

PROTECTING AMERICA'S WORKERS ACT (S. 1244)

Since the Occupational Safety and Health Act (OSHA) passed 37 years ago, we have made great progress toward providing every American worker with a safe work environment. But much more needs to be done.

Too many workers are still being injured and even killed on the job. In 2005 alone, over 5,700 workers were killed at work, and 4.2 million workers were injured. Across this country, that's an average of 15 workers who die every day, and nearly 12,000 who are injured. And some are at even greater risk—Hispanic workers are almost 20 percent more likely to be killed on the job.

The Protecting America's Workers Act honors the memory of those who have died at work by expanding and strengthening our workplace safety law. It amends OSHA to cover more workers, increase penalties, strengthen protections, enhance public accountability, and clarify an employer's duty to provide safety equipment.

Covers more workers.

- Over 8.5 million American workers are not covered by OSHA's protections. These include federal, state, and local public employees, and some private sector employees.
- The bill provides OSHA protections to these workers, which include flight attendants, state correctional officers, and workers in government agencies.

Increases penalties for those who break the law.

- Under current law, an employer may be charged—at most—with a misdemeanor when a willful violation of OSHA leads to a worker's death.
- The bill makes felony charges available for an employer's repeated and willful violations of OSHA that result in a worker's death or serious injury.
- The bill also updates OSHA civil penalties—which been unchanged since 1990—and sets a minimum penalty of \$50,000 for a worker's death caused by a willful violation.

Protects workers who blow the whistle on unsafe conditions in the workplace.

- OSHA whistleblower provisions have not been updated since their adoption in 1970.
- The bill updates those whistleblower protections by incorporating successful administrative procedures adopted in other laws, like the Surface Transportation Act.

Enhances the public's right to know about safety violations.

- The bill improves public accountability and transparency:
 - It mandates DOL to investigate all cases of death or serious incidents of injury.
 - It gives workers and their families the right to meet with DOL investigators.
 - And it requires employers to inform workers of their OSHA rights.

Clarifies an employer's duty to provide safety equipment.

- The bill clarifies that employers are required to provide the necessary safety equipment to their workers, such as personal protective equipment.