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Joint Committees: No Substitute for Union Action

Abstract

[Excerpt] Nearly half of all industrial union contracts mandate joint labor-management health and safety committees (JHSCs). In the past five years, mandated JHSCs have also become common in the public sector in states that have enacted occupational safety statutes for public workers. And now many health and safety activists are advocating state and federal laws that would require all workplaces, union and nonunion, to have JHSCs. Although such laws are vitally important in establishing worker rights to safe workplaces, by themselves joint committees cannot be expected to solve serious health and safety problems.

Keywords

joint labor-management health and safety committees, JHSC, health, safety, working conditions

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CRAP FROM OUR
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Joint Committees

No Substitute for Union Action

■ *Marjorie Egarian*

Nearly half of all industrial union contracts mandate joint labor-management health and safety committees (JHSCs). In the past five years, mandated JHSCs have also become common in the public sector in states that have enacted occupational safety statutes for public workers. And now many health and safety activists are advocating state and federal laws that would require all workplaces, union and nonunion, to have JHSCs. Although such laws are vitally important in establishing worker rights to safe workplaces, by themselves joint committees cannot be expected to solve serious health and safety problems.

There is no question that the JHSC process has been effective in educating management and the workforce about occupational health and safety hazards. Many joint committees have developed procedures and policies aimed at preventing occupational hazards, and where committees have the ability to inspect the workplace, they have had success in jointly identifying hazards. Some joint committees, for example, have addressed hazards posed by video

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- Marjorie Egarian is a staff representative for Local 1033 of the Communications Workers of America (CWA), representing state workers in New Jersey. Research for this article was conducted under a contract with Rutgers University Labor Education Department and the New Jersey Department of Health; the author would like to thank Dr. Adrienne Eaton of Rutgers for her guidance throughout the project.

display terminals (VDTs), developing guidelines for the proper purchase, installation and use of VDT equipment, furniture, and lighting.

But despite their popularity, JHSCs have had minimal success in actually lowering illness and injury rates because few have the authority to implement health and safety solutions. Their role is purely advisory. Employers remain ultimately responsible for providing a safe, healthy workplace, and they aren't bound to implement recommendations from their JHSCs. Even when top management expresses its commitment to joint problem-solving, that commitment often wavers when management is faced with the cost of implementing committee recommendations.

Relying on Joint Committees

The example of the Public Employee Federation (PEF) of New York State illustrates the dangers unions face when they rely on joint committees as their primary instruments for solving health and safety problems. PEF represents more than 57,000 employees in the State of New York who work in a variety of professional and technical jobs, and are exposed to asbestos, toxics, and infectious diseases, as well as frequent assaults by inmates and clients.

In 1985, PEF negotiated a well thought-out Joint Health and Safety Committee structure, which operates at three levels—at the workplace, the agency and state-wide. Its purpose, defined contractually, is to study and review health and safety issues and to advise the State on how to improve conditions. Local committees are the backbone of the joint committee structure; they were formed to solve worksite problems without having to go up the bureaucratic chain of command. More than 200 local committees meet quarterly, conduct inspections and investigate accidents. While the committees often include representatives of three other bargaining agents representing workers at a facility, PEF members lead the committees' direction.

In 1986 PEF and New York State sponsored an extensive JHSC training called "Working Well." The union dedicated a good deal of money and staff time to this training program. More than 500 managers and 500 PEF committee members participated in the two-day program taught by PEF, along with staff from several New York universities. All aspects of a JHSC's role and function were reviewed, from running effective meetings to identifying worksite hazards. Program participants each received the "Working Well" manual, a well-prepared health-and-safety resource book to guide their committee activities. And, PEF provided follow-up training

for union committee members to reinforce the joint committee process.

While union members and management consider the training program successful, some PEF representatives are disappointed with the lack of progress since the training.

Angela DeVito, an industrial hygienist hired by PEF from 1984-1989 to assist the committees, believes that the joint committee process is no substitute for independent union action and government regulation and enforcement. Although the joint structure was set up to encourage resolution of problems at the worksite, most serious problems, particularly those that cost a significant amount of money, aren't resolved by local managers but are referred to the State's Office of Employee Relations (OER). "OER doesn't like to spend money," reports DeVito, and PEF committee members have little input into its decisions. As a result, PEF files about seven OSH complaints a month with the State on problems the joint process fails to correct. While PEF members expect the joint process to solve their health and safety problems, committee members are frustrated with the State's negative responses in committee meetings. According to DeVito, PEF has "focused energy on the joint process while neglecting the strength of union-based committee activities. Members feel it is permissible to participate in joint activities but fear reprisals when asked to join union actions."

After five years of JHSC activity, the illness and injury rate for PEF's workforce has gone up, not down—to 15.3%. The State has consistently turned down union proposals on how to spend the annual negotiated health-and-safety budget. As a result, less than one-third of the \$900,000 negotiated in the last agreement was actually spent. Several major funding proposals (a statewide asbestos awareness program and a safety resource center that would serve as a computerized database of agency illnesses and injuries, for example) are currently before the State. If denied, PEF's only recourse is to plan strategies that utilize the strength of its membership to convince State officials.

The PEF example demonstrates that unions participating in JHSCs must exercise traditional organizing strategies, outside the joint process, to pressure employers to implement committee recommendations. Unions which rely on the joint process to resolve their members' health and safety problems will become frustrated with the process and gradually lose their ability to activate their rank and file around health and safety issues.

Making JHSCs Work

When unions employ traditional organizing strategies, both outside and inside the joint process, they are more likely to be able to resolve major health and safety problems. For example, in the Philadelphia area, Local 234 of the Transport Workers Union (TWU) relies on the unity and action of its members to push the joint process along.

TWU 234 represents about 5,600 bus, train and trolley car drivers, mechanics and maintenance workers employed by the Southeastern Pennsylvania Transportation Authority (SEPTA). Working in bus depots, rail and subway stations, garages and dispatching facilities, TWU members are exposed to unsafe track conditions, toxic automotive substances, asbestos, electrical hazards and poorly operating vehicles.

After a survey of union members revealed numerous health and safety problems, TWU made OSH a top priority. First it got SEPTA management to agree to third-party intervention to assist the union and management in their relations. The Philadelphia Area Labor-Management Committee (PALM), a group formed by the AFL-CIO and the Chamber of Commerce to facilitate labor-management relations, was hired by the Authority. Through PALM and through publicity on rider safety, TWU was able to exert outside pressure on SEPTA management over a period of years. Finally, prepared to strike over health and safety, the local negotiated a two-tiered JHSC structure in its 1989 agreement. Joint Location Committees periodically inspect their worksites and meet monthly to resolve problems. The joint inspection process has proven to be an effective method for identifying and resolving hazards. Another joint committee—made up of union staff, members and SEPTA managers—provides oversight to Location Committees and coordinates employee education and training.

TWU 234 steps outside the joint process when it has to. When management will not act on a Committee recommendation, the union grieves the matter, proceeds to arbitration on an expedited basis, and plans worker actions to inform the public and to show the company its determination.

Last March five passengers were killed on a SEPTA train in Philadelphia when a 600-pound motor fell from the bottom of a subway train, causing a derailment. TWU was excluded from the National Transportation Safety Board's investigation, because the Board felt the union's members lacked the technical skills to conduct an investigation. So TWU conducted its own inquiry,

relying on its members' knowledge of train maintenance and operation. After interviewing mechanics and reviewing the railcar's inspection history, the union found that there was a documented history of problems with its motor support bolts. Five days before the accident, a management foreman had inspected the car that derailed and failed to discover the weakened suspension system.

Throughout the union's investigation, SEPTA withheld important information. In May TWU presented its findings during public hearings in Philadelphia. Local leaders expect that the investigation's report will confirm what TWU has been telling SEPTA and the riding public all along—that SEPTA's maintenance program is inadequate and that mechanics aren't properly trained.

Local 234's Health and Safety Committee Chair, Bruce Bodner, believes that the accident demonstrates the need for stricter government regulation and oversight. Since there is no public employee OSHA statute in Pennsylvania, the union doesn't have the ability to file OSHA complaints. "There must be external pressures on SEPTA in addition to their internal self-regulation process", says Bodner. TWU's approach to the joint committee process is practical. "We approach the joint committee process as a negotiation session. The union must prepare demands, plan strategy, and appoint a spokesperson", says Bodner.

Union members shouldn't be co-opted by the joint process. When union leadership doesn't prepare committee members adequately, members are surprised and frustrated when management doesn't resolve identified problems. Too often, joint committees work on insignificant issues while glaring problems persist daily in the workplace. If the union ensures that its members are plugged in to the joint process, the committee's work will center around issues important to the workforce and the members will be involved at every step in the resolution. Like all well-run organizing campaigns, larger more complex issues, such as asbestos and carbon monoxide exposure, may take longer to resolve and may have to be resolved by the union independently.

Local 285 of the Service Employees International Union (SEIU), representing state workers in Massachusetts, is an example of a union that mobilized its rank-and-file independently to win improvements that the JHSC process failed to achieve. During a tight fiscal year, management and union members of the Joint Health and Safety Committee identified asbestos and toluene exposure as a significant problem for mechanics who worked on brake linings and clutches. The JHSC organized education and training programs, and developed asbestos procedures for mech-

anics, but when mechanics asked for improvements that would cost significant amounts of money, the management representatives to the Committee claimed there weren't funds available. With the process stalled, the mechanics refused to work on brakes. After four months, management installed asbestos enclosure equipment in every garage, at a cost of more than \$15,000, and spent thousands more on hundreds of respirators. The union action also prompted management to provide comprehensive medical exams for all mechanics.

Making OSH Laws Work

When public sector union committees are operating in states without public sector OSH statutes, as was the case with the TWU and SEIU committees described above, they must work very hard to activate their members around health and safety issues. But even when OSH regulations exist, enforcement is often difficult to achieve.

In New Jersey, for example, the Communications Workers of America (CWA) led the fight for the public employee occupational safety and health act (PEOSHA) in 1984. This statute covers some 350,000 public employees in more than 9,000 work locations throughout the state. The N.J. Department of Labor, responsible for enforcing the statute, reports that the occupational illness and injury rate for every 100 public workers is more than 14%, compared to a national average of 8.6% for every 100 private sector workers. Despite the high rate of occupational illness and injury in New Jersey, the State employs fewer than 50 inspectors to enforce the PEOSH act. CWA testifies at budget hearings each year for increasing the number of inspectors and frequently mobilizes its members around health and safety issues. Yet despite these efforts, enforcement remains inadequate.

Canada's experience with legislated joint committees reinforces the point that joint committees are no substitute for vigorous government enforcement. The law requiring public and private sector JHSCs became effective in 1979. Six years later, the Canadian government conducted a survey of 3,000 JHSCs in Ontario, the country's most industrialized province. Survey results revealed an extremely low level of compliance with the general provisions of the law. Worse yet, ten years after the JHSC legislation, workplace illness, injury, and fatality rates had not declined, and in some cases, had risen. Permanent disability claims had increased more than 100% and serious lost-time claims had increased more than 30%.

The Ontario Public Service Employees Union, which represents inspectors, blames the JHSC failure on the government's use of joint committees as a substitute for government enforcement. According to Bob DeMatteo, the union's Director of Safety and Health Education, within several years after the law went into effect, the number of inspectors was drastically reduced and those remaining "were relegated to a role of facilitators in the internal responsibility system and the system of voluntary compliance." After the Act's passage, inspectors rarely issued orders to comply, but instead referred outstanding issues to the joint committee. Since committees had no legal authority to implement decisions, employers were off the hook and had no internal or external pressure to resolve health and safety problems.

Conclusion

Canadian and U.S. experience with JHSCs so far shows that they can be a valuable tool to *identify* problems and educate the workforce about on-the-job hazards. But if unions want to *correct* the most significant problems causing accidents and illnesses, they must involve their members (and the public) in campaigns to expose and pressure employers who fail to resolve hazards and regulatory agencies who fail to enforce adequate standards.

The pitfall of JHSCs for unions is the subtle, erroneous message they send to members and the public that the JHSC process alone will solve health and safety problems. When problems persist, workers lose confidence in the committee as well as in their union.

To prevent this from happening, unions must teach their members to see the joint committee as a forum for negotiation and education, while the union remains the workers' instrument for solving problems. Independent union committees continue to have two tasks—to pressure the employer to implement solutions, and to pressure government agencies to impose stiff penalties for noncompliance with the law. ■

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