



# TEAMSTERS Safety & Health FACTS

Safety and Health Department, International Brotherhood of Teamsters  
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## Protecting America's Workers Act (PAWA)

### Fulfilling the Promise of Safe Jobs for All Workers

Four decades ago, Congress passed the Occupational Safety and Health Act of 1970 (OSH Act), promising American workers the right to a safe job. While progress has been made since the OSH Act was passed, too many workers are still dying, getting injured or become ill by working in unsafe and unhealthy conditions. In 2008, on average, 100 American workers died *every week* because of fatal work injuries.<sup>1</sup> There are major gaps and weaknesses in the Act and, unlike most other federal safety and health laws the OSH Act has never been updated.

There is a solution underway in Congress that would remedy many of OSHA's limitations and help fulfill the mission of the Agency as conceived in the original OSH Act. The IBT has joined with other Labor Unions, OSHA<sup>2</sup>, the Obama Administration, and Congressional leaders in calling for the passage of the Protecting America's Workers Act of 2009 (PAWA). H.R. 2067<sup>3</sup> and S.1580<sup>4</sup>-would “amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.”

The current draft of the PAWA would accomplish many things, including:

- Raising the monetary ceiling on OSHA penalties
- Increasing criminal penalties and expanding criminal liability for employers who knowingly permit conditions that contribute to the death of a worker
- Tightening existing requirements for OSHA investigations when workers are hospitalized
- Strengthening whistleblower protections
- Expanding the rights of workers' and victims' families

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<sup>1</sup> <http://www.bls.gov/news.release/cfoi.nr0.htm>

<sup>2</sup> [http://www.osha.gov/pls/oshaweb/owadis.show\\_document?p\\_table=TESTIMONIES&p\\_id=1062](http://www.osha.gov/pls/oshaweb/owadis.show_document?p_table=TESTIMONIES&p_id=1062)

<sup>3</sup> <http://www.opencongress.org/bill/111-h2067/text>

<sup>4</sup> <http://www.opencongress.org/bill/111-s1580/text>

## **Protects More Workers**

- Expands OSHA coverage to include state and local public employees and federal government workers
- Expands coverage to millions of other workers inadequately covered such as airline and railroad employees, and Department of Energy contractors

## **Strengthens Health and Safety Penalties**

- Raises civil penalties for ‘serious’ and ‘willful’ and repeat violations
- Establishes mandatory minimum penalties for violations involving worker deaths
- Allows felony prosecutions against employers who commit ‘willful’ violations that result in death or serious bodily injury, and extends such penalties to responsible corporate officers
- Requires OSHA to investigate all cases of death and ‘serious’ injuries (i.e. incidents that result in the hospitalization of 2 or more employees)

## **Improves Whistleblower Protections (Section 11 (c) of OSH Act)**

- Codifies regulations that give workers the right to refuse to do hazardous work
- Clarifies that employees cannot be discriminated against for reporting injuries, illnesses or unsafe conditions, and brings the procedures for investigating and adjudicating discrimination complaints into line with other safety and health and whistleblower laws
- Requires regulations to be issued that prohibit the establishment of any employer policies or practices that discourage or discriminate against workers for reporting injuries and illnesses

## **Allows Workers and Their Families to Hold Dangerous Employers Accountable**

- Provides workers and employee representatives the right to contest OSHA’s failure to issue citations, classification of its citations, and proposed penalties
- Gives injured workers, their families and families of workers who died in work-related incidents the right to meet with investigators, receive copies of citations, and to have an opportunity to make a statement before the parties conducting settlement negotiations
- Clarifies that the time spent by an employee accompanying an OSHA inspector during an investigation is considered time worked, for which a worker must be compensated
- Allows any worker or their representative to object to a modification or withdrawal of a citation, and entitles them to a hearing before the Occupational Safety and Health Review Commission

## **What You Can Do**

Should Congress enact the Protecting America's Workers' Act, it would be the most sweeping reform of worker safety and health protections in America since the creation of OSHA.

Contact your members of Congress and urge them to support and co-sponsor PAWA (H.R. 2067, S.1580) to provide all workers the safety and health protections that they need and deserve and are long-overdue. You can contact the IBT Safety and Health Department, (202) 624-6960, the Field and Political Action Department, (202) 624-6993, or the Federal Legislation and Regulations Department, (202) 624-8741, to find out who to contact in your area.