Strategic Goal Three: Quality Workplaces

A vital part of the Department's mission is to ensure all Americans a safe, healthy, and equal opportunity workplace. Common sense and business necessities provide strong incentives for creating and maintaining such a workplace environment, but these incentives are not always sufficient.

The Department has an important role to play in protecting workers and promoting equal opportunity workplaces. If an employer's practices threaten workers' safety and health, discriminate against women, minorities, veterans, or people with disabilities, or deprive workers of fair wages, tough enforcement is necessary. The ultimate goal is compliance with employment laws.

In this Section...

Occupational Safety and Health Administration (OSHA)
Mine Safety and Health Administration (MSHA)
Bureau of International Labor Affairs (ILAB)
President s Committee on Employment of People with Disabilities (PCEPD)
-Job Accommodation Network (JAN)
-Workforce Recruitment Program
-National Employment Conference
-National Business Leadership Network (BLN)
-High School/High Tech (HS/HT) Project
-National Disability Employment Awareness Month (NDEAM) Project
-Cultural Diversity Initiative
Federal Contract Compliance Programs (ESA)
Women s Bureau (WB)
Office of Inspector General (OIG)

Occupational Safety and Health (OSHA)

The Occupational Safety and Health Administration (OSHA) is responsible for enforcing the Occupational Safety and Health Act of 1970 (Public Law 91-596). The OSH Act authorizes the agency to enforce safety and health standards through inspections of workplaces, and also to foster voluntary compliance by employers through onsite consultation, training, education and information services, partnerships, and Voluntary Protection Programs. The OSHA program is administered by the National Office, 10 regional offices, and 93 area offices.

OSHA also makes fifty percent matching grants to assist 25 states in administering and enforcing safety and health standards under approved state programs. The agency covers more than 100 million workers at more than six and a half million workplaces.

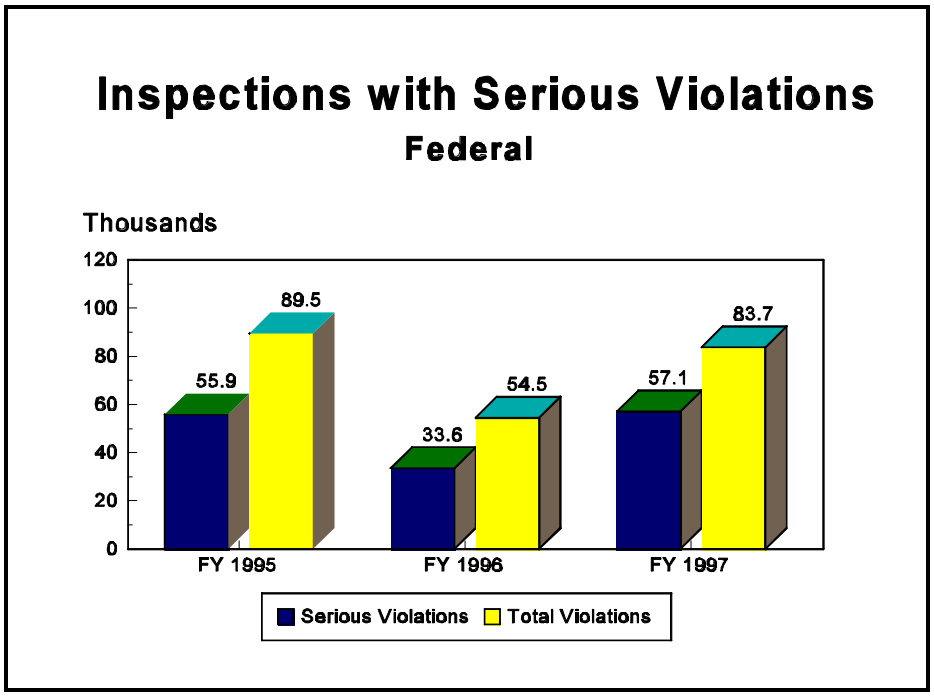

Figure 13
Efforts are targeted toward the most serious hazards.

In FY 1997, OSHA continued to implement a data initiative, which will enable the agency to collect establishment/site specific injury and illness data as well as information on injury and illness characteristics. This system will greatly improve OSHA's ability to measure injury, illness and fatality rates, to target agency interventions to the most hazardous work sites, and to measure program outcomes as required by GPRA. The data initiative includes a program to monitor the quality of employers' injury and illness records. These efforts are fully responsive to OIG audit recommendations. The new measures derive from OSHA's strategic plan, and focus on three major goals: reducing workplace injuries, illnesses and fatalities in the most hazardous industries and workplaces, changing workplace cultures to increase employer and worker awareness of safety and health; and securing public confidence in the development and delivery of OSHA's programs.

During FY 1997, OSHA conducted 34,264 Federal enforcement inspections, an increase of approximately 43 percent from the FY 1996 total. This reflects the full year funding availability in FY 1997 as compared to the FY 1996 uncertainty and government shutdown. State plan personnel conducted 56,623 worksite inspections, a decrease of 1.0 percent. Both programs have been shifting emphasis from regulation to results by offering incentives to employers who choose partnership with OSHA through the implementation of effective safety and health programs. Traditional enforcement continued for employers who elected not to partner with the agency.

During FY 1997, OSHA added debt collection management to its central financial management office. This has

facilitated the implementation of the Debt Collection Act of 1996 requirements and has assisted in improving OSHA's penalty collection process. OSHA collects the majority of its penalties within the first year, with additional collections occurring in subsequent years. Through September 30, 1997, OSHA had collected 57.6 percent of FY 1997 penalties, 84.1 percent of FY 1996 penalties, and 89.1 percent of FY 1995 penalties.

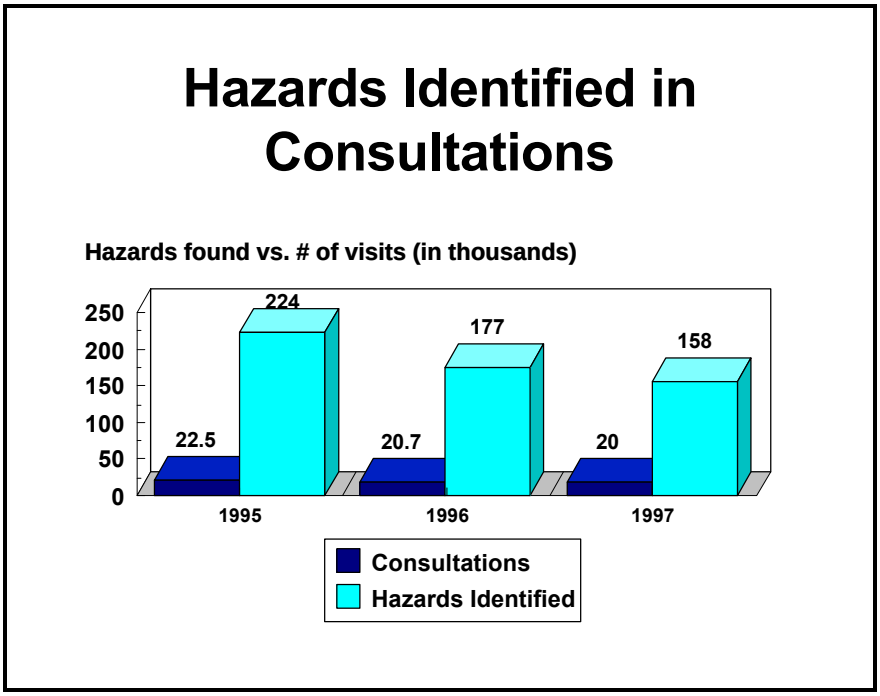

Figure 14
The number of hazards identified during consultation visits has decreased over the past three years.

OSHA's reform efforts include a streamlining of its rulemaking activities. This strategy involves identifying clear priorities, focusing on key building block rules, rewriting standards in plain English, eliminating outdated standards, and emphasizing business-labor partnerships. In FY 1997, final standards were promulgated for: longshoring, 1,3-butadiene, abatement verification, and methylene chloride. A proposal was published for tuberculosis.

OSHA continued stringent enforcement efforts against employers who willfully neglected the safety and health of their employees. The number of cases designated as egregious or involving significant penalties (over $100,000) rose again, from 165 in FY 1996 to 226 in FY 1997. The Federal program completed 2,651 investigations of complaints filed under sections 11(c), 405, and several other statutes for which OSHA has been assigned responsibility, alleging discriminatory actions against employees for exercising rights afforded them by the Act. State programs completed 1,454 discrimination investigations during FY 1997.

Consistent with its partnership initiatives, OSHA continued to explore ways to encourage cooperation between workers and employers and to promote voluntary compliance programs. The agency funds 90 percent of the costs incurred by designated

state agencies to provide free onsite consultation to small businesses that request assistance in achieving voluntary compliance. Under this program, 24,785 initial consultation visits were completed in FY 1997. OSHA also funded 23 Susan Harwood Training Grants.

Through its Voluntary Protection Program, OSHA grants special recognition to companies that have exemplary safety and health programs. The number of work sites participating in this program reached 391 in FY 1997, with 337 Federal and 54 State Plan State sites. The OSHA Training Institute in Des Plaines, Illinois emphasized the training needs of Federal and state compliance officers, and reflected newly promulgated standards. Twelve educational institutions functioned as OSHA Training Institute Education Centers to provide OSHA courses for the private sector.

In conjunction with the Department's Bureau of International Labor Affairs (ILAB), OSHA continued its cooperative activities in universal worker protection under the Memorandum of Understanding with Mexico, and with other international counterpart agencies, particularly in Eastern Europe.

Safety & Health - A Community Effort

When the contractor for a local sewer project in Lehigh Township, Pennsylvania, failed to protect its own employees from working in unsafe trenches and a potential cave in, several residents decided to call the Occupational Safety and Health Administration (OSHA). Inspectors visited the site and told the contractor to enlarge the trench and protect the workers with a trench box.

After the contractor ignored the warning, OSHA inspectors revisited the site several times. When it was clear that the contractor was not going to protect its workers, OSHA took enforcement action against the company. Over 200 townspeople met to hear OSHA explain the citations it had issued and to watch as five residents received certificates of appreciation from the agency. Residents cheered and gave Labor Department officials a standing ovation for their work. One citizen commented, "You should be proud to work for an agency that listens to people." Another said, "You not only listened to us; you did something about it."

Mine Safety and Health (MSHA)

The Mine Safety and Health Administration mission is to achieve the purpose of the Federal Mine Safety and Health Act of 1977: making the first priority and concern of all in the mining industry the health and safety of its most precious resource—the miner. All of MSHA's resources are dedicated to ensuring that each of the approximately 322,000 men and women who work in over 13,800 American mines will go to their jobs secure in the knowledge

that they will not have to place themselves at risk of loss of life or limb to make a living.

MSHA works in partnership with the American mining community to eliminate fatalities, reduce the frequency and severity of accidents, and minimize health hazards associated with the mining industry. The Mine Act requires MSHA to inspect every underground mine four times each year and all surface mines two times each year to determine compliance with federal safety and health standards. In carrying out other legislative mandates contained in the Mine Act, MSHA also: (1) conducts additional inspections of gassy mines; (2) conducts spot inspections of mines with particularly hazardous conditions; (3) investigates mining accidents; (4) investigates and refers acts of criminal wrongdoing to the Department of Justice for prosecution; (5) investigates discrimination complaints; (6) assesses and collects civil penalties; (7) provides education and training assistance; (8) tests mining equipment for safety; (9) compiles and analyzes accident and injury data; (10) provides technical assistance to the mining industry; (11) promulgates mandatory safety and health standards and (12) manages State Grants program.

This country's miners are the most productive in the world and supply both U.S. industries and overseas markets with high-grade coal, metal and nonmetal products. Yet along with this high productivity, and in spite of past efforts, the 322,000 men and women who work daily in the mining industry face safety and health hazards at levels unknown in most other professions. Each year approximately 100 miners die in job-related accidents and another 10,000 are seriously injured. One miner dies for every five million hours worked.

Mine roof falls have been one of the major causes of accidental mining deaths. In recent years, the number of roof fall deaths has been declining; however, four accidental roof fall mining deaths in a twelve-hour period caused MSHA to undertake a special program of increased safety measures. Nearly 700 mine inspectors were dispatched to every underground coal mine in the Nation to review specific safeguards and actions that could be taken to prevent these deadly accidents. Industry and labor associations and state agencies joined in the effort to alert the mining community and to take steps to prevent further occurrences.

In the metal and nonmetal sectors, fatalities reached their highest level (50 as of September 10) since 1987. This compared to 34 during the same period in the prior year. In response, MSHA embarked on a special two-week National Fatality Reduction Sweep in September 1997. Inspectors visited 9,006 mines and 108,454 miners to bring attention to the increased number of accidental deaths in metal and nonmetal mines.

In addition to its “safety sweeps,” MSHA’s FY 1997 safety-related efforts included its mandated inspection program, safety alerts, special focus education and training programs, and technical support programs.

In the coal program in FY 1997, 96% of all mandated inspections were completed; the remaining were delayed into the first two weeks of FY 1998 because of the assistance provided to the metal and nonmetal National Fatality Reduction Sweep. In the metal and nonmetal program, the mandated inspection completion rate was 84%. This inspection shortfall was a result of the dedication of resources to the National Fatality Reduction Sweep and surface haulage initiative, as well as the attrition rate of metal and nonmetal inspectors.

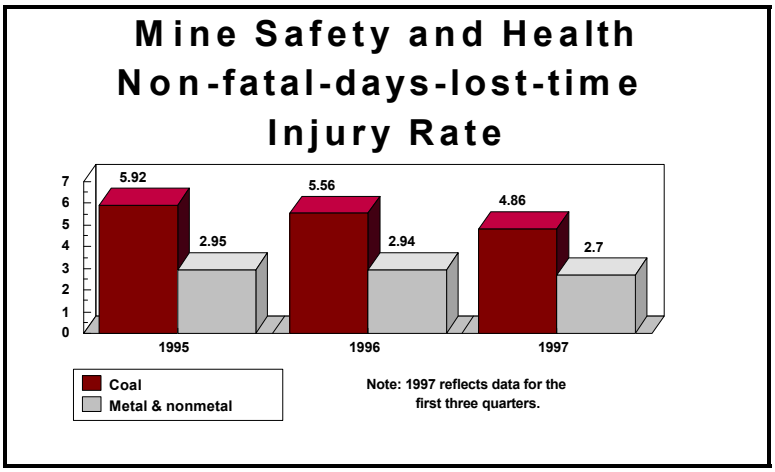

Figure 15

Lost-time injury rates have shown a steady long-term decline, and the first three quarters of FY 1997 data continued that trend.

MSHA supported and participated in the Department of Labor's National Campaign to Eliminate Silicosis, which was launched jointly with the American Lung Association, the National Institute for Occupational Safety and Health, and the OSHA. As a follow-up, MSHA's Coal, Metal and Nonmetal, and Educational Policy and Development organizations developed informational materials and sponsored silicosis awareness and prevention seminars throughout the country.

MSHA reemphasized its inspection focus on lung hazards in coal mines by strengthening existing enforcement procedures to give coal miners better protection against lung diseases caused by respirable dust. MSHA inspectors' new instructions are to: provide protection for contractor employees and construction workers at mine sites with regard to dust control plans, training, hazard surveillance and compliance activities; inspect for compliance with ventilation regulations that require operators of underground coal mines to perform on-shift examinations of respirable dust controls; place increased emphasis on examination of dust controls where 100 micrograms or more of quartz (crystalline silica) is present in respirable coal mine dust samples; and place increased inspector emphasis on examining dust controls on roof bolting machines and of machine-mounted dust collectors on continuous mining machines. To help apprise the mining community of the procedures, copies of the MSHA Procedure Instruction Letters were mailed to all coal mine operators and were posted to the MSHA Home Page on the World Wide

Web. As part of this effort, MSHA implemented three pilot programs to extend respirable coal dust sampling by inspectors to four times a year at underground coal mines and twice a year at surface coal mines.

Diesel engines are widely used to power equipment in the mining industry, from very small to very large machinery. While most of the existing fleet is at surface mines, there is increasing use of diesel engines underground. There has been growing concern that the tiny particulate matter contained in diesel exhaust may lead to health problems for miners and work continues on the development of a new regulation for diesel particulates. A draft publication, "Practical Ways to Control Exposure to Diesel Exhaust in Mining–A Toolbox," is a product of input from the mining community and describes the experiences of miners, mine operators and diesel equipment manufacturers in seeking to control emissions. It is organized as a "tool-box" so that it can be put to use directly by those working with diesel-powered equipment.

Hearing loss due to extreme noise levels is preventable. In the coal industry, regulation allows use of hearing protection. This is not the case in the metal and nonmetal program, where engineering controls are required. MSHA is revising its existing noise exposure standards based on the metal and nonmetal requirements.

Bureau of International Labor Affairs (ILAB)

The Bureau of International Labor Affairs carries out the Secretary of Labor's international responsibilities, develops Departmental policy and programs relating to international labor activities, and coordinates Departmental international activities involving other U.S. government agencies, intergovernmental organizations, and nongovernmental organizations. ILAB coordinates U.S. government participation in international forums dealing with labor issues, operates technical assistance programs, publishes reports on international labor issues, represents the interests of American workers in interagency policy reviews, and assists in the formulation and implementation of international treaties dealing with labor issues.

During FY 1997, ILAB ensured that U.S. government priorities were reflected in employment agendas of international organizations by (1) conducting an exchange program with the European Union to discuss experiences in employment and training; and (2) participating in the Asian-Pacific Economic Cooperation (APEC) working group on Human Resource Development to establish an initiative on worker health and safety and productivity. ILAB also coordinated preparations for the Secretary's participation in the Organization for Economic Cooperation and Development (OECD) Labor Ministerial (October 14-15).

In seeking to place the welfare to work issue on the agenda of international organizations, ILAB participated in preparatory meetings for the G-8 Ministerial conference on employment held in the United Kingdom in February 1998.

ILAB continued to actively promote the observance and monitoring of core labor standards by negotiating a declaration concerning core labor standards and an effective follow-up mechanism to measure a country's adherence to those standards. As a result, the International Labor Organization (ILO) agreed to place discussion of a new Convention on the abolition of extreme forms of child labor on the agenda of its 1998 conference.

In February, 1997, ILAB brokered a ground-breaking agreement between Pakistani soccer ball manufacturers, the ILO and UNICEF to provide over 7,000 children with an education in place of stitching soccer balls. ILAB's funding also helped create programs in Thailand and Nepal to prevent children from being lured into exploitative child labor and prostitution.

ILAB continued implementation of the North American Agreement on Labor Cooperation by reviewing submissions/ complaints by labor and women in the workplace, and by promoting OSH week.

ILAB continued to support U.S. government foreign policy objectives by providing labor-market technical assistance in Central Europe, the Middle East, Latin America and Africa. In particular, ILAB has initiated a technical assistance programs in the labor ministries of South Africa and Paraguay.

President s Committee on Employment of People with Disabilities (PCEPD)

The mission of the President's Committee on Employment of People with Disabilities is to communicate, coordinate and promote public and private efforts to enhance the employment of people with disabilities. The Committee provides information, training, and technical assistance in support of the Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 to America's business leaders, organized labor, rehabilitation and service providers, advocacy organizations, families and individuals with disabilities.

The major goal of the President's Committee is to provide leadership in the effort to eliminate employment barriers to people with physical, mental and communications disabilities. The Committee takes the lead in uniting people and resources to turn possibilities for work into actualities for employment. The Committee's paradigm for this leadership is partnership -- active cooperation, coordination and promotion of public and private efforts to eliminate barriers and create opportunities to benefit both individuals and businesses.

Job Accommodation Network (JAN) - JAN is a toll-free telephone and on-line bulletin board service that provides information about accommodations for employees with disabilities. In FY 1997,

JAN answered over 40,000 calls, resulting in the hiring or retention of approximately 22,000 workers with disabilities.

Workforce Recruitment Program - The President's Committee, in cooperation with the Department of Defense, coordinated the recruitment for paid summer internships for college students with disabilities. The Committee expanded this program to include employment opportunities in the private sector. The President's Committee profiled 1,162 students and circulated their resumes to hundreds of managers and supervisors who hired 221 of them. This hiring rate is a 46% increase over FY 1996.

National Employment Conference - The 1997 National Employment Conference attracted approximately 1,500 attendees and featured an exhibit hall with 85 vendors displaying state-of-the-art products and services. An employment fair for people with disabilities was held concurrently. attracting 800 job seekers and 70 recruiters representing 38 companies.

National Business Leadership Network (BLN) - The BLN is a partnership of employers nationwide who are committed to interviewing and hiring qualified job applicants with disabilities. The program aims to stimulate best disability employment practice. The BLN is being led by Thomas Donohue, President and CEO of the U.S. Chamber of Commerce

High School/High Tech (HS/HT) Project - This project gives students with disabilities opportunities to explore careers in technology related occupations. The Committee supports 19 HS/HT sites which provide services to 1050 students interested in high tech career fields.

National Disability Employment Awareness Month (NDEAM) Project - The theme for the 1997 National Disability Employment Awareness Month was "Ability - Bridge to the Future." Thirty-five thousand kits were produced and distributed throughout the United States and beyond.

Cultural Diversity Initiative - The President's Committee has partnered with various organizations such as the NAACP, Urban League and ASPIRA to develop strategies to reduce the high unemployment rate of minorities with disabilities. Kweisi Mfume, President and CEO of the NAACP created an Advisory Group on Disability and sent a memorandum to the 2,200 branches directing them to advocate for the full employment and civil rights of African-Americans with Disabilities.

Federal Contract Compliance Programs (ESA)

The Office of Federal Contract Compliance Programs (OFCCP) enforces regulations which require Federal contractors to take

affirmative action to ensure equal employment opportunity, to eliminate discrimination from the workplace and to obtain redress for victims of discrimination. In FY 1997, 3,750 compliance reviews of Federal contractors were completed and 372 complaints were investigated and resolved. A total of $30.8 million in financial agreements was obtained, including back wage agreements of $10.7 million for 4,435 workers. The number of workers in facilities reviewed was 1.56 million. In comparison to FY 1996, the foregoing represents a slight increase in compliance review activity, and a slight drop in the number of complaints. Additional staff has helped OFCCP to increase the number of compliance reviews.

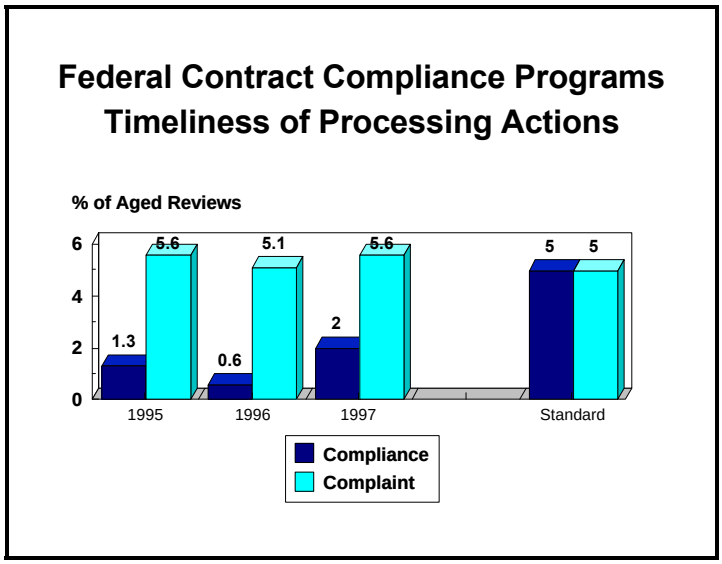

Figure 16

In the above chart, Compliance refers to compliance reviews of Federal Contractors conducted by OFCCP. Complaint refers to complaint investigations handled by OFCCP. An Aged review is a compliance review over 240 days old, or a complaint investigation over 180 days old. Approximately 91 percent of OFCCP actions are compliance reviews, the remaining 9 percent are complaint investigations.

OFCCP's performance goal/objective in the program's Strategic Plan is "to increase by 30% the number of Federal contractors brought into compliance with the various laws and the Executive Order dealing with Federal contract compliance by FY 2002". The strategic goal has been supported during FY 1997 by several actions including: (1) Promulgating revised 41 CFR 60-1 regulations, giving OFCCP the flexibility to perform a range of compliance options; (2) Drafting revised regulations at 41 CFR 60-2, which will help reduce the paperwork burden on Federal contractors; (3) Entering into Memoranda of Understanding (MOU's) with the U.S. Department of Justice's Office of Special Counsel and with the Veterans' Employment and Training Service, for the purposes of sharing information and promoting equal employment opportunity; and (4) Drafting revisions to the selection process wherein Federal contractors are selected for evaluation.

In FY 1997, OFCCP continued its promotion of best practices in affirmative action and anti-discrimination programs by acknowledging "high roaders' with the

Exemplary Voluntary Efforts (EVE) Award, the Opportunity 2000 Award and the Exemplary Public Interest Contribution (EPIC) Award.

Women's Bureau (WB)

The Women's Bureau is the only Federal agency with primary responsibility for serving and promoting the interests of working women. The Bureau participates in the development of Federal, State and local policies and programs to benefit working women; conducts research, reviews legislation, formulates outreach programs that contribute to the development and implementation of public policy; and provides specific support and technical assistance to various targeted groups.

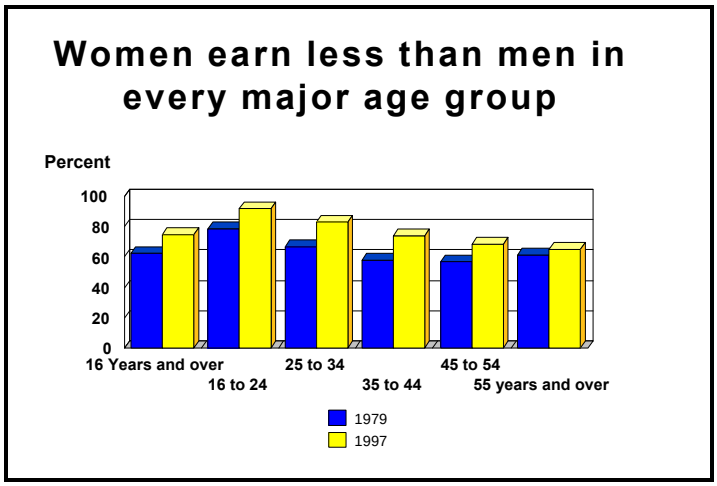

Figure 17

Although there have been improvements in recent years, women still earn less than men in every major age group.

In FY 1997, the WB, in partnership with other DOL agencies, held a historical national Working Women's Summit under the theme of *Economic Equity: Realities, Responsibilities and Rewards.* The Summit was attended by approximately 20,000 participants at 450 downlink sites across the nation, and viewers of the satellite broadcast via cable and television networks. Also, the Summit brought together experts, local elected officials, advocates, practitioners and working women (and women who want to work), to discuss topics such as the future of work, life long learning, downsizing, pensions, fair pay, workplace flexibility, child care, the glass ceiling, microenterprise, transferability of military skills, and safety and health in the workplace. The purpose of these discussions was to begin a dialogue to identify the solutions to concerns that continue to plague women on the job.

The WB co-administered with the Bureau of Apprenticeship and Training the fourth year of the Women in Apprenticeship and Nontraditional Occupations (WANTO) program, which makes grants to community-based organizations for providing technical assistance to employers and labor organizations to encourage the employment of women in apprenticeship and nontraditional occupations. Grants totaling $610,000 were awarded, and technical assistance was provided to more than 200 employers and labor organizations.

As a follow-up to the United Nations Fourth World Conference on Women, the WB co-authored the *President s Interagency Council on Women of America s commitment: Federal Programs Benefitting Women and the new Initiatives*; and, based on 500 submissions from women to the President's Interagency Council on Women and non-governmental organizations (NGOs) around the country co-authored *Building on Beijing: United States NGOs Shape a Women s National Action Agenda.*

In partnership with ETA, the WB promoted the Work Opportunity Tax Credit to women, including welfare to work recipients, through the publication of a brochure insert entitled *A Woman-Friendly Benefit.* Approximately 40,000 copies were distributed in print and electronically.

Finally, in FY 1997, the WB completed the last phase of the Working Women Count Honor Roll Program with the release of a final publication. This publication entitled: "What Works!: The Working Women Count Honor Roll Report," highlights employer models who, through their policies and programs, have made positive change in the lives of more than 2 million working women and their families, demonstrating that partnership initiatives and executive commitment work for working women and men.

In addition to the initiatives above, the WB responded to over 11,000 callers to its Work and Family and Fair Pay Clearinghouses; established an Internet site that received approximately 144,000 hits; distributed over 700,000 copies of its publications; and provided information through appearances on television networks, radio, cable and newspaper/newsletter articles on key workforce issues such as women's rights, job opportunities and training, welfare reform and pay equity to over 35,000,000 constituents nationwide. Also, the WB conducted and co-sponsored more than 200 conferences pertaining to women and work, i.e., employment rights (Don't Work in the Dark); pension rights and benefits; nontraditional employment; and balancing work and family.

Office of Inspector General (OIG)

The OIG worked to achieve its goal of optimizing the use of funds appropriated for workplace safety, health, and standards programs by enhancing program performance and accountability.

For example, in FY 1997 the OIG identified certain weaknesses in the protections afforded to whistle blowers under the Occupational Safety and Health Act and made recommendations to ensure such protections. Inaccuracies in the data used by ESA to determine the Davis-Bacon prevailing wages were also identified.