

Coal Leader

COAL'S NATIONAL NEWSPAPER

Immigrant Labor - Solving Labor Shortages
in the Mining Industry

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Recent media coverage has derided coal operators for exploring a logical solution to the current coal mine labor shortage in central Appalachia – use of immigrant laborers. The operators have been wrongly portrayed as exaggerating, or outright fabricating, the current labor shortage, being motivated solely by cheap replacement labor, and ignoring safety. These criticisms ignore economic reality, explicit assurances that pay will remain the same despite the national origin of the worker involved, and operators' offers to address any safety concerns with logical and straight-forward safeguards.

A fact lost on the media during this discussion is that immigrant laborers are already working in the country's coal mines, even those in central Appalachia. A recent examination of this issue's treatment outside the region shows that any language barriers related to training and safety have been considered and resolved by the western coal states' regulatory agencies and MSHA. Based upon published statements, it appears that regulators and organized labor officials in central Appalachia are now struggling for alternating rationalizations of positions which, in truth, originate from a misguided nativist policy of economic protectionism advanced largely by the United Mine Workers Association.

The alternating rationalizations of those resisting the use of immigrant workers in the mines have taken several forms, including: 1) denial of the labor shortage; 2) the position that workers who cannot read and speak English fluently are incapable of working safely; and 3) predictions that immigrant workers would be so "foreign" in Appalachia, that they would be the targets of violent reprisals. None of these assertions can withstand even minimal scrutiny.

Contrary to recent news reports, a labor shortage exists among coal operations, especially in eastern Kentucky. In the fall of 2005 the Energy Department's Energy Information Administration reported that despite an overall increase in nationwide coal production, production in eastern Kentucky had substantially decreased. The denial of a labor shortage in the face of that information, coupled with the current healthy economic conditions in the industry, seems to lack a rational basis in fact. Around the same time as the EIA report, the Department of Labor reported that a 3500-mine worker shortage existed in the Commonwealth. Whatever the cause, there is no rational way to deny the labor shortage.

In denying the existence of this shortage, organized labor's response has been to rely on statistics showing the number of new miner's cards issued by regulatory agencies in the same time period. However, that approach is misleading in various ways. First, reliance on those statistics fails to recognize that increased demand for all forms of energy, including coal, has outpaced supply. It is logical to conclude that a corresponding supply and demand curve would exist in the labor market for that industry. In other words, the number of certified new miners simply does not meet the demand for labor, and as a result, production is down.

Anecdotally, several operations in eastern Kentucky can only staff one production shift. Any assertion that some marginal training expense, or the marginal time and cost of training "green hat" miners for a relatively brief period is the cause of a labor shortage, ignores the fact that such costs pale in comparison with the profits which could be achieved by adding additional production shifts.

As to language barriers, it appears that most states and MSHA have done something Appalachian state agencies simply refuse to do – deal with the issue. In most of the coal producing states which have substantial populations of immigrants seeking employment and already working in the mines, the regulatory agencies assure proper training, education and communication, and shift part or all of the expense related to dealing with language issues to the coal companies. Other states simply provide training and education, both written and oral, in multiple languages.

With regard to federal efforts, the Mine Safety Health Administration has an Hispanic Outreach program, and the National Mine Safety Academy in Beckley, West Virginia provides Spanish-language training materials aimed at overcoming any language difficulties. If requested, MSHA will provide its own bilingual employees, or other communication assistance to states, and has a track record of providing such help. MSHA employs several bilingual inspectors and has a joint hiring initiative the Equal Opportunity Employment Commission targeting Hispanics.

By contrast, the state safety and training agencies in central Appalachia simply refuse to deal with the issue, or point to "English-only" statutes which they claim require spoken and written English fluency for new miner certification. Such statutes are, at best, legally suspect. Moreover, such statutes often do not actually apply to entry level miner positions, typically applying only to mine foreman testing and testing for other non-entry level positions.

Privately, central Appalachian regulators will bluntly admit "that they will never let immigrants work in the mines." Indeed, one top official has stated that his Commonwealth "did not have a Mexican problem," as if referring to a harmful infestation of some sort. In the only notable exception among the Appalachian states, one mine safety agency questions the legality of its English-only statute, and has allowed immigrant workers to take certification testing with translation assistance.

Finally, multiple individuals, including former UMWA officials, have publicly stated in media reports that immigrant workers should not be allowed to work in central Appalachian mines because they would suffer physical harm at the hands of the native population. Those expressing this view cite to the history of violence that has marked labor disputes in the region during the last century. Those statements smack of ethnic intolerance based upon a short-sighted view of history and are a remarkable disservice to the people of the region. This view also inflates the current role of the UMWA in central Appalachia.

Many coal mining areas in central Appalachia actually became ethnically diverse as a result of the industry. Places like Matewan, West Virginia; Lynch, Kentucky; and many areas of Pennsylvania have extensive populations of folks whose immigrant ancestors moved there specifically to work in the mines over the last century. Moreover, in at least one area, eastern Kentucky, it is unlikely that the use of immigrant workers would spark some revival in violent labor conflict. As one recent report in a Kentucky publication noted, there are currently no union mines there.

The mine safety and training agencies in the central Appalachian states should not merely bury their collective heads in the sand in the hopes that the prospect of immigrant miners will go away. After all, most of this country's population traces its roots to immigrants. There needs to be a thoughtful discussion of how to best address both the economic realities of the industry's labor shortage and safety concerns associated with the using immigrant labor to address that shortage.