

Safety reps move on!

The Health and Safety Commission (HSC) has announced plans to pilot "worker safety advisers" in non-union workplaces. TUC Commissioner on HSC Owen Tudor explains the implications.

Unions and the TUC have been campaigning for roving safety reps for years, and we have persuaded Ministers and MPs on the Environment Select Committee, who called for pilot schemes in its February 2000 report (*Hazards 70*).

But up until now, we haven't persuaded employers!

So when the HSC consulted on the issue last year, union and employer submissions were completely opposed on this key issue.

Unions universally backed some form of roving safety rep and employers were opposed. It looked like a classic stalemate, and the chance of bargaining a solution that suited both sides was slim - how do you compromise over "yes" or "no"?

What the Commission did was go back a stage. If roving safety reps were the answer, what was the question?

Over the last 20 years union recognition has declined so that it covers less and less of the workforce. In that same time, the number of small firms has increased, contributing to the decline in formal systems of worker consultation.

As a result, only a minority of workers are consulted about their health and safety at work, especially in the



smaller workplaces. That's a matter of concern to both sides of industry, because employers agree with unions that involving the workforce is a better way of running the health and safety system. They're just not convinced that employers want or need all the other baggage that recognising a trade union would bring.

And the employers are also keen to point out that one of the reasons why safety reps are so useful is that they are drawn from inside the workforce of the enterprise - they have a personal commitment to worker safety, and the inside knowledge of the shopfloor that managers may lack. A roving

safety rep coming from outside the workplace, and possibly outside the industry, wouldn't be able to bring as much to the party as an internal safety rep.

So the Commission was united in wanting to find a way to ensure that workers in small, un-unionised workplaces could participate and be consulted, whilst recognising and addressing the reduction in closeness to the workforce that an outsider would have.

We were also guided by something that Herr Muller, head of the European small firms body UEAPME, had said to a European Trade Union Confederation seminar on unions and small

firms in Italy earlier this year. He said, of roving safety reps, that "the more they are like consultants, and the less like the police, the more we are likely to accept them."

So "worker safety advisers" (WSAs) were born.

In practice, they are roving safety reps - all that's in the name is a minor concession that means employers won't be put off by assuming that there is some hidden agenda.

WSAs will be more like consultants than the police - just like they are in reality in Sweden where the main work of the roving safety reps is to advise managers about how to comply with the law. In Sweden, roving reps use their power to serve

WORKER SAFETY ADVISERS

notices very rarely, in fact, many never do it at all.

WSAs will be better and more extensively trained than the average safety rep. No one in the union movement could want to send untrained reps into a pilot we want to succeed! So it's unlikely that people will be accredited as a WSA without having done a Stage II course, and we might also want to provide them with safety professional training, like a NEBOSH certificate.

Partly because we need to ensure they are well-trained, and properly resourced, the TUC Executive Committee agreed in October that the TUC would take ultimate responsibility for their selection and accreditation (as well as the training). But we will be discussing the arrangements with unions in the relevant sectors, and the nominations for WSAs are, of course, going to come from individual trade unions.

The original pilot had some serious flaws (some of them being corrected in plans for a follow up pilot

which trade unionists on the relevant HSC Committee have been discussing with the NFU). Crucially, the reps had no right of access to farms, and they didn't get much on a voluntary basis.

The WSA pilots will consist of workplaces where the employers have agreed to allow access, so although there will be no testing of the "right of access" which the TUC wants eventually, in practice WSAs will get the access they need.

We have to learn the lesson of the T&G Roving Safety Reps pilot scheme in agriculture (*Hazards* 61).

If roving safety reps are to work, they need a lot more support from the unions than we give workplace safety reps, and that's another reason why the Executive Committee wants the TUC to play a key role. We will need to work out with unions and with the HSE what support the WSAs can expect, and we will have to deliver it, which won't be easy.

The details of the WSA pilots haven't been worked

out yet, and unions will have a lot to do to get them established, to recruit and train the WSA "test-pilots", and to arrange for them to be supported.

But we will, for the first time ever in British industrial relations, be sending union reps into workplaces without recognition, often without members. There will be, must be, pilots in construction and agriculture, as well as other sectors.

And if they work, if they are found useful even by sceptical employers, we will have made a major breakthrough in improving health and safety in those difficult to reach areas where the light of trade unionism very rarely shines!

Resources

The role of regional health and safety representatives in agriculture. David Walters, HSE Contract Research Report 157, 1997.

Regional safety representative: A guide from LO - the Swedish Trade Union Confederation. ISBN 91-566-1515-9. 1998.

Health and safety representative and working environment activity in SLF, 1999. Swedish Agricultural Workers' Union presentation to the ILO Workers' Group, Committee on Health and Safety in Agriculture.

Qualified success: The workers' safety advisers pilot, introducing a new generation of TUC trained and selected roving reps, has been generally well-received.

Reality reps: "The involvement of employees through elected safety reps provides a day-to-day reality check on management behaviour. Take away or weaken the union role and our system begins to look unbalanced."

Bill Callaghan, Chair, Health and Safety Commission.

Support: These are exciting proposals - the opportunity to demonstrate the value of trade union safety representation and of a proper partnership approach with employers. I am pleased that the TUC are taking a lead in the selection and training of Worker Safety Advisers and certainly PCS will offer the support and back up that WSAs will need to prove the added value that they can offer on safety and health at work.

Phil Madelin, health and safety officer, PCS

Access right: This vindicates UCATT's long time campaign for trade union roving reps on construction sites. Union sites are safer sites. We also want to see our trained, union safety reps having a right of access to all sites. Safety protection can't be at the whim of an employer.

Ivan Moldawczuk, UCATT national executive and trade union representative on HSC's construction committee CONIAC.

Fobbed off? The T&G believes there must be a properly funded national roving safety representatives scheme. Legal right of access to workplaces must be included. We welcome these proposals, but they will only be valuable if they are not just another sop to avoid implementing an effective scheme. The greatest need is amongst those employers who would never volunteer to take part in pilots like this. Is there a real intention to act? Or are we being fobbed off again?

Barry Leathwood, T&G national secretary.



SAFETY RAP

Repping requires roaming!

Alan Dalton was the T&G union safety co-ordinator at the time of the first roving reps pilot scheme. He thinks the Health and Safety Commission (HSC) should have learned more from the difficulties hampering that project.

"In October 2000, HSC chair Bill Callaghan announced a much weakened version of the Roving Safety Representative scheme.

The good news is that the workers' safety advisers will be selected and trained by the TUC. But there is also very bad news: 'Access to premises will be voluntary,' said Bill Callaghan, adding the scheme 'needs to be acceptable to employers, while at the same time representing workers' interests effectively.'

Five years ago the T&G, with European Union funding, ran a pilot roving safety rep scheme in agriculture, with the reps having no right of access to workplaces. It was evaluated by David Walters for the Health and Safety Executive (*Hazards* 61).

Dr Walters' report concluded a lack of support from the employers' organisation NFU was seen as 'the major constraint on the development of the project... which had limited the success of the representatives in reaching workplaces.'

The Swedish experience with roving safety reps suggested, the report said, that employers' reservations 'may be exaggerated or even without foundation. There are certainly sufficient positive indicators about the benefits and cost-effectiveness.'

There must be a legal right of access to a workplace, where you have at least one trade union member. Without that, this pilot scheme is doomed to failure."