

# BULLETIN

AFL -CIO -CLC . Local 11  
National Association of Broadcast Employees and Technicians

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November 9, 2001

## Safety First!

Because of the anthrax incidents at 30 Rockefeller Plaza and across the Northeast, we share members' concerns about personal safety. What if more anthrax is delivered to the building? What if there is some other kind of disaster? We have heard from many members that their managers seem more concerned about conducting "normal" operations than about the health and welfare of the human beings who work in these conditions.

The Local is fighting for many, many changes in the way NBC does business in the wake of the World Trade Center attacks and the anthrax spores which infected NBC workers. We have an ongoing arbitration to address evacuation plans, inadequate alarm and notification systems, the need for immediate notification whenever there is a danger in the building, and so forth. In the meantime, we want to make it clear that you are not required to risk your life for any company, including NBC.

Usually, the rule is "obey and grieve". In other words, if a manager directs you to do something that violates the contract or is just plain wrong, you are required to perform that assignment and then file a grievance. There is an important exception to this rule: When your own safety is in immediate jeopardy. Here is how the rule is usually stated:

**An employee may refuse an assignment if he or she has a reasonable belief that the assignment will create a real and imminent danger to life and limb [or "danger of imminent bodily harm"].**

**The U.S. Occupational Safety and Health Administration ("OSHA") has issued a rule, which has been upheld by the courts, that it**

**is the right of an employee to choose not to perform his assigned task because of a reasonable apprehension of death or serious injury coupled with a reasonable belief that no less drastic alternative is available.**

We do not mean that you have the right to leave the building or refuse to work any time there is a rumor of

some problem or other. We do not mean that members have the right to stay home because America lives under the threat of more terrorist attacks. Your fear has to be "reasonable" and the threat to your safety has to be "imminent"; there has to be something particular going on which would cause a reasonable person to fear imminent or immediate bodily harm.

If the building is being evacuated, your fear of imminent bodily harm would certainly be reasonable, and you would have the right to evacuate - no matter what your manager says. If more anthrax is found in the building, you would have the right to evacuate - no matter what your manager says.

We know that our members have good judgement. We also know that you can't figure out whether your safety is in danger if NBC fails to tell you anything. One of our main goals with the arbitration is to make sure word gets out immediately when there is a real danger in the building -biohazards, fire, etc.

Fraternally,

Louis P. Fallot  
President

William F. Freeh  
Vice President & Grievance Chairman