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Contact: Amy Louviere

Phone: 202-693-9423

Email: louviere.amy@dol.gov

MSHA releases guide for miners' representatives

ARLINGTON, Va. – The U.S. Department of Labor's Mine Safety and Health Administration announced today the availability of a guide for miners' representatives, which will be available as a handbook and an online resource. The "Miners' Representative Guide" is a comprehensive tool that expands upon the "Guide to Miners' Rights and Responsibilities" released by the agency in June 2011.

"A good safety and health program depends upon the active participation and interest of everyone at the worksite," said Joseph A. Main, assistant secretary of labor for mine safety and health. "In order to help decrease workplace deaths, injuries, and illnesses, miners and their representatives must have sufficient knowledge of their rights so that they can fully and properly exercise them."

According to the Federal Mine Safety and Health Act of 1977, Congress specifically intended that, when a miners' representative is designated, he be included in many important aspects of mine safety and health: traveling with and assisting federal inspectors, filing hazard complaints, participating in modification of mandatory safety standards and playing a role in litigation procedures under the Mine Act. A miners' representative is any person, group or organization designated by two or more miners to represent their interest during health and safety enforcement processes at their mine.

The new guide provides detailed information about: reporting hazardous conditions and imminent dangers, accident investigations, understanding the elements of discrimination under Section 105(c) of the Mine Act, health and safety training, petitions for modification of a safety standard, rights to information and records, civil penalties and requests under the Freedom of Information Act.

Section 105(c) of the Mine Act prohibits discrimination against miners, applicants for employment and representatives of miners for exercising statutory rights, which include protected safety or health activities such as identifying hazards, requesting MSHA inspections or refusing to engage in unsafe work.

A number of issues relating to fears of discrimination and retaliation came to light during congressional hearings held in the wake of the Upper Big Branch Mine disaster. Statements from miners and family members of the miners who died indicated that mine employees had been reluctant to speak out about safety conditions in existence prior to the April 2010 explosion, fearing retaliation by management.

In 2012, the department filed 46 requests for temporary re-instatement with the Federal Mine Safety and Health Review Commission on behalf of miners who submitted complaints of discrimination in the form of a suspension, layoff, discharge or other adverse action—more than double any previous year. Also in 2012, the department filed a record 34 complaints alleging mine safety discrimination.

The "Miners' Representative Guide" and "Guide to Miners' Rights and Responsibilities" are available at <http://www.msha.gov/minersrepguide/minersrepguide.asp>.

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U.S. Department of Labor news materials are accessible at <http://www.dol.gov>. The information above is available in large print, Braille or CD from the COAST office upon request by calling 202-693-7828 or TTY 202-693-7755.