



The Department of Labor: Demonstrating a Strong Commitment to Worker Safety and Health

The loss of workers in the Upper Big Branch Mine disaster in West Virginia, a roof collapse at another mine in Kentucky, an oil rig explosion south of Louisiana and a refinery fire in Washington state make the mission of the Department of Labor's worker safety and health protection agencies more important than ever. The Department is working to fulfill that mission through a forward looking and progressive regulatory agenda, expanded outreach to workers and employers, and a relentless commitment to enforcing the law in a manner that protects American workers. The initiatives listed below highlight many of the ways in which the Department has redoubled its worker protection efforts during the last year.

- **Restoring Worker Protection Agencies' Staffing Levels:** The Department made significant progress in bringing worker protection agencies' staffing levels to 2001 levels and hired 710 enforcement personnel. Over 100 of these investigators have been brought on in the Occupational Safety and Health Administration, helping to empower workers with information about their rights and enforcing the very laws that were written to protect them from employers who do not play by the rules.
- **Enforcing the Law:** The Occupational Safety and Health Administration conducted over 1,900 inspections of workplaces receiving Recovery Act funding to assure that workers involved in these projects were adequately protected. In 2009 it proposed the largest fine in its history - \$87 million to BP Products. In fiscal year 2009 it issued a total of four egregious cases; in the first seven months of fiscal year 2010 it has already issued 11 egregious cases. The Occupational Safety and Health Administration also inspected workplaces where 5.4 million people are employed, provided 34,000 individuals with assistance and information, and provided compliance assistance to more than 30,000 small businesses. In addition to these efforts, it is also strengthening whistle blower protections and implementing a Severe Violators Enforcement Program targeted at recalcitrant employers.
- **Plan, Prevent and Protect – the Regulatory Agenda:** With the publication of the Department of Labor's Spring 2010 Regulatory Agenda, the Labor Department is taking another step toward making its vision of *Good Jobs for Everyone* a reality. To help ensure that America's workplaces are safe, secure, and equitable, the Regulatory Agenda announced "Plan, Prevent and Protect" - a new strategy that leverages resources across the Labor Department's worker protection agencies to make their work more efficient and effective through injury and illness prevention programs. The Regulatory Agenda also re-commits the Department to openness and transparency, not only as good government and stakeholder outreach strategies, but as critical strategies to achieving compliance with the employment laws enforced by the Department.
- **U Visas – A Law Enforcement Tool:** In March the Department announced it will begin to exercise its authority to certify applications for U Nonimmigrant Status Visas (U visas).

These visas are designed to help victims of qualifying criminal activities who have suffered substantial physical or mental abuse and are willing to assist law enforcement or other government officials in the investigation or prosecution of those crimes. Clear protocols regarding the identification of qualifying criminal activities and the certification of U visa applications will be available in mid-summer. Certifications will begin this year.

- **New Protections for Farm Workers and their Families:** The Department published new H-2A regulations which significantly strengthen worker protections for H-2A workers and for domestic workers performing the same work along side H-2A workers. The new regulations return to the certification process for assuring that employers have met the requirements for obtaining H-2A workers, and provide enhanced enforcement tools for the Department, including debarment authority for the Wage and Hour Division and an increased bonding requirement for labor contractors. The Department is committed to a more robust legal regime that creates even safer and healthier workplaces for youth employed in agriculture. It is exploring additional regulatory changes to further bolster protections for children in the fields. The Secretary is seeking to collaborate with Congress to address the protection gap in U.S. law for agricultural child labor and on May 19, 2010 announced the Department is turning its attention to regulatory action on child labor in agriculture.
- **Addressing Workers' Health:** The Mine Safety and Health Administration announced a comprehensive strategy to end new cases of black lung among the nation's coal miners. And in 2009, the Office of Workers' Compensation Programs exceeded its target goal for the timely transmission by federal agencies of federal employee injury claims by more than 20 percent in FY 2009 and exceeded its goal of reducing Lost Production Days resulting from federal employee injury or illness by 7.7 percent.
- **Increasing Education and Outreach:** In February, 2010 the Occupational Safety and Health Administration conducted "OSHA listens," a public meeting to solicit comments and suggestions from its stakeholders on key issues facing the agency. The Wage and Hour Division held a listening session for stakeholders on May 21, 2010. In April 2010, the Department launched the "We Can Help" nationwide campaign, an effort spearheaded by the Department's Wage and Hour Division. This campaign connects America's most vulnerable and low-wage workers with the broad array of services offered by the Department.
- **The National Action Summit for Latino Worker Health and Safety:** In April 2010, the Occupational Safety and Health Administration brought together nearly 1,000 participants to the National Action Summit for Latino Worker Health and Safety in Houston, Texas. The participants included farm workers, community- and faith-based groups, medical clinics, government representatives, employers and unions. The goal of the summit was to reduce injuries, illnesses and fatalities among Latino workers by enhancing knowledge of their workplace rights and improving their ability to exercise those rights. The Occupational Safety and Health Administration is forging new partnerships and collaborations with community organizations to enhance workers ability to exercise their rights.
- **Mine Safety and the Upper Big Branch Explosion:** Prior to the explosion at the Upper Big Branch mine that took the lives of 29 miners, the Department's Mine Safety and Health

Administration was pursuing an aggressive set of regulations and policies to make mining safer. Since the explosion, MSHA is working with Congressional leaders to pass a comprehensive set of reforms to improve conditions in American mines. MSHA has already announced new standards to reduce the prevalence of black lung, and the agency announced a series of regulatory efforts from rock dusting to reforming the broken “pattern of violation” system.

- **Increased Protections for Young Workers:** The Wage and Hour Division published a Final Rule designed to protect working children from hazards in non-agricultural workplaces while also recognizing the value of safe work to children and their families. The Final Rule contains the most ambitious and far-reaching revisions to the child labor regulations in the last thirty years and marks another step forward in the Department’s ongoing effort to promote positive, safe work experiences for young workers. The provisions of the Final Rule will become effective on July 19, 2010. The Wage and Hour Division also implemented a higher penalty structure for the illegal employment of children who are too young to work. These increased penalties will help ensure children are safe and are given a chance to live long and productive lives.
- **Worker Protection and Gulf Coast Oil Spill Cleanup:** Over 30 staff members from the Occupational Safety and Health Administration are deployed throughout the Gulf Coast to monitor the safety and health of oil spill clean-up workers. Staff members are auditing training sessions, conducting air monitoring for hazardous chemicals and have made over 1600 site visits to ensure that BP meets its obligations to protect all workers involved in the shoreline cleanup. The Occupational Safety and Health Administration has published worker safety educational materials in English, Spanish, and Vietnamese and is distributing thousands of copies to employees involved with the oil spill cleanup along the Gulf Cost. The materials supplement the required training that employees must receive before they can engage in cleanup activities.
- **Improving Laws to Protect Workers’ Health and Safety:** The Department is committed to working with Congress to improve and strengthen our laws to protect workers’ health and safety. The Department is working with Congress on legislation such as the Protecting America’s Workers Act (PAWA), the Miner Safety and Health Act, and addressing the protection gap in U.S. law for agricultural child labor.