

News Release

OSHA News Release: [08/18/2010]

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Release Number: 10-1135-DAL

Statement from US Department of Labor warns employers along Gulf Coast against withholding of HAZWOPER certificates

WASHINGTON — The U.S. Department of Labor's Occupational Safety and Health Administration has received numerous complaints from workers taking part in the Gulf Coast oil spill cleanup whose employers are refusing to provide them with a certificate following their completion of training under the Hazardous Waste Operations and Emergency Response, or HAZWOPER, standard. OSHA interprets the standard as prohibiting covered employers from withholding written certificates from workers who have successfully completed such training.

Commenting on the need to protect vulnerable workers and ensure a level playing field for employers who follow the rules, Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels today issued the following statement:

"It has come to OSHA's attention during the Gulf Coast oil spill cleanup that some employers performing post-emergency cleanup operations are refusing to provide workers with written certificates attesting successful completion of HAZWOPER training. Allegedly, employers use this practice to prevent workers from leaving their employ.

"There is no basis in the HAZWOPER standard for an argument that employers do not need to provide written certification promptly upon the completion of training. The requirement to provide written certification implies a requirement to provide it with reasonable promptness.

"OSHA is processing complaints related to the withholding of training certificates, and already has referred some matters to the Office of the Inspector General within the Department of Labor for examination as possible consumer fraud."