

Cardiff Work Environment Research Centre



Representing workers on occupational safety and health (OSH). What works? Why? and what do recent European surveys show?

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David Walters

What this presentation is about



- Forms of representative worker participation on OSH
- What is its contribution to arrangements for safety and health
- What do recent findings suggest about current trends?

Draws on the EU-OSHA report : *Worker Participation in the Management of Occupational Safety and Health*

- **The full report** — <https://osha.europa.eu/en/tools-and-publications/publications/worker-participation-management-occupational-safety-health/view>
- **The summary report** — <https://osha.europa.eu/en/tools-and-publications/publications/worker-participation-management-occupational-safety-health/view>

What are the key elements of representative participation on OSH?

- A pluralist notion of representation of the collective interests of workers — assumes a degree of autonomy in relation to corporate interests... and
- Engagement with managers on OSH with some chance of influencing outcomes.
- This is the basis for most statutory measures for worker representation as well as in EU directives and ILO Conventions
- Which are generally there because they are the result of campaigns and negotiations by organised labour

Key features of statutory provisions

- Representatives are selected by workers and or their organisations — not by employers and their managers
- Set of functions prescribed by statutory means including inspections, investigations, consultations with workers, and making representations to employers through labour relations arrangements or joint safety committees or both
- Entitlements to supports to facilitate this including information, training, independent advice
- Some jurisdictions go further, rights to 'stop dangerous work' issue formal notices to employers, have access to workers in small enterprises etc...



What does research say about the activities of worker representatives on safety and health?

Effectiveness

- They are a success in unionised/organised workplaces in the EU and elsewhere
- Studies demonstrate their association with both improved OSH arrangements and OSH performance
- Further show this improvement to be dependent on a set of preconditions for their effectiveness
- And suggesting particular strategic approaches as being effective when taken by representatives

The determinants of effectiveness

- OSH actions and resulting improvements are dependent on the presence of a set of preconditions for their effectiveness
 - Regulatory measures
 - Management/employer commitment and support for representation and consultation
 - Engagement of regulatory inspectors and their commitment to participatory approach
 - Support from organised labour – inside and outside the workplace — training and information

Operating effectively:



Knowledge activism (Hall 2006 and 2014):

- Autonomous of strategies combining political, legislative and technical skills in seeking and understanding OSH knowledge. Through this they are able to use informed worker-centred and collective understandings of OSH as the basis for workplace consultation, negotiation or bargaining on OSH – have some chance of influencing outcomes
- Pragmatic actions using spectrum of workplace labour relations negotiation strategies (Walters and Frick 2000)
- used in workplace activism mixed with technical knowledge
- Labour relations styled strategies focused on clearly defined ‘safety issues’ (Walters et al 2016 on mining in Australia)
- care taken NOT to stray into ‘industrial territory’

But what happens in the in the EU nowadays?

- Secondary quantitative analysis of ESENER—1 and ESENER— 2 shows worker representation *in combination* with high levels of management commitment to OSH and framed by regulatory support is strongly linked to higher levels of good OSH management practices and their perceived efficacy (EU-OSHA 2012; EUOSHA 2016 and 2017).
- But these surveys overestimate the presence of representatives in comparison with most national surveys — which suggest decline in their presence and influence in parallel with the decline of wider institutions of the representation
- Substantial and growing proportions of workers not represented on OSH

The qualitative ESENER follow-up study

- What was the nature of the experience of representation on OSH ?
- What determined it – inside and outside workplaces?

Methods

- Focused on experiences of representatives, fellow workers and their employers and managers. Based on in-depth interviews with participants in 143 different establishments, equal proportions of small (between 10 and 49 employees), medium (between 50 and 249 employees) and large (more than 250 employees) establishments in Belgium, Estonia, Greece, the Netherlands, Spain, Sweden and the United Kingdom — thus representing a range of different regulatory and industrial relations contexts.

Key Findings

- Despite national differences in regulatory and labour relations systems, in establishments where the 'preconditions for effectiveness' were present, there was evidence of the continued effectiveness of arrangements for worker representation on OSH.

BUT

- Cases where this was prominent were not in the majority.
- There was evidence of the strong presence of different approaches to 'participation' to those previous research on worker representation on OSH found to be effective.

Instead of ‘knowledge activism’ and the ‘preconditions for effectiveness’ we found —

- Common managerial approaches to safety **included marginalising representatives and representative participation** partly through using behaviour-based OSH management systems in which the meaning of ‘participation’ was individualised, responsabilised and linked to following rules of safe behaviour imposed by employers. Managers said :
 - *‘Safety is important for me, but I don’t see that a representative can contribute a lot to the OSH issues. I talk to people myself — I’m on site every day so its not a problem...’.*
- On workers —
 - *‘We want them to interact with the targets, take ownership and be proud of meeting their targets....we need to get engagement around the performance targets’*

Responsibilisation, incorporation, accountability and BBS:

'I use the union to communicate with the workforce, they get our message across. They fight our corner with us....I've taken things in a new direction in this sense.' (HS manager manufacturing)

And workplace union organisation was often complicit in this:

"Whatever we try to highlight around health and safety ... we want that to be consistent with what management are trying to highlight....sing from the same hymn sheet and all that." Senior workplace rep manufacturing)

'The health and safety rep just does health and safety – the union side is nothing to do with us' (HSR in manufacturing establishment)

Marginalisation

On the underdevelopment of arrangements....

“there’s limited cooperation [with management and] it’s getting steadily worse ... cooperation on health and safety matters in particular ... largely the result of budget cuts, they want to rationalise” (A health and safety rep from the public sector)

On support of the workforce

When speaking to management and ‘expressing members concerns’] “it’s pure bluff. The members don’t know and they’re not that bothered” (HSR education)

On forms of 'participation'

- Incorporation of worker health and safety representatives into safety management systems —

'HSRs are the eyes and ears of the HSE manager on the shop floor' (said by both H&S managers and union HSRs)

- On the development of arrangements for representing workers on OSH :

'Its not something we've ever had to drive ourselves as management — originally it was driven by the union. The union would say — we want you to put in a committee — so we put in a committee... the driver for them were the regulations. As it evolved ... the union is nowhere nearly as strong as it used to be — and now I've got people who want to do it (for me) ...' (HSE manager)

Reflections on what determines current current practice:

- Worker representation on OSH is strongly affected by context, a host of determinants including:
 - Establishment size, sector, risk profile, knowledge, unionisation, collective bargaining arrangements, OSH management systems etc; wider macro-economic factors, regulatory ethos, etc....

They influence:

- Who are worker safety and health representatives or committee members; access to training; type of training and hence, the skills they possess. Thus influencing the means used to operationalise their roles.

All have been subject to change that has eroded the preconditions for effective worker representation on OSH

The consequences of change

- Declining external support infrastructure:
 - Declining union membership and influence combined with renewed government hostility
 - ‘Restructured work’ - of fragmented and fractured management smaller firms etc
 - Growth of ‘precarious employment’
- Growing establishment of BBS systems
- Parallel atomisation, responsiblisation, accountability for employees and the development of ‘audit culture’ around safety management
- Changes in the nature of risk (diminishing physical but growing toll of psychosocial risk) that is a product of the organisation of work and employment
- Reduced resourcing/deregulation — from regulation to ‘deregulation’ to ‘common sense regulation’ — a paradigmatic shift

Reflections on emergent themes and their implications

- A new emergent orthodoxy?
- What does this mean for:
 - The role of organised labour?
 - Representative or direct methods?
 - Unitary, pluralist or conflict frames of understanding the relations of participation OSH ?
- What are the consequences of:
 - Responsibilisation and shifting meanings of regulation?
 - The rise of safety management systems and their incorporation of arrangements for representing workers?
- Implications for worker-centred understandings of collective representation and mobilisation on OHS?

Thank you !