



News Release

Connect with DOL at
[http://social.dol.gov!](http://social.dol.gov)



U.S. Department of Labor
Office of Public Affairs
Arlington, Va.
Release Number: 14-24-ATL

For Immediate Release

Jan. 9, 2014

Contact: Amy Louviere

Phone: 202-693-9423

Email: louviere.amy@dol.gov

MSHA settles two discrimination cases with Tennessee mine operator

ARLINGTON, Va. – The U.S. Department of Labor’s Mine Safety and Health Administration announced today that the department has settled two discrimination cases with Nyrstar Tennessee Mines – Gordonsville LLC, which operates the Cumberland and Elmwood/Gordonsville Mines in Smith County, Tenn. According to the settlement, which was approved by Kenneth R. Andrews, the [Federal Mine Safety and Health Review Commission](#) administrative law judge assigned to the case, Nyrstar Gordonsville agreed to pay back wages, front pay and compensatory damages to two miners who were terminated from their jobs at the underground zinc mine, Elmwood/Gordonsville Mine. In addition, the mine operator is required to pay civil penalties totaling \$22,000 for its alleged violations of [Section 105\(c\) of the Federal Mine Safety and Health Act of 1977](#).

“All miners have 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. “Judge Andrews’ decision will help ensure that the workers at these two mines fully understand their rights.”

The department’s complaint alleged that the miners were terminated after engaging in various forms of protected activity during the first half of 2012, including: making safety complaints to immediate supervisors, the mine’s safety department and senior managers; making internal complaints of retaliation to the mine’s human resources department and, subsequently, to corporate headquarters; registering with MSHA as a designated representative of miners; assisting MSHA during inspections; being suspected of making hazard complaints to MSHA; filing a prior complaint of retaliation with MSHA; opposing retaliation taken against another miner; and engaging in protected communications with a representative of miners.

Under the terms of this agreement, the company is required to read the settlement to all miners working at the Elmwood/Gordonsville and Cumberland mines and keep a notice, which is a copy of the settlement, posted in those mines for nine months. The notice informs the miners of specific rights they have under the Mine Act and advises them of their right to contact MSHA in order to make a complaint of retaliation if they believe those rights have been violated.

According to Section 105(c) of the Mine Act, a miner cannot be discharged, discriminated against or interfered with in the exercise of statutory rights because he or she has engaged in a protected activity, such as filing a complaint alleging a health or safety violation, or refusing to work under unsafe or unhealthy conditions.

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

###