

Meeting date: 21 July 2005

Open Govt. Status:

Type of paper:

Paper File Ref:

M2/2005/2

Exemptions:

CONSTRUCTION INDUSTRY ADVISORY COMMITTEE (CONIAC)

Trades Unions and Safety Representatives Contribution to Health and Safety Standards in Construction

A Paper by **Rob Miguel** MIOSH
Health & Safety and Education Officer *Amicus the Union*
Representing the TUC

Introduction

Whilst the aim in the prevention of accidents and ill health in the construction industry must be to remove or control the contributing risk factors that have been identified, effective solutions can more easily be devised if there is close consultation with the employees involved and their workplace representatives.

Research has shown that employers working in partnership with safety representatives can make significant improvements in health and safety. Injury rates have been up to 50% lower where there were joint arrangements and, trade union health and safety committees operated effectively. [1]

More recent research looking at two specific industries one of which was construction supported the positive contribution of unions and safety representatives. Previous figures weren't exactly replicated, but certain differentials would account for this. It was found from case studies carried out in the construction sector that more meaningful worker consultation was possible where trade unions were present. Also one of the preconditions for effective representation was autonomous worker representation at the workplace and external trade union support. [2]

It is important to recognize the involvement of trade unions, as their presence plays a significant role in implementing and operationalising arrangements for consultation in ways that are not found in worksites where they were absent. [2]

True successful management of risks leans heavily towards workers understanding and utilizing health and safety information. Trade unions and safety representatives can provide an effective channel of communication with the workforce. This also helps develop a positive health and safety culture and better industrial relations.

Most of the problems faced by the construction sector relating to health and safety issues are usually caused by a combination of factors. In some instances controlling these factors can be straightforward, however some complex organising may be required on issues surrounding for example self-employment, bonus schemes, shifts and night work etc. These issues can often only be dealt with as part of a wider negotiating or bargaining strategy. Trade unions and their representatives have great expertise in these areas, therefore an effective consultation programme is essential in tackling the high levels of accidents and ill health in this sector.

Perception by the public is an important issue, for trade unions, HSC/E, and employers in construction. A compelling NOP poll found 98% of those polled thought workers should have **the right** to be represented by trade unions on health and safety.

Why Is Consultation with TU'S/Reps Essential to HSC Strategy

HSE TARGETS

The HSE are now under severe budgetary pressure to achieve the targets set by the Government which require the HSE to reduce injuries by 3%, ill-health by 6% and days lost by 9% by 2008 under the Government's PSA targets regime.

Although these targets are those against which the HSE are to be judged, the HSE can not deliver them without the full participation of all the stakeholders within the construction sector. These being, trade unions/representatives and workers, construction related employers, and the HSE/C themselves.

Therefore better interaction between the principal stakeholders is crucial in the success of a new strategy. From the TU point of view consultation and co-operation with workers at the sharp end is critical if the targets are to be met. If trade unions and their safety reps are attributed with a 50% reduction in injuries [1]. Concentration on developing better relations with them will go a long way, in achieving positive results regarding the PSA regime and the revitalising targets.

The drawbacks at present are that union density is fairly low in construction compared to a lot of other sectors. However rather than ignore the contribution, a more constructive approach might be to recognize the importance of trade union representation and its role in improving meaningful consultation in the industry. [2]

Trades Unions and Safety Representatives in the Construction Sector

Negotiating with trade unions and consultation with safety representatives and the workforce is central to health and safety improvements and the key to the successful introduction of measures to reduce work-related incidents and ill health. Success is

more likely if information and training is provided to all those involved in construction.

TRAINING

Trades unions provide their safety representatives with excellent training in health and safety topics. The courses are of an exceptionally good quality, diverse and accredited by leading national organisations, such as IOSH, RoSPA, OCN etc. The TUC and individual unions run courses, both regionally and at national colleges.

The courses can be generic or specific to sectors or disciplines, this lends itself to trade union safety reps in the construction sector being more knowledgeable than non union reps. In fact research by the HSE regarding COSHH across all sectors, found safety reps knew more than their managers. In fact 90% of reps had an understanding of the main principals, a third of managers had not even heard of the Regulations. [3]

Case study: training initiative, Amicus and Balfour Kilpatrick

During the first half of this decade, Amicus ran an initiative with Balfour Kilpatrick to encourage new trade union safety representatives to come forward, and to give them quality health and safety training relating to their sector.

Training included giving the reps knowledge of their rights and the scope of their role, their rights were fully endorsed by Balfour. The programme included *Generic* training surrounding the construction industry, risk assessment, accident investigation and site inspections.

The initiative was implemented first in the North of England and Scotland and courses were run at Amicus's offices in Glasgow. The second phase moved South and training was arranged at the most convenient union offices geographically.

The initiative was supported by union and company officials at the highest level, the important factor was that following this programme incident rates fell significantly. All parties realised the significance of training, and Balfours recognised the excellent facilities and professional support the union could offer, as was meaningful consultation following the training programme.

WHAT IS CONSULTATION

Workers in construction have knowledge, expertise and ideas that can be shaped into distinctive and valuable contributions to a safe and healthy site. These expertise are transformed to professional status when trade union trained and backed safety reps are put into the equation.

The difference between communication and consultation is not clear-cut and the terms are sometimes used interchangeably. There is an essential difference, however, in that communication is concerned with the exchange of ideas and information within an organisation. Consultation goes beyond this and good practice is when construction companies actively seek and then takes account of the views of workers through their safety representatives. This involves a joint effort to examine and discuss health and safety issues to find solutions through an open exchange of views and information. Where management deals with occupational health and safety without consultation the highest injury rates are found. [4]

Good practice

- Exchange information, both sides express their views
- Solutions decided and endorsed by company and Reps
- Views of workers being valued and taken into account
- Improved management decisions through gathering a wider source of ideas
- Ensure all parties full trained (best through unions for reps)
- Both sides know the roles and functions of safety reps and support this.

Case study: Union company initiative in effective consultation

This initiative took place in the North Sea where oil rigs where under construction or alterations took place regularly. One of the groups of safety representatives were scaffolders covering extremely high-risk situations. Prior to the initiative the company instigated a behavioural programme, consultation was on a supply of information basis, and this soon led to extreme dissatisfaction with the scheme by all.

Proper consultation took place and the views of workers through their safety reps were sought. A core team of reps worked with the safety department to devise a workable programme based on co-operation and working together.

It must be noted that trade unions are very sceptical of behavioural programmes, including this writer and I have spoken on the subject at many high profile conferences. We, trade unions believe that the hierarchy of control, which demands a safe environment, first is the only moral and legal option. However if schemes are put in place, they should avoid using discipline or incentives to police the programme, as this for one leads to incidents not being reported. They should be operated based on workers views and what they want and feel comfortable with. Full consultation with unions and reps is essential to this process, and this case study is a good example.

The scheme

The safety representatives collated ideas from the workforce and management and devised and ran training courses. This was followed by a card scheme, which recorded any presumed unsafe actions, but also safe actions were recorded and put on the cards. Any unsafe actions were discussed at the time with those involved, on a workmate to work mate basis. Coaches were appointed, and offered solutions where

they found problems; these could be engineering controls if necessary. The reps also monitored the programme and collated statistics.

The training

Discuss past accidents and causes
Focus on reducing risk of accidents
Cost to person if they had an accident
What is known about human behaviour?
Risks people take and why
Look at what people actually do

What the Reps did

Rep takes the role of a coach
Discusses any problems with operative
Make an anonymous Report
Safety Reps regularly review reports
Database established look at trends
Recurring unsafe behaviour identified
Develop plan: discussion/feedback

How did it work here?

These representatives were fully trained and supported by their trade unions, and full consultation took place between both sides, all views were respected. In practice the safety reps and the workers themselves identified what they thought was safe/unsafe actions. Discussions took place between reps and workers about changes that were needed, these views were discussed with the company and solutions were sought.

A plan of any changes would be put in place following discussion with the work force, and reps and workers would observe any changes in practice and submit their views. They decided if the changes made a difference, the safety representatives collated stats and analysed for trends.

SAFETY REPRESENTITIVES research

Safety representatives play a strong role in influencing both behaviour and compliance with safety requirements, and ensuring that both audits and hazard reports are effectively dealt with. [5] This is from research carried out by a group of academics looking at the construction industry in Ireland. The report also advocated that all sites should have safety representatives, and their role reinforced as part of the safety management system.

In Australia safety representatives are a major influence in changing the safety culture [6], also trade union safety reps are more effective here, as union presence increased the odds of having a safety committee by three times.

Safety representatives work at the sharp end and know their sites and the people that work there far better than management. Their work mates are far more likely to raise issues and feel more comfortable in doing so with their reps. A HSE research paper found that representatives provide a diverse channel for reporting events and hazards, and union support invaluable. [7]

TRADE UNION FRATERNITY

POLITICAL

Trade unions have quite a large fraternity and this includes within the political arena for example within the Amicus fraternity there over a 100 members of parliament, 21 members of the house of lords, 16 MEP'S and 12 in the Welsh assembly and Scottish parliament.

This can propose tremendous advantages for the construction industry, as trade unions can readily pass on information and talk to politicians about issues relating to health and safety.

This is no more evident than the campaigns unions have supported on asbestos; chemical related diseases, stress and harassment etc, and an excellent forum for example is the all-parliamentary asbestos sub committee.

There are several TUC Commissioners; a former commissioner was then the General Secretary of UCATT. It is fairly obvious that good representation at the commission and in parliament relating to construction will be extremely beneficial in terms of health and safety improvements and gains for that sector.

PARTNERSHIPS HSE

These have been long established and unions have been active in initiatives set up by or involving HSE. One initiative was set up to inform people in the construction and other sectors about, communication of health and safety issues to non-English speakers. Research was undertaken by HSE into where particular ethnic groups were found. After working with HSE, an awareness flier was produced by unions and distributed to its members.

Unions set up a partnership with HSE regarding communicating information on the duties under the then new Asbestos Regulations. Articles were put in union Journals, reaching millions of people. Unions sent out leaflets and posters, and awareness seminars were set up throughout the UK. As shown in this report many partnerships have been set up with companies, and there are lots of successful working groups and initiatives, comprising of unions and employers operating in all sectors.

WORKER SAFETY ADVISORS (WSA) SCHEME

The HSE ran a number of pilots during 2003 where there were a number of trade union appointed “ roving Reps” sent into non-unionised organisations, including many in construction. A report into the scheme showed that over three quarters of employers made changes as a result of advice from the WSA’s, and almost the same amount of workers had seen an increase in awareness on health and safety issues. [8]

From the evidence shown in this report, those improvements could have been sustained and supported more effectively, if, those workplaces had their own safety representatives operating on a permanent basis, supported by union expertise.

FINAL POINTS

Unions supply a whole range of literature for its members and activists; in addition they also furnish a comprehensive suite of tools for their safety reps to carry out their functions. They support their reps by means of advice from first class health and safety and legal professionals. Companies within construction have made use of this service where joint initiatives and working groups are set up.

It is fundamental to the role of trade unions and their highly trained safety representatives that rights are improved for the reps. there are many good employers working with unions to the benefit of themselves and all workers within this sector. And as many recognise the benefits working with trade unions and safety representatives can bring to the table. However improvements to reps rights would be beneficial for the construction industry where industrial relations are poor.

- Roving Reps who can cover a small group of sites and also workers of contractors on same site.
- Right to issue improvement notices, supported by the principal contractor
- Right to have a response from employers when raising issues.

Unions are making a vast difference in industry as a whole, and we would like to improve the relationship in the construction sector, it has been shown they reduce injuries improve incidents of ill health and help change the culture to a positive one. The last word can go to the Health and safety Commission. (HSC):

“ Trade union safety representatives, through their empowered role for purposes of consultation, often lead to higher levels of compliance and better health and safety performance that in non trade union systems. We recognise this, and support the invaluable contribution they continue to make to health and safety and want dialog between us to continue and where possible expand into new areas”. [9]

REFERENCES

- [1] Reilly, Paci and Holl unions safety committees and workplace injuries
BJIR Vol. 33, 1995
- [2] Walters et al. The role and effectiveness of safety representatives in
influencing workplace health and safety
- [3] http://www.hse.gov.uk/research/crr_pdf/1997/CCR97114.pdf
- [4] Beaumont and Harris, Occupational health and safety, 23, 1993, Millward et
al, Workplace Industrial relations in transition, 1992
- [5] Safety Behavior in the Construction sector
<http://www.niso.ie/documents/conbehav.pdf>
- [6] Beaumont and Harris, Occupational Health and safety 23, 1993
- [7] http://www.hse.gov.uk/research/crr_pdf/1999/CRR99214.pdf
- [8] <http://www.hse.gov.uk/research/rrhtm/rr144.htm>
- [9] <http://www.hse.gov.uk/workers/involvement/involvement.pdf>