

Is Your Company On Senator Harkins' Naughty List?

Insights

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Hopefully you do not need further motivation to maintain an effective workplace safety culture; however, Senator Labor Chair Tom Harkins' December 11, 2013 Report may serve as additional motivation. In the 4" thick Report, "Acting Responsibly? Federal Contractors Frequently Put Workers' Lives And Livelihoods At Risk," the writers provide detailed information of OSHA citations and of wage claims against numerous Federal contractors (by name). The appendices to the Report contain detailed analysis of the Top 100 OSHA Violations and Penalties and the Top 100 Wage Hour Division Back Wage Payments for 2007 through 2012.

- The Report concludes that 18 Federal Contractors were recipients of one of the largest 100 penalties issued by OSHA, and that almost one-half of the total initially assessed for OSHA violations were against companies holding Federal contracts in 2012.
- The Report also claims that 42 American Workers died during this period "as a result of OSHA violations by companies holding Federal contracts in 2012." This conclusion is a bit of a jump because citations issued by OSHA after a fatality investigation are often unrelated to the fatality itself.
- Thirty-two Federal contractors received back wage assessments among the largest 100 issued by the Wage and Hour Division between 2007 and 2012.
- Thirty-five of these companies allegedly violated both wage and safety laws.
- The 49 Federal contractors responsible for large violations of Federal Labor Laws were cited for 1,776 separate violations and paid \$196 million in penalties and assessments.

The Report angrily complains that in fiscal year 2012 *"these same companies were awarded \$81 billion in taxpayer dollars."*

The Report makes a number of recommendations which can be summed up as putting in procedures to better share and publicize information about Federal contractors and to take action

against contractors violating safety and wage laws.

While some of the cited violations may well represent egregious behavior or a determination to cut corners on safety, one wonders if some of these violations simply resulted from large companies who experienced difficulty in maintaining an effective safety culture at numerous locations and job sites. Regardless of the reasons, all employers would do well to recognize this Administration's desire to bring together and publicize more information about employer alleged misconduct. One paragraph suggests a certain amount of bias against the private sector:

The Federal government is not required to contract with the private sector. Indeed, many of the functions that private contractors carry out for the government could be done equally well or better by government employees. But when the government does solicit work from the private sector, it should use taxpayer dollars in a way that promotes compliance with Federal law and improves the quality of life for working Americans.

One sort of gets the sense that the sponsors are looking for an excuse to de-privatize some of this work. So check the list for your name and take steps to get off of it or to stay off it. I'd take this naughty or nice list seriously th

is Christmas.

Howard

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