



U.S. Senator Tammy Baldwin's *Protecting America's Workers Act*

Since the Occupational Safety and Health Act passed in 1970, we have made great progress toward providing every American worker with a safer work environment. But the law has not been meaningfully updated in quite some time, and there are still major problems that need to be addressed.

Too many workers are being injured and even killed on the job. In 2016 alone, 5,190 workers were killed on the job, and about 3.7 million worker injury and illnesses were reported. That's an average of 13 workers who don't go home to their families at the end of the work day, and nearly 10,000 who are injured or become ill.

The Protecting America's Workers Act honors the memory of those who have died at work by expanding and strengthening workplace safety laws. It amends the OSH Act to cover more workers, strengthen protections, updates penalties, enhance public accountability, and clarifies an employer's duty to provide safe workplace.

Cover more workers.

- Millions of American workers are not covered currently 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.
- Deter more egregious violations by providing authority for increased civil monetary penalties for willful and serious violations that cause death or serious bodily injury.
- Authorize felony penalties against employers who knowingly commit OSHA violations that result in death or serious bodily injury and extend such penalties to corporate officers and directors. Criminal penalties are misdemeanors under current law.
- The bill also updates OSHA civil penalties— which have remained too low to deter bad actors and sets a minimum penalty of \$50,000 for a worker's death caused by 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 rights under OSHA.

Clarifies an employer's duty to provide a safe worksite, safety equipment and track recordable injuries and illnesses for all workers onsite.

- Amends the General Duty Clause to include all workers on the worksite.
- The bill clarifies employer responsibility to provide the necessary safety equipment to their workers, such as personal protective equipment.
- Directs DOL to revise regulations for site-controlling employers to keep a site log for all recordable injuries and illnesses among all employees on the work site