



December 12, 2018

MADIGAN OPPOSES DEPARTMENT OF LABOR'S PROPOSED RULE CHANGE THAT THREATENS THE SAFETY OF YOUNG WORKERS***Madigan & Coalition of Attorneys General Say Proposed Rule Change Will Endanger Young Workers & Safety of Vulnerable Patients in Health Care Facilities***

Chicago — Attorney General Lisa Madigan, along with a coalition of 11 attorneys general, opposed a rule change proposed by the U.S. Department of Labor that would allow young people to operate power-driven patient lifts without training or supervision. This change would endanger the health and safety of young workers and residents in health care facilities that rely on these lifts.

In [comments submitted Tuesday](#), Madigan and the other attorneys general contend that the proposed change to Hazardous Occupation Order 7 is based on an unscientific online survey with only 22 respondents, instead of being based on reliable science. The U.S. Department of Labor currently allows 16- and 17-year-old workers to operate power-driven patient lifts, but only after they have been trained and only under the supervision of an adult caregiver. These lifts are used in nursing homes, residential facilities, and hospitals to lift and move patients who are unable get up without assistance.

"We have a duty to protect the health and safety of patients and workers," Madigan said. "The Department of Labor has not provided any justification for withdrawing the current commonsense standard that protects vulnerable older residents and young workers from harm."

Under the Department of Labor's current rules, young people are prohibited from operating power-driven patient lifts unless they meet certain requirements, such as receiving assistance from a trained adult worker and completing a 75-hour nurse's aide training course. The department's proposed rule change would remove the prohibition entirely, allowing 16- and 17-year-olds to operate a power-drive patient lift without any training or adult supervision.

In the comments, Madigan and the other attorneys general point out that injury rates for patient aides in the health care industry are extremely high, "with a significant risk for musculoskeletal injury while using the lifts. Due to these high risk factors, both the Occupational Safety and Health Administration and the Veteran's Health Administration recommend that at least two people operate patient lifts."

The department claims that the proposed rule is intended to "enhance employment, training, and apprenticeship opportunities for 16- and 17-year-olds in health care occupations in the United States while maintaining worker safety." However, Madigan and the coalition said the department provides no evidence that allowing youth to operate power-driven patient lifts without training or supervision will improve job or training prospects.

Joining Madigan in submitting the comments were the attorneys general of California, Delaware, District of Columbia, Hawaii, Maryland, Massachusetts, New York, Rhode Island, Virginia, and Washington.

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