

Crushed to Death by Unsafe Working Conditions Findings on the Stephen Corilla Case

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Stephen Corilla, a 32-year-old worker of Universal Robina Corporation - Plant 1 Tabok, Mandaue City died while cleaning a sugar pulverizer machine at around 1:00 PM on June 2, 2022.

Two weeks into his work in the packing area, Corilla was assigned by a maintenance technician to clean the inside of a sugar pulverizer machine in the production area. Lacking proper training and information on the machine's status and maintenance, he proceeded with the task as ordered. He later got caught in the machine and suffered severe injuries causing his instant death.

After the incident, the management instructed four employees to retrieve Corilla's body from the machine and took him to the hospital, where he was pronounced dead on arrival. There seems to be an attempt to hide the incident from public knowledge as manifested by the following: Management's failure to immediately report the incident to the police, its refusal to promptly allow police investigators to get inside company premises and the cleaning of the accident site prior to the arrival of investigators. In addition, workers who witnessed the incident seemed to have been briefed by Management authorities to keep mum on the incident. Moreover, Corilla's family was only informed of his death three hours later. No medical personnel, police, or DOLE representative was notified of the incident as it occurred. The accident site was cleaned and operations using the pulverizer machine continued the day after.

Two days later, after receiving reports from former URC employees, the Department of Labor and Employment (DOLE) conducted an inspection, which revealed that the machine was turned on and Corilla's body got caught in between the paddles causing sharp force traumatic injuries and several broken bones. Pertinent to their findings were the machine's defective safety interlocking device, absence of lock out/tag out system, and Corilla's lack of mandatory Occupational Safety and Health training. The management was issued a cease and desist order for the machine involved and a work stoppage order pending correction of deficits. They were also asked to pay a fine of P100,000 to DOLE, cover the expenses of the bereaved family, and attend a hearing of the case.

As of writing, the fine has been settled but the management has yet to face the family or provide any financial assistance.

Universal Robina Corporation (URC) is one of the leading snack and beverage producers in the Philippines. Their products include Magic Flakes, Magic Creams, C2, Nova,

Mister Chips, Chippy, Great Taste Coffee, Blend 45, Payless Pancit Canton and Nissin Noodles. It is owned and managed by the Gokongwei family, who also owns the Consolidated Food Corporation, JG Summit Holdings, Cebu Pacific Air, Digital Communications Philippines, and Robinsons Details. The Gokongwei siblings managed to rank 4th among the richest Filipinos in the middle of the pandemic. URC banked P24.3 billion in revenues in 2021, more than double of what it did in 2020.

It is clear by now that systemic lapses led to Corilla's demise.

1. Lack of orientation on occupational safety and health.

Despite already working for two weeks, Corilla did not receive any orientation on the dangers of his work, as is the case for other new hires of HR Team Asia. This activity a necessary part of any implemented OSH program (DO 198 Sec 12 (b) #8) and is in fact, mandatory for the Safety and Health Training of all workers (DO 198 Sec 16 (b).

Non-compliance with these safety standards violated the Workers' Right to Know (DO 198 Sec. 5), wherein "All workers shall be appropriately informed by the employer about all types of hazards in the workplace and be provided access to training, education and orientation on chemical safety, electrical safety, mechanical safety, ergonomics and other hazards and risks." Furthermore, "all workers, including new hires, shall be provided training and information for all types of hazards in the workplace in a language and dialect that workers can understand."

2. Re-assignment of tasks was done haphazardly.

Although assigned in the packing area, Corilla was asked to continue the maintenance of a sugar pulverizer machine in the production area. This is a common occurrence as workers report being transferred from one task/area to another based on their supervisor's preference.

This unsafe practice violates the Occupational Safety and Health Standard (OSHS) Rule 1967.06, which states that "applicants examined for employment and accepted for specific work or job shall not be transferred to another work or job until they have been examined by the physician and certified that the transfer is medically advisable." In addition, it also violates DO 198 Sec 16 ©, since "all personnel engaged in the operation, erection and dismantling of equipment and scaffolds, structural erections, blasting operations, demolition, confined spaces, hazardous chemicals, welding and flame cutting shall undergo specialized training and instruction on said activities."

3. Machine used is unsafe.

Previous operators and maintenance personnel of the sugar pulverizer already noted some defects. They even recall being grounded while cleaning the said equipment. True enough, the results of the investigation done by the DOLE corroborated these

with findings of non-provision of safety measures when operating the machine, a violation of OSHS Rule 1200, detailed as follows:

- i. Defective Safety Interlocking Device
- ii. No work instruction/manual for production operations that include checking Safety Interlocking Device whether were functioning.
 - Per work instruction/manual, the regular operator should have done the cleaning of the machine but the maintenance technician did the cleaning as the motor was repaired/replaced by the maintenance technician so it can turn over the machine to the production until his back ached so the victim took over and continued the cleaning works until the fatal accident.
- iii. No maintenance report indicating that after doing maintenance check, the Safety Interlocking Device is functioning.
 - Per logbook, the machine with its interlocking device was checked on March 16, 2022. No details though can be found if the interlocking device was functioning.
- iv. No implementation of Lock-out Tag out
- v. Quarterly maintenance of the machine is insufficient.

On top of these, workers recall that the light/sensor indicating that someone is still inside the machine was not turned on and that the main breaker supplying the sugar pulverizer was not turned off during maintenance.

All moving parts of an equipment should be guarded to protect any person or object from coming into contact with them. For additional protection, an interlocking device prevents the operation of a machine or makes its use difficult unless the guard is in proper position. And, a lock out/tag out system ensures that a machine is completely shut down and is kept non-operational while ongoing maintenance by cutting off its power source. Unfortunately, all these measures were insufficient to protect Corilla.

Blatant disregard of protocols delayed proper investigation and failed to secure the safety of the rest of URC's workers.

1. The scene was not preserved for accident investigation.

Workers report that Corilla's body was handled by his co-workers alone and wrapped in a garbage bag after retrieval. The machine was cleaned by the supervisor and his co-workers immediately after the incident and was used for production after. No medical assistance was called to assess the body and facilitate transfer to a hospital. The police were not notified to secure the scene. No CCTV footage can be reviewed as only the entrance to the production area was covered. The first step to any accident investigation should have been to manage the scene, which includes treating the injured, controlling the remaining hazards, isolating the site to protect people, and preserving the evidence. None of which was respected by the URC.

2. Operations involving the sugar pulverizer were not suspended.

No work stoppage was issued and the production resumed a day after the incident using the same equipment that took Corilla's life. Some workers did not report to work for fear of experiencing the same fate, at the expense of no pay. It is the responsibility of the safety officer to issue a work stoppage order when necessary (DO 198 Sec 14 (d)). While the DO 198 Sec 6 states that workers have the right to refuse unsafe work if, as determined by DOLE, an imminent danger exists; it also recognizes that "as a preventive measure, the safety officer, may, following his/her own determination and without fear of reprisal, implement work stoppage or suspend operations in cases of imminent danger.

Given the risk of serious injury from an unchecked machine involved in a fatal accident, the latter should have been done. Its failure violated the workers' right to refuse unsafe work as the recognition of imminent danger is central for its provisions. To wit "The employer or safety officer cannot require the workers to return to work where there is a continuing imminent danger. A worker may also refuse to work until the lifting of the work stoppage order after implementing the appropriate corrective measures." In addition, "if stoppage of work due to imminent danger occurs as a result of the employer's violation or fault, the employer shall pay the affected workers their corresponding wages during the period of such stoppage of work or suspension of operations." according to DO 198 Sec. 24.

3. The incident was not promptly reported.

URC did not notify DOLE of the incident and had no intention to. It even briefed its workers to keep quiet and not approach the authorities. Had former URC workers not gone to DOLE to follow-up on a previous case, the institution would not have learned about Corilla's fatal accident.

This violated DO 198 Sec 6 which states that "the employer, safety officer or worker shall immediately notify DOLE that an imminent danger situation exists in the workplace." Furthermore, it did not comply with OSHS Rule 1053.01 (2), "where the accident or fitness results in death or permanent total disability, the employer, shall initially notify the Regional Labor Office or duly authorized representative within twenty four (24) hours after occurrence using the fastest available means of communication."

It also failed to uphold DO 198 Sec 7, which states "workers and their representatives shall have the right to report accidents, dangerous occurrences, and hazards, to the employer, to DOLE and to other concerned competent government agencies. They shall be free from any form of retaliation for reporting any accident. Reporting of accidents to DOLE may be made through any means of communication including the DOLE hotline, whichever is most convenient to the worker."

As a result, DOLE was able to conduct the investigation on June 4, confirm the presence of imminent danger, and discontinue the use of the sugar pulverizer two days after the incident that led to Corilla's death.

Although DOLE may have conducted its investigation within 48 hours of receiving the report, the expected period for investigation of all deaths and permanent total disabilities (OSHS 1503.01 (3)), its due diligence is still questionable. It should be noted that this fatal accident occurred just almost a month (May 19, 2022) after the Labor Department conducted an inspection in the company based on a request filed by URC workers. The department's findings and inspections have not been released despite repeated requests from the workers.

The Labor Department should be held accountable to this workplace death. It clearly failed to fulfill its responsibility to identify OSH standards violations, monitor that these are immediately addressed by the company and ensure workers' safety at all times.

Former URC workers have been complaining about the defects in the sugar pulverizer machine for years. Despite these serious complaints, workers have observed that the labor inspectors did not even visit the production area and just stayed in the office during the inspection. Multiple work-related accidents in the production area resulting in amputation and crushing injuries have also occurred in the past. These accounts show that the deficits that led to Corilla's demise have been around for a long time but were not decisively addressed. Thorough inspection must be the standard and it must be coupled with immediate correction of findings to ensure workers' safety and health.

Prevention has always been better than cure. Amidst the increasing number of workplace accidents and deaths in recent weeks, the Labor Department should review its conduct of labor inspection to prevent accidents and ensure workers' health and safety.

But in no way does this leave URC off the hook. It should be held accountable for Corilla's death and to all the workers who have been injured because of unsafe working conditions. The company's continuous and blatant neglect of workers' health and safety and rights paves way for more occupational accidents and illnesses that put workers' lives in constant danger.

INHUMANE WORKING CONDITIONS: Low wages, insecure jobs and unsafe work

Widespread contractualization has imposed inadequate wages on the majority of workers, with some receiving only Php 1,000 for 10 days of work. It also violates their job security as work opportunities are left to their coordinator's prerogative, leaving some workers to be on "on call" status or with intermittent work lasting for only 3-4 days a month, especially during the pandemic. On top of this, 300 contractual workers were terminated in April 2022, despite years of service, to facilitate change in the subcontracting firm.

URC has been hiring the majority of its workers through third party agencies. Based on the testimonies of several workers, they were being transferred from one agency to another, cutting their length of service and keeping them contractual even after working for at most 14 years. Last March, the company contracted the services of a new agency, HR Team Asia and more than 300 workers were made to reapply and undergo a series of interviews and exams in order to be rehired. Their current agency, People First Labor Services Cooperative (PFLSC), did not inform them beforehand of this transfer. Those who passed were made to

sign pre-filled resignation letters from PFLSC and accept that their length of service would be cut off. Those who failed, despite years of service, were made to choose between deployment or release from the agency without separation pay.

Workers sought the assistance of the Visayas Human Development Agency, Inc. (VIHDA) and wanted to assert their regular status with URC despite pressures from PFLSC. Workers complained before the DOLE-7 after which, hearings were held in April and followed by an inspection by labor inspectors on the alleged proliferation of labor-only contracting. All these came only after the majority of the workers had been laid off. Moreover, labor inspection results have not yet been released until now. The agency already hired new workers and among them was Corilla.

Workers suffer inhumane conditions at work. They are not allowed to take meals or bathroom breaks during their shifts that extend up to 12 hours, if no reliever is available. They do not receive any medical assistance from the company clinic for common complaints such as stomach aches or headaches, more so for worrisome ones like dizziness or loss of consciousness. They do not have permanent task assignments but are usually transferred to difficult jobs involving machine operation. This has been used by some coordinators to get sexual favors in exchange for a more favorable work schedule.

Contractual workers' attempts to organize were countered with black propaganda from the management and its agency. To discourage them from joining the organization, workers were threatened with blacklisting and being discriminated against by their fellow employees. At the same time, those who decided to join the organization were forced to sign resignation letters and quit claims without enough discussion on the implications of the act.

It's easy to see how contractualization makes labor cheaper for capitalists. It has meant more workers with minimal wages and no benefits in exchange for increased outcomes resulting in greater revenue. But at what cost? Contractualization takes advantage of the need of the majority to find a means to survive in this dog-eat-dog world by providing an opportunity for hard-earned income. It keeps workers busy enough in trying to make ends meet that they disregard everything else, allowing employers to get away with whatever they please. It conditions them to think that their skills are mediocre and therefore easily replaceable, forcing them to work harder to keep their jobs.

Most importantly, it cheapens the life of workers to merely parts of a machine not worth the basic decency of livable wages, rest, recreation, protection and self-development. In a society where everyone competes for unequal opportunities, this practice will continue to thrive and workers will continue to feel trapped in prioritizing their livelihood now over investing in their welfare in the future.

This should not be the norm! Work should bring about a life worth living and not a life spent on working alone. Workers shouldn't die while trying to make a living. Having another Stephen Corilla is inevitable unless we eliminate contractualization now and recognize occupational safety and health as a right of all workers, regardless of their sector or job status.

OUR CALLS

We stand with the Corilla family and all victims of violations of workers' safety and health. This is not an isolated incident and cannot be taken separately from other fatal workplace accidents in the past. The existence of these despite the implementation of the OSH Law since 2018 exposes the law's weakness and emphasizes the need to impose harsher penalties for violations. Numerous lives have been lost from preventable accidents, yet not a single capitalist has faced the grave consequences of his negligence. Fines will never be enough to compensate for the value of lives lost, nor will they prevent a similar or worse accident from happening.

In moving forward, we demand:

Justice for Stephen Corilla and all victims of workers' rights violations!

Criminalize occupational safety and health standards violations!

End all forms of contractualization!

Recognize occupational safety and health as a fundamental right at work!

Workers' safety is the government's responsibility!