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New MSHA training tools address miners' rights and responsibilities

ARLINGTON, Va. – The U.S. Department of Labor's Mine Safety and Health Administration has released new training tools to help miners better understand their rights and responsibilities under the Federal Mine Safety and Health Act of 1977. Section 105(c) of the act prohibits discrimination against miners, applicants for employment and representatives of miners for exercising statutory rights, especially those rights that concern safety or health activities such as identifying hazards, requesting MSHA inspections or refusal to engage in unsafe work.

The Web-based tools include the full text of A Guide to Miners' Rights and Responsibilities, links to additional information on miners' rights, an electronic form for filing an anonymous hazard complaint, a discrimination complaint packet, and black lung benefits and resources. A compendium of online videos addresses miners' concerns about unsafe conditions at the workplace, hiring decisions, how to refuse unsafe work, the role of supervisors, the role of miners' representatives who travel with federal inspectors, and knowing your rights and responsibilities.

To access the tools, visit MSHA's website at <http://www.msha.gov> and select the "Miners' Rights and Responsibilities" link in the top left corner. The entire training package also is available in CD and DVD formats by submitting a request online; by phone at 304-256-3257; by fax to 304-256-3368; by email to MSHADistributionCenter@dol.gov; or by regular mail to the National Mine Health and Safety Academy Distribution Center, 1301 Airport Road, Beaver, W.Va. 25813-9426.

"All miners, including supervisors and contractors, 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. "Ensuring that miners understand their rights has been a priority of mine since well before I was appointed to this job in 2009. We hope these tools will help give miners the confidence to exercise those rights."

Under the Mine Act, miners also have the right to request an MSHA inspection of a mine when they believe that an imminent danger, a violation of the act, or a violation of a safety or health standard exists. They have the right to be informed of, and participate in, enforcement proceedings under the act; be paid for certain periods of time when a mine – or part of a mine – has been closed because of a withdrawal order; receive health and safety training during normal working hours, and be paid for that time at their regular rates of pay; and select a representative to accompany an MSHA inspector during inspections at a mine.

"If miners have health or safety concerns, we want them to have the freedom to speak up," added Main. "Although mine operators are ultimately responsible for ensuring safe and healthful working conditions, a good safety program depends upon the active participation, interest and commitment of everyone at the work site."

Issues relating to fears of discrimination and retaliation came to light last year during congressional hearings held in the wake of the Upper Big Branch Mine disaster. Statements from miners and family members of miners who died in the April 2010 blast indicated that workers were afraid to speak out about safety conditions in existence prior to the deadly blast, fearing retaliation by mine management. Evidence uncovered during the joint investigation into the explosion by MSHA and West Virginia authorities also supports those claims.

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