place to ensure against workplace safety violations, training needs to be compliant with the Division of Occupational Safety and Health. He notes that language barriers can inhibit comprehension and small businesses do not have excuses for not meeting the same standards as large ones:

“Employers must also make sure that all employees can understand the training. Many employees do not understand English well enough to grasp certain training. If that is the case, these employees must be given training in their native language and employers should make sure all employees are able to understand the training given. Also, being a small employer does not give you an excuse to ignore safety. Employees can get injured or hurt regardless of the size of the operation and resources need to be devoted to safety, even at small businesses.”

While the Bumble Bee Foods case surrounds a macabre tragedy, at least it can serve as an alarm for other companies in terms of taking a look at their own workplace safety policies and procedures to ensure the safest conditions for all workers.