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Labor chief moves on job safety, workers' rights

AP Associated Press

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By SAM HANANEL, Associated Press Writer – Fri Jan 1, 8:12 pm ET



AP – FILE - In this March 2, 2009 file photo, Labor Secretary Hilda Solis speaks during a town hall meeting ...

WASHINGTON – Soon after she became the nation's labor secretary, Hilda Solis warned corporate America there was "a new sheriff in town."

Less than a year into her tenure, that figurative badge of authority is unmistakable. Her aggressive moves to boost enforcement and crack down on businesses that violate workplace safety rules have sent employers scrambling to make sure they are following the rules.

The changes are a departure from the policies of Solis' predecessor, [Elaine Chao](#). They follow through on President Barack Obama's campaign promise to boost funding for the [Occupational Safety and Health Administration](#), increase enforcement and safeguard workers in dangerous industries.

Solis made a splash in October when OSHA slapped the largest fine in its history on oil giant BP PLC for failing to fix safety problems after a 2005 explosion at its Texas City refinery.

Garnering less attention, she just finished hiring 250 new investigators to protect workers from being cheated out of wage and overtime pay. She also started a new program that scrutinizes business records to make sure worker injury and illness reports are accurate. And she is proposing new standards to protect workers from industrial dust explosions — an effort the Bush administration had long resisted.

Some business groups say they prefer a more cooperative approach between government and businesses — what the Bush administration called "compliance assistance."

"Our members are concerned that the department is shifting its focus from compliance assistance back to more of the 'gotcha' or aggressive enforcement first approach," said Karen Hamed, executive director of the National Federation of Independent Business' small business legal center.

Other business leaders point out that the rate of workplace deaths and injuries actually fell to record lows in the previous administration, while the agency also helped employees collect a record amount of back pay for overtime and minimum wage violations. Chao has claimed that success was the result of cooperating with businesses to help them understand the myriad regulations.

Keith Smith, a spokesman for the National Association of Manufacturers, said his members "want to build upon that progress and recognize what's working."

But a November report from the Government Accountability Office suggested there is widespread underreporting of workplace safety issues. Investigators cited evidence that some employers pressure workers not to report illnesses and injuries and urged OSHA to be more aggressive in verifying business records.

Labor Department spokesman Jaime Zapata said the idea of helping businesses understand the rules remains an important part of the agency's strategy, along with stepped-up enforcement. Solis plans to hire 100 new OSHA inspectors next year.

"Compliance assistance was not a creation of the last administration," Zapata said.

The changes have drawn praise from organized labor leaders who spent millions to help get Obama elected. Solis, a former California congresswoman and daughter of immigrant parents who were both union members, is a favorite of labor unions and a longtime advocate for workers' rights.

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"We will not rest until the law is followed by every employer, and each worker is treated and compensated fairly," Solis said last month as she described a new national public awareness campaign to make sure workers know their rights on the job.

The massive fine against BP certainly caught the public's attention, but other businesses are also paying a steep price for violating safety rules.

Two months into the new fiscal year, OSHA has already cited six companies for "egregious" violations that carry the highest penalties. There were only four such egregious cases in all of the previous year.

Solis said her agency this year will tackle 90 new rules and regulations next year. One change would give workers more information about how their pay is computed. Another would make employers disclose whether they sought advice from anti-union labor consultants.

Glenn Spencer, executive director of the U.S. Chamber of Commerce's Workforce Freedom Initiative, said Solis so far has been willing to listen to some of his group's concerns. But he worries most about the possibility that Labor officials will try to revive costly ergonomics rules. Such rules would force businesses to redesign work spaces to protect employees from repetitive stress injuries.

One of the first acts of the Bush administration was to rescind ergonomics rules that were passed in the Clinton administration. Solis supported the rules at the time, and has not spoken about plans to revive them.

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