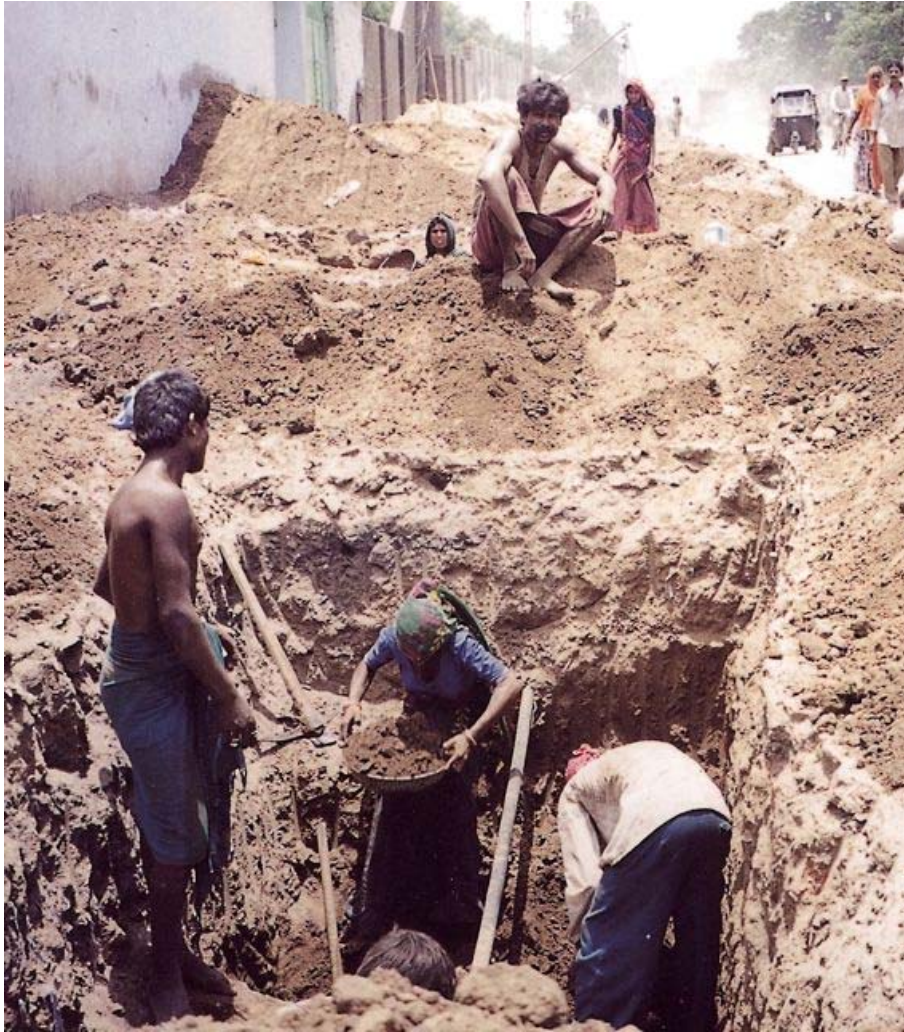


ILO CONSTRUCTION OS&H

A free, comprehensive, international, digital training package in occupational safety and health for the construction industry

THEME SUMMARY 4: WORKERS' PERSPECTIVES



(Photo: Fiona Murie, BWI)

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1 PREFACE

The training programmes described in this set of documents, entitled **Construction OS&H**, have been produced by the ILO and Building and Woodworkers International (BWI), working in partnership with the principal authors, Professor Richard Neale, Emeritus Professor of Construction Management, and Fiona Murie, Occupational Safety and Health Director of BWI.

The other Theme Summaries in **Construction OS&H** have explained international perspectives, managerial requirements, practices and procedures, and technical aspects of 'OS&H in the construction industry. This Theme Summary balances the whole package by explaining OS&H from the workers' perspective. Fiona Murie, expressing BWI's mission and contribution to improving OS&H in the construction industry worldwide, has written most of it.

"Our mission is to promote the development of trade unions in our sectors throughout the world and to promote and enforce workers' rights in the context of sustainable development"

(<http://www.bwint.org>)

This Theme Summary is intended to provide flexible training materials for Trade Unionists and workers in the building trades who are interested in strengthening their activities on health and safety at work. The content is aimed mainly at Trade Union Health and Safety Representatives and can be used in discussion groups of workers and union members.

The main aims are to:

- Identify the main health and safety problems in our workplaces
- Develop a Trade Union approach to occupational health and safety
- Investigate hazards at work
- Build workers' involvement, awareness, and support on occupational safety and health
- Develop Trade Union organisation to ensure that employers eliminate or control risks
- Develop confidence, knowledge and skills

Trade Union training on health and safety should be:

- Motivating
- Active
- Democratic

It should be action oriented so that it will:

- Lead to practical action in the workplace
- Improve health and safety conditions for workers

Experience has shown us that Trade Union education should be based upon the principles of co-operation and sharing. These are the basic principles of Trade Union democracy.

To encourage this process, each of the subjects covered in this Theme Summary are intended to support training activities which:

- Are designed to be worked on by small groups of participants
- Have aims describing what should result from the work
- Have a task defining what the small group should do
- Allow groups to report back, compare ideas, and reach conclusions

This Theme Summary is in three main sections:

- The Trade Union approach to occupational health and safety: “workers know best”
- Organising for a healthy and safe workplace
- Getting management to make improvements

2 THE TRADE UNION APPROACH TO OCCUPATIONAL SAFETY AND HEALTH: “WORKERS KNOW BEST”

Every year around one hundred thousand people are killed whilst working on building sites – in other words, one person is dying every five minutes because of bad, and very often illegal, working conditions. That horrifying death toll is shocking enough, but it's only the tip of the iceberg. A far greater number of people around the world die from ill health caused by their working conditions in the construction industry.

In the building trades the biggest cause of fatal accidents is falls from heights, and the second biggest is trench cave-ins. There are also many health hazards, including breathing in deadly asbestos fibres contained in asbestos cement materials, or other respiratory diseases caused by dusty work. These risks are well known and so are the solutions to avoiding them. The overwhelming majority of accidents happen during perfectly routine work. They are foreseeable and completely preventable. Building and Woodworkers International encourages and trains Trade Unionists to represent workers interests and to work with management to help prevent ill health, injuries and deaths. Responsible employers understand the importance of managing health and safety, and the important contribution to prevention of accidents and ill health that is made by workers' health and safety representatives.

However, not all employers are keen to cooperate. They sometimes see the management of health and safety as taking too much time, trouble and money. By far the greatest risk for our health and safety, in practice, is the negligence of employers who do not comply with even basic legislation to protect people at work. Quite simply, they put profits before people.

We know there is a lot of legislation and guidance on health and safety, although Trade Unions would like to see much stronger laws. The big problem is that the laws we do have are so often ignored. Deregulation, chains of subcontractors, self-employment (in particular bogus self employment) and informal contractual conditions make this situation even worse. Workers often have no choice – either they take a dirty and dangerous job, or they will have no job at all.

Trade Unions need to organise around improving working conditions. We need workplace representatives who can identify hazards to health and safety, who can get the support of workers, and who can take forward proposals to management. The Building and Woodworkers International has a Global Programme on Health and Safety

at Work, which aims to help our affiliated Trade Unions to develop and strengthen their structure, policy and strategy on occupational health and safety.

Principal lines of activity include:

- Institutional Participation – increase Trade Union contribution in tripartite and bipartite structures on health and safety at international, national, and local levels.
- Participation in the Workplace and Collective Bargaining - establishment of Trade Union health and safety representatives and health and safety committees, negotiation of company health and safety policies.
- Global Health and Safety Campaigns – including a worldwide ban on all new use of asbestos, and for better controls over work with existing asbestos.
- Education and Training for Trade Union representatives to help them organise effectively on health and safety.

For more information and resources visit: www.bwint.org

What causes injuries and ill health?

Some hazards are very well known. For example, unguarded machinery, or falls from height. Other hazards are not so obvious, but may also cause long term damage to your health. These include dust, chemicals and noise.

Trade Unions believe that injuries and ill health are caused because employers fail to provide a safe and healthy working environment. The employer should provide:

- A working environment where hazards are identified, removed or properly controlled before problems occur
- Safe systems of work
- Full information for workers
- Good health and safety training programmes
- Opportunities for workers, through their unions, to negotiate health and safety clauses in collective agreements, and participate actively in health and safety at work

Unions and Health and Safety

The best way to improve health and safety standards in the workplace is through Trade Union organisation. Unions can raise awareness, put pressure on employers, and campaign for negotiated improvements.

There are laws that say what employers should do to prevent injuries and ill health. Government Inspectors are given the task of enforcing the laws. However there are not enough inspectors, and they do not have the resources to effectively police every workplace. Better legislation, more inspectors, and stricter enforcement would be an improvement. However, strong Trade Union organisation is still essential to ensure that employers prevent injuries, ill health, and deaths. No matter how strict the law is, or how many inspectors there are, workers and unions have the direct interest. It is our lives, limbs and health that are at stake.

It is the job of Trade Unions and members at work to try to make sure that the employer keeps to his/her responsibilities. Some of the ways to achieve this are explained below.

Building a strong union membership

Recruiting workers into the union and organising around health and safety can help to build a strong union. Workers and union members have a deep concern about the health of themselves and their fellow workers. But often health and safety is not a priority for action. Many workers accept risks and bad conditions as part of the job; sometimes they are unaware of the hidden hazards; or they are afraid that they will lose their job if they complain.

Workers often face the direct choice between doing a dirty and dangerous job, or having no job at all. When a person is put in that situation, they sometimes choose to ignore the danger of injuries or long-term damage to health. Denying the existence of the risk can give the sensation of dominating the situation, and allows the person to not show or feel fear. This is why we sometimes see this “macho culture” in dangerous trades.

We need to build on the interest of workers and union members where it does exist, and awaken interest where it does not exist. We have to convince workers that if we have solidarity then we can improve working conditions.

With an informed, interested and involved union membership, the union can be an effective vehicle for protecting their health and safety. It is essential that we involve workers and union members from the beginning in identifying hazards at work. We can do this in a variety of ways: through surveys; talking to workers and union members and taking note of their complaints; involving them when we inspect; discussing some of the hidden hazards with them and getting their views.

Electing Union Health and Safety Representative (Reps)

Trained Reps can make a positive contribution to the prevention of injuries and ill health. They are aware of the risks in the workplace, and can work closely with workers to identify risks; investigate complaints, injuries and ill health; inspect the workplace; and take action to ensure that the employer eliminates or controls the risks.

Work organisation

Many Trade Unions ensure that health and safety is a fundamental part of their activities, and is linked to other union organising activity. Many of the issues that Trade Unions tackle have implications for health and safety:

- Work organisation
- Contractual arrangements and wage rates
- Productivity and time pressure
- Shift systems and working hours

These all have a direct impact on our health and safety.

That is why BWI affiliated unions are now including health and safety as an integral part of Collective Bargaining Agreements that they negotiate with employers.

Many BWI affiliates are actively involved in our Global Health and Safety Programme. Activities include, establishing union health and safety committees at work; developing union health and safety policies; training and supporting the development of strong local union representatives who are committed to improving the working conditions for workers and union members.

The activities in this training course will help you to use health and safety as your best organising tool for the workplace.

Employers' responsibilities

Firstly, and most importantly, remember that it is the employer's responsibility to make the workplace healthy and safe. People will always try to blame the workers when something goes wrong, but it is the employer who has both the legal responsibilities and the authority to take decisions. Since it is the employer who is in control, it is the role of the Trade Union to insist that the employer behaves responsibly.

Other key elements of a Trade Union approach to health and safety are that:

Employers must

- Eliminate or reduce hazards to workers, rather than expecting workers to adapt to the hazards around them
- Ensure that health and welfare are dealt with as well as the more obvious risks to safety
- Consider the environmental impact of work activity, and the hazards created for local communities

Unions must

- Involve, inform, and educate workers and union members to support the union's drive for healthy and safe working conditions
- Work as a united body at all levels in the union. Health and safety is no different from any other Trade Union issue
- Pressurise the employer to eliminate or control risks. Legal standards are helpful but we cannot rely on them

Workplace Trade Union Representatives on Health and Safety

Trade Unions provide information, training and support for workplace Health and Safety Representatives who promote workers' rights and the prevention of occupational accidents and ill health. There are two main areas for Trade Union engagement in the area of Occupational Health and Safety which are provided for in ILO Convention 155 and Recommendation 164:

- Firstly, at national level through tripartite institutional participation and participation in policy making industry bodies.
- Secondly, workplace participation through Trade Union, or Workers', Health and Safety Representatives and participation in Management - Trade Union Joint Health and Safety Committees at the workplace.

Requirements on such participation are the subject of ILO C155 and R164, and similar provisions exist in most national jurisdictions. These ILO Instruments provide for:

- Selection of Representatives in health and safety by employees
- Protection of Representatives from victimisation or discrimination
- Paid time off to be allowed to carry out the functions of Representative
- Paid time off to be trained in order to function as a Representative
- The right to receive adequate information from the employer
- The right to inspect the workplace
- The right to investigate complaints from workers on health and safety matters
- The right to make Representations to the employer on these matters and to negotiate improvements
- The right to be consulted over health and safety arrangements
- The right to be consulted about the use of technical advisers by the employer and to call in technical advisers
- The right to accompany health and safety authority inspectors when they inspect the workplace and to make complaints to them when necessary
- Participation, and equal representation, in the Joint Health and Safety Committee

It is impossible to ignore the role of organised labour more generally in the representation of workers interests in health and safety. For example, at national policy level, efforts to redress workers' health and safety directly through collective action are an aspect of the institutional mechanisms of industrial relations in which Trade Unions are actively engaged in most countries. The practice of representing workers' interests through political lobbying for improvements to health and safety regulation and its enforcement, as well as for improvements to other laws that affect health and safety, is another aspect of Trade Union engagement in health and safety. Formal representation through corporatist bodies for consultation on the governance of health and safety are another means of representing workers' interests in which unions are involved in many countries.

Workers fatigued by overwork in order to secure a basic income, and workers who are temporary and poorly trained all face higher risks to their health and safety. These risks are combated by the role Trade Unions play in delivering better working conditions and through negotiating higher wages and shorter hours. Trade Unions also improve health and safety organisation. A recent survey of over 400 American health and safety professionals found that they regarded formal union negotiations and 'worker activism' as the two most important determinants of an effective health and safety programme.

Workplace Trade Union organisation improves compliance with OS&H laws and regulation, and their implementation is highly dependent on the presence of a union at the workplace. The benefits achieved normally include written health and safety policies and their communication to workers, provision of improved health and safety information and training, the use of health and safety practitioners, written evidence of risk assessment, health and safety audits and inspections, accident investigations and so on.

Participatory workplace arrangements, as provided for in C155 and R164, are associated with improved OS&H management practices, and improved OS&H performance outcomes. Joint Health and Safety Committees with well trained committee members

and the use of established channels for relations between management and workers leads to safer, healthier workplaces. This has been demonstrated in studies in all industrialised countries.

The Trade Union will normally have a policy about whether there should be specific union representatives for health and safety or whether Shop Stewards deal with health and safety in addition to their other functions. In most countries there is legislation about workers representatives on Health and Safety, although it may not say that they should be Trade Union representatives. Check the law and collective agreements in your country and workplace to see what rights exist.

The day-to-day functions of Safety Representatives include:

- Talking to workers and union members, and taking up their complaints with management
- Involving, informing, and consulting workers and union members on their priorities, and agreeing strategies for tackling risks
- Systematically inspecting the workplace on a regular basis
- Investigating accidents, ill health and near misses
- Consulting with management
- Monitoring the employer's performance on health and safety
- Making representations, and negotiating with the employer to ensure the safety and health of workers
- Talking to Government health and safety inspectors
- Participating in joint management-union safety committees in the workplace

Safety Reps in Action

An important part of the Safety Rep's job is to carry out regular inspections. It enables the Safety Rep to systematically monitor the health, safety and welfare of workers. The inspection will allow the safety Rep to look at the workplace; work organisation; talk to workers to get their views; collect information; and then make proposals to the employer. The Rep should point out the deficiencies in the employer's systems for health and safety, and make proposals for improvements.

The Safety Rep should inspect the workplace on a regular basis. In some sectors this would be every month, and perhaps every three months for a lower risk workplace. However, in construction there are frequent changes to the worksite and a wide variety of hazards to health and safety, so you may need to inspect daily or weekly.

If legal rights for safety representatives are weak (or do not exist), we should seek to obtain an agreement with management to carry out inspections during working hours. Remember that it is the employer's job to manage health and safety. Inspections are one of the ways that we can check whether they are managing it properly. If they are not, then we can bring it to their attention in writing, and make sure that they then remedy the problems.

Do-It-Yourself Research In the workplace

There are two main types of research we can use for investigating and improving conditions at work – passive research, where we find existing relevant information on health and safety in our workplace, and active research where we generate new information through inspections and surveys at work.

Passive research

This includes accessing:

- Publications - from leaflets and magazines to encyclopaedias as well as web sites and databases. An important source is manufacturers safety data sheets for materials, chemical products and machinery.
- Experts in governmental and non-governmental organisations, especially Trade Unions. Experts should be independent.
- Statistics: national, industry or workplace. These include lists of occupational diseases, accident books, compensation records and sick leave patterns. There are many important sources of information on health and safety which already exist. We need to tap into these resources to back us up in negotiating improvements. Getting informed by consulting these is passive research.

Active research

Means we generate new, independent information specific to our workplace. We can then use this information to negotiate improvements in our working conditions. There is a variety of Do-It-Yourself techniques we can use in order to do this. They all involve looking at the workplace and listening to the workers, and placing value on their opinions. Active research is Trade Union organising on health and safety.

Active research includes:

- Risk mapping of the workplace
- Carrying out inspections
- Surveys and interviews on symptoms and hazards
- Body mapping
- Meetings
- Information exchange and training

Carrying Out Workplace Inspections

Communication with workers is the key to finding out the information we need and to negotiating improvements. It is important that we involve workers at all stages of the inspection and make sure we have their support by:

- Finding out their problems and complaints before we inspect
- Talking to them during the inspection
- Reporting back to them after the inspection

There are a number of different types of inspection which include:

- General Inspection, to check all aspects of working conditions
- Inspection after an accident
- Inspection of documents
- Special Inspections, to concentrate in more detail on a particular aspect of the workplace or working conditions. For example, risk of falls, machinery hazards, electrical hazards, chemicals being used or dusty work.

The most important thing in an inspection is to observe what is really going on and how people are actually working. As we go we need to make notes and drawings to help us make a report. We can then organise the investigation and information about risks into the four broad categories described below.

Physical Hazards

- Falls from heights, scaffolds, roofs, ladders, trips and slips
- Excavation hazards and confined spaces
- Machinery, entrapment, cuts
- Transport (forklifts, hoists, cranes)
- Electricity (temporary installations, tools and plant, systems for identifying underground cables)
- Noise and vibration
- Manual handling and lifting, repetitive work, forced postures

Chemical Hazards

- Solvents (paints, lacquers, varnishes, strippers, glues)
- Pesticides (e.g. timber treatments)
- Dust (wood, cement, medium density fibreboard, silica, gypsum)
- Cement burns
- Asbestos dust

Biological Hazards

- Contaminated water supply
- Malaria
- Dengue fever
- Weil's disease (rats)
- Infectious diseases, such as hepatitis or tuberculosis

Psychosocial hazards

- Poor work organisation, instruction and supervision
- Work overload: long hours, shift work, fast pace, lack of breaks, productivity pressure, being pushed to take shortcuts
- Low pay
- Insecure contractual conditions
- Lack of information and training needed to carry out work and to prevent hazards
- Lack of welfare facilities (toilets, washing and changing facilities, facilities for eating and taking breaks)
- Stress, due to being exposed to risks

- Bullying
- Lack of participation and consultation

Health Surveys

If one person has a bad back or constant headaches then it's probably an individual health problem.

If everyone or several people doing the same job have similar health problems it's almost certainly occupational.

Follow your instincts and follow up with some detective work.

3 ORGANISING FOR A SAFE AND HEALTHY WORKPLACE

We have given some initial thought to how we can tackle priority risks, and we have begun to look at the Trade Union approach to health and safety. If we want to achieve successes and improve health and safety standards, we must be effectively organised as a Trade Union. This section is all about getting organised.

Some of the key factors necessary for good union organisation for health and safety include:

Getting workers' and union members' support

Without the support of workers and the Trade Union, Union Reps can become isolated, and it is difficult to get things done. Employers are more likely to act if they know that workers are well informed, active and fully involved in union action.

Union health and safety representatives

Trade Union Reps need to have a clear role in dealing with occupational health and safety. They may be an existing Rep who adds health and safety to their duties, or a Rep specifically elected to deal with health and safety issues.

Support from the Union

Senior Union Reps and full time Union officials are vital to the strength of local union workplace representatives. All parties must keep each other fully informed. It is essential that the employer knows that the local representative has the full support of her or his union.

The response from management

Some employers are well organised for health and safety. However, the majority are not. A strong union organisation can ensure that the employer will act on health and safety even if they are reluctant. Special safety procedures; safety policies, grievance procedures; Collective Bargaining Agreements (CBAs) which include occupational health and safety; and joint safety committees all help to get things done.

We have discussed a number of ways that we try to ensure that we have the full support of workers and union members. (You may have mentioned some of these at the beginning of this training event). **Add other ideas that you have to the list:**

- Involve workers and union members in identifying risks through your workplace inspections
- Ask workers about health effects and risks that they think are important
- Decide on priorities and strategies in consultation with workers and union members
- Take the time to talk to workers and union members, particularly if they are not convinced about the Trade Union approach to health and safety
- Hold regular meetings with workers and union members to keep them informed
- Make sure that workers and Union members know what you have done about health and safety problems, and what the employer's response is
- Always report back after meetings, and decide on the next steps with workers and union members.

Job of Union Health and Safety Representatives

Your Union will normally have a policy about whether there should be specific union Reps for health and safety. Whether you have safety Reps, or union Reps dealing with health and safety in addition to their other functions, the job that they do will be the same.

The job of safety representatives includes:

- Talking to workers and union members, and taking up their complaints with management
- Involving, informing, and consulting workers and union members on their priorities, and agreeing strategies for tackling risks
- Systematically inspecting the workplace on a regular basis
- Investigating accidents, ill health and near misses
- Consulting with management
- Monitoring the employer's performance on health and safety
- Making representations, and negotiating with the employer to ensure the safety and health of workers
- Talking to Government health and safety inspectors
- Participating in joint management - union safety committees in the workplace

Facilities for Union Health and Safety Representatives

The safety representative plays a crucial role in helping ensure the health and safety of his/her colleagues. To do their job effectively, it is really important for the Safety Rep to have the proper facilities. The legislation is often very general and may not place a legal duty on employers to provide union Reps with facilities for health and safety. It is important that Trade Unions negotiate for these facilities in a Collective Bargaining Agreement (for further explanation see pages 14 and 20). In addition, we need to be campaigning for improved laws.

Some of the facilities that we could negotiate for include:

- Manufacturer's and supplier's information
- Secure filing cabinets for storing correspondence, inspection records, and confidential information
- Access to internal and external telephones
- A room and desk at the workplace
- A camera
- Access to a photocopier
- Time off with pay to carry out the functions of a Safety Rep's role
- Time off with pay for training

Health & Safety Committees

Joint labour-management OS&H committees

Most countries have legislation on committees for big firms (50 + employees) with legal composition, authority and functions. Worker Safety Reps have strong legal rights.

Many unions also have collective agreements, which establish the Health and Safety Committees (composition, authority and functions) as well as the functions of the Trade Union Safety Reps, Safety Policies and Prevention Programmes.

A joint union/management safety committee can be a good way of acting in partnership with the employer, and solving outstanding problems. However, it is most important that health and safety activity is not just restricted to the health and safety committee. Union representatives will need to decide whether they want a safety committee and how it should function (e.g. Meet once a month and after accidents) before any approach is made to the employer.

Composition

Laws vary; size depends on the number of workers, shifts, activities and locations, but:

- Committees must be balanced
- There should never be less than two elected worker Reps, and management Reps must have authority to represent the company
- Chair should rotate

Authority

- Executive decision making and budget
- Advisory / can make recommendations, but no guarantee the company will comply
- Company should consider and give reasons if they do not accept proposals
- Procedure to resolve differences
- Collective bargaining demands

Functions of Committee

There are many functions that may be carried out by the safety committee, either specified in legislation or in collective bargaining agreements. Typically, their functions are to:

- Conduct regular inspections and surveys on safety and health
- Respond to workers concerns on OS&H
- Make reports and recommendations to improve compliance with law and standards
- Propose policies, work plans, projects and activities to reduce accidents and illness
- Propose and organise training programmes for the workforce
- Promote and support activities on OS&H
- Follow up progress of proposals
- Report on results achieved, point out obstacles and problems
- Investigate, record and report on all accidents, ill health and near misses
- Propose regulations on health and safety
- Organise occupational health services

Union Reps' role on the Committee

- Represent the interests and concerns of workers and promote union policies
- Conduct inspections, interviews, surveys and meetings with workers, inform, and communicate.
- Identify hazards, make proposals and negotiate improvements
- Push for high standards, ensure compliance with legal duties
- Make formal complaints
- Assist with representation and compensation

What makes a committee work?

- Have a plan and objectives and actively pursue them with the broadest support possible
- Communicate and educate to get that support
- Need facilities, time off, info and training
- Agendas in advance, proper minutes, decisions
- Prepare to negotiate. It's not a discussion it's a collective bargaining session between workers and management.
- Prepare the case, information, facts, support
- Anticipate management arguments
- List the arguments you will use and stick to the strong points
- Aim high and have your minimum demands

Does the committee work? Try this checklist:

Level of management support.

Do they provide information promptly?

Do they provide facilities, give time off training?

Are they responsive to worker proposals?

Responding to problems.

Do they prioritise?

Do they really make improvements?

Is the committee just a talking shop?

Worker confidence in the committee

Do workers believe it is useful?

Do workers see results?

Availability of records.

Is there transparency about decisions?

Limitations

- Low union density, weak position of unions
- Lack of recognition of TU from employer
- Informal sectors, subcontracted labour and so called self employed; hard to recruit and organise
- Non-compliance with law and hostility from employers
- Passivity and permissiveness from government authorities

Possibilities

- Pick winners. Select workplaces where we have the best chance of organising
- Recruit workers into the Trade Union
- Be positive about the contribution that Trade Unions can make to prevention of accidents and ill health through solutions and training
- Use the legal framework
- Use moral arguments
- Use argument of economic benefits

Union Health and Safety Representatives' Role

As we have already seen, the most important job of the health and safety representative is to take up workplace health, safety and welfare problems, on behalf of the workers and union members. Each problem that the safety representative tackles will be different. However, the method of approach will be similar.

The following section outlines a systematic approach to tackling health and safety problems.

Once again we use the approach “Problem → Information → Plan”

Problem

What are the Facts?

Talk to people, check the workplace, equipment, and the systems of working for the presence of risk factors. Find out as much as you can:

- Talk to workers to find out if anyone else has a similar problem
- Obtain information from management. Does the employer recognise the problem? If so, have they done enough? If not, what will happen when the union raises it?
- Obtain information from maintenance workers, and maintenance records
- Use information from suppliers

- Study accident records
- Use official information and legal standards

What are the causes?

Management often put problems down to workers' carelessness and apathy, when the real problem is one of defective equipment; poor systems of work; inadequate training; poor supervision; or the employer wanting the job done quickly, irrespective of the health and safety consequences.

One-off or broader problems?

Does the problem raise broader issues? For example:

- Is just one vehicle faulty, or is the whole system of maintenance inadequate?
- Is a single chemical a problem, or do we need to look at the whole procedure for introducing new chemicals, getting information, training, storage and use?

Information

In dealing with problems it is the safety representative's role to look in detail at a whole range of matters. The different ways of investigating include asking:

- What do workers and Trade Union members want? They may have ideas about what should be done and their support will be vital if management does not respond.
- What does my union say? Unions have developed policies on safety issues. Check what your union's policies say.
- What does the employer's safety policy say? It may say, for example that vehicles should be maintained on a regular basis, and should not be used if they are not roadworthy.
- What does the agreement (CBA) say? There may be agreements about safe working practices; management responsibilities; procedures for handling safety problems. Union representatives should ensure that management stick to agreements.
- What does the law say? There are National laws, ILO Conventions and Standards laid down for safe working. Check what they say.

Plan

Union aims

Before you raise an issue with management you must work out what the workers and members want, and try to pursue those objectives with the broadest support possible.

This will depend upon:

- What results you want to achieve
- Trade Union strength

Take stock

From the information that you have gathered draw conclusions about:

- The degree of risk
- The location of risk

- What has been done so far?

Deciding on action

What needs to be done next?

- Check on what is already being done
- Raise the issue with the employer
- Meet a more senior manager, if the initial response is not favourable
- Put the matter in writing
- Use the grievance procedure if necessary
- Make sure that agreed improvements are made
- Keep workers and union members informed of progress on the problem, win their support, and use it to put pressure on the employer
- Keep other union officials informed and involved

The union health and safety representative and accidents

All accidents have causes: they do not just happen. The causes are many, but if risks are not removed or controlled, then injuries and ill health will happen. Management often blames workers for accidents that occur at the workplace. But accidents are more often caused by a failure of management to take the action necessary to protect workers' health and safety.

They are not genuinely accidents, because they are foreseeable, known risks that can be prevented. Often there is even legislation which obliges the employer to prevent these risks, but they do not take the preventive measures.

It is important for union representatives to know how to investigate accidents, so that the actual cause can be established, and the appropriate corrective action taken. We can also represent the person concerned and their family to protect their job and income, and to make sure they have help with treatment and compensation.

What are the causes of accidents?

There are a number of factors that lead to accidents in the workplace. These are almost always to do with managerial failure. Employers have legal duties to protect the Health, Safety and Welfare of workers. In practice they often do not take the time and trouble to do this, and put more value on profits than on people. The following list represents some of the typical managerial failures that cause injuries and ill health:

- Failure to provide information and training for workers and supervisors
- Failure to properly maintain plant and equipment
- Inadequate or inappropriate safety devices
- Allowing unsafe practices
- Unsafe or no systems of work
- Failure to coordinate activities and (sub) contractors
- Encouraging excessive working hours
- Lack of safety policies, safe systems, and safe work procedures
- Failure to comply with legal standards
- Reluctance to spend money on health and safety or improving conditions
- Bullying and pressure to increase productivity

- **Technical equipment:** Lack of appropriate equipment, or poorly designed equipment. For example, improvised scaffolding with no edge protection. Machinery that is not guarded so that production is speeded up.
- **Human error:** The employer's favourite excuse and propaganda weapon. Some accidents may be partly caused by human error, often due to lack of information and training about risks and how to prevent them. Often due also to productivity pressure and fatigue. But if the employer manages health and safety in a proper manner, and puts preventive measures in place, then there is much less scope for human error. Humans are not machines, we get tired and we lose our concentration, and we make mistakes. Proper prevention measures take that into account.

What to do after an accident

A union representative has a lot to do in the event of an accident. But first you need a system to make sure that you are informed immediately:

- Encourage workers and union members to tell health and safety representatives that an accident has occurred
- Get an agreement that health and safety representatives are notified, and are able to leave their place of work to investigate

The drill is:

- Get to the scene of the accident as soon as you can, making sure that it is safe to approach
- Ensure that nothing is moved or altered until the accident is properly investigated
- Make sure that the following is recorded:
 - date
 - time
 - name of victim
 - details of the accident, including details of witnesses
- Ensure that the victim is attended to and if necessary convey him/her to the nearest Medical Centre for attention
- **Inform the union without delay**
- If the potential for a further accident is clear, then the job should be suspended until it is put right
- In the event of a very serious or fatal accident, if possible the union should organise some form of stoppage as a mark of respect to the victim, and as an indication to management that workers want improved prevention measures

Investigating Accidents

We have all seen that "accidents" often have almost exactly the same cause time after time. It is very important that management takes steps to avoid the recurrence of accidents at workplaces. In order to achieve this, it is necessary to carry out a thorough investigation into the causes of accidents, to prevent future ones.

In carrying out an investigation of an accident, the following checklist will assist us.

Important information about the accident:

- Who is involved?
- When did it happen?
- Where did it happen?
- What happened?
- Why did it happen?

Specific information to obtain:

- Occupation -What work was the injured person doing?
- Sex - State whether male or female
- Age - Exact, if possible, otherwise approximate
- Date - Show date of occurrence
- Place - Give specific location
- Type - State type of accident
- Equipment - Indicate materials, machines involved
- Names and addresses of witnesses

Other information needed:

- Take photographs, if possible
- Make sketches, and take measurements, if possible
- Interview witnesses and other workers
- Interview the injured worker
- Find out if there have been previous accidents or complaints, from the Accident Report Book, or grievances handled, or the safety Rep's inspection reports
- Check legal standards and agreements
- Collate all the information obtained; analyse it; and prepare a report for union and management, with your recommendations

Investigating accidents is one of the essential jobs for a safety representative. It provides informed opinion on why preventive and control measures failed. We can then ensure that the employer takes the appropriate steps to stop such an accident occurring again.

The Rep should always contact the union straight away to inform them of any serious accident, and keep the union informed without delay of any developments.

Whatever the level of development of Trade Union organisation and worker representation on health and safety, it can never be a substitute for management organisation for health and safety. Without effective management systems for health and safety and a commitment to its continued prioritisation, the role of worker involvement is severely constrained.

The key factors to improve OS&H include:

- A strong legislative framework
- Effective external inspection and control
- Demonstrable senior management commitment to OS&H and a participative approach
- Competent hazard/risk evaluation and control
- Worker representation at the workplace and external Trade Union support

4 GETTING MANAGEMENT TO MAKE IMPROVEMENTS

As Trade Unionists, we try to ensure that employers effectively manage occupational health and safety. As we have seen, sometimes managers are reluctant, unwilling or unable to do this. Often management says that there is no serious problem, or they say it would take too much money, time and trouble to prevent risks.

In this section, we will look at some of the ways that the Union can put pressure on management, to do what they should. Then we will look at some aspects of health and safety management.

Checklist for getting management to act

You will have discussed several ways of getting management to act, in the previous activity. **Add your ideas to the checklist below.**

- Raise issues in writing with management, make sure that you have workers' and union members' support, and a clear time limit agreed
- If a manager will not resolve a problem, speak to a more senior manager
- Prepare your case well and negotiate firmly with management
- Use special safety procedures, that deal with safety problems quickly
- Ensure that time limits are adhered to
- Use the grievance or disputes procedure
- Consider calling in Government Health and Safety Inspectors, where there is a clear breach of the law, or there is an obvious and serious risk
- Use joint health and safety committees to highlight sections of the workplace where it is difficult to get health and safety problems resolved
- Negotiate Collective Bargaining Agreements on occupational health and safety
- Ensure other union officials are kept informed, and will give you their support if it is necessary

We will now look at collective bargaining agreements and safety committees in a little more depth.

Collective Bargaining Agreements on Health and Safety

Legal standards on occupational health and safety are often very weak. Even where there is good legislation on paper, it can be a big problem to get it applied in practice.

We can, and do, campaign for improved health and safety laws. But we still need good union organisation and agreements at the workplace. Currently, occupational health and

safety is given very little prominence in collective bargaining agreements. Where we do have clauses on health and safety in CBAs, emphasis has been placed upon personal protective equipment and compensation. A much wider and detailed Collective Bargaining Agreement can help us to achieve a lot in the workplace.

A collective bargaining agreement on OS&H could include the following:

- Formation of safety committees (including their composition, authority and functions)
- The rights and functions of a Health and Safety Representative, including the facilities to which they are entitled
- The rights to specified information and training for workers
- Rights to inspect the workplace and consult with workers
- Right of all workers to refuse to undertake dangerous work
- Safety Rep's right to stop an activity in case of imminent danger
- Consulting Government factory inspectors and full-time union officers
- Time-off for reps to participate in training and other union functions
- Safety Policy
- Safe Systems of Work
- Prior agreement on work changes and the introduction of new substances and equipment
- Occupational health services
- Special safety procedures for resolving problems

Managing Health and Safety

Management's Responsibilities

Management responsibilities are covered by International Conventions (such as C167) and National Laws on Occupational Health and Safety.

These responsibilities include to:

- Comply with national laws
- Promote and maintain safe working conditions and processes
- Provide adequate facilities
- Provide training, education and instruction
- Provide information on work, systems and processes
- Encourage and co-operate with union representatives, safety committees and Government Inspectors
- Provide protective clothing and materials, where risks cannot be removed
- Install safety devices
- Act promptly on imminent dangers reported
- Encourage participation and involvement of all employees and managers

The key elements of successful health and safety management are set out as follows:

Policy development

Effective health and safety management demands a comprehensive Health and Safety Policy that conveys the general intentions, approach and objectives of an organisation.

Organising

Organising is the process of designing and establishing the responsibilities of managers and individuals, thus creating the necessary structures to manage health and safety effectively. Management should be able to create a culture and climate that promotes employee involvement and commitment at all levels.

Planning and implementing

Planning is essential for the effective implementation of any policy. It involves:

- Setting clear objectives
- Developing and maintaining performance standards and systems control
- Defining, developing and maintaining policies
- Putting health and safety as a factor in all business decisions

As part of planning and implementing, employers should:

- Identify risks
- Evaluate risks
- Identify the steps that are necessary to effectively remove or reduce the risks
- Monitor performance

Measuring performance

Maintaining and improving performance against pre-determined plans and standards leads management to continually improve.

Auditing and reviewing performance

These activities enable management to evaluate performance and take appropriate measures to further develop their health and safety policies.

Management Policy

A safety policy should:

- Be in writing
- Be regularly revised
- Be properly communicated to workers
- Describe arrangements for putting it into effect

It must:

- Identify hazards
- Assess risks
- Set standards
- Show management commitment to actively putting it into effect
- Outline the structures set up to achieve the objectives
- Establish clear procedures for serious and imminent danger at work
- Provide comprehensive and relevant health and safety information to workers

Management can improve its performance on OS&H by:

- Carrying out regular inspections
- Establishing procedures
- Carrying out regular monitoring and evaluation
- Promoting health and safety training activities
- Prompt investigation of risks and accidents
- Active control/prevention, and sanctions for breaches
- Advertising and campaigning on health and safety at work
- Making adequate budgetary allocation
- Early payments of compensation
- Consulting safety representatives regularly