

## BULLETPoint ISSUES WHEN DEALING WITH MOLD/TOXINS IN THE WORKPLACE AND LEGAL RIGHTS RELATED TO THESE ISSUES

1. Systemic mold problems are reaching epidemic proportions in Florida
  - a. Old building in need of maintenance, repair or demolition.
  - b. Natural mold environment in Florida proliferates issue.
  - c. Tight budgets and inadequate tax base puts problem on back burner.
2. Legal rights of employees in moldy/unsafe workplace
  - a. Employees (teachers) have a right to safe workplace.
  - b. Where unsafe work environment results in injury the injured employee has cause of action.
  - c. Where injury results from unsafe workplace the employee's "exclusive remedy" is workers' compensation.
  - d. Where an employer denies responsibility for injury resulting from unsafe workplace employee may be able to pursue negligence claim for injuries.
  - e. Employer may not harass, retaliate, or terminate any employee for pursuing a claim.
3. Documentation of physical symptoms related to mold exposure
  - a. Employees should be sensitive to all physical problems.
    - i. Allergic response (runny nose, itchy eyes, etc.).
    - ii. Rashes and other skin problems
    - iii. Memory loss/brain fog
    - iv. Headaches, achy joints, anxiety depression
  - b. Employees should journal symptoms at work and when out of work environment.
  - c. Employees should notify employer of problems/symptoms on a regular basis (at least monthly).
4. Employees should document duration of exposure, location of mold, photograph and test for mold if possible.
5. Employees **must** document physical symptoms/complaints with a physician and receive treatment so that conditions are documented in medical records. This treatment should be independent of normal employment or annual physical.
6. Once documented with medical evidence/physical evidence the employee must notify the employer by filing a First Report of Injury.
7. The First Report of Injury places the employer on notice of the claim and forces them to respond (accept, deny, or pay and investigate).
8. Denial of claim allows employee to litigate the matter in workers' compensation venue or consider alternative civil negligence claim.