

# ISSUE BRIEF

## *New Department of Labor Final Rule Negatively Impacts Employee and Resident Safety*

The Department of Labor recently issued a Final Rule, “Child Labor Regulations, Orders and Statements of Interpretation” (75 FR 28404) improving upon existing regulations protecting youths under the age of 18 working in nonagricultural settings.

This Rule has a significant, detrimental impact on post-acute, long term, and residential care providers, since it prohibits workers aged 16 and 17 from using safe patient handling apparatus or hoists as part of their assigned duties. The Rule repealed a previous exemption allowing 16- and 17-year-olds to operate electric- and air-powered hoists of less than one-ton capacity, which the Department considers to include patient lifts. This prohibition is not in the best interest of employees or residents for safe patient handling devices help to prevent injuries for both employees and those residents needing assistance. Furthermore, this decision does not seem to be evidence-based for there is no data supporting the conclusion by the Department of Labor that this equipment places employees under the age of 18 at increased risk of injury.

AHCA/NCAL believes strongly in creating the safest workplace environment possible for employees as well as the safest clinical environment for residents. However, this Rule significantly compromises the ability of facilities to provide the safest work environs for minor employees in health care and residential care settings, as well as the safest clinical setting for our residents.

In addition, the ramifications of this new Rule extend to youth apprenticeship and health care career ladder programs across the country. Now, employers face a disincentive for hiring these minor employees and enrollment in apprenticeship and career ladder programs has plummeted, which will have longstanding effects on the current and future supply of vital health care paraprofessionals and professionals.

We seek Congressional intervention with the Department of Labor so that some resolution may be achieved which protects both minor workers and residents equally.

### **Ask Congress...**

Intervene with the Department of Labor so that some resolution may be achieved that protects both minor workers and residents equally.

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### **Contact**

- Francesca Fierro O'Reilly  
202.898.2852  
foreilly@ahca.org