



Proceedings

A monthly newsletter from McGraw-Hill



April 2013 Volume 4, Issue 9



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Dear Professor,

Spring is here! Welcome to McGraw-Hill's April 2013 issue of Proceedings, a newsletter designed specifically with you, the Business Law educator, in mind. Volume 4, Issue 9 of Proceedings incorporates "hot topics" in business law, video suggestions, an ethical dilemma, teaching tips, and a "chapter key" cross-referencing the April 2013 newsletter topics with the various McGraw-Hill business law textbooks.

You will find a wide range of topics/issues in this publication, including:

1. New global banking rules designed to avert future market crises;
2. A new Environmental Protection Agency (EPA) report highlighting the developmental dangers children face with exposure to toxic substances;
3. The nature and extent of religious freedom in Russia;
4. Videos related to an Ohio rape case and the alleged under-prosecution of rape cases in the United States;
5. An Ethical Dilemma related to the exposure of temporary employees to workplace hazards; and
6. "Teaching tips" related to Article 3 ("Russian Patriarch Says Religion Law Must Not Go Too Far") and the Ethical Dilemma ("Temp Employees More Likely to Succumb to Workplace Hazards").

Enjoy all the promise and hope the spring season engenders, and I wish you a positive culmination of the academic year!

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Of Special Interest

This section of the newsletter covers three (3) topics:

1) New global banking rules designed to avert future market crises;

2) A new Environmental Protection Agency (EPA) report highlighting the developmental dangers children face with exposure to toxic substances; and

3) The nature and extent of religious freedom in Russia.

Hot Topics in Business Law

Article 1: “New Global Banking Rules Aim to Avert Future Crises”

<http://www.usatoday.com/story/news/world/2013/01/06/global-regulators-agree-on-bank-asset-rules/1812217/>

According to the article, international banking regulators agreed recently on global rules meant to ensure banks keep enough cash in hand to survive future market crises, and gave banks until 2019 to comply fully.

The rules will require banks in future to hold enough cash, and assets such as equities, corporate and government bonds that can easily be sold, to tide them over during an acute 30-day crisis.

The body that oversees the Basel Committee on Banking Supervision, which sets international rules, said recently that they will have to hold 60 percent of that amount when the rules start being phased in on January 1, 2015; that will increase by 10 percentage points every year until the standards take full effect at the beginning of 2019.

The oversight body's head, Bank of England governor Mervyn King, said after regulators met in Basel, Switzerland, that the timeframe ensures the new standards "will in no way hinder the ability of the global banking system to finance the recovery." The hope is that it will prevent lenders from becoming over-reliant in the future on help from central banks, which have stepped in over recent years to keep the financial system flush with cash.

King said that "the vast majority" of the world's biggest banks "already hold liquid assets well above the minimum required by this standard."

The rules are part of wider efforts to prevent another shock to the financial system like that prompted by Lehman Brothers' 2008 collapse, which led to taxpayer-funded bailouts of banks in the U.S. and Europe.

They are part of the so-called Basel III package of reforms. That package will require lenders to increase their highest-quality capital — such as equity and cash reserves — gradually from 2 percent of the risky assets they hold to 7 percent by 2019.



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Discussion Questions

1. How can international law be effective, especially if an individual or entity chooses not to comply with international law?

Although enforcement of any law represents a challenge, enforcement of international law is particularly difficult, given geographical distance and jurisdictional (e.g., choice of law and choice of forum) issues. In many respects, whether international law is enforceable depends upon the willingness of the subject parties to comply with the legal mandate.

2. The article refers to the “Basel III” package of reforms, which will require lenders to increase their “highest-quality” capital, such as equity and cash reserves, gradually from 2 percent of the risky assets they hold to 7 percent by 2019. What are “equity” and “cash reserves?”

In the context of the article and the Basel III package of reforms, “equity” consists of corporate and government bonds that can easily be sold (i.e., converted to cash). “Cash reserves” are monies kept on deposit at a bank to meet liquidity (i.e., cash flow) needs, such as depositor withdrawals.

3. In your reasoned opinion, will the regulations mentioned in the article help substantially in avoiding another global financial crisis similar to the one that occurred in 2008-2009? Why or why not?

This is an opinion question, so student responses will likely vary. Even with increased equity and cash reserve requirements, any future financial collapse of the magnitude experienced in 2008-2009 would be difficult for the global community to withstand.

Article 2: “Critical EPA Report Highlighting Chemical Dangers to Kids is Sidetracked”

<http://openchannel.nbcnews.com/news/2012/12/24/16112404-critical-epa-report-highlighting-chemical-dangers-to-kids-is-sidetracked?lite>

According to the article, a landmark Environmental Protection Agency report concluding that children exposed to toxic substances can develop learning disabilities, asthma and other health problems has been sidetracked indefinitely amid fierce opposition from the chemical industry.

America’s Children and the Environment, Third Edition, is a sobering analysis of the way in which pollutants build up in children’s developing bodies and the damage they can inflict.

The report is unpublished, but was posted on EPA’s website in draft form in March 2011, marked “Do not Quote or Cite.” The report, which is fiercely contested by the chemical industry, was referred to the White House Office of Management and Budget (OMB), where it still languishes.



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For the first time since the ACE series began in 2000, the draft cites extensive research linking common chemical pollutants to brain damage and nervous system disorders in fetuses and children.

It also raises troubling questions about the degree to which children are exposed to hazardous chemicals in air, drinking water and food, as well exposures in their indoor environments – including schools and day-care centers – and through contaminated lands.

In the making since 2008, the ACE report is based on peer-reviewed research and databases from federal agencies, including the Food and Drug Administration, Housing and Urban Development and the Centers for Disease Control and Prevention.

Public health officials view it as a source of one-stop shopping for the best information on what children and women of childbearing age are exposed to, how much of it remains in their bodies and what the health effects might be. Among the “health outcomes” listed as related to environmental exposures are childhood cancer, obesity, neurological disorders, respiratory problems and low birth weight.

The report cites hundreds of studies -- both human, epidemiological studies that show a correlation between exposure to certain chemical pollutants and negative health outcomes, and animal studies that demonstrate cause and effect. In some cases, the authors note, certain chemicals have been detected in children, but not enough is known about their effects to draw conclusions about safety.

In a section on perfluorochemicals (PFCs), for example, which are used to make nonstick coatings, and protect textiles and carpets from water, grease and soil, among other things, the draft notes that they are found in human breast milk.

The report said that “a growing number of human health studies” have found an association between prenatal exposure to PFCs and low birth weight, decreased head circumference and low birth length. It also stated that based on “emerging evidence suggests that exposure to some PFCs can have negative impacts on human thyroid function.”

Furthermore, it noted that animal studies produced similar results, although exposures were typically at higher levels than people are exposed to.

The EPA’s website still notes that the report will be published by the end of 2011. But after a public comment period that was marked by unusually harsh criticism from industry, additional peer review and input from other agencies, the report landed at OMB last March, where it has remained. No federal rule requires the OMB to review such a report before publication, but EPA spokeswoman Julia Valentine said the agency referred it to the OMB because its impact cuts across several federal agencies.

The spokeswoman said EPA had no idea when OMB would release it, allowing publication.



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A spokeswoman for the White House Office of Management and Budget said she would not discuss the review process or give an estimated release date.

Some present and former EPA staffers, who asked not to be named for fear of losing their jobs, blamed the sidetracking of the report on heightened political pressure during the campaign season. The OMB has been slow to approve environmental regulations and other EPA reports throughout the Obama Administration — as it was under George W. Bush according to reports by the Center for Progressive Reform, a nonprofit consortium of scholars, doing research on health, safety and environmental issues, which generally advocate for stronger regulation and better enforcement of existing law.

“Why is it taking so long? One must ask the question,” said a former EPA researcher who works on children’s health issues. “It is an important document and it strikes me that it’s falling victim to politics.”

The EPA states that the report is intended, in part, to help policymakers identify and evaluate ways to minimize environmental impacts on children.

That is an unwelcome prospect to the \$674 billion chemical industry, which stands to lose business and face greater legal liability if the EPA or Congress bans certain substances mentioned in the report or sets standards reducing the levels of exposure that is considered safe.

Among other findings, the report links numerous substances to ADHD, including certain widely available pesticides; polychlorinated biphenyls (PCBS), which were banned in 1979 but are still present in products made before then and in the environment; certain polybrominated diphenyl ethers (PBDEs), used as flame retardants; and methyl mercury, a toxic metal that accumulates in larger fish, such as tuna. The draft also cites children’s exposure to lead, particularly from aging lead water pipes, as a continuing problem.

Among the other widespread contaminants linked to learning disabilities is perchlorate, a component of rocket fuel, fireworks and other industrial products, which has polluted water around the country. The Department of Defense, which wants to avoid paying to clean it up, is alarmed by research showing that the chemical interferes with thyroid function and otherwise damages the nervous system, according to R. Thomas Zoeller, a biology professor at the University of Massachusetts Amherst, and an expert on perchlorate.

Zoeller, who has served on EPA advisory panels studying the issue, said the Pentagon’s concern was evidenced by the Air Force’s hiring of two consultants – Richard Mavis and John DeSesso --to help shape its response to the research. He noted that in 2009, after their consulting contract had ended, Mavis and DeSesso wrote a letter to the editor of *Environmental Health Perspectives*, a publication of the National Institute of Environmental Health Sciences, attacking an EPA scientist’s study showing that perchlorate may damage the brain. “I don’t like my tax dollars going for one federal agency to refute the work done by scientists at EPA,” he said. The Defense Department and the Air



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Force declined to comment on the publication, but spokeswoman Melinda Morgan wrote that “(t)he DoD is aware that there are many differing opinions on the science related to perchlorate health effects,” and believes the current level permitted by EPA is safe.

One of the new sections of the report notes that children may be widely exposed to pollutants in schools and day-care centers. Among them are pesticides; lead; PCBs; asbestos, a mineral fiber long used as insulation and fire-proofing; phthalates, chemicals that are used to soften vinyl and as solvents and fixers, and are found in numerous consumer goods, among them: toys, perfumes, medical devices, shower curtains and detergents; and perfluorinated chemicals, which are used in non-stick and stain-proof products. The study notes that these substances are (variously) associated with asthma, cancer, reproductive toxicity and hormone disruption.

The American Chemistry Council (ACC), the chief industry trade group, has accused EPA of lacking objectivity and vilifying its products. It has filed dozens of pages of comments accusing the EPA of ignoring certain studies – including some funded by ACC itself — that would help businesses make the case that their products are safe. The ACC also contends that EPA has not included enough positive comments about the role of chemicals in society.

“ACC members apply the science of chemistry to make innovative products and services that make people’s lives better, healthier and safer,” wrote ACC senior toxicologist Richard A. Becker. ... “The exclusive focus on exposure is particularly problematic as it may lead to the incorrect conclusion that exposure to chemicals (e.g. phthalates) at any level is not only cause for concern, but also a direct source of negative health effects.”

Becker also expressed the ACC’s contention that EPA was painting too bleak a picture of children’s health in America.

“It is troubling that the draft ACE report seems to make such little effort to provide a complete overall picture of child health in the United States,” Becker wrote. “For example, the draft report does not refer to *The Health and Well-Being of Children: A Portrait of States and the Nation* ... which concludes the health and well-being of children in the U.S. is improving overall with 84.4% of children in the United States listed as being in excellent or very good health, an increase from 83% in 2003.” Other ACC members, representing manufacturers of BPA, phthalates and other substances, also weighed in against the report.

Nsedu Witherspoon, executive director of the Children’s Environmental Health Network and a member of the EPA Children’s Health Protection Advisory Committee, which oversaw the report, called it a major accomplishment, reflecting the explosion of science since the first ACE was published. She also praised EPA chief Lisa Jackson for standing behind it. Industry critics, Witherspoon said, “in many cases are the same ones out there trying to debunk the original research,” that the study cites.



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Rena Steinzor, a professor at the University of Maryland School of Law, and president of the Center for Progressive Reform, said the ACE report need not have gone to OMB for review in the first place. Steinzor notes that Executive Order 12866 states that proposed significant regulations — generally defined as those that could cost more than \$100 million — need be reviewed by OMB, but studies do not.

The Executive Order gives OMB up to 60 days to review such proposals — although it allows for extensions. In practice, OMB has missed numerous such deadlines. But the ACE report, which is not a proposed regulation, falls into a gray area.

“If it’s not a rule, I don’t know what it’s doing there,” Steinzor said. “And even if it were a rule, there would be a deadline and they’d be violating it.”

In an e-mail statement to the Investigative Reporting Workshop, EPA spokeswoman Julia Valentine said, “The report was provided to OMB so that they could conduct an interagency review process to ensure accuracy and consistency.”

She noted that because the report addresses children's health, it includes issues that are the focus of many departments and agencies within the Department of Health and Human Services -- including the Centers for Disease Control, the Food and Drug Administration, the National Institute of Environmental Health Sciences and the National Cancer Institute.

Steinzor, whose organization has studied OMB under numerous presidents, does not buy it.

The report should be released now, she said, “because to protect children adequately we need all the information we can get... I guess I understand why there was great anxiety and paranoia before the election ... (but) why would you not do it now? It’s sad that things have gotten so polarized that we’re afraid to release scientific information.”

Discussion Questions

1. The Environmental Protection Agency (EPA) is a federal administrative agency charged with the responsibility of regulating air, water and land pollution for the purposes of protecting human health. In light of its mission and purpose, why should it not release the report referenced in the article to the public?

As the article indicates, although Executive Order 12866 states that proposed significant regulations — generally defined as those that could cost more than \$100 million — need be reviewed by the White House Office of Management and Budget (OMB), studies do not. In light of this regulation, the EPA could have released the report to the public had it chosen to do so. The primary argument for release of the report is the public’s “need to know” attendant risks associated with use of and exposure to chemicals. The primary argument against release of the report is doubt regarding the scientific accuracy of the report—however, considerable scientific research and data would appear



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to support the validity of the report. As indicated in the article, the report is based on peer-reviewed research and databases from federal agencies, including the Food and Drug Administration, Housing and Urban Development and the Centers for Disease Control and Prevention. Furthermore, public health officials view the report as a source of “one-stop shopping” for the best information on what chemicals children and women of childbearing age are exposed to, how much of it remains in their bodies, and what the health effects might be.

2. Should the report be kept “under wraps” purely for economic reasons (i.e., the negative impact revelation such a report might have on the United States chemical industry), especially in light of the economic difficulties the United States has faced in recent years? Why or why not?

This is an opinion question, so student responses will likely vary. As the article indicates, the \$674 billion chemical industry stands to lose business and face greater legal liability if the EPA or the United States Congress bans certain substances mentioned in the report or sets standards reducing the levels of exposure that is considered safe. In a difficulty economy, some may contend that one of our nation’s leading industries, the chemical industry, can ill-afford regulations that could negatively impact its sales, revenues and profits.

3. As the article indicates, Rena Steinzor, a professor at the University of Maryland School of Law and president of the Center for Progressive Reform, claims “It’s sad that things have gotten so polarized (politically) that we’re afraid to release scientific information.” In your reasoned opinion, should politics play a significant role in terms of the dissemination and use of scientific information (for example, the use of scientific information in crafting public policy and law?) Why or why not?

This is an opinion question, so student responses will likely vary. As the famous German philosopher Friedrich Nietzsche once claimed, the main driving force in life is the “will to power,” and the political process represents a wide avenue toward realization of such power. Like it or not, political maneuvering does often affect the dissemination and use of scientific information, including the extent to which scientific information is used to craft public policy and law.

Article 3: “Russian Patriarch Says Religion Law Must Not Go Too Far”

<http://news.yahoo.com/russias-church-urges-kremlin-restraint-religious-law-160750909.html>

According to the article, Patriarch Kirill, the head of the Russian Orthodox Church and a long-standing ally of President Vladimir Putin, recently urged the Kremlin to be moderate in new legislation seeking stricter punishment for religious offenses.

The pro-Kremlin United Russia party proposed a law introducing jail terms for offending religious feelings after a protest against Putin's increasingly close ties with the Church by punk band Pussy Riot in Moscow's main cathedral in February 2012.



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Two members of the band are in prison for the protest, which Kirill has called part of a coordinated attack intended to thwart the post-Soviet revival of Russia's dominant church.

In remarks published on the eve of Russian Orthodox Christmas, Kirill, who has likened Putin's long rule to a "miracle of God", told the Interfax news agency that Russia needed stiffer punishments for offences against religion.

"A fine of several hundred roubles (about \$10) for blasphemous inscriptions on a church, a mosque or a synagogue signals that society does not fully realize the importance of protecting ... religious feelings of believers," he said.

But in his most extensive comment on the proposed law, he said it should not limit citizens' rights.

"Any regulatory acts regarding the protection of religious symbols and the feelings of believers should be scrupulously worked through so that they are not used for improvised limitation of freedom of speech and creative self-expression."

The remarks were in line with indications that Putin, while wanting to make clear that actions such as the Pussy Riot protest are unacceptable, is wary of undermining the balance between religions in the diverse country.

Political analysts say the Kremlin has rowed back from its initial position on the law to take into account the ethnic and religious balance between the Christian majority and Muslim minority, a precondition for political stability.

Kirill said nothing about what punishment he favored. As proposed in September, the legislation called for prison terms of up to three years for offending religious feelings and up to five years for damaging religious sites or holy books.

Rights groups say the legislation could blur the line between church and state in constitutionally secular Russia.

Putin, a former Soviet KGB officer, has cultivated close ties with the Russian Orthodox Church in 13 years in power and has leaned more on it for support since starting his third term as president in May 2012 following protests against his rule.

Opponents say the draft law is intended as part of broader Kremlin moves to suppress dissent and bolster public support by casting Putin as the protector of religious believers.

Critics have also said the definition of offending religious feelings is so broad and vague in the draft law that it risks being ineffective or applied selectively.



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The Russian Orthodox Church has been resurgent since the collapse of the Soviet Union in 1991. About three in four of Russia's 143 million people call themselves Russian Orthodox, though only a minority attends church regularly.

Many were offended by the Pussy Riot protest, and opinion polls suggested that most Russians believed the two-year prison sentences two of the women are serving are fair punishment.

Kirill, who did not mention the punk protest - which the band said was an anti-Kremlin stunt not aimed at offending believers - urged peaceful responses to anti-church "incidents".

"The key thing is that resistance to blasphemy should be appropriate and free from aggression," he said.

Kirill also offered support for Putin's battle against graft, declared in a public address in December 2012.

Critics of the Kremlin say corruption has flourished under Putin, with Russia ranking 133rd out of 174 states, alongside Honduras and Guyana, in the Corruption Perception Index compiled by Transparency International.

Kirill has dismissed media reports of a lavish lifestyle; the Church apologized in April 2012 for doctoring a photograph of him to remove what bloggers said was a luxury wristwatch.

Discussion Questions

1. The article indicates that Russia is "constitutionally secular." What does it mean for a country and its government to be constitutionally secular?

The term "secular" refers to not being overtly or specifically religious. The term "constitutionally secular" means that a government is mandated by its laws to refrain from being overtly or specifically religious.

2. Is the United States and its government "constitutionally secular?" Explain your response.

Although some refer to the United States as a "Christian nation," citing as proof our nation's religious heritage and the fact that a large number of United States citizens claim allegiance to the Christian faith, the First Amendment to the United States Constitution states that "Congress shall make no law respecting the establishment of religion..." Known as the Establishment Clause, this constitutional provision, part of the Bill of Rights, has been interpreted by constitutional scholars as requiring the United States government (and state governments) to take an "even-handed" approach to religion, not preferring through its laws one particular religion over another. Arguably, the Establishment Clause of the First Amendment to the United States Constitution requires the government to be "constitutionally secular."



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3. As the article indicates, proposed legislation in Russia calls for prison terms of up to three (3) years for offending religious feelings and up to five (5) years for damaging religious sites or holy books. Comment on the propriety and advisability of such legislation.

Reasonable minds might differ in terms of whether such punishment is appropriate, especially in light of the risk that subjectivity (i.e. personal opinion) would largely determine whether a person has “offend(ed) religious feelings,” and since free speech protections should arguably allow a person to speak negatively about particular religious beliefs and practices without fear of legal repercussions. It would also be interesting to know whether the punishment for damaging religious sites or holy books (up to five years) is harsher under Russian law compared to the punishment for harm to other real or personal property rights.

Video Suggestions

Videos 1 and 2: “Defense Battles Social Media Blizzard in Ohio Rape Case”

Note: See the following two (2) videos, as well as the accompanying article, all located at the below-referenced web address:

Video 1: “Social Media Spotlights Ohio Rape Case”

Video 2: “Murphy: Rape is Grossly Under Prosecuted”

<http://www.cnn.com/2013/01/04/justice/ohio-rape-online-video/index.html?iref=obnetwork>

Accompanying Article: “Defense Battles Social Media Blizzard in Ohio Rape Case”

According to the article, images and messages posted to social media that appear to depict the sexual abuse of a girl in Steubenville, Ohio, have been taken out of context, the attorney for one of the teenagers charged in the incident said recently.

"One of the main concerns we have is that this matter has been, by special interest groups all over the world, tried in the court of public opinion," said Walter Madison, attorney for Ma'lik Richmond.

Richmond and another 16-year-old member of the small town's highly regarded football team, Trent Mays, are charged with raping the girl at a series of back-to-school parties on August 11-12. Mays is also charged with "illegal use of a minor in nudity-oriented material."

Although the teenagers are juveniles, they have been publicly named by a juvenile court judge, by defense attorneys and in media accounts. The media has not identified the girl, who also is a juvenile, in accordance with its policy not to release the names of alleged rape victims.

Special prosecutors from the state attorney general's office allege the teens repeatedly sexually assaulted the girl while she was unconscious.



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The case gained national attention after The New York Times published a lengthy piece on it in December and an activist hacker group this week posted a previously unpublicized video of teenagers in the small Ohio River valley town cracking jokes about the case.

That group -- Anonymous -- and other critics have accused community leaders of trying to paper over rampant misconduct by team members, and have suggested that other students took part in the assaults or failed to do enough stop them. Authorities have declined to say whether anyone else could be charged.

The controversy has shaken the city, with some residents accusing outsiders of trying to ruin the reputation of the town's high school football team, one of the few bright spots in the economically depressed community of 18,000.

"The buzz that keeps coming about is that Steubenville is a bad place, things are being covered up, more people should be arrested and I feel that's all unjustly so," said Jerry Barilla, a longtime store owner. "Because I think that to condemn an entire city for something that happened is not right. To condemn an entire school and all the kids that go there for something that took place among a few students is still not right."

Madison said that buzz has bled into the criminal justice system, making it difficult for his client to get a fair trial.

For instance, he said recently that one widely circulated image showing two people, apparently teenagers, holding a girl by her arms and legs has been taken out of context. Madison said his client is one of the teenagers shown in the image.

"The photo is out of context," he said. "That young lady is not unconscious. That young lady was capable of walking, and her friends are individuals who indicated that information to the police. And they weren't selected (by prosecutors) for this hearing that we've had thus far because that didn't serve the purpose of the hearing."

Early hearings in criminal cases often hinge on the prosecution showing it has sufficient evidence for the case to go forward, not to prove a defendant's innocence.

Madison said more information will come out at trial. Among the issues, he said, will be whether the girl had consented to any sexual conduct.

Regarding the widely circulated photograph, Adam Nemann, Mays' attorney, said a potential witness would testify at trial that the girl was not unconscious when the photograph was taken.

Nemann also said that the alleged victim sent his client a text message a few days after the purported attack. "I know you didn't rape me," it read, according to Nemann. He declined to show the message.



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When asked why he thought the alleged victim might send such a message, Nemann answered: "Because I don't think she thinks she was raped."

Robert Fitzsimmons, attorney for the alleged victim, declined to comment on the alleged message and the widely circulated photograph.

However, he stressed the girl was unconscious and cited a common saying: "A picture speaks a thousand words."

"The allegations in this case are not that this was a person that knew what was happening to her. It's that she was so unconscious that she didn't know what happened," he said.

Ohio Attorney General Mike DeWine, whose office is investigating and prosecuting the case, declined to say whether anyone else could be charged in the case. But, he said, investigators are continuing to follow leads.

Recently, the police chief who initially investigated the case, before the Jefferson County prosecutor asked state officials to step in, said he doesn't expect much additional evidence to surface in the case.

"You can come up with conspiracy theories and everything, but for prosecutors to take a case to trial, you have to have substantial evidence, you have to have evidence that can be presented. And in this case, I don't believe there is much more," Steubenville Chief William McCafferty said.

He said he believes his town, and his force, have been portrayed unfairly.

"I think they have made our community look like something that it's not. It's a very good community," he said. "Nobody condones rape, nobody condones lawlessness."

But McCafferty also said he's puzzled why no one intervened in the alleged assaults. "Why didn't somebody stop it?" he said. "You simply don't do that. ... It's not done."

Authorities charged Richmond and Mays on August 27, 2012, the same day Jefferson County's prosecuting attorney asked DeWine's office to take over the case.

In addition to the rape and "nudity-oriented material" charges, the teens also were originally charged with kidnapping. A juvenile court judge dismissed that charge in October 2012, according to McCafferty and Nemann, Mays' attorney.

"My client asserts his innocence, and he looks forward to his day in court," Nemann said.

Nemann also said that prosecutors gave letters to three teens who testified at the early hearing, telling them they wouldn't be prosecuted if they testified about what they'd done. Attorney General DeWine



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previously said that prosecutors offered no deals. It was not immediately clear whether Nemann and DeWine differed on the existence of such letters, or on their definitions of "deal."

Local authorities asked the state to take over to show that "everything that can be done in this case is being done," county prosecutor Jane Hanlin said. "And if that means eliciting the help of these people from the attorney general's office, then that's what we want to do in this case," she said.

In addition, the FBI has offered "some technical assistance" in the investigation, said FBI spokesman Todd Lindgren in Cincinnati. He did not go into detail. Offering such assistance is routine, he said.

The case has been complicated by a lack of physical evidence -- the family did not report the alleged assaults until August 14, 2012. It also apparently hinges largely on witness statements, social media images and messages posted after the incident and possibly some information gleaned from cell phones seized by police. The family gathered many of the materials and delivered them to police on a portable computer drive, McCafferty said.

Police have heard of a video showing the alleged attack, McCafferty said. But authorities do not have it or know whether it even exists, he said.

Police did seize several cell phones and iPads during the investigation, and "there was evidence on some of the phones," McCafferty said without elaborating.

The New York Times reported that a cell phone photo from that night shows the girl naked on a floor.

A special unit with the attorney general's office is examining the materials, McCafferty said. DeWine's office has declined to comment on evidence in the case.

Text messages posted to social networking sites that night, later retrieved and published by a crime blogger, seemed to brag about the incident, calling the girl "sloppy," making references to rape and suggesting that she had been urinated on, according to crime blogger Alexandria Goddard.

Goddard, a former Steubenville resident, discovered and preserved many of the messages, at least some of which are now in the hands of authorities. She first spotted the story in the small town's newspaper and started looking into the situation on a hunch that the highly regarded football team's members were getting special treatment at the expense of the victim.

"When I first came across the article, I just felt like -- because it was involving football players, and there is a culture there that football is very important -- that there was probably a little more to this story than what the local media was reporting," she said recently. "So I started doing my own research."



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The case gained additional exposure this week when a group calling itself Knight Sec and saying it is part of Anonymous -- the loosely organized cooperative of activist hackers -- published a video purporting to show Steubenville students discussing the assault in joking tones.

In the video, a teenager makes joke after joke about the girl's condition, saying she must have died because she did not move during one assault.

Anonymous and others in the video identified the teen by a name that does not match the two who were charged.

"Is it really rape because you don't know if she wanted to or not," the teenager says on the video. "She might have wanted to. That might have been her final wish."

Other male voices can be heard off-camera, laughing and talking about the alleged assault. McCafferty said he cannot say who shot that video.

"The subject in that video was interviewed. He wasn't charged," the chief said. "The attorney general's office has all this. It appears to me after I watched the video he was intoxicated."

Anonymous has taken up the case, hacking a site dedicated to high school sports in Steubenville and separately publishing on one of its websites a trove of images, texts and accusations involving students, coaches and boosters. Those individuals have not been named or charged by authorities with any crime.

Anonymous says it is collecting detailed information about the personal affairs of football boosters and others in Steubenville who the group claims may have helped cover up the alleged attack. It's also planning a protest "to help those who have been victimized by the football team or other regimes."

"The town of Steubenville has been good at keeping this quiet and their star football team protected," an Anonymous member wearing the group's trademark Guy Fawkes mask says in a video posted to the group's LocalLeaks website.

The organization, he says, will not allow "a group of young men who turn to rape as a game or sport get the pass because of athletic ability or small-town luck."

The attorney for the girl's family said that the girl is in counseling and is "doing as well as one can expect."

"She's trying to go about her life right now, which is difficult because of all the media attention," Fitzsimmons said. "It's as if she's just flown into this barnstorm. She'll make it through. I think we lose sight; this is a 16-year-old girl. She's a high school kid, basically."



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Discussion Questions

1. As Video 1 and the accompanying article indicate, although the teenagers charged in the subject rape case are juveniles (both defendants are sixteen years old), they have been publicly named by a juvenile court judge, by defense attorneys and in media accounts. Should it be legal to disclose publically the names of juvenile suspects, especially in situations as controversial and incendiary as the subject case? Explain your response.

This is an opinion question, so student responses will likely vary. Given the trend in the United States toward treating juvenile offenders as adult offenders, it comes as no surprise to your author that judges and the media are disclosing the identities of juvenile offenders.

2. As Video 1 and the accompanying article indicate, the media has not identified the girl, who also is a juvenile, in accordance with its policy not to release the names of alleged rape victims. Should it be illegal for the media to release the name of an alleged rape victim? Regardless of whether the law prevents disclosure, should the media refrain from releasing the name of an alleged rape victim as a matter of policy?

These are opinion questions, so student responses will likely vary. The argument for nondisclosure of the identity of rape victims, either as a matter of law or media policy, is founded in concerns for the rights of rape victims. Free disclosure of the identities of rape victims would arguably have a deterrent effect on the willingness of rape victims to come forward.

3. In your reasoned opinion, is rape under-reported and under-prosecuted? If so, what would account for such under-reporting and under-prosecution?

It is difficult to determine whether rape is under-reported and under-prosecuted. If that is indeed the case, it is likely due to the reluctance of a rape victim to become a public spectacle, especially if questions related to the character of the rape victim herself will likely become an issue at trial.



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Of Special Interest

This section addresses the exposure of temporary employees to workplace hazards.

Ethical Dilemma

Ethical Dilemma: “Temp Employees More Likely to Succumb to Workplace Hazards”

<http://openchannel.nbcnews.com/news/2013/01/06/16353344-temp-employees-more-likely-to-succumb-to-workplace-hazards?lite>

According to the article, by the time Carlos Centeno arrived at the Loyola University Hospital Burn Center, more than 98 minutes had elapsed since his head, torso, arms and legs had been scalded by a 185-degree solution of water and citric acid inside a factory on this city’s southwestern edge.

The laborer, assigned to the plant that afternoon in November 2011 by a temporary staffing agency, was showered with the solution after it erupted from the open hatch of a 500-gallon chemical tank he was cleaning. Factory bosses, federal investigators would later contend, refused to call an ambulance as he awaited help, shirtless and screaming. He arrived at Loyola only after first being driven to a clinic by a co-worker.

At admission Centeno had burns over 80 percent of his body and suffered a pain level of 10 on a scale of 10, medical records show. Clad in a T-shirt, he wore no protective gear other than rubber boots and latex gloves in the factory, which makes household and personal-care products.

Centeno, 50, died three weeks later, on December 8, 2011. The Cook County medical examiner's report attributed his death to “scald and chemical burns due to an industrial accident.”

A narrative account of the accident that killed him — and a description of conditions inside the Raani Corp. plant in Bedford Park, Ill. — are included in a U.S. Occupational Safety and Health Administration memorandum obtained by the Center for Public Integrity. The 11-page OSHA memo, dated May 10, 2012, argues that safety breakdowns in the plant warrant criminal prosecution — a rarity in worker death cases.

The story behind Centeno’s death underscores the burden faced by some of America’s 2.5 million temporary, or contingent, workers — a growing but mostly invisible group of laborers who often toil in the least desirable, most



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dangerous jobs. Such workers are hurt more frequently than permanent employees and their injuries often go unrecorded, new research shows.

Raani's "lack of concern for employee safety was tangible" and injuries in its factory were "abundant," Thomas Galassi, head of OSHA's Directorate of Enforcement Programs, wrote in the memo to David Michaels, assistant secretary of labor for occupational safety and health.

Raani managers failed to put Centeno under a safety shower after he was burned and did not call 911 even though his skin was peeling and he was clearly in agony, Galassi wrote. "It took a minimum of 38 minutes before (Centeno) arrived at a local occupational health clinic ... after having been transported by and in the vehicle of another employee while he shivered in shock and yelled, 'hurry, hurry!'"

A clinic worker called an ambulance, which, according to Chicago Fire Department records, arrived at 2:26 p.m. Centeno was in "moderate to severe distress with 70-80% 1st and mostly 2nd degree burns to head, face, neck, chest, back, buttocks, arms and legs," the records show. Paramedics administered morphine.

"The EMT's were horrified and angered at the employer, for not calling 911 at the scene and further delaying his care by transferring him to a clinic instead of a hospital," Galassi's memo says.

John Newquist, who retired from OSHA after 30 years with the agency, said the case was among the most disturbing he encountered as an assistant regional administrator in Chicago.

"I cannot remember a case where somebody got severely burned and nobody called 911," said Newquist, a former compliance officer who investigated more than 100 fatal accidents during his career. "It's beyond me."

On May 15, 2012, OSHA proposed a \$473,000 fine against Raani for 14 alleged violations, six of which are classified as willful, indicating "plain indifference" toward employee safety and health. No decision has been made on whether the case will be referred to the Department of Justice for possible prosecution, agency spokesman Jesse Lawder said. OSHA hadn't inspected the Raani factory for 18 years prior to the accident.

Centeno's family has filed a wrongful-death lawsuit against Raani and a workers' compensation claim against the temp agency that employed him, Ron's Staffing Services Inc.

"It's just wrong, what happened," Centeno's 26-year-old son, Carlos Jr., said of Raani managers' actions after his father's accident. "They were not thinking of him as a human being."

Raani is appealing the OSHA citations. H. Patrick Morris, a lawyer for the company, did not answer questions about the alleged violations. In a court filing, however, Raani denied allegations of negligence in the family's lawsuit. Among its defenses: Centeno himself was responsible for the



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accident. “Plaintiff’s Decedent knew about the hazards of his conduct, but proceeded with his course of conduct, causing the claimed injuries,” the document says.

Jeffrey Kehl, a lawyer for Ron’s Staffing, declined to comment.

Carlos Centeno came to Chicago from Mexico City in 1994. He was joined six years later by his partner, Velia Carbot, and Carlos Jr. A daughter, Alma, stayed behind.

The family settled in Humboldt Park, a working-class neighborhood on the city’s northwest side. A second daughter, Melanie, was born in 2001.

Centeno held jobs as a bartender, newspaper deliveryman and forklift driver at a warehouse. In June 2010, after being laid off by the warehouse, he put in an application at the Ron’s Staffing office on West 63rd Street, not far from Midway International Airport. He was sent to the nearby Raani Corp. factory, which makes products ranging from shampoos, styling gels and deodorant sticks to dishwashing liquids and household cleaners. His starting pay was \$8.25 an hour.

Raani, founded in 1983 by Rashid A. Chaudary, a chemist turned entrepreneur, has about 150 employees, roughly 40 percent of whom are contingent workers, according to the May 2012 OSHA memo. Centeno cleaned the tanks in which the factory’s products are mixed. His work clothes became so rank, he had his own laundry basket at the family’s apartment, partner Carbot said; about six months before the fatal accident, chemicals splashed in his right eye and he could not see out of it for three days, she said.

“I wanted him to quit,” Carbot, speaking in Spanish, said. “But, at the same time, we knew he hadn’t found another job yet, and expenses continued, unfortunately, and he had to work.”

The OSHA memo describes a factory in which workers were often hurt and injuries were not properly recorded. An OSHA inspection on December 9, 2011, the day after Centeno died, revealed, for example, that workers “were handling chemicals including, but not limited to, corrosives and acids while wearing only medical grade latex gloves,” the memo says.

Workers were seen putting their hands directly into streams of chemicals poured from drums, OSHA enforcement director Galassi wrote. “Another significant hazard (to) which employees are exposed, as evidenced by the fatality, was the high temperature (nearly boiling) water and cleaning solutions used for cleaning tanks, process lines and floors. Employees interacted with high temperature liquids wearing only latex gloves and tee-shirts.”

A manager explained that thick, black gloves were kept in the maintenance department “because they were expensive and the employees stole them,” Galassi wrote. The manager said, however, that “any employee could obtain the black gloves if so desired.”



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A review of Raani's medical files turned up five injuries, apart from Centeno's, that had occurred since 2010 but had not been entered in OSHA logs, as required by federal law, Galassi wrote. Injuries "involving chemical exposure to eyes, high temperature liquid burns and cuts had been a common occurrence for years," his memo says. One worker who had been burned and whose skin was peeling was told by a manager "to leave it alone, it wasn't dangerous."

Another was burned so badly he needed skin grafts, but the incident wasn't recorded even though CEO Chaudary "stated he was aware of the injury," Galassi wrote. On January 27, 2012, more than two months after Centeno was scalded, a worker performing a similar tank-cleaning procedure received severe burns to his left leg. He was handed a written notice from management. "You are hereby warned to be careful in the future," it said, in part, according to Galassi's memo.

"Instead of issuing the appropriate (protective gear) to its workers and ensuring its usage, Raani Corporation has chosen to blame their employees outright for their injuries and non-compliance," Galassi wrote.

Two managers "admitted to witnessing (Centeno) with his shirt off and speaking with him" shortly after he was burned, the memo says. "Both managers agreed the injured employee's skin was burned, damaged, wrinkled and parts were 'peeling.' "

The managers not only failed to call 911 — they made Centeno wait while one filled out paperwork before allowing him to be taken to a local clinic, Galassi wrote. The co-worker who drove Centeno about four miles to the MacNeal Clearing Clinic said "he was asked to lie on his written statement and write that Carlos Centeno was acting fine, conscious and talking on the drive to the clinic," the memo says. "Even after the incident, company officials have not concluded that 911 should have been called immediately."

Chaudary, who was not on the scene the day of the accident — November 17, 2011 — told an OSHA inspector that the "wrong valve opened" on the tank Centeno was cleaning, according to the memo, but insisted that "if Carlos Centeno had lived, the decision to not call an ambulance would have been the right call."

Centeno's co-workers, however, "provided signed statements of the severity of the injury and the extreme delayed response in seeking medical care," Galassi wrote.

Not long after he was doused with the hot water-citric acid mixture, Centeno called Velia Carbot, asking for Carlos Jr. He sounded agitated and had trouble speaking, Carbot said, but would not explain what had happened.

Carbot went across the street and got Carlos Jr., who called his father's cell phone. It was answered by a co-worker, Samuel Meza, who said Carlos Sr. had been burned at work. "He was like, 'I'm taking him to the clinic,' " Carlos Jr. said.



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Meza called Carlos Jr. after he arrived at the MacNeal Clearing Clinic. While they talked, Carlos Jr. said, “I could hear that the nurse in the clinic was telling him, ‘Why are you bringing him here? ... He needs to go to the emergency room.’ ”

Carbot and Carlos Jr. said they began driving to the clinic, 13 miles south of Humboldt Park, but diverted west to Loyola Hospital when Meza told them that’s where Centeno would be heading.

Carlos Jr. and Carbot got there first, watching ambulance after ambulance pull up. “I remember just walking up to all the ambulances and it was someone else,” Carlos Jr. said. “It wasn’t my dad. It just makes you more anxious.”

At 3:08 p.m., more than 98 minutes after he had been burned, Carlos Sr. made it to Loyola. “When they finally opened the doors and I saw it was him, I could just see he was in pain,” Carlos Jr. said. “He was trying to hide it. He saw my mom and I could see his eyes started to tear.”

Carlos Centeno Sr. died three weeks later. OSHA, which learned of his death from the Cook County medical examiner, began its inspection of Raani the next day. Its last visit to the plant had been in 1993, when, responding to a worker complaint, it cited the company for six alleged violations — including failing to protect workers from unexpected energizing or startup of machines — and proposed a \$9,500 fine. Raani settled the case for \$6,500 in 1994.

In an e-mailed statement, OSHA said no follow-up inspection was conducted. This is “not unusual,” the agency said, “as long as we receive documentation from the employer that the violations were corrected.”

The use of contingent workers by U.S. employers has soared over the past two decades. In 1990, according to the U.S. Bureau of Labor Statistics, there were about 1.1 million such workers; as of August 2012, the number was 2.54 million, down slightly from pre-recession levels but climbing.

The American Staffing Association, a trade group, says the hiring of contingent workers allows employers to staff up at their busiest times and downsize during lulls. Temporary work enables employees to have flexible hours and “provides a bridge to permanent employment,” the group says on its website.

Recent research, however, suggests a dark side to contingent work.

A study published this year of nearly 4,000 amputations among workers in Illinois found that five of the 10 employers with the highest number of incidents were temp agencies. Each of the 10 employers had between six and 12 amputations from 2000 through 2007. Most of the victims lost fingertips, but some lost legs, arms or hands.



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The researchers, from the University of Illinois at Chicago School of Public Health, called the glut of amputations a “public health emergency,” inflicting psychological and physical harm and costing billions.

Another study, published in 2010, found that temp workers in Washington State had higher injury rates than permanent workers, based on a review of workers’ compensation claims. In particular, temp workers were far more likely to be struck by or caught in machinery in the construction and manufacturing industries.

“Although there are no differences in the (OSHA) regulations between standard employment workers and temporary agency employed workers, those in temporary employment situations are for the most part a vulnerable population with few employment protections,” wrote the researchers, with the Washington State Department of Labor and Industries.

In fact, experts say, there’s little incentive for host employers to rigorously train and supervise temp workers because staffing agencies carry their comp insurance. If an agency has a high number of injuries within its workforce, it — not the host employer — is penalized with higher premiums.

“This is really about an abdication of responsibility,” said Tom Juravich, a professor at the University of Massachusetts, Amherst, who has studied the temp worker phenomenon. “If some of the jobs in your facility are undesirable and dangerous, you outsource them to people who won’t complain. If you have a direct worker who’s injured, you have an obligation to him through workers’ comp. If he’s a contingent worker, you don’t have that obligation.”

As part of a three-year study, researchers in Canada interviewed temp workers and managers at temp agencies and client companies. “To be frank,” one agency manager confided, “clients hire us to have temps do the jobs they don’t want to do.” Co-author Ellen MacEachen, of the University of Toronto and the Institute for Work and Health, said, “Even if (temp workers) are not cheaper, they’re more disposable. ... You can get rid of them when you want, and you don’t pay benefits.”

Stephen Dwyer, general counsel for the American Staffing Association, denied that the temp workers have less legal protection than permanent employees.

"I can say nationally, and on a state level, the legal framework is there to ensure the safety of the temporary employees," he said. "And this framework imposes obligations on both the staffing firm and the client and so one could argue actually that temporary workers have greater workplace safety protections under the law than their counterparts with clients."

Bureau of Labor Statistics numbers say contingent workers’ injuries are declining. Yet, new evidence suggests these injuries are undercounted.

In a BLS-funded project completed last summer, officials with the Washington State Department of Labor and Industries interviewed 53 employers who had used temp workers. Only one-third said



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they would enter a temp worker injury in their OSHA log, as the law requires. The others said they wouldn't or claimed ignorance. "A lot of them just didn't know" the rules, said Dr. David Bonauto, the department's associate medical director.

Dwyer, of the staffing association, said the problem in Washington appears to be isolated.

"I'm not sure it's actually a widespread problem," he said. "The laws are very clear about this -- that whoever controls the worksite is responsible for recording temporary workers' injuries on the (OSHA log) and typically that's the client."

The executive director of the Chicago Workers' Collaborative, which advocates for temp workers, says OSHA should target employers known to make heavy use of staffing agencies.

"The rise of the staffing industry is partially to give companies a greater distance from regulation," said Leone José Bicchieri. "OSHA needs to come up with different approaches for this rapidly growing sector" — meeting with temp workers offsite, for example, so they're not intimidated by supervisors.

Temp workers are often reluctant to report injuries because they are so easily replaced, Bicchieri said.

"They have no power to speak up," he said. "The whole temp industry was created so the client company has less liability. We need to put workplace injuries back on the plate of the client company."

But Dwyer, the American Staffing Association's lawyer, denied that the temp workers have no recourse.

"Both the staffing firm and the client have joint obligations, as joint employers, to ensure the workplace safety of temporary employees, meaning that if something goes wrong, temporary employees have recourse, typically against the client and the staffing firm, if one or both fails to discharge their duty under the law," he said.

He also cautioned against an OSHA crackdown on temp agencies. "To the extent that efforts become heavy-handed, there can be a disincentive, then, to using temporary workers," Dwyer said, to the detriment of the workers, client employers and "the overall economy."

In a statement, OSHA said it "feels strongly that temporary or contingent workers must be protected. They often work in low wage jobs with many job hazards — and employers must provide these workers with a safe workplace."

The agency said it has brought a number of recent enforcement actions against employers for accidents involving temp workers.



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Although the Galassi memo recommends criminal action in the Centeno case, employers in America are rarely prosecuted for worker deaths.

The Occupational Safety and Health Act of 1970 is exceptionally weak when it comes to criminal penalties. An employer found to have committed flagrant violations that led to a worker's death faces, at worst, a misdemeanor punishable by six months in jail.

By comparison, a violation of the Endangered Species Act carries a maximum sentence of one year.

“It should not be the case that a facility that commits willful violations of the worker safety laws faces only misdemeanor charges when a worker dies because of those violations,” said David Uhlmann, a law professor at the University of Michigan and former chief of the Justice Department's Environmental Crimes Section.

“The company involved as well as any responsible corporate officials should face felony charges that carry significant financial penalties for the company and the possibility of lengthy jail terms for the individuals,” Uhlmann said. “Anything less sends a terrible message about how we value the lives of American workers.”

Federal prosecutors are generally unenthusiastic about worker cases, said Jordan Barab, second-in-command at OSHA. The Justice Department “often says, ‘You know, we’re not going to spend all these resources just to prosecute a misdemeanor,’ ” Barab said.

At Justice, Uhlmann made creative use of environmental statutes to get around the OSH Act. In one case, a worker at an Idaho fertilizer plant named Scott Dominguez nearly died after being sent into a steel storage tank containing cyanide-rich sludge. Dominguez had been ordered into the 25,000-gallon tank without protective equipment by the plant's owner, Allan Elias, who had refused to test the atmosphere inside the vessel.

Dominguez collapsed and sustained brain damage from the cyanide exposure. Prosecutors charged Elias with three felony counts under environmental laws, including the Resource Conservation and Recovery Act, which governs the handling and disposal of hazardous waste.

Because Elias had fabricated a confined-space entry permit indicating it was safe for workers to enter the tank, he also was charged with one count under a section of Title 18 of the U.S. Code, for making a false statement to, or otherwise conspiring to defraud, government regulators.

After a jury trial in 1999, Elias was convicted on all counts and sentenced to 17 years in prison. Environmental statutes don't always apply in worker death or injury cases. The accident that mortally wounded Carlos Centeno, for example, appears not to have involved hazardous waste, or air or water pollution.



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Charges under Title 18 remain a possibility, Uhlmann said. Nonetheless, he said, the OSH Act needs revision. Congress came close to adding felony provisions to the law in 2010 but failed amid pushback from the business community.

“Accidents are not criminal,” Uhlmann said. “What are criminal are egregious violations of the worker safety laws that result in not just deaths but serious injuries.”

Sen. Tom Harkin, an Iowa Democrat who chairs the Senate Health, Education, Labor and Pensions Committee, is a co-sponsor of the Protecting America’s Workers Act, which would enhance criminal and civil penalties for OSHA violations.

“In every other walk of life, if a person engages in willful conduct that results in someone else’s death, we throw the book at them,” Harkin said in a statement. “But if someone dies on the job, the rules are different. Even intentional lawbreaking that kills a worker brings no more than a slap on the wrist.”

Whether a bulked-up worker-protection law would have improved conditions at the Raani Corp. is a matter of speculation. According to Thomas Galassi’s memo, the accident that ultimately killed Carlos Centeno merited only a one-line entry in the company’s files, stating that an internal committee would investigate.

During the inspection after Centeno’s death, a newly hired Raani manager asked OSHA officials to help him convince his superiors to train and provide safety gear to workers, Galassi wrote. The manager had concluded that those above him had “no respect for the hazards of the chemicals on site or human life,” the memo says.

Discussion Questions

1. The article refers to the United States’ 2.5 million temporary workers as a “mostly invisible” group of laborers. What does this mean?

The term “invisible” refers to the plight of the nation’s 2.5 million temporary workers going unnoticed, especially since most temporary workers are unwilling to come forward with complaints about their work and attendant safety concerns for fear of losing work opportunities.

2. The article contends there is little incentive for a host employer to rigorously train and supervise temporary workers because staffing agencies carry their workers’ compensation insurance. In your reasoned opinion, should the law incentivize rigorous training and supervision of temporary workers by host employers and/or penalize host employers for failing to offer such training and supervision? Why or why not?

This is an opinion question, so student responses will likely vary. Host employers would likely argue against penalties for failing to offer intensive training and supervision of temporary workers, since



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such workers are the responsibility of staffing agencies. Those in favor of such regulations would counter with the argument that host employers are in the best position to provide rigorous training and supervision of temporary workers, since the actual work performed by temporary employees usually occurs at the host company site.

3. Regardless of any legal obligation, does an employer have an ethical obligation to its temporary workers to commit additional resources (e.g., time and money) toward their supervision and training? Why or why not?

This is an opinion question, so student responses will likely vary.



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Of Special Interest

This section of the newsletter will assist you in covering Article 3 (“Russian Patriarch Says Religion Law Must Not Go Too Far”) and the Ethical Dilemma (“Temp Employees More Likely to Succumb to Workplace Hazards”) of the newsletter.

Teaching Tips

Teaching Tip 1 (Related to Article 3--“Russian Patriarch Says Religion Law Must Not Go Too Far”):

For an excellent discussion of the Establishment and Free Exercise Clauses of the First Amendment to the United States Constitution, see the following article at the below-referenced web address:

“Introduction to the Establishment Clause”

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/estabinto.htm>

Discuss with students how United States constitutional scholars and courts would address the issue presented in Article 3.

Teaching Tip 2 (Related to Ethical Dilemma--“Temp Employees More Likely to Succumb to Workplace Hazards”): Occupational Safety and Health Administration—“Frequently Asked Questions”:

For an excellent summary of the obligations and rights of employers and employees under the Occupational Safety and Health Act (OSHA), in the form of answers to “frequently asked questions,” please see the following OSHA web address:

http://www.osha.gov/OSHA_FAQs.html



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Chapter Key for McGraw-Hill/Irwin Business Law Texts:

	Hot Topics	Video Suggestions	Ethical Dilemma	Teaching Tips
Kubasek et al., Dynamic Business Law	Chapters 5, 6 and 46	Chapter 7	Chapters 2 and 42	Chapters 5, 6 and 42
Kubasek et al., Dynamic Business Law: Summarized Cases	Chapters 5, 6 and 46	Chapter 7	Chapters 2 and 42	Chapters 5, 6 and 42
Kubasek et al., Dynamic Business Law: The Essentials	Chapters 1 and 4	Chapter 5	Chapters 1 and 24	Chapters 1, 4 and 24
Mallor et al., Business Law: The Ethical, Global, and E-Commerce Environment	Chapters 3 and 52	Chapter 5	Chapters 4 and 51	Chapters 3 and 51
Barnes et al., Law for Business	Chapters 4 and 47	Chapter 5	Chapters 3 and 25	Chapters 4 and 25
Brown et al., Business Law with UCC Applications	Chapters 2, 33 and 34	Chapter 5	Chapters 1 and 23	Chapters 2, 23 and 34
Reed et al., The Legal and Regulatory Environment of Business	Chapters 6, 12 and 19	Chapter 13	Chapters 2 and 21	Chapters 6, 12 and 21
McAdams et al., Law, Business & Society	Chapters 5, 16 and 17	Chapter 4	Chapters 2 and 12	Chapters 5, 12 and 16
Melvin, The Legal Environment of Business: A Managerial Approach	Chapters 2, 11 and 25	Chapter 22	Chapters 5 and 11	Chapters 2, 11 and 25
Bennett-Alexander & Harrison, The Legal, Ethical, and Regulatory Environment of Business in a Diverse Society	Chapters 1, 11 and 17	Chapter 8	Chapters 1 and 11	Chapters 1, 11 and 17



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This Newsletter Supports the Following Business Law Texts:

- Barnes et al., Law for Business, 11th Edition 2012© (0073377716)
- Bennett-Alexander et al., The Legal Environment of Business in A Diverse Society, 1st Edition 2012© (0073524921)
- Brown et al., Business Law with UCC Applications Student Edition, 13th Edition 2013© (0073524956)
- Kubasek et al., Dynamic Business Law, 2nd Edition 2012© (0073377678)
- Kubasek et al., Dynamic Business Law: The Essentials, 2nd Edition 2013© (0073524972)
- Kubasek et al., Dynamic Business Law: Summarized Cases, 1st Edition 2013© (0078023777)
- Mallor et al., Business Law: The Ethical, Global, and E-Commerce Environment, 15th Edition 2013© (0073377643)
- McAdams et al., Law, Business & Society, 10th Edition 2012© (0073525006)
- Reed et al., The Legal and Regulatory Environment of Business, 16th Edition 2013© (0073524999)
- Melvin, The Legal Environment of Business: A Managerial Approach 2011© (0073377694)

