


10-1982

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THE ORIGINS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970*

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This paper analyzes the emergence of the Occupational Safety and Health Act of 1970 and finds previous explanations of its origin inadequate. I trace the roots of this law to the protests of rank-and-file workers across the United States at a time when the support of these workers was particularly important to the two main political parties. The protest was directed not only at those employers who operated unsafe and unhealthy workplaces, but also at union officials who paid little or no attention to safety and health issues in negotiating new contracts.

In 1980, 13,000 workers were killed and 2.2 million workers suffered disabling injuries in workplace accidents in the United States (National Safety Council, 1981:25). Government estimates indicate that occupational diseases and illnesses kill another 100,000 workers and afflict 390,000 workers each year (U.S. Department of Health, Education, and Welfare, 1972). Both sets of figures are conservative estimates since they rely only on cases reported by employers, who have an economic incentive not to report accidents and illnesses. Furthermore, the medical and scientific community does not know whether many commonly-used chemicals and other substances are dangerous, since the onset of the disease or illness may occur up to 30 years after a worker was exposed to the substance. The Occupational Safety and Health Act of 1970 (OSHAAct) was designed to protect over 55 million workers in 4.1 million workplaces. It is the first comprehensive federal legislation in the United States to recognize the right of the government to inspect, cite, and penalize employers for infringements of the right of workers to labor under safe and healthy conditions.

The OSHAAct can be traced back to 1968 when legislation on worker safety and health was introduced in Congress. The legislative debate shows that the business community was vehemently opposed to the strong bill proposed by the Democrats (Bureau of National Affairs, 1971; Page and O'Brien, 1973). When the Republican administration of President Nixon introduced its bill in 1969, it differed significantly from the Democrat's bill: it gave less power to the Labor Department, relied more on state governments, and put the final enforcement responsibilities in the hands of a presidentially-appointed commission. Business representatives had suggested all of these changes earlier, arguing that a worker safety and health bill should not centralize power in any one department or level of government. While this analysis of Congressional debate is important for an understanding of the law-creation process, it does not consider the social, political, and economic factors that led to the bill's introduction in Congress. In this paper, I first assess previous explanations of the origins of the OSHAAct and then examine two factors which have been consistently overlooked; rank-and-file activism and the political climate of the 1960s.

FOUR PREVIOUS EXPLANATIONS

The Objective Condition

Some authors suggest that the key factor in the birth of the OSHAAct was the number of

* An earlier version of this paper was presented at the annual meeting of the Society for the Study of Social Problems, New York, 1980. The author thanks Bill Chambliss, Gerry Turkel, Dave Ermann, Brenda Wixson Donnelly, Steve McNamee, Dan Miller, Ron Kramer and the *Social Problems* reviewers for their comments. Correspondence to: Department of Sociology, University of Dayton, Dayton, Ohio 45469.

workers killed and injured in the United States or the increase in these figures during the 1960s (Altman, 1976; Bureau of National Affairs, 1971; Gersuny, 1981). The number of workers injured rose from 1,950,000 in 1960 to 2,200,000 in 1967. Deaths from workplace accidents increased from 13,800 to 14,200 during the same period (National Safety Council, 1981:25). Much research was published during this period revealing previously unknown health hazards or demonstrating a greater seriousness of already recognized hazards. Ashford (1976) argues that legislation was the federal government's natural response to a growing social problem. However, such explanations fail to explain why the government remained inactive for decades when the number of workers killed and injured by accidents was as high or higher than it was in 1967. During the 1920s, for example, an estimated 20,000 workers were killed each year and another 2.6 million were disabled (Woodbury, 1927). In 1945, 16,500 workers were killed and 2 million were injured (National Safety Council, 1981:25). Furthermore, while the number of workers killed and injured increased between 1960 and 1967, the ratio of injury and death to the total work force decreased. In 1960, there were 3,028 injured per 100,000 workers; by 1967 the ratio had fallen to 2,945. Deaths from workplace accidents decreased from 21 per 100,000 workers in 1960 to 19 in 1967 (National Safety Council, 1981:25). While these statistics cannot minimize the seriousness of the problem in 1967, they do show that workplace safety was not deteriorating as others have implied.

Public Opinion and Mass Media

However serious a condition may be, little will be done to solve it unless a segment of the public considers it worthy of concern (Blumer, 1971; Piven and Cloward, 1971; Ross and Staines, 1972). Ashford (1976) suggests that the public attention given to workplace disasters in the 1960s was a major factor leading to legislation. This implies that the OSHA was a response to an increasingly aware public. However, neither public opinion polls nor media coverage suggests that unsafe and unhealthy working conditions were perceived as a major social problem by the public during the 1960s. The Gallup polls found people most concerned about the Vietnam War, crime, race-related issues including the urban riots, the high cost of living, and poverty. In fact, at no time during the 1960s were workplace conditions mentioned frequently enough to warrant reporting by the Gallup poll (Gallup, 1972).

Media coverage of worker safety and health issues was sparse prior to the introduction of legislation. I examined the *New York Times Index* and the *Readers' Guide to Periodical Literature* to evaluate media coverage.¹ The key year in assessing whether the media directed government attention to worker safety and health is 1967. Although the first worker safety and health bill was not introduced in Congress until 1968, Labor Department lawyers drafted the legislation in 1967. Only seven articles dealing with the issue appeared in the *New York Times* during 1967, and only six articles appeared in any of the 128 U.S. magazines indexed in the

1. The use of such indexes to indicate the importance of social issues is widespread (Becker, 1963; Dickson, 1968; Funkhouser, 1973; Galliher and Walker, 1977; Schoenfeld *et al.*, 1979). I counted the number of articles in the *New York Times Index* and the *Readers' Guide to Periodical Literature* under the subject headings related to worker safety and health. In the *New York Times Index*, the categories were: Accidents, Industrial; Accidents, Mining; Occupational Health; and Labor—U.S.—Occupational Hazards and Safety. The main subject headings in the *Readers' Guide* were: Industrial Safety; Diseases, Industrial; Industrial Hygiene; Coal Mine and Mining—Accidents and Explosions; and Accidents, Industrial. In both indexes, when cross-references referred to another category, I counted only those articles which clearly related to worker safety and health hazards. The *Monthly Labor Review*, published by the U.S. Department of Labor, is indexed in the *Readers' Guide* but I did not count articles appearing in it because of the purpose of my analysis—to determine whether the social issue created government interest or vice versa.

Readers' Guide. In 1966, there were 12 articles in the *New York Times* and only one in the indexed magazines. Furthermore, the magazines that published articles on worker safety and health in 1966 and 1967 were *Science News*, *Business Week*, the *U.N. Monthly Chronicle*, and *Science*—all special-interest publications.

The few newspaper and magazine articles appearing in 1966 and 1967 might have had an impact if they had represented a drastic increase in media coverage of the problem. Yet, as Table 1 shows, there is little discernible pattern to media coverage of the problem in either the *New York Times* or the indexed magazines. The seven articles in the *New York Times* in 1967 represent the second lowest number of articles from 1950 to 1967. The six 1967 magazine articles represent a significant increase over the one article in 1966, but are still fewer than the number of articles in 11 of the preceding 17 years.

It is unlikely, then, that media coverage played a major role in the creation of a law to deal with the problem of worker safety and health. Table 1 shows a sharp increase in the number of articles dealing with the problem only after government officials drafted legislation. Thus, government action played a major role in the creation of a social issue.

An examination of the data on the attention paid to several major industrial disasters during the 1960s reveals a similar pattern. In 1963, two accidents in mines, one in Utah that killed 18 and another in Pennsylvania in which two trapped miners were dramatically rescued, triggered seven

TABLE 1
Media Coverage of Issues Related to Worker Safety and Health, 1950-1975

Year	Number of Articles in	
	<i>New York Times Index</i>	<i>Readers' Guide to Periodical Literature</i>
1950	53	11
1951	44	11
1952	73	17
1953	38	7
1954	18	4
1955	16	4
1956	29	21
1957	24	8
1958	35	7
1959	7	6
1960	21	8
1961	9	15
1962	14	3
1963	39	8
1964	6	7
1965	10	2
1966	12	1
1967	7	6
1968	53	17
1969	111	26
1970	104	18
1971	99	25
1972	81	16
1973	56	18
1974	65	26
1975	74	21

magazine articles within six weeks of the events. In the two years that followed these accidents, there were 12 magazine articles indexed under the category "Coal Mines and Mining: Accidents and Disasters." However, many industrial disasters in the past received considerable attention without leading to any large-scale attempt to eliminate the problem. On December 6, 1907, a mine explosion in West Virginia killed 361 workers. Only 13 days later, 239 workers were killed in a mine explosion in Pennsylvania. Within two years of these disasters there were 35 magazine articles indexed under the heading "Coal Mines and Mining: Accidents and Explosions." Yet no major legislative action was taken.

Environmental Interests

Some authors suggest that the environmental movement of the 1960s played a major role in the recognition of the need for worker safety and health legislation (Ashford, 1976; Berman, 1978; Bureau of National Affairs, 1971; Gersuny, 1981). It is plausible that the recognition of generally deteriorating environmental conditions would lead to concern over the well-being of workers, the persons closest to industrial air pollution. Yet there is little evidence to support this argument. Rarely have the environmental movement and the worker safety and health interests overlapped. One federal government study of occupational health, conducted in 1965, was done for the Public Health Service by the National Advisory Environmental Health Committee (NAEHC). The study was undertaken after committee members realized that most research examined pollution in the general environment rather than the work environment (Ashford, 1976). Another link between the environmental and worker safety and health issues is the launching by the American Medical Association (AMA), in 1960, of a journal entitled *The Archives of Environmental Health: Preventive, Occupational, and Aerospace Medicine*. However, the journal was a continuation of a previous AMA journal, *The Archives of Industrial Health*. The AMA's interest in industrial health preceded its interest in environmental health.

There is some evidence that the environmental movement did not generate interest in the worker safety and health issue. Media interest in worker safety and health and in environmental concerns both accelerated in 1969, while the OSHA Act was already being debated in Congress (Schoenfeld *et al.*, 1979:48). Many of the links between the issues came after 1970. Ralph Nader's Health Research Group and Dr. Irving Selikoff's Society for Occupational and Environmental Health were both formed afterwards. Local groups such as PhilaPOSH, the Philadelphia Project on Occupational Safety and Health, began working with environmental groups on projects of mutual interest in the late 1970s.

The environmentalists were often at odds with workers prior to the OSHA Act because of the different concerns of the two groups (Gunningham, 1974; Stellman and Daum, 1973). The environmentalists often pressed for the elimination of pollution even when it would mean a loss of jobs. There is little evidence that environmental interests played an active role in generating concern about the safety of the workplace.

Labor Union Interest

During the 1960s, a period of relative prosperity, unions did not have to struggle for higher wages, fringe benefits, and pensions, since industry was willing to share the fruits. But there is no evidence to support the claim that this freed unions to struggle for safer working conditions, as the Bureau of National Affairs (1971) argues. Unions traditionally have given little attention to safety and health (Cummins, 1932), and the 1960s were no exception. One indicator of organized labor's willingness to press for improved safety and health conditions is the extent of work stoppages over the issue. Yet, relatively few work stoppages occur over safety and health issues. Since 1961, the classification system used by the Bureau of Labor Statistics on the cause of strikes in-

cludes a category labeled "Safety Measures, Dangerous Equipment, Etc." At no time during the 1960s were more than 1.6 percent of all strikes in the United States over safety hazards (U.S. Department of Labor, 1961-70).

In May, 1966, President Johnson challenged unions to transcend the "bread and butter issues in order to join with us in the effort to improve the total environment" (Public Papers of the Presidents, 1966:237). He referred to new health hazards created by industry since the Second World War.

Neither George Meany, president of the AFL-CIO, nor Walter Reuther, head of the UAW, displayed any real interest in the issue, and their lack of enthusiasm undercut any desire on the part of the White House to press forward with a new program (Page and O'Brien, 1973:138).

It might be argued that organized labor settles safety and health problems through collective bargaining. Yet, a number of government surveys of collective bargaining agreements during the 1950s and 1960s demonstrate that this is not the case. A national survey of 1,594 agreements in effect in 1954-55 shows that only 356 (22 percent) contained clauses providing for committees concerned with plant safety, sanitation, and employee health. Among these agreements were 75 which did not specify that employers and unions were to participate jointly on the committees (U.S. Department of Labor, 1956). Bureau of Labor Statistics data on collective bargaining agreements a decade later, in 1963-64, again demonstrate the lack of concern on the part of organized labor. Only 21 of 450 major agreements (5 percent) sampled contained any provision for union-management cooperation in safety and health issues. Two clauses that the U.S. Department of Labor (1966:44) described as typical were: (a) The union agrees with the objective of achieving the highest level of employee performance and efficiency with safety, good health, and sustained effort; and (b) Consistent with the principle of a fair day's work for a fair day's pay and consistent with the employees' welfare in regard to safety, health, and sustained effort, the union agrees to cooperate with management in its efforts to increase employee effectiveness and productivity. Such clauses do not demonstrate organized labor's deep concern for safety and health since they balance workers' health and safety against productivity and profit.

The platforms of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) that were presented to the Democratic and Republican national conventions in 1964 and 1968 also show the low priority given to safety and health conditions. In 1964, the AFL-CIO platform was 24 pages long and covered the following topics in order of discussion: economic issues and jobs, the Civil Rights Act of 1964, foreign policy and defense, social and public needs, labor and management (relations), social security and health, and government administration. The only mention of worker safety and health came on page 22, when 11 sentences were devoted to asking the federal government to help make state safety codes uniform (American Federation of Labor-Congress of Industrial Organizations, 1964). In 1968, the AFL-CIO platform expanded to 34 pages and added another issue, the urban crisis, to its program. This time, 13 sentences were devoted to worker safety and health on page 30. The AFL-CIO called for "federal leadership and support" to get prompt action from politicians "toward achieving a safe, healthy work environment for every American worker" (American Federation of Labor-Congress of Industrial Organizations, 1968), yet this proposal was submitted *after* the first version of the OSHA Act had been introduced in Congress.

Suggestions that the extent of the condition, public opinion or media interest, the environmental movement's convergence with labor interests, or the push of organized labor motivated introduction of legislation clearly run contrary to fact. There is, however, much evidence to suggest that rank-and-file activism was an important factor leading to the OSHA Act. Moreover, a particular set of political circumstances made it possible for the rank-and-file workers to exert more power than was usually available to them.

RANK-AND-FILE ACTIVISM

Throughout the 1960s, rank-and-file workers in many of the major labor unions expressed their dissatisfaction with working conditions in general and with safety and health conditions in particular. They also protested against the way their union officials were dealing with the problem. This dissatisfaction was seldom reported in the headlines of newspapers and magazines but was a recurrent sub-theme in many articles appearing in publications such as the *New York Times*, the *Wall Street Journal*, and *Business Week*. I surveyed articles indexed in the *New York Times Index* and the *Readers' Guide* dealing with labor unrest and worker dissatisfaction from 1960 to 1967.² These sources are used to describe the actions of rank-and-file workers in several major unions. Beginning in the mid-1960s, wage issues became less important as a source of worker unrest. Grievance procedure, union local autonomy, working conditions, speed-ups, and safety and health conditions were cited with increasing regularity as sources of conflict between the rank and file and their union officials and management.

The members of the United Auto Workers (UAW) were among the first groups to express their dissatisfaction with working conditions. Between 1953 and 1955, thousands of UAW members across the United States and in all major auto companies participated in wildcat strikes to protest industry-imposed and union-sanctioned production speed-ups (Aronowitz, 1973). This rank-and-file concern continued throughout the 1950s and 1960s. In July, 1966, 9,000 workers walked off their jobs at three Ford plants in Cleveland where 200 unsettled grievances—most of them involving inadequate safety and health standards—had accumulated (*Business Week*, 1966a). In October, 1966, 4,200 UAW workers at the Twinsburg, Ohio, Chrysler plant went on strike over unsettled grievances involving working conditions, including the dangers involved with fork-lift trucks at the plant (*Business Week*, 1966b). The elimination of fumes at a Ford foundry plant in Cleveland was a major demand by local leaders when the 1967 UAW contract was negotiated (Shafer, 1967). Health and safety conditions caused frequent conflicts between management and workers in the Ford plant in Livonia, Michigan. In 1967, the president of Local 182 in Livonia complained that expenditures for health and safety conditions were usually the first to be cut since they were not directly related to manufacturing the product (*Business Week*, 1967).

In February, 1967, a UAW local at a General Motors plant in Mansfield, Ohio, called a wildcat strike when two workers were fired for refusing to prepare materials and equipment for shipment to another plant. Certain work operations were being shifted to the Pontiac, Michigan, plant as a result of the Mansfield workers' complaints that safety conditions on that operation were poor. In all, 133,000 workers from 20 different shops walked off the job. Walter Reuther, the president of the UAW, called the strike illegal and sent representatives to Mansfield to convince local leaders to call it off. Reuther's officials told the local leaders that their strike was ill-timed because the national UAW organization was planning to give priority to higher salaries and profit-sharing in upcoming contract negotiations (Weir, 1967). This fact strongly undermines claims that the unions gave more attention to safety and health during the relatively prosperous sixties.

The United Mine Workers (UMW), usually one of the more militant unions, was also involved in a major dispute over safety conditions. In the summer of 1965, five UMW members in Moundsville, West Virginia, were fired for refusing to work under conditions that they considered unsafe. Employers had ordered the crew to work when the full mine operations were shut down. Within days, more than 17,000 miners in West Virginia, Ohio, and Pennsylvania went on a wildcat strike (U.S. Department of Labor, 1966). The members realized that their concern for worker safety and health issues could only be implemented if they had greater participation in contract negotia-

2. Once a date for a particular incident or issue dealing with safety and health conditions was found, I used other sources to supplement the sources found in these two indexes.

tions. They agreed to return to work only after the UMW International promised them a greater voice in the next contract negotiations (Weir, 1967).

In June, 1965, 12,000 Teamsters in the Philadelphia area walked off their jobs when four employees of one company were fired for refusing to work under conditions they considered dangerous. The workers claimed that obstructions in their path made unloading their truck a dangerous assignment. Jimmy Hoffa, then president of the Teamsters, called the strike illegal and told the workers to go back to their jobs. They refused. The employers obtained a court injunction ordering the truckers back to work, but the strikers ignored it. The lead paragraph in a *New York Times* story about the strike is reminiscent of scenes much more common in earlier periods of union-management relations:

Armed with bats and iron pipes, gangs of striking truck drivers roamed the streets of Philadelphia today attempting to halt the movement of food and freight (Bigart, 1965a:16).

Mayor James Tate ordered the Philadelphia police to "break the siege by Teamsters who have paralyzed the distribution of fruit and vegetables in the city" (Bigart, 1965b:49). A judge in the Common Pleas Court suggested that the National Guard be called in if the police could not maintain law and order in a situation which he characterized as "a bit of anarchy" (Bigart, 1965c:36). Fines of \$35,000 a day against the local and \$1,500 a day against each union official finally convinced the workers to go back to their jobs after a week (*New York Times*, 1965b). Before the strike ended, officials of the city's four largest food chains announced that they were within a day of being forced to close all their stores because of food shortages. Many gas stations closed because deliveries were not made. One company laid off 1,200 of its 1,400 employees while another furloughed all of its 1,250 workers (*New York Times*, 1965a).

While the issue of safety and health did not cause as severe disruptions in the United Steelworkers of America union, it was a constant underlying factor in the complaints of many rank-and-file workers and local officials throughout the 1960s. The key issue in the Steelworkers' 1964 contract negotiations was not wages but working conditions. Weeks before the negotiating sessions began, Local 1011 in Youngstown, Ohio, placed a resolution before the union's district council demanding a stronger emphasis on plant safety. It also urged that locals be given the right to strike over local issues such as safety and health (*Business Week*, 1964). Members of a local near Pittsburgh complained that safety and health precautions were frequently neglected by management and appealed to the national leadership to give greater attention to the issue (Stetson, 1964).

Other unions also experienced rank-and-file discontent with officials' lack of concern over working conditions. During the 1960s, members of the International Longshoremen's Association, the International Longshoremen's and Warehousemen's Union, the International Association of Machinists Union, and the International Union of Electrical Workers sought to bring about better working conditions by striking and rejecting contracts negotiated by their officials. Some, but not all, of these actions centered on safety and health conditions.

Clearly, safety and health concerns were on the minds of workers. More clearly, many rank-and-file workers were protesting against unsafe and unhealthy workplace conditions. At the same time, the political climate of the 1960s increased the likelihood that such protests would not fall on deaf ears.

POLITICAL CLIMATE

In the summer of 1967, Labor Department lawyers began drafting an occupational safety and health bill. The bill was completed by late fall and included in a package of legislation sent to the White House by the Labor Department at the end of 1967. White House officials then met with Labor Department officials and representatives of several other agencies and departments to

prepare the final version (Page and O'Brien, 1973). The bill was introduced in Congress in early 1968, an election year, at a time when the Johnson administration was coming under widespread criticism for its handling of the Vietnam War. From late 1966 on, both the Harris and Gallup polls indicated that the leading Republican slate, whether led by George Romney, Nelson Rockefeller, Ronald Reagan, or Richard Nixon, would defeat a Johnson-led ticket.

Organized labor's response to Johnson's candidacy was predictable. In January, 1967, George Meany, president of the AFL-CIO, personally endorsed Johnson for president. The UAW's Reuther, while voicing some concern over Johnson's handling of the war, followed suit eight months later. An AFL-CIO poll of union members taken in January, 1967, showed Johnson with a strong lead over any Republican challenger. Yet, as 1967 wore on, the support of the rank and file became both more crucial and more problematic. Governor George Wallace's potential candidacy further complicated the picture. Shannon (1967), a *New York Times* political analyst, wrote in the summer of 1967 that Wallace's entry would severely undermine Johnson's prospects for re-election. He pointed out that Johnson would need the strong united support of the traditional democratic allies, the trade unions, and liberal independents, but predicted that such support would not be forthcoming. It was clear that the Democratic party would not be unified and that most liberals and much of the academic community would find it difficult to support Johnson. This meant that labor's support was even more crucial for Johnson.

Concern over the loss of rank-and-file support was expressed most clearly in August, 1967, by John Bailey, then head of the Democratic National Committee. He noted that the party was in danger of losing its traditional support from the rank and file and suggested that prosperity "has virtually eliminated for the present and perhaps forever, many of the ties of traditional political leadership." Workers were no longer going along with the candidates endorsed by union officials (*New York Times*, 1967:30).

On January 23, 1968, Johnson announced to Congress that the protection of 75 million U.S. workers must become a national goal. The following day, the Occupational Safety and Health Act of 1968 was introduced in Congress. The swiftness with which the bill was drafted and introduced surprised Secretary Willard Wirtz, who testified that the bill "developed quickly," too quickly to allow adequate consultation with those responsible for safety and health programs at the state level (U.S. Congress: House, 1968:34). Wirtz later admitted that he did not even know Johnson "had decided to make occupational safety and health a principal element in his program this year" until several days before the president's address to Congress (Page and O'Brien, 1973:140). The legislation was drafted and introduced at a time when the political support of rank-and-file workers was desperately needed by the incumbent president. During Congressional hearings on the bill in 1968, the Southern States Industrial Council issued a statement calling it "an attempt to create in the public mind a crisis where none exists, in order to capitalize politically on the natural concern of all citizens" for worker safety and health. It referred to the administration's "obvious election year effort by [sic] develop an image as guardian and saviour of the production worker" (U.S. Congress: House, 1968:960). In the Senate, the bill was never reported out of the Committee on Labor and Public Welfare in 1968, while the House Committee on Education and Labor did adopt an amended version. However, the bill never reached the House floor. The priority usually given to administration bills disappeared when Johnson decided not to seek his party's nomination (Page and O'Brien, 1973).

The key issue of the 1968 presidential election campaign was the Vietnam War. Campaigning for "peace with honor," Nixon won despite Hubert Humphrey's 14 percent edge among union workers (Harris, 1973). Nixon had sought the support of the "silent majority," the "forgotten Americans, the non-shouters, the non-demonstrators," and continued to turn to them for support after the election. The "New American Majority" that Nixon sought to create had for its backbone the working and middle class. The majority was "middle America" with its emphasis on

traditional values. Geographically, it was the South and the ethnic and working-class precincts of the North and Midwest that Nixon sought to use as a support base (Buchanan, 1973). The Nixon administration soon discovered that one segment of the rank and file actually supported his efforts to win the war. This point was driven home during May, 1970, following the U.S. invasion of Cambodia. As anti-war demonstrations grew in size and frequency, construction workers in New York City took to the streets in support of the president. One particular march, organized by the building trades union, erupted in violence when it was rumored that anti-war protestors had burned a U.S. flag. The workers attacked the demonstrators, mostly students, with fists, pipes, and wrenches. Within weeks, the leaders of the construction workers' march were received by Nixon in the White House and thanked for their support (Harris, 1973).

At the same time, Nixon continued to court the Teamsters. In the 1968 election, Nixon received almost \$1 million in campaign contributions from Las Vegas supporters who had secured large loans from the Teamsters through their imprisoned leader, Jimmy Hoffa. Soon afterward, "the wheels began to grind in the Justice Department and White House for a Hoffa pardon" (Velie, 1977:41). Two hundred and fifty thousand Teamsters signed a petition urging Nixon to free Hoffa and suggesting that their political support was conditional upon Hoffa's release. Hoffa was pardoned in December, 1971 (Velie, 1977). While befriending both the new leadership and the rank-and-file Teamsters, Nixon also responded to an issue troubling many Teamsters. The Teamsters' strike in Philadelphia was one indication of this concern. To ignore the safety and health issue would not be politically expedient, particularly after the Democrats reintroduced their bill in 1969. So the Republicans countered several months later with their own, substantially weaker, bill. As long as the Republican administration played an active role and succeeded in passing a worker safety and health bill, it could and did argue that it was protecting the safety and health of the rank and file. The symbolic impact of the legislation would assure the Republicans a claim to the rank-and-file vote in the 1972 election.³

The OSHA Act of 1970 was a compromise. While labor did not get all it wanted, the law does give the rank and file a mechanism to improve the safety and health conditions in workplaces.⁴ Nor did business get what it originally wanted—no law at all. However, it did succeed in drastically diluting the original proposed legislation.

Struggles over the legal process do not end with the passage of legislation. Since 1970, the Occupational Safety and Health Administration has been attacked from many fronts: by management for being overly concerned with trivial standards; by labor for being too weak, lenient, and ineffective; and by other branches of government for proposing standards that would fuel inflation. The OSHA Act awakened union interest in the issue. More management-union safety committees have been formed and more collective bargaining agreements include safety and health provisions than ever before. In 1963-64, only five percent of 450 major agreements contained provisions for management-union cooperation. In 1974-75, 44 percent of 1,724 agreements contained such provisions (U.S. Department of Labor, 1976). In 1954-55, 22 percent of the agreements

3. In the 1972 election, the AFL-CIO's Meany fought George McGovern's nomination and threatened to put on probation any local affiliate that endorsed him. Meany showed his personal preference for Nixon (Harris, 1973). In the course of the 1972 campaign, Nixon was known to have received \$165,000 from labor, mostly from the Seafarers and the Teamsters. Hoffa suspected that the Teamsters contributed much more than they reported (Alexander, 1976). Fifty-six percent of union members voted for Nixon (Harris, 1973).

4. The OSHA Act created the Occupational Safety and Health Administration in the Department of Labor. The Labor Department is responsible for setting standards for industry and for enforcing those standards through inspections and penalties, where appropriate. The Occupational Safety and Health Review Commission was established as an independent, quasi-judicial review board appointed by the president. It rules on all enforcement actions of the Occupational Safety and Health Administration. Workers have the right to call in inspectors when they feel hazardous conditions exist. Individual states may regain authority to operate their own programs if they can demonstrate that they will be at least as effective as the federal program.

contained clauses providing for joint committees, compared with 27 percent in 1974-75 (U.S. Department of Labor, 1976). Union members who feel their officials have not done enough in this area have filed suits against their unions (Drapkin, 1981), and numerous regional committees on worker safety and health have been organized (Berman, 1981). In addition, the Supreme Court of the United States provided a basis for workers to refuse unsafe and unhealthy work in the *Whirlpool v. Marshall* (1980) decision.

Businessmen have attempted to weaken the Occupational Safety and Health Administration by challenging its standards, causing delays in their enactment, and using the courts and Congress to limit its powers (Deutsch, 1981). Business has won its share of these battles, including the right of plant managers to refuse entrance to inspectors who do not have court-issued warrants (*Marshall v. Barlow*, 1978), and the requirement that the Occupational Safety and Health Administration must demonstrate scientifically that reductions in exposure limits be "reasonably necessary" to provide safe and healthy employment conditions (*Industrial Union Department, AFL-CIO v. American Petroleum Institute*, 1980).

SUMMARY

Previous explanations of the OSHA Act are based on public statements made during Congressional hearings in which union officials and environmental groups painted a dismal picture of rapidly deteriorating safety and health conditions. However, the OSHA Act was not spawned by a growing safety problem, by heightened public awareness of the problem, by a convergence of the environmental movement with worker health and safety interests, or by the concerted efforts of organized labor. Rather, the roots of the law can be traced to the rebellion of rank-and-file workers across the United States at a time when the political support of these workers was particularly important. Wildcat strikes, walkouts, rejected contracts, and violent confrontations expressed rank-and-file dissatisfaction with existing safety and health conditions. The low ratings of an incumbent president in a pre-election year made united rank-and-file support an essential ingredient for political success. These two factors together made possible the emergence of a worker safety and health law.

DISCUSSION

Since the origins of this law lie in the overt class struggle initiated by the rank and file, we must look more closely at the nature of that conflict. The conflict was directed at those employers who operated unsafe and unhealthy workplaces. The rank and file sought to change workplace conditions which, in the United States, are usually considered the sole domain of employers. In refusing to do hazardous work, in walking off unsafe work sites, and in stopping the flow of business traffic, the workers disrupted employers' operations. In some cases, entire businesses were forced to shut down. The rank and file employed its most potent weapon, its labor, in an attempt to force concessions relating to safety and health conditions.

However, the protests were not directed solely at those businesses who maintained unsafe and unhealthy workplaces. They were also directed at the union hierarchy, who consistently expressed little or no concern over hazardous working conditions. These protests indicated that the rank and file wanted their union officials to take a more active role in determining safety and health conditions. Rejected contracts and refusals to obey union officials' back-to-work orders cast doubt on the legitimacy of the union hierarchy. In unions with more democratic electoral systems, these protests threatened re-election for officials, whose problems were compounded when management realized that the officials could no longer guarantee acceptance of negotiated contracts. More generally, these protests showed that the union officials had lost touch with their constituency and that they no longer represented the workers' interests.

The rank-and-file struggles of the 1950s and 1960s that culminated in the OSHA Act were an at-

tempt by workers to protect their own health and safety. Deutsch (1981) suggests that such struggles cannot be separated from the broader issues of worker control and democracy in the workplace. In this case, the workers sought to force both employers to improve conditions and their union officials to assert more power in shaping these conditions. When the officials did not, the rank and file rejected negotiated contracts. Simultaneously, the rank and file sought to exert more influence in union decision-making by demanding more input into contract negotiations. In general, workers were demanding a greater voice in the operations of the workplace.

On a broader level, the law channels future conflict into bureaucratic procedures. By awakening union interest in safety and health, the OSHAct gives more union workers institutionalized conflict-resolution mechanisms in their collective bargaining agreements. They can work to eliminate hazards through their plant safety and health committees or through the established grievance procedures in their contracts. These mechanisms defuse overt conflict. In addition, the Occupational Safety and Health Administration and the Occupational Safety and Health Review Commission also act as institutionalized mechanisms to deal with issues relating to safety and health on the job. The rank and file may work through these agencies to resolve disputes over hazards. Instead of walking off the job when other attempts to eliminate workplace hazards fail, workers now have the right, which they are expected to exercise, to call in Occupational Safety and Health inspectors. Instead of open confrontations, legal mechanisms are available to improve working conditions. The nature of the conflict is changed. Problems of unsafe and unhealthy workplaces have become bureaucratic, legal issues rather than political ones. The conflict takes place in judicial or quasi-judicial settings rather than in the workplaces and the streets.

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