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MSHA and Pennsylvania coal operator reach settlement in discrimination case

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration today announced that Hepburnia Coal Co. Inc. has agreed to provide special training to its employees on the rights provided to miners under the Federal Mine Safety and Health Act of 1977 as well as pay a civil penalty of \$3,750 to settle charges of unlawful discrimination against one employee.

On April 6, 2011, David J. Sturgeon Sr. filed a complaint against Hepburnia Coal Co. Inc., a surface mine operator in central Pennsylvania, alleging that the company discriminated against him. The mine owner issued a 30-day suspension to Sturgeon expressly because he was suspected of making safety complaints to MSHA about the company’s Shane Mine that resulted in the agency issuing citations for numerous violations. Although he was recalled to work the next day and suffered no monetary damages, Sturgeon alleged that his discipline had a chilling effect on other miners and would inhibit them from making future safety complaints.

In a complaint filed with the Federal Mine Safety and Health Review Commission, MSHA sought a finding that Hepburnia unlawfully discriminated against an employee in violation of Section 105(c) of the Mine Act. The statute protects miners, their representatives and applicants for employment from retaliation for engaging in safety and/or health-related activities such as identifying hazards, asking for MSHA inspections or refusing to engage in an unsafe act.

The MSHA-developed training Hepburnia has agreed to provide will be given to all of its employees at all of its locations, and will include training on the right to report safety hazards to the operator or MSHA.

“Every miner has the right to identify hazardous conditions and refuse unsafe work without fear of discrimination or retaliation,” said Joseph A. Main, assistant secretary of labor for mine safety and health. “Incorporating training requirements on the rights of miners into discrimination settlements is a positive and innovative step toward establishing a health and safety culture in the mining industry in which miners have a voice in their own health and safety.”

Information about miners’ rights and responsibilities is available on MSHA’s website at <http://www.msha.gov/S&HINFO/minersrights/minersrights.asp>.

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