

## Judge Grants OSHA Motion to Dismiss in Maid-Rite Worker Suit - Comment from Worker and Legal Team

Link to ruling: <https://www.publicjustice.net/wp-content/uploads/2021/03/Maid-Rite-Motion-to-Dismiss-Granted-033021.pdf>

**Statement from Jane Doe II, a plaintiff in the lawsuit:**

*“It is bad enough to be treated as inhuman by your employer during a pandemic – to work along a crowded processing line at breakneck speed, to have no room to take a bathroom break away from others, and to not know which co-workers you came in close contact with were sick or what if anything to do about it. It is a terrifying insult for a court to tell you that OSHA – the part of the federal government responsible for protecting workers from bosses like ours who won’t look out for our basic health – doesn’t have to do anything under the law.*”

*Regardless of the outcome of this legal action, the public should know that Maid-Rite didn’t tell its workforce when it knew that some workers had gotten sick and instead had them continue to labor in ignorance, sent workers back into the plant while the outbreak was ongoing after a brief shutdown so that the company could continue to make money, and that many of the workers, and the workers’ family members, who were infected as a result of Maid Rite’s actions continue to suffer from serious physical pain and other symptoms.*

*We are human beings, and we demand that our government start to do its job and work for workers across the country in our position. That’s why we stood up to demand change with this lawsuit.”*

**Justice at Work Pennsylvania, Public Justice, and Towards Justice - groups representing the plaintiffs - had this comment:**

*“In the decision, Judge Mannion rightly identifies ‘serious concerns’ as to whether OSHA’s behavior in response to the Maid-Rite workers’ complaint, raised in June 2020, is consistent with OSHA’s duty to ensure workers’ rights to safe and healthy working conditions. This is particularly true, Judge Mannion notes, ‘given the work Plaintiffs are employed to do, which involves the processing and packaging of raw meat for schools, universities, nursing homes, and military bases.’*

*Despite recognizing these concerns, the Court reached the wrong conclusion under the law and dismissed the Maid-Rite workers’ challenge to unsafe pandemic working conditions. After being treated as sacrificial by Maid-Rite, and having their complaint to OSHA not taken remotely seriously, the plaintiffs in this suit must have recourse through the civil justice system, as is guaranteed by the Occupational Safety & Health Act. We are weighing an appeal of this ruling.*

*The good news is that OSHA can still do the right thing. OSHA can still inspect the Maid-Rite facility and address the imminent danger that hundreds of workers there continue to face every day—including being forced to work shoulder to shoulder along production lines. OSHA can also promptly issue an Emergency Temporary Standard to protect millions of workers around the country who continue to struggle in*

*unsafe workplaces during this deadly pandemic. We're confident that under its current leadership OSHA will take both of those steps."*