

# Federal Register

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Part IV—Section E

**Labor Department**

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Draft Consumer Program

**DEPARTMENT OF LABOR****Office of the Secretary****DOL Consumer Programs; Plan of Action—  
Executive Order No. 12160**

**AGENCIES:** Employment and Training Administration, Occupational Safety and Health Administration, Labor-Management Services Administration, Mine Safety and Health Administration, Employment Standards Administration, Bureau of International Labor Affairs, Bureau of Labor Statistics, and Women's Bureau.

**ACTION:** Proposed plan of action.

**SUMMARY:** The Department is proposing a plan of action for insuring that DOL Consumer programs adequately consider and address consumer needs and interests. This plan of action establishes specific guidelines for agencies to follow in establishing or reforming consumer programs to comply with the requirements of President Carter's Executive Order on Federal Consumer Programs. The Department is taking action to ensure that the consumer interest is incorporated as an integral part of its decisionmaking process and that DOL policies, programs, and rules are responsive to expressed consumer concerns.

**DATE:** Comments by March 10, 1980.

**ADDRESS:** Written comments to: Special Assistant for Consumer Affairs, U.S. Department of Labor, Room S-2018, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210.

**FOR FURTHER INFORMATION CONTACT:** Judy A. Sorum, Special Assistant for Consumer Affairs, U.S. Department of Labor, Room S-2018, 3rd and Constitution Avenue, N.W., Washington, D.C. 20210, Phone: (202) 523-9184.

Accordingly it is proposed to issue a Plan of Action for DOL Consumer Programs which reads as set forth below.

Signed at Washington, D.C. on the 27th day of November, 1979.

Ray Marshall,  
*Secretary of Labor.*

**U.S. DEPARTMENT OF LABOR****Consumer Program Plan****Table of Contents**

- I. Statement of Purpose.
- II. Executive Summary.
- III. Operating Units Involved.
- IV. Department Plan:
  - A. General Department Actions:
    - 1. Consumer Affairs perspective,
    - 2. Consumer participation,
    - 3. Information material,
    - 4. Education and Training,
    - 5. Complaint Handling.
  - B. Specific Agency Actions.
  - C. Organizational Oversight.

**I. STATEMENT OF PURPOSE**

The Department of Labor is required by Executive Order No. 12160, entitled "providing for Enhancement and Coordination of Federal Consumer Programs," dated September 26, 1979, to develop and maintain an agency consumer program with:

(1) An identifiable consumer affairs staff authorized to participate in the development and review of all agency rules, policies, programs, and legislation;

(2) Effective procedures for consumer participation in the development and review of all agency rules, policies, and programs;

(3) Systematic development of informational materials for consumers;

(4) Consumer affairs training for agency staff members and, to the extent considered appropriate, provision of technical assistance to consumers and their organizations; and

(5) Systematic procedures for complaint handling.

This Department is committed to revising its present operating procedures to incorporate the consumer program elements mandated by the Executive Order.

The purpose of the Department's Consumer Plan is to be more responsive to consumer needs and concerns and to carry out the objectives of the Executive Order. Where the mechanisms for consumer participation already exist, they will be strengthened and where they do not exist, they will be instituted.

**II. EXECUTIVE SUMMARY**

In some Department agencies, procedures for consumer input already exist, and in others where programs are relatively new, procedures are in the developing stages.

A first goal of the new Department Consumer Plan will be to incorporate the five elements of Executive Order No. 12160 to enable the strengthening of basic opportunities for consumer participation throughout all of the Department's Agencies in each of the consumer impact areas.

The first section of the plan will provide for general actions that will be implemented by all the agencies in a uniform manner. There are several new actions that go beyond the mechanisms that already exist.

The second section contains the specific actions each agency with consumer impact will take as part of their consumer affairs program to implement the Department Consumer Plan.

The final section establishes a structure and organization for consumer affairs in the Department incorporating the mandate of Executive Order No. 12160. The appointment of a Special Assistant to the Secretary of Labor for the consumer affairs function is a first step. This senior level official will have sole responsibility for policy direction for, coordination and oversight of, the Department's consumer activities.

**III. OPERATING UNITS INVOLVED**

The Department of Labor enforces laws that protect the rights of workers to safe and healthful working conditions, a minimum hourly wage and overtime pay, unemployment insurance, worker's compensation and

freedom from employment and pay discrimination. In addition, the Department protects workers' pension rights, helps them train for and find jobs, works to strengthen free collective bargaining and keeps track of changes in employment, prices, and other national economic statistics. The Department is concerned about the quality of worklife in America and with the relationship between workers, employers and jobs. It provides a variety of services and information to workers, employers, teachers, students, business people, government officials and others. Its programs are not concerned with any specific product in the consumer sense which is available in the marketplace.

The following specific Department agencies conduct rulemaking, and provide program services and information activities that impact on consumers:

#### **A. Employment and Training Administration (ETA)**

ETA provides training, placement services, transitional public service jobs and unemployment compensation from State and local agencies to people who are unemployed or seeking new work.

1. *Comprehensive Employment and Training Program (CETA)*—Provides State and local governments with funds to design and operate job training programs to meet local needs. During periods of high unemployment these governments provide federally-funded public service jobs for unemployed workers. CETA also provides special assistance to disadvantaged workers including Indians, migrant and seasonal farm workers, offenders and older workers.

2. *Bureau of Apprenticeship and Training*—Promotes apprenticeship programs in skilled trades under the National Apprenticeship Act.

3. *Job Corps*—Provides job training and basic education for disadvantaged youth in a residential environment.

4. *Work Incentive Program (WIN)*—Helps welfare recipients get and keep jobs. WIN is conducted in cooperation with the U.S. Department of Health, Education and Welfare.

5. *U.S. Employment Service (USES)*—Directs the Federally-funded State employment service system which provides job placements through computerized job banks, counseling, testing and referral to training and offers a variety of employer services, USES also administers special programs to aid veterans and disadvantaged people.

6. *Unemployment Insurance Service*—Directs the Federal-State unemployment insurance system and other unemployment compensation programs, including those for veterans, Federal employees and persons jobless due to foreign imports or natural disasters such as floods.

7. *Office of Policy, Evaluation and Research*—Supports and conducts research into employment and training problems, develops projects to test new ways of serving workers with particular job-related needs and evaluates employment and training programs.

8. *Office of National Programs*—Provides special Federal assistance to Indians, migrant and seasonal

farmworkers, older workers, and others with particular job disadvantages.

#### **B. Occupational Safety and Health Administration (OSHA)**

OSHA develops, issues and enforces safety and health standards to protect workers on the job. OSHA inspects workplaces for standard violations, issues citations and proposes penalties for noncompliance with regulations. OSHA aids States in developing their own job safety and health plans and conducts education, training and information programs to promote workplace safety and health practices.

#### **C. Labor-Management Services Administration (LMSA)**

LMSA supervises and regulates certain union activities, protects participants' rights in private pension and welfare benefit plans, protects reemployment rights of veterans, and administers laws intended to protect employees in certain industries who may be adversely affected by Federal grant programs or other governments actions.

1. *Pension and Welfare Benefit Programs*—Administers the Employee Retirement Income Security Act (ERISA), which protects the pension and certain other benefit rights of workers in private industry. The ERISA program is jointly administered with the Internal Revenue Service and the Pension Benefit Guaranty Corporation.

2. *Labor-Management Standards Enforcement*—Enforces the Labor-Management Reporting and Disclosure Act requiring unions to make annual financial reports and to comply with standards for conducting union elections.

3. *Veterans Reemployment Rights*—Assists veterans and members of military reserve units in exercising their reemployment and other rights.

#### **D. Mine Safety and Health Administration (MSHA)**

MSHA is responsible for making working conditions for the Nation's miners as safe and healthful as possible. Safety and Health standards development activities represent the basic area of MSHA work having a substantial impact on consumers, most of whom are associated in some manner with the country's mining activities. The actual application of such standards by MSHA's enforcement, civil penalty assessment, technical assistance, approval and testing, and education and training activities is limited in terms of the numbers of consumers affected, e.g., operators, miners, etc. Because MSHA activities have a direct impact on all mining in the Nation, MSHA will handle any consumer contacts on an individual basis, as received.

#### **E. Employment Standards Administration (ESA)**

ESA enforces laws and regulations setting employment standards; provides workers' compensation to longshore, harbor workers and Federal workers injured on the job, and benefits to miners suffering from black lung and their dependents;

and enforces equal employment opportunity by government contractors for women and minority groups.

1. *Wage and Hour Division*—Enforces Federal wage and hour laws which set the minimum wage, overtime pay, child labor and record-keeping standards; enforces laws establishing wage garnishment procedures, requiring registration by farm labor crew leaders, requiring safe and healthy work conditions for farm workers, and setting wage and hour standards for Government contract work.

2. *Office of Federal Contract Compliance Programs*—Administers the Federal government's program requiring equal employment opportunity for workers regardless of race, color, sex, religion, national origin, handicap or veterans' status on Federal contract work.

3. *Office of Workers' Compensation Programs*—Provides compensation for Federal employees and other groups who suffer job-related injuries, diseases and deaths; provides compensation for maritime workers or their survivors, and compensation benefits and medical treatment to miners with black lung disease as well as benefits for their survivors.

#### F. Bureau of Labor Statistics (BLS)

BLS collects, analyzes and publishes data on the labor force, employment, unemployment, occupational outlook, wages, industrial relations, prices, family budgets, consumer expenditures, labor turnover, productivity, economic growth and occupational safety and health.

#### G. Bureau of International Labor Affairs (ILAB)

ILAB administers trade adjustment assistance program for workers adversely affected by imports, participates in bilateral and multilateral trade negotiations, conducts programs of technical cooperation with foreign countries, and helps represent the U.S. on such international agencies as the Organization for Economic Cooperation and Development (OECD).

#### H. Women's Bureau (WB)

The Women's Bureau develops policy and programs which have an impact on women's employment and employability, and through outreach to target groups of women with special employment-related needs, develops programs to meet those needs. It does not enforce laws, nor is it directly responsible for issuing guidelines or regulations that affect women. The Women's Bureau consumer affairs program is primarily information oriented.

### IV. DEPARTMENT PLAN

#### A. General Department Actions

This part of the Department Plan outlines general actions the Department will take agency-wide to standardize and increase opportunities for consumer participation and representation in each of the consumer impact areas. These actions set the basic

framework within which each of the specific agencies will conduct their consumer affairs programs. This framework incorporates the basic elements for a consumer program required by Executive Order No. 12160.

#### 1. Consumer Affairs Perspective

Consumer affairs staff will be located in the Office of the Secretary, and as appropriate, in consumer offices, public information offices, and policy planning offices of the eight major Department program units which have substantial consumer impact activity. The Office of the Secretary already has primary responsibility for the Department's consumer affairs activities.

In order to visibly show the Department's support of consumer affairs activities, the Secretary will establish a full-time, policy-level position within his immediate office. This position will be established as a Special Assistant function and assigned the responsibility of developing, coordinating, and administering the Department's Consumer Affairs Program. The Special Assistant will provide support for all Department Consumer Affairs activities and represent DOL with national consumer organizations and public interest groups. The Special Assistant additionally will serve as the principal advisor to the Secretary on how consumers perceive and react to DOL policies and regulatory decisions.

DOL will make both an organizational and resource commitment to consumer affairs. By establishing the Special Assistant as a member of the Secretary's immediate staff, DOL will ensure that the Special Assistant is apprised of the actively involved in the policy development and regulations review process. In addition, the Department will provide the Special Assistant with the staff and resources necessary for bringing consumer views to impact on issues and decisions of the Department.

In addition to the staff that DOL designates, the Department will establish a Consumer Affairs Advisory Council made up of members from each of the program units (who are at least at the Deputy Assistant Secretary level) the Deputy Solicitor, the Director of the Office of Information, Publications and Reports, and two Regional Representatives chosen by the Secretary on a rotating basis. The Council will meet with the Secretary on a quarterly basis and propose an agenda focusing on consumer affairs issues of concern to the public and the Agencies. The Council will appoint a chairperson to serve for one year.

#### 2. Consumer Participation

The Department of Labor's consumer participation programs are designed to fulfill the following objectives:

- To provide the public with the opportunity for input into rule making and policy or program development;
- To provide consumer educational and informational exchanges;
- To provide technical assistance in the utilization of available program resources, and



- To facilitate the monitoring of program input. Specifically the Department will:

1. Assure that deadlines for public comment, submission of data, notification of intent to appear at hearings and committee meetings are reasonable and permit maximum participation by consumers.
2. Assure balanced representation of consumer viewpoints on advisory committees including the appointment of public members knowledgeable in consumer matters.
3. Increase contacts with general consumer groups to obtain information and technical data for use in rulemaking and program development.
4. Better utilize Department conferences and seminars to encourage consumer input and involvement in decisionmaking.
5. Develop new methods to involve consumers in pre-proposal stage of regulations development.
6. Hold an annual open meeting in each of our regional cities for consumers to evaluate program operations, regulations and policy.
7. Develop new procedures to expand consumer input into program and policy evaluation and to incorporate the input into the evaluation process.
8. Increase contacts with general consumer groups to encourage their input into the evaluation of existing and proposed Department programs.

### 3. Informational Material

The Department of Labor prepares many publications each year on its activities. It issues information on such subjects as collective bargaining, employment standards, foreign labor, labor law and administration, labor organization, employment and training, prices and living conditions, safety, wages, and youth employment. Its periodicals include the *Monthly Labor Review* and *Occupational Outlook Quarterly*.

The Department will continue to prepare consumers both to protect themselves as individuals in the marketplace and to participate effectively as advocates in the DOL policymaking process. In order to continue to accomplish this, we will prepare informational and educational consumer materials about the Department and its programs and encourage the expression of consumer view points through forums, public hearings, seminars, meetings and mailings.

DOL publications produced by program offices are reviewed for clarity and sensitivity to the consumer viewpoint and to identify where new publications are needed. Additionally, summaries of major new program initiatives or revisions are written and sent to consumers.

DOL will continue to publish a summary of significant consumer comments on proposed policy and rulemaking in the *Federal Register*. The Department will also develop new methods for feedback to consumers about their program and policy comments.

The Department will prepare a mailing list of general consumer organizations for use in mailing out consumer news releases and other consumer

information materials. To get on the mailing list for lists of DOL publications, consumers are asked to write to the Office of Information, Publications and Reports, U.S. Department of Labor, Washington, D.C. 20210.

Many of the Department's publications may be obtained without charge.

### 4. Education and Training

The Special Assistant for Consumer Affairs shall coordinate with the Assistant Secretary of Administration (or designee) and the appropriate program Assistant Secretaries (or designees) in the development of an Education and Training strategy program consistent with the spirit of the Executive Order.

#### (a) Staff Training

DOL will undertake a specialized training program that will give all "consumer affairs" personnel a complete understanding of the Federal Policy and DOL's specific policies and programs that are developed in response to the Executive Order.

The Special Assistant for Consumer Affairs will prepare in conjunction with the Office of Information, Publications and Reports training materials and visual presentations about the Executive Order, the new Federal policy and DOL's programs and policies developed in responses to the Order. The audiences shall be:

- Program Administrators
- Headquarters and Field Staff
- Consumer Affairs Staff
- DOL's consumers

There will be a timetable developed for implementation of this program with the goal that over the next 6 to 12 months the Department of Labor (Headquarters and field) and its consumers understand the nature of the Executive Order and its impact on their lives and work.

#### (b) Technical Assistance

Procedures exist specifying the period during the administrative process when citizens may affect decisionmaking. However, the lack of knowledge and understanding about DOL activities, programs and procedures may render the public's participation in the administrative process ineffective at first.

The Department will review several approaches to providing the assistance to consumers and their organizations which would enhance the effectiveness of their participation.

### 5. Complaint Handling

The objectives of the Department's consumer complaint system are:

1. To assure that all consumer complaints receive timely and responsive replies;
2. To provide decisionmakers at DOL with accurate information about areas of frequent consumer concern;
3. To compile and utilize consumer complaint data in assessing the impact of DOL policies and programs.

The Department is presently developing a formal complaint handling system coordinated by the Special Assistant to the Secretary for Consumer Affairs to

facilitate timely and responsive replies to all consumer complaints received in the Department, and to provide decision makers in DOL with accurate complaint information about areas of frequent consumer concern and DOL issues, policies and procedures that may require attention and review. This proposed system establishes a focal point in Headquarters and Regional Offices for effective quality control of responses to consumers; assurance of timeliness; and appraisal of system performance.

*Reporting.* Each DOL agency will be the focal point in the Department for the collection and analysis of consumer complaint data about their own programs which may be used by policymakers as tools to identify problems and develop policy recommendations.

*Monitoring.* The Special Assistant for Consumer Affairs will monitor the effectiveness of the consumer complaint handling system to assure that DOL responses are of sufficient speed and quality to give reasonable promise of substantial progress toward meeting the needs of consumers.

*Analysis.* Written reports from the Agency Consumer Representatives and the Special Assistant's evaluative data will be consolidated and distributed on a regular basis to Assistant Secretaries and Regional Administrators to provide feedback on complaints to them for use in assessing the impact of DOL policies and programs on the consuming public.

*Accountability.* The Special Assistant will monitor specific guidelines governing the handling of complaint-written, telegraphic, or personal visits.

*Opportunity for Review.* The Special Assistant will seek a review opportunity for consumers dissatisfied with any DOL Agency resolutions for their original complaints in those instances where administrative appeal or review systems do not exist at the program level.

*Responsibility.* The Assistant Secretaries and the Program Administrators will be responsible for the implementation of this system. Agency Consumer Representatives will be responsible for management of the control, reporting, and monitoring procedures necessary for the successful operation of the consumer complaint system. Responsibility for the implementation of the consumer complaint system in the Regional Offices will rest with the Regional Administrators. Regional Consumer Representatives appointed by the Regional Administrators will be responsible for management of the control, reporting, and monitoring procedures necessary for the successful operation of the consumer complaint system. The Special Assistant will monitor the overall Consumer Complaint Handling System to insure that complaints received in DOL are expeditiously routed to the program official best able to respond to the complaint. Where complaints received are not within the Department's jurisdiction, the Special Assistant will so advise the consumer, and may, if feasible, suggest alternate means or resources for seeking remedies.

## **B. Specific Agency Actions**

This section of the Department Plan contains the specific actions each specific agency with consumer impact activity will take to implement the plan. As a minimum, each agency will incorporate into their planned action the basic elements mandated by Executive Order No. 12160.

### **Employment and Training Administration (ETA)**

#### *Consumer Affairs Perspective*

ETA at present has assigned an information staff member the responsibility for consumer affairs and is considering a full-time consumer affairs representative whose sole responsibility will be to enhance and coordinate ETA's consumer program and participate in the review and development of consumer program policies, programs, and legislation.

#### *Consumer Participation*

ETA will undertake an active program to encourage consumer participation in the various phases of decisionmaking and improve communications with consumers in all its programs. ETA will communicate regularly with consumers and consumer groups to disseminate policy and program information and elicit comments and recommendations for consideration in decisionmaking.

ETA will notify prime sponsors of programs under the Comprehensive Employment and Training Act (CETA), apprenticeship programs registered by the Bureau of Apprenticeship Training and State Agencies of its support for consumer participation in policy and program decisions. ETA will consider the amount of consumer participation as one criterion upon which the program will be evaluated. ETA will consider knowledge in the consumer areas as a criterion in selecting public members for new advisory committees or replacing members of existing committees. ETA will respond promptly to consumer proposal.

#### *Informational Material*

ETA will continue to publish a series of consumer leaflets on current programs. Leaflets covering major program changes and new developments will be published and given wide distribution. ETA will also participate in Departmentwide programs of consumer education by (a) analyzing consumer needs as indicated by questions and problems they raise (b) developing consumer education materials and (c) providing personnel to conduct or participate in consumer education sessions.

ETA will continue to prepare news releases announcing information published in the Federal Register to be issued to the press and wire services. In some cases, depending on the nature of the notice, spot announcements will be produced for radio and television.

#### *Education and Training*

Education and training of the ETA staff in consumer affairs is unstructured at the moment, but a learning process is ongoing through daily contact with consumers involved in ETA's programs. Training on

the basic elements of the Executive Order will be provided as made available from the department level. Training will be provided on complaint handling specifically.

#### *Complaint Handling*

ETA will improve its complaint handling procedures that respond to consumer questions and complaints. Consumer questions and complaints will be handled at the point closest to their origin wherever possible. Problems that are not resolved at local State or regional levels will be referred to the National Office for handling. While each office in ETA will exercise their own methodologies for handling complaints, these efforts will be within the guidelines of the proposed Department system.

### **Occupational Safety and Health Administration (OSHA)**

#### *Consumer Affairs Perspective*

The Office of Information and Consumer Affairs advises the Assistant Secretary for Occupational Safety and Health on information and consumer affairs matters, supports the operations of the agency's public hearings and advisory committees, and directs and guides its information and consumer affairs programs. The Director of OICA monitors on behalf of the Assistant Secretary, opportunities for the public to participate in the development of regulations, policies, and programs. This office schedules and coordinates public hearings and supports advisory committees in their development of recommendations regarding proposed regulations, programs and policies. The office also plans, develops and coordinates the distribution of informational material and coordinates consumer information activities with OSHA's ten regional offices.

#### *Consumer Participation*

OSHA's advisory committees provide an avenue for public input to the agency's decision making process. Positions on each advisory committee are apportioned to achieve a balanced representation of labor, management, government, and the public. OSHA actively encourages public participation in the proceedings of the advisory committees and their working subgroups, which are open to the public. Notification is provided by an announcement of the meetings published in the Federal Register two weeks in advance.

OSHA considers petitions for occupational health and safety standards from interested groups in the standards development activities. In some instances, an ad hoc standards advisory committee is appointed to assist in developing the proposal for a standard.

Following the public comment period on a proposal, an informal hearing is held. This hearing is conducted in an informal legal manner before an administrative law judge. The hearing is designed to furnish interested parties with the opportunity to present evidence and opinions in oral and written form. Moreover, it provides a forum for the interaction of different points of view.

#### *Information Material*

In August, 1979 OSHA published a pamphlet entitled "OSHA Publications and Training Materials" describing and telling how to obtain these publications and training materials. Over 50 free publications covering such topics as Workers' Rights, Safe Work Practices, Health Hazards, and OSHA regulations are made available.

OSHA also utilizes other media to encourage concern for occupational health and safety. The agency makes slide, slide-tape and tape programs available through the National Audiovisual Center, in Washington, D.C.

The agency is continually adding additional materials to its range of consumer education matter available to the public. Further, studies are currently being conducted of how best to make these materials rapidly available to the public and to identify new areas for consumer information.

#### *Education and Training*

The Assistant Secretary of Labor for OSHA shall issue a memorandum to the Directors of all Directorates within the agency and to the field staff explaining the Federal Consumer Policy embodied in E.O. 12160 and circulating the Executive Order to these individuals.

A determination will be made if further education or training is needed for agency personnel, particularly those in the Office of Information and Consumer Affairs.

#### *Complaint Handling*

Complaint rights for employees are detailed in the OSHA poster, which OSHA requires to be displayed in every workplace. The agency's complaint procedures are under continual scrutiny to assure appropriate, prompt response. The latest revision of OSHA's complaint handling procedures was issued on September 1, 1979. All formal complaints and informal complaints of imminent danger or extremely serious working conditions are scheduled for inspection. Informal complaints of less serious hazards are pointed out by letter to the responsible employer who must correct the hazard and inform the area director by letter that this has been done.

### **Labor-Management Services Administration (LMSA)**

#### *Consumer Affairs Perspective*

LMSA supervises and regulates certain union activities through its Office of Labor-Management Standards Enforcement (LMSE); protects participants rights in private pension and welfare benefit plans through its Office of Pension and Welfare Benefits Programs (PWBP); and assists veterans and members of military reserve units in their reemployment rights and other job rights through the office of Veterans Reemployment Rights (OVR). At present LMSA has designated an identifiable consumer affairs representative to assist the Department's Special Assistant for Consumer Affairs.

### *Consumer Participation*

PWBP publishes all regulations on its programs as proposals with adequate notice and time for comment by interested parties. PWBP develops and maintains contacts with consumer groups through meetings and correspondence to gain their input in the early stages of the development of regulations and policy. An Advisory Council composed of 15 members advises the Secretary of Labor on his administration of the Employer Retirement Income Security Act of 1974. LMSE publishes all regulations on their programs as proposals with adequate time for comments by interested parties. Efforts are made to obtain the views of interested parties in the early stages of the development of regulations and policy.

Because OVRP does not develop regulations or have rulemaking authority under the reemployment law, consumer participation consists primarily of getting feedback from clients about how their cases were handled and about the adequacy of their rights under the law.

### *Informational Material*

PWBP and LMSE will continue to issue news releases on all major regulations to coincide with publication of proposals in the *Federal Register*. In addition to the general news media, special distribution of press releases will be made to major trade media, national and international unions, practitioner associations, general consumer organizations and small business groups. A large number of technical and general publications are designed to help these groups impacted by LMSA's activities. LMSA will also provide speakers to discuss its programs.

### *Education and Training*

LMSA will provide for educating national and regional staff members about Executive Order 12160 and the agency's activities under it. PWBP, LMSE and OVRP field investigators and other staff personnel will attend training as necessary to assure that they are informed on new regulations and case law that may affect their complaint handling and enforcement responsibilities.

### *Complaint Handling*

Complaints to PWBP are handled by the Office of Communications and Public Services and by field investigators as promptly and completely as possible. LMSE field investigators handle complaints regarding labor organization officer elections, trusteeships, union finances, and reports required of labor organizations, officers, union employees, employers and consultants. Complaints are investigated promptly and enforcement sought through voluntary compliance or, where necessary, through litigation. OVRP field investigators look into all complaints relating to the exercising of veterans' or reservists' reemployment rights under the federal law to determine merit.

## **Mine Safety and Health Administration (MSHA)**

### *Consumer Affairs Perspective*

In line with the Departmental commitments, MSHA's policy is to provide interested consumer groups, organizations, and individuals with the opportunity of having their views heard and considered relative to mine safety and health regulatory matters impacting on the mineral industries of the United States. Consumers will also be given opportunities to provide input into other areas of the decision-making processes that affect MSHA policies and programs.

The Director of Administration and Management is responsible for coordinating MSHA's consumer program. The Chief, Division of Management Research will serve as point of contact for consumer activities.

Each Administrator and Director will maintain information on the extent of consumer participation in the everyday business of MSHA.

### *Consumer Participation*

MSHA will continue to give consumers the opportunity to obtain information and express their views by means of public meetings whenever the magnitude of a proposed action is of significant impact. Current lists of consumer groups, organizations, and individuals expressing an interest in MSHA activities, will be maintained. MSHA staff will advise the MSHA Office of Information of significant matters impacting on consumers so that local and/or national news media outlets can be utilized to inform the public.

The media of questionnaires and surveys to develop ideas on issues affecting the general public will be used to ensure that information obtained from consumers, in response to proposed actions, is given an objective and considered evaluation before decisions are reached.

### *Informational Material*

News releases, brochures, and audiovisual materials concerning MSHA programs with considerable consumer impact activity will be expanded and distributed.

### *Education and Training*

Staff members, both in the National office and the field, will be educated on Executive Order 12160 and the agency's activities and responsibilities under it. Employees will be informed about Federal consumer policy, in general, and MSHA consumer policy, in particular.

### *Complaint Handling*

MSHA will provide for logging, investigating, and responding to consumer complaints, consistent with the procedures of the proposed Department System. Information will be collected on the subject matter and number of individual consumer letters, and the nature of MSHA responses; and on the volume and types of consumer complaints and nature of MSHA resolutions.



**Employment Standards Administration (ESA)***Consumer Affairs Perspective*

ESA administers and enforces more than 90 Federal Labor laws and programs that establish workplace standards, equal opportunity provisions and workers' compensation. These laws and programs protect the rights in one way or another of almost all the workers of the country. ESA has designated an identifiable Consumer Affairs representative, and changed the name of its Office of Information to Office of Information and Consumer Affairs, in order to provide a central point for the agency administration of its consumer affairs.

*Consumer Participation*

ESA will continue to put emphasis on the publicizing of proposed rulemaking published in the **Federal Register**, to give more consumers a better opportunity to participate in the comment stage of the regulations process.

Where appropriate, ESA will hold public hearings. The consultation process will be formalized and expanded. Public members of advisory committees will be asked to represent consumer views. Where possible, new public members will be selected to reflect consumer opinions.

ESA will assure that all public comments are fed directly into the evaluation process.

*Informational Material*

ESA will continue to produce and distribute radio and television public service announcements and film materials to inform consumers of their rights and responsibilities under ESA laws.

ESA will continue to disseminate news articles on subjects of consumer interest to the media.

ESA will continue to utilize an exhibit system in regional and area offices.

Press releases, pamphlets and fact sheets, motion pictures, speeches and other informational materials produced will continue to stress the information consumers should know.

*Education and Training*

ESA's Office of Information and Consumer Affairs, in collaboration with the ESA Division of Employee Development and Training, will be responsible for educating staff members about Executive Order 12160 and the agency's activities under it.

The Office of Information and Consumer Affairs will be made responsible for scheduling briefing sessions as necessary for policy-making personnel, for circulation of the Order and related materials throughout the agency in D.C. and the field, and for ensuring that significant changes in the structure or procedures in the consumer program will be promptly communicated to agency staff members in Washington and in the field.

*Complaint Handling*

ESA's complaint-handling system will be re-evaluated to assess the promptness and quality of agency responses, and to consider ways in which the

system can be improved and coordinated with the proposed Department system.

**Bureau of International Labor Affairs (ILAB)***Consumer Affairs Perspective*

ILAB consumer affairs staff will be located in the Office of Management, Administration, and Planning. ILAB operating units (Mainly the Office of Trade Adjustment Assistance) will afford the consumer staff an opportunity to comment on the potential impact on consumers of new regulations, policies and proposed legislation relating to the trade adjustment assistance program. Participation in these areas will take place at the development stage of such policies and legislation.

*Consumer Participation*

Before ILAB puts in effect regulations to implement legislative changes in the trade adjustment assistance program, consumers of the program will be provided with an opportunity to comment and make recommendations. This process will be achieved through the publication of Federal Register Notices, private mailings, and meetings with representatives of selected trade union organizations. During 1980 approximately six regional meetings with program consumers will be held, at which consumers will be given a forum to express their views on the program in person. Letters and news releases will be utilized to convey information to consumers on opportunities to present such views.

*Information Material*

News releases, brochures, and audiovisual materials concerning the adjustment assistance program will be distributed widely. The Director of the Office of Trade Adjustment Assistance, in consultation with the consumer affairs staff, will be responsible for planning and carrying out the ILAB consumer information program. The Director will also assume responsibility for preparing materials on public hearings and Federal Register Notices concerning such hearings.

*Education and Training*

Copies of Executive Order No. 12160 will be circulated to Bureau staff concerned with consumer interests. The ILAB consumer affairs staff will promptly alert concerned Bureau staff about significant changes in the structure or procedures of the ILAB consumer program. Training will be provided on complaint handling as necessary.

*Complaint Handling*

The Office of Trade Adjustment Assistance will respond promptly and adequately to consumer complaints, which will be filed with the Office of Trade Adjustment Assistance. Complaints about the management of the adjustment assistance program or about the specific details of an individual case will be handled by that office. Complaints will be reported to the Bureau head on patterns and policy implications, if any, of the complaints received. An analysis will be compiled of significant patterns of complaint.

The complaint handling system will undergo periodic review to evaluate the quality of agency responses, and to assure compliance with the proposed Department system.

### **Bureau of Labor Statistics (BLS)**

#### *Consumer Affairs Perspective*

The BLS Consumer Affairs Program is primarily information-oriented. At present, BLS has assigned an information staff member the responsibility for consumer affairs.

BLS is continuing its consumer information program to help consumers understand changes in its consumer and producer price programs and to make users aware of changes in other Bureau programs.

#### *Consumer Participation*

The National Commission on Employment and Unemployment Statistics recently completed an evaluation of the Bureau's labor force statistics. BLS is reviewing recommendations for improving its productivity statistics, made by a National Academy of Sciences panel. A major revision of the Bureau's industrial price program is under way. A panel of outside experts has begun an evaluation of the Bureau's family budget program. A review of the Bureau's establishment employment survey has begun.

#### *Informational Material*

In an attempt to reach the widest consumer audience, BLS will continue to:

- (a) Work with the Government Printing Office to keep the prices of BLS publications low in order to make them available to as many consumers as possible.
- (b) Publish for consumer use, a monthly list of its new publications, a semi-annual publication directory, and a periodic report about Bureau programs.
- (c) Issue fact sheets on its various program.

#### *Education and Training*

BLS will be responsible for educating staff members about Executive Order 12160 and the agency's activities and responsibilities under it. BLS will advise its employees about Federal consumer policy in general, and BLS consumer policy in particular.

#### *Complaint Handling*

BLS is improving handling of periodical subscriptions and publications order by the Government Printing Office. The difference components of the Bureau have their own procedures for handling consumer complaints and these will be adopted to conform to the proposed Department system.

### **Womens Bureau, Office of the Secretary (WB)**

#### *Consumer Affairs Perspective*

WB does not specifically identify a consumer affairs staff. All WB staff will continue to work with DOL agencies to insure that the needs and concerns of the consumers (women workers) are being addressed by DOL policymakers and program planners; by

participating in the process of writing regulations and guidelines issued by DOL, and by commenting or regulations of other Federal agencies.

#### *Consumer Participation*

The Women's Bureau through its quarterly meetings with constituency groups-women's organizations; union women; community groups; and Federal, State, and local agencies-gains input from their review of agency rules, policies, and programs that are pertinent to the woman consumer.

#### *Informational Material*

WB disseminates information on subjects of consumer interests through publications (including consumer fact sheets), speeches, news releases, and written and oral correspondence. Based on consumer demand, the WB prepares new publications and revised old ones. The major responsibility for coordinating and consolidating consumer affairs information is absorbed by the Bureau's Division of Information and Publications.

WB will distribute a new exhibit on the Bureau's activities and services through its 10 regional offices and the national office for appropriate showing to the consumer.

#### *Education and Training*

WB will be made responsible for educating staff members about Executive Order 12160 and the agency's activities under it and for scheduling briefing sessions as necessary for policy making personnel.

#### *Complaint Handling*

WB procedures for handling complaints will be evaluated, improved, and coordinated with the proposed Department system.

### **C. ORGANIZATIONAL STRUCTURE/OVERSIGHT**

Taking into consideration the comments received during the review period, and any adjustments made to the consumer perspective and oversight section of the General Department Plan, the Department will structure an oversight component containing the organizational lines of responsibility necessary to coordinate and consolidate consumer affairs activities. This section of the plan will outline the policy, organization, and responsibilities that establish the Department's overall consumer program. Amendments as necessary will be made to the existing Secretary's Order 12-76 to incorporate any new procedures into the Operating Policy of the Department. The present order already delegates authority for implementing the Department of Labor Consumer Affairs Program Plan. The Order further delegates authority and assignment of responsibility to:

- (a) Special Assistant to the Secretary
- (b) DOL Agency Heads
- (c) Regional Representatives
- (d) Agency consumer staff
- (e) Members of the Secretary's Committee on Consumer Affairs

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Form Approved:  
OMB No. 116579021**CONSUMER RESPONSE FORM FOR EXECUTIVE ORDER 12160**

Dear Consumer:

The \_\_\_\_\_ (agency) wants to make its consumer program better and more responsive to you, the consumer. We would like your thoughts and suggestions for improving our proposed consumer program. Please help us by answering the following questions:

1. Which of the following statements best describes your interest in our consumer program?
  - I am interested in it as an individual consumer.
  - I am concerned about it, because I represent a public interest consumer group.
  - I am concerned about it, because I represent a private company or organization.
2. After reading about our consumer program, do you think you understand how it works?
  - Yes, it is clear and I understand it.
  - Yes, I understand most of it.
  - No. Much of it is not clear to me.
3. Part of our consumer program sets up ways for consumers to help us make policies and rules. Do you feel our program makes it easier for you to participate?
  - Yes.
  - No. Why? \_\_\_\_\_
4. Our proposed consumer program outlines how we plan to get information out to consumers. How adequate do you think our plan is?
  - It seems adequate.
  - It is not adequate. Why? \_\_\_\_\_
5. We want to make it easy for consumers to bring their problems to our attention. Our proposed program tells how we intend to handle complaints from consumers. How good is our plan?
  - Adequate.
  - Not adequate. Why? \_\_\_\_\_
6. After reading our proposed consumer program, do you know whom or which office in \_\_\_\_\_ (agency) to contact if you have:
  - A complaint?  Yes.  No.
  - A general question about the agency?  Yes.  No.
  - A question about how to take part in agency proceedings?  Yes.  No
7. Do you know who or which office in \_\_\_\_\_ (agency) speaks for the consumer?  Yes.  No. Any suggestions for improvement? \_\_\_\_\_
8. Do you have any suggestions for improving our consumer program?
  - No.
  - Yes, in the following areas:
    - Consumer participation \_\_\_\_\_
    - Informational materials \_\_\_\_\_
    - Complaint handling \_\_\_\_\_

9. Other comments or suggestions? (Use additional pages, if necessary.)

\_\_\_\_\_  
(Your name)

\_\_\_\_\_  
(Your address)

\_\_\_\_\_  
(City, state, zip)

**SEND THIS FORM DIRECTLY TO THE AGENCY PROPOSING THE PROGRAM ON  
WHICH YOU ARE COMMENTING**