

## **Unions Make Work Safer - Reclaim Our Rights On Site !**

Despite global efforts to improve health and safety at work, an estimated 2 million work-related fatalities and 330 million work-related accidents still occur each year. BWI sectors are among the most hazardous of all. Construction has the largest number of fatal injuries compared to other main industry groups, with at least one hundred thousand deaths every year in accidents on construction sites, representing around 30% - 40% of all fatal injuries. Fatal accidents are the most visible consequence of bad and illegal working conditions, but ill health caused by dust, fumes and chemicals at work, cause hundreds of thousands of premature deaths each year from occupational diseases, with asbestos being the number one killer. Tropical loggers have about a one in ten chance of being killed over a working lifetime, and wood working machinery causes more injuries than machinery in any other sector.

These risks are well known and so are the solutions to avoid them. There is a clear legal framework of employers' duties and workers' rights on health and safety at work. By far the greatest risk for our health and safety is the negligence of employers who do not comply with even basic legislation to protect people at work.

Deregulation, subcontracting chains, bogus self employment and informal contractual conditions make this situation even worse, undermining trade union and labour rights. In a number of countries we are seeing a worrying increase in accident rates, as negligent employers try to avoid these responsibilities by avoiding an employment relationship. Trade Unions are the answer to this problem. Workers need to be able to defend their rights, and only Trade Unions provide the support they need to do so.

Management has the legal responsibility to ensure that collective and individual prevention measures are in place to protect the safety and health of all those who work for their companies. Responsible employers want to work professionally, with a good working environment, and they understand the role of Trade Unions in preventing accidents and ill health at work.

### **International Standards on Health and Safety – Workers' Rights**

ILO Convention 155 and Recommendation 164 contain crucial provisions for workers' representation and rights on H&S, and employers' obligations on H&S in the workplace. Convention 167, on Safety and Health in Construction also gives fundamental rights to workers, such as the right to refuse dangerous work, without victimisation.

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 provided for in Convention 155 and Recommendation 164: At national level through tripartite participation in policy making industry / sector bodies, and workplace participation through Trade Union Health and Safety Representatives and participation in Health and Safety Committees at the workplace.

Similar rights exist in most national jurisdictions. The 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 safety representative
- Paid time off to be trained in order to function as a safety 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
- 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

### **Strong Unions = Safe Jobs**

There is plenty of evidence to show that Trade Unions do make work safer. A new study published by the International Labour Organisation<sup>1</sup> shows that in the construction industry, compliance with health and safety laws is “highly dependent” on the presence of Trade Union Safety Representatives in the workplace with external Trade Union support for information and training on health and safety problems. In this study, Trade Unions were found to be a “key determinant” in workplaces with good safety performance.<sup>i</sup>

The role of organised labour in the representation of workers interests in health and safety is often underestimated. 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, 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 survey of over 400 American health and safety professionals found that they regarded formal union negotiations and ‘worker activism’ to be the two most important determinants of an effective health and safety programme.

Workplace trade union organisation improves compliance with OHS laws and regulation, and their implementation is highly dependent on the presence of a union at the workplace. The measures of such activity 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.

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<sup>1</sup> **“The Role of Worker Representation and Consultation in Managing Health and Safety in the Construction Industry” David Walters, Professor of Work Environment Cardiff University (link to pdf)**

Participatory workplace arrangements, as provided for in C155 and R164, are associated with improved OHS management practices, and improved OHS performance outcomes. Joint Health and Safety Committees with well trained committee members leads to safer, healthier workplaces. This has been demonstrated in studies in all industrialised countries.

In construction, an Irish study examined the relation between injury rates and the perceptions of workers and managers, the risk management system in place, OHS enforcement, and the presence or otherwise of safety representatives. It found ‘the variable with the strongest relationship with safety compliance is the presence or absence of a safety representative’ and concluded: ‘what is most eloquent about these results is the lack of any other significant relationships’.

In Canada, mandatory joint health and safety committees are associated with reduced lost-time injuries and reduced accident rates and lower claims rates. Even in small workplaces, Swedish experience demonstrates that “Regional” Safety Representatives stimulate ‘activation’ of health and safety as well as engaging with employers and workers in tasks such as inspecting workplaces.

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 OHS include:

- A strong legislative framework
- Effective external inspection and control.
- Demonstrable senior management commitment to OHS and a participative approach
- Competent hazard/risk evaluation and control
- Worker representation at the workplace and external trade union support

One way in which the support of organised labour has been used in small firms and fractured employment relationships is through peripatetic union safety representatives (called regional safety representatives, territorial safety representatives, or roving safety representatives). There are statutory provisions in Sweden, Norway, Italy and South Africa for Regional Representatives. In Spain and the UK there are voluntary schemes to give coverage to SMEs in hazardous sectors, such as construction, forestry and agriculture. There is a well-established body of evidence pointing to the success of these initiatives.

Unions should call for meetings with politicians to emphasise the need for the following measures:

1. Greater efforts are needed to promote C155, R164 and C167 and to implement national laws, rights and obligations on OHS.
2. The development of National Action Plans, including Sector Action Plans, on OHS in construction and in forestry, involving the social partners and relevant Ministries and departments.
3. The strengthening and institutional capacity building of Labour Ministries and Public Labour Inspection, and greater coherence between relevant Ministries, for example Public Works.

4. Promotion of workplace prevention measures through the development of Health and Safety Policies and Health and Safety Management Systems, involving workplace Health and Safety Representatives and workplace Health and Safety Committees.
5. Consideration should also be given to the role of Regional, or Roving, Safety Representatives to cover Small and Medium sized Enterprises where Health and Safety Committees are not established.

**Please send us YOUR OWN examples of how Unions Make Work Safer. Any success stories you have will help others to do the same ! Please send information to:**

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**Web Resources you can use:**

**Check Trade Union websites for H&S content and materials**

**Building and Woodworkers International web pages on H&S** [www.bwint.org](http://www.bwint.org)

**Health and Safety Magazine in English for Trade Unionists** <http://www.hazards.org/> and

**International Workers' Memorial Day pages** <http://www.hazards.org/wmd/index.htm>

**The European Trade Union Institute** <http://www.etui.org/>

**Government websites also offer resources:**

**ILO Safework (English French and Spanish)** <http://www.ilo.org/safework/lang--en/index.htm>

**NIOSH (United States government H&S site, has materials in English and Spanish)**

<http://www.cdc.gov/niosh/>

**UK government H&S site** <http://www.hse.gov.uk/>

**Spanish government H&S site** <http://www.insht.es/portal/site/Insht/>

**Superintendencia de Riesgos de Trabajo Argentina**

<http://www.srt.gov.ar/servicios/derechos.htm>

**INRS France, government site on H&S**

[http://www.inrs.fr/inrs-pub/inrs01.nsf/IntranetObject-accesParReference/INRS-FR/\\$FILE/fset.html](http://www.inrs.fr/inrs-pub/inrs01.nsf/IntranetObject-accesParReference/INRS-FR/$FILE/fset.html)

**Links to ILO Conventions :**

Occupational Safety and Health Convention, 1981 (No. 155)

Occupational Safety and Health Recommendation, 1981 (No. 164)

Safety and Health in Construction Convention 1988 (No. 167)

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