

# News Release



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## **MSHA reminds mining industry about miners' right to make hazardous condition complaints, protections against discrimination**

**ARLINGTON, Va.** – The U.S. Department of Labor's Mine Safety and Health Administration today announced the release of two new program information bulletins pertaining to the rights of miners who make hazardous condition complaints and request inspections, as well as miners' protections against discrimination.

MSHA decided to distribute these guidelines based on testimony delivered in May during a House Education and Labor Committee hearing in Beckley, W.Va., as well as testimony delivered during recent Senate hearings. Statements from family members of miners who died in the April 5, 2010, explosion at Upper Big Branch Mine indicated that workers who had expressed concerns over safety conditions existing prior to the deadly blast feared retaliation by mine management.

Section 103(g)(1) of the Federal Mine Safety and Health Act of 1977 provides that a miner or miners' representative has the right to obtain an immediate MSHA inspection if there are reasonable grounds to believe that an imminent danger, a violation of the Mine Act, or a violation of a mandatory safety or health standard exists. The agency will conduct a special inspection to determine if a violation or danger exists, issue a citation or order as appropriate, and take all reasonable steps to maintain and assure the confidentiality of the complainant.

MSHA maintains an anonymous hotline to report hazardous conditions. The phone number is 800-746-1553. Persons may also report hazardous conditions at the nearest MSHA district office or online at <http://www.msha.gov>, and MSHA will promptly launch an investigation.

"Miners have a right to identify hazardous conditions and refuse unsafe work without fear of discrimination," said Joseph A. Main, assistant secretary of labor for mine safety and health. "The more people participate actively in mine safety, the better."

Section 105(c) of the Mine Act prohibits individuals from discriminating against miners; applicants for employment and representatives of miners for exercising statutory rights, especially concerning safety or health activities such as identifying hazards; requesting MSHA inspections; or refusing to engage in unsafe work.

"MSHA will vigorously investigate all discrimination complaints by miners," said Main. "We will not hesitate to seek more substantial civil penalties against mine operators who repeatedly discriminate against miners as a deterrent to future such illegal acts."

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Among the most common forms of discrimination the Mine Act prohibits are discharge, suspension, loss of pay, demotion, changes in pay and changes in work hours, as well as reduction in benefits, vacation, bonuses, overtime or rates of pay. The Mine Act also protects miners against more subtle forms of interference, such as intimidation or threats of reprisal.

Since January 2009, MSHA has received 3,951 hazard condition complaints and 289 discrimination complaints.

MSHA recently revised its publication “A Guide to Miners’ Rights and Responsibilities under the Federal Mine Safety and Health Act of 1977.” As the title suggests, the booklet summarizes the rights guaranteed all miners under the Mine Act as well as the responsibility of all miners to take an active role in matters of mine safety and health. The publication is available at <http://www.msha.gov/S&HINFO/minersrights/minersrights.asp>. Other resources at this site include a miners’ rights tri-fold brochure and pocket card, an online hazardous condition complaint form, an online notification of miners’ representative form and a discrimination complaint packet.

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