

LABOR SAFETY AND HEALTH INSTITUTE

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*"To assure safe and
healthful working conditions
for working men and women..."*

Guide #5

FRANK GOLDSMITH, Director

Local Union OSHA Organization

Individual shop stewards and committees of trade unions constitute the key form through which safety and health programs are implemented at the workplace level. Regardless of the federal standards, U.S. Labor Department enforcement programs, management programs or even national union programs, workers, themselves, and their local union forms, must be ready to take action to protect their own lives.

In the unorganized shop, that form is usually of an ad-hoc nature in which management is appealed to for help and campaigns are organized among outside publicly interested people to clean up the workplace. These efforts along with other economic conditions often lead to the organization of a trade union.

In an organized shop, two levels are in charge of safety and health activities. The first are individual shop stewards; the second, are committees of trade unions with the same responsibilities.

Shop Stewards

In most organized shops, shop stewards are the grass roots elected union leaders who maintain the closest working relationships with the membership. They are in constant contact with the company's first line of authority, the shop foreman. In some union the business agent is assigned the role of shop steward.

Shop stewards carry a heavy load of responsibilities. This sometimes necessitates the appointing or electing of an assistant shop steward to assist on particular problems. An assistant shop steward for safety and health is usually a necessity in shops with active safety and health programs.

NOTE See Page 5 for additions to Guide #3's list of Books and Pamphlets.

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The processing of members' grievances and the setting of work rules often demands special attention on complicated issues involving safety and health. ¹³³ Thus an over work loaded shop steward is of little help.

The shop steward usually works closely with committees of the union and reports regularly at union membership meetings and through the local union newsletter.

Shop Committees

Every local union has a grievance committee whose responsibility is to process all grievances and to insure that proper administration of contractual affairs takes place. A sub-committee of the grievance committee, a sub-committee on job safety and health, could handle all such worker OSHA complaints.

Some unions have negotiated contract language to establish safety and health committees which have their own grievance procedures. This is necessary ~~due~~ to the growing legal complications with OSHA legislation and subsequent Labor Dept. rulings as well as the increasing number of arbitration awards which establish new quasi-legal procedures. However, the union should retain the right to process safety and health grievances through regular union grievance procedures.

To be effective these shop committees and the shop stewards must have the active involvement of the total union membership. This is made possible by reporting to union membership meetings and through union newsletters.

Hazard Detection

A very practical program for any local union is the monitoring of hazards in the workplace. With a small investment of money the following equipment is invaluable: Noise Meter (\$125), to keep track of noise levels above 80 dBA; Light Meter (\$100), to monitor for over or under light exposure and glare areas; Camera (\$75), pictures of hazards are valuable in documentation; Industrial Bulb Thermometer (\$100), to document excessive heat or cold work areas. These pieces of equipment can be easily read and used in the workplace as part of a union safety and health prevention program. They can be used to serve as a check on company findings. Air quality monitoring is more difficult, but newly developed equipment has made this possible. This will require some outside technical help, at least in the initial steps.

The union committee should also review the health records of its health fund. Records of illnesses and deaths of members, by job title, can often give an indication of the presence of workplace dangers. The union health plan administrator can help in this review. Added questions on union health plan forms can document more job-related health data.

The committee can conduct its own survey of the membership on the incidence of illnesses and accidents in the shop and then correlate findings with the findings taken in the monitoring survey of the shop.

All worker health records must be held in strict confidentiality.

Hazard Verification

Sometimes the presenting of hazard evidence to the company will bring immediate corrective action. But, the union should be prepared to offer verification of its findings. This can often be done by comparing union results with company results. Companies may be willing to cooperate prior to the union consulting with federal agencies.

If these routes are not possible, then the union should consult with the National Institute for Occupational Safety and Health (NIOSH) to substantiate its findings concerning workplace hazards and worker illnesses and deaths. A "Health Hazard Evaluation" can be requested of NIOSH by the union without employer agreement. This does not constitute an inspection and will not result in any citations.

Once verified, the union must then decide on the next course of action. At this point, if not previously done, the entire union membership must be brought up to date on the hazards being uncovered and the risk being faced by the whole membership. This should be done at the union membership meeting or through newsletter bulletins.

Administration of Hazard Correction

Two roads can be travelled at the same time.

The first, would be filing a grievance with the company on the hazard in line with the working conditions clause of the contract contained in just about every labor contract, or the union might initiate action under specially negotiated contract safety and health language.

The second, would be filing a complaint with the Occupational Safety and Health Administration (OSHA_{adm.}). The OSHA_{adm.} compliance officer should then appear unannounced at the plant gate within a couple of weeks (shorter periods are possible under the "imminent danger" provision of the OSHA_{act}). The shop steward, shop committee or union president should accompany the OSHA inspector on the "walk around" and subsequent documentation of workplace hazards. The individual worker who files the complaint can also accompany the OSHA inspector. Any citations must be properly monitored along with subsequent assessment of penalties and posting of violations. The union must make sure that a proper OSHA inspection are followed. International union offices have information on the proper procedures and also helpful hints on the "walk around" and other documentation requirements.

Correcting the Hazard

The goal of all safety and health programs is the correction of hazards. Often the company will issue personal protective equipment such as hard hats, cotton "surgical" face masks or sometimes a respirator or safety shoes. But, this is not enough. NIOSH criteria documents and OSHA_{adm.} standards state specifically that this personal protective equipment can only be used on a temporary basis. The conditions of work, i.e., machinery, etc., must be corrected so that workers need not wear any protective equipment to be safe. All through these processes, the union must keep an accurate ledger of all hazards, the actions taken by the union and the programs initiated by the company. This ledger is an invaluable tool in defending the rights of workers.

Labor Education

Labor Safety and Health Institute (LSHI) Guides #1 and #3 state inexpensive, simple methods and materials which can be used to inform the union membership on safety and health problems. This kind of educational program for the membership is sometimes a pre-requisite to confronting the company on hazards. Internal union education classes are essential. These should augment a local union's meetings or special sessions can be called by the safety and health committee. Shop steward training is a rather common program, however, such training often doesn't contain safety and health information. A minor adjustment in the curriculum for shop stewards can ~~be help~~^{help} make stewards equipped to handle job-related health hazard grievances.

Medical & Health Resources

LSHI Guides #2 and #4 indicate that hospitals and health planning agencies are beginning to undertake their responsibilities to eliminate job-related illnesses and disease. These resources are invaluable to the local union wishing to document health hazards to the company. In addition, of course, the rehabilitation of the injured and ill workers must take place within institutions which understand job-related problems. Formal relationships can be developed between the union health fund and hospitals which are used frequently by workers in the union.

Authority of Shop Steward and Union Committees

The mere establishment of a union mechanism with responsibilities in safety and health, while an important step, does not guarantee a safe workplace. These committees must have authority which comes from negotiated contract language and the willingness of individual workers and the entire membership to stand behind its safety and health programs. While it's ultimately in the interest of management to share authority on safety and health matters with workers and their union, very few companies are willing to participate in joint labor-management committees which really share authority. Union constitutional by-laws are also valuable in attempting to assert workers' rights at the workplace.

Cost of Corrective Actions

The OSHA Act was passed, "To assure safe and healthful working conditions for working men and women..." No mention was made of the cost of such corrective action. The OSHA Act didn't say, "only if the companies can afford it." Workers and their unions are well aware that making the workplace safe will cost some money and that there is an unwillingness by companies to invest money in such corrective programs. However, corporate unwillingness to invest can be changed by workers and their unions presenting evidence of the danger of workplace hazards combined with the above union administrative strategies. The advocacy role of the OSHA Adm. in protecting the rights of workers and the legal provisions of the OSHA Act is essential. However, the use of traditional union actions may still be necessary to bring about a corporate change of heart and get the workplace to be safe and healthful.

Additional Books and Pamphlets for the Local Union Library (Guide #3)

Crisis in the Workplace, Occupational Disease and Injuries,
Nicholas A. Ashford, MIT Press, Cambridge, Mass 02139,
1976, (Hardback \$16.95).

Help for the Working Wounded, Thomas Mancuso, MD, International
Association of Machinists, 909 Machinist Building, Washing-
ton, D.C. 20036, 1976 (Paperback \$1.00).

Working for Your Life: A Woman's Guide to Job Health Hazards,
Andrea Hricko with Melanie Brunt, Labor Occupational Health
Program, Univ. of California, and Public Citizen's Health
Research Group, 2521 Channing Way, Berkeley, CA 94720,
1976, (Paperback \$5.00).

"California Negotiated Clauses for Occupational Health & Safety,"
Labor Occupational Health Project, University of California,
2521 Channing Way, Berkeley, CA 94720, 1976 (Pamphlet \$2.00).

If ISHI Guide readers know of any other books, pamphlets or articles
which would be interest to trade union and community health activists,
please forward them to our Office for inclusion in the next Guide.