
Trade union organisation and health and safety

Trade unions have used various approaches to health and safety organisation in the workplace. IAN MACUN⁺ discusses some of the strategies, and suggests a flexible approach based on specific workplace conditions, but guided by the general principles set out in COSATU's health and safety resolution.

The second COSATU National Congress held in July 1987, adopted a resolution on health and safety which provides general principles to guide affiliates on health and safety. The resolution calls on COSATU affiliates to enter into health and safety agreements with employers, and for workers to elect their own Safety Stewards/representatives at every factory and mine.

These two clauses provide the first policy level response, by COSATU, to the Machinery &

Occupational Safety Act (MOSA), which came into operation in October 1984. The resolution as a whole also reflects the ongoing concern with health and safety by unions over the last few years, although this concern has not always been backed by systematic action on the issue.

The State and especially employers, have also paid increasing attention to occupational health and safety during the last few years. Central to this development has been

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MOSA, which has clearly placed the responsibility for providing a safe and healthy workplace on management. The wording of the Act has, however, allowed management to interpret it in such a way that they can control the organisational structures established in terms of the Act, namely the Safety Committees and Safety Representatives (Safety Reps).

Between the time that MOSA came into operation and the end of 1986, some 50 000 Safety Reps have been appointed and approximately 18 000 Safety Committees have been established, throughout the country. (Dept of Manpower, RP. 79/1987). But what are the implications of this growth in safety organisation? How has management responded and how have trade unions responded to this legislation? Further more, what are the best strategies for unions to follow in the future?

MOSA and management

MOSA's emphasis on the responsibility of employers to provide a safe and healthy workplace, has forced management in many plants to take a closer look at the production process with a view to health and safety problems. But this has not always led to real improvement.

The general trend is for managements to consider the area of health and safety their prerogative and to exclude unions from any real participation. On the basis of observations in the Cape Town area,⁺ most Safety Reps have been appointed by management and most of the Safety Reps are appointed from management and skilled workers. It is very likely that this is the pattern in other parts of the country as well.

Management nearly always determines the structure and membership of the Safety Committees. Big companies usually set up a central Safety Committee consisting of top management, departmental heads and the Safety Officer. This Committee make makes the major decisions. Below this are a number of departmental Safety Committees, consisting of the Departmental Heads and the Safety Reps and/or supervisory staff. In this structure, reports go up to the central Safety Committee, where decision are made and are then relayed back down to the departmental Safety Committees. This kind of structure can fragment health and safety organisation in the workplace by dealing with matters on a departmental basis. The 'top down' approach can also be divisive, as it excludes involvement of all employees and ensures that Safety

⁺ *The arguments put forward are based on a survey carried out amongst 36 firms and 14 trade unions in the Cape Town area. The survey was carried out during 1986-87 and consisted of structured in-depth interviews with management representatives and union officials.*

ACCIDENTS KILL 2800 WORKERS IN SOUTH AFRICA EVERY YEAR

**CHECK YOUR WORKPLACE
FOR DANGEROUS
CONDITIONS**



1. **INSPECT YOUR WORKPLACE**
2. **REPORT DANGEROUS CONDITIONS TO YOUR SHOPSTEWARD**
3. **INVESTIGATE ALL ACCIDENTS**
4. **KEEP RECORDS OF ALL ACCIDENTS**

Health and safety poster

Courtesy of Workplace Information Group (WIG)

Reps are accountable only to management.

However, in spite of management's domination of health and safety organisation, it seems that the Safety Rep and Safety Committee system are not always used as the main channel for addressing health and safety issues. In a number of factories in Cape Town, problems relating to health and safety are still dealt with on an individual basis, that is, between the worker concerned and the foreman, supervisor or company medical personnel.

There is also a problem in the Safety Reps' role. Often their functions are very narrowly defined and their role limited to carrying out monthly inspections. This limited view is in fact supported by MOSA itself and undermines what could potentially be a very useful structure.

This means that some employers have adopted a very narrow definition of compliance with the law. This is limited to setting up the Safety Rep and Safety Committee structures and seeing that these operate according to the minimum requirements of the law. Very few companies appear to comply with the broader terms of MOSA, namely to ensure that workers are free from the threat of injury, illness or death owing to circumstances at work.

The trend outlined certainly supports the general argument that "health and safety is an extra that employers may or may not decide to

purchase, rather than an integral part of the way work is done". (Kinnersley quoted in Maller and Steinberg, SALB Vol.9 No.7, p.61) This makes it all the more important for unions to engage employers on the issue of health and safety and to use the sections of MOSA that could strengthen their ability to represent workers on health and safety issues.

Trade unions and MOSA

Trade union approaches to health and safety have varied and while some union organisers, especially in COSATU and NACTU affiliated unions, have a clear awareness of the issue, they are often less aware of the legal framework (i.e. MOSA) governing health and safety.

Some unions have real difficulty in sustaining a focus on health and safety issues. There can be many reasons for this, but two important ones are that, either their members work in industries where health and safety problems are not as obvious as in other industries, or because the unions are forced to use their often limited resources on achieving better wages and improved conditions of service across as broad a range of factories as possible. There are also a number of potential difficulties in taking up health and safety issues. Often it is expensive and time consuming to make effective improvements in a workplace. Negotiating health and safety can

also involve a set of fairly technical issues which may put unions at a disadvantage in negotiations with employers.

Unions which have dealt with health and safety and which are aware of MOSA and its implications, have responded to the law in different ways. Some of the more conservative unions have accepted MOSA as a step in the right direction and advise their members to participate in the structures established by management.

Other unions, mainly COSATU and NACTU affiliates, have varied in their response. Some refuse any involvement in the Safety Committee and Safety Rep structures as a matter of principle. Others insist on the right to at least elect Safety Reps, but ignore the Safety Committees as these are seen to be powerless and management dominated. A few unions have adopted the approach that shop stewards should carry out the functions of Safety Reps. In the Cape Town area there is also an example of a health and safety agreement being negotiated, which codifies a set of principles, procedures and structures for health and safety organisation in a particular company (see SALB Vol.11 No.7, pp 42-47).

Progressive union responses have thus varied from attempting to inject some democracy into the structures provided for by the Act, to maintaining the safety function in

established union structures i.e. shop steward committees, or nego-

Strategies for organisation on health and safety

tiating an alternative which makes up for many deficiencies in the legal framework.

While it is not entirely clear how these different options are working in practice, they each contain strengths and weaknesses in relation to the law and in relation to organisational questions around health and safety.

1. Electing safety representatives

Firstly, electing Safety Reps tackles one of the major weaknesses in MOSA, namely worker participation. Without such participation there can be no proper organisation of health and safety in the workplaces, as, to quote the COSATU resolution, "Bosses cannot be entrusted with the safety and health of workers." However, the election of Safety Reps as distinct from shop stewards does raise a number of organisational questions:

- * How would an elected Safety Rep relate to other structures in the firm, for instance, a Safety Committee or a shop stewards committee?
- * To whom would the Safety Rep be accountable?

* How would union members ensure support for an elected Safety Rep?

* What responsibilities, and what rights, should Safety Reps have and who should provide health and safety training?

2. Shop stewards responsible for health and safety

The second option, of having shop stewards carry out the function of Safety Reps answers some of these questions. In this case the worker responsible for health and safety would be accountable to the shop steward structure and thus to the workers as a whole. There would not be a separate health and safety structure. Obvious problems, however may arise if shop stewards become overloaded and are forced to neglect their health and safety tasks.

It should be stressed that these tasks should go far beyond the fairly narrow conception of a Safety Rep's role contained in MOSA. The Safety Rep should be involved in a day to day monitoring of workplace problems and hazards and should represent workers in all health and safety matters. To facilitate such a role would require the negotiation of additional rights, which do not exist in the law at present. These

would be rights, such as:

* to be involved in all accident and incident investigations

* to represent workers at inquiries

* to have access to technical information about substances used at work, results of workplace or medical monitoring, etc.

* it is also important that Safety Reps have additional time off for training to become familiar with the specific knowledge that they need.

At present, most Safety Reps are trained by NOSA⁺ (National Occupational Safety Association), whose one day course for Safety Reps is very general and deals *mainly with NOSA's interpretation of the principles of accident prevention and investigation.* This is a function that quite a few managements are reluctant to involve the Safety Reps in anyway.

3. Health and safety agreements

Health and safety agreements can provide rights far superior to those provided for in MOSA, but they can also take a long time to negotiate and may mean that unions are unable to gain basic rights on health and safety until such an agreement is signed. In this respect

+ Between 1983 and 1986, NOSA trained an average of 43 300 persons per year. Not all of these were Safety Representatives, but the figure does demonstrate the pervasive influence of this organisation in industry. (Dept. of Manpower, RP. 79/1987)

health and safety agreements are open to the same manipulation by management as are recognition agreements (see SALB Vol 12 No.3, pp10-15). This problem may force unions to adopt different strategies towards health and safety agreements such as negotiating a very short agreement on basic rights or including a section on health and safety in their recognition agreement. This last option is one that is already being followed by some COSATU and NACTU affiliates.

A crucial feature of the agreements entered into thus far is their formal separation of management and worker structures and tasks in the area of health and safety. This is based on the fact that health and safety issues often involve a conflict of interest between workers and management, and therefore workers need independent structures to negotiate around these issues. Independent structures, whether they are modelled on MOSA as is the case with most health and safety agreements, or whether they base themselves on existing organisational structures in the workplace, also take into account two entirely different processes, namely:

- * setting policies and defining practices,
- and secondly,
- * policing the way in which practices are carried out.

The first function is clearly a sub-

ject for negotiation between management and trade unions, whereas the second could be a joint exercise. Given that most employers assume health and safety to be their prerogative and that MOSA places responsibility on them, it is unlikely that they will give up all control of the organisation of health and safety in the firm.

However, this is not necessarily a problem, as long as unions are able to establish representative structures which can monitor health and safety in accordance with their members' interests. If management were to establish their own structures to monitor health and safety, this would implicitly make health and safety an industrial relations issue, rather than an area of "co-operation" and consensus.

MOSA could thus be implemented in a way that allows for the separation of management and worker structures and tasks in the area of health and safety, via separate Safety Committees, and separate Safety Representatives if necessary. In the agreements entered in to so far, the unions have the right to elect Safety Reps whose job is to inspect the workplace and police health and safety matters on a day-to-day basis. This does not exclude the appointment of Safety Reps by management, from supervisory staff, or to represent non-unionised employees. However, given the problems of agreements in general, a question

that remains is whether a substantive health and safety agreement is necessary to achieve such an arrangement.

Conclusions

One of the key issues posed by union responses is how to integrate health and safety issues with workplace organisation and to prevent the isolation of workers dealing with these issues. The way in which this is achieved depends on two crucial factors, namely, the nature of the work process and its associated hazards, and the size of the firm.

All factories have their hazards, but where production involves the use of particularly hazardous substances or processes, the strategy of entering into a health and safety agreement may be the most appropriate to ensure a comprehensive approach and to provide the framework for improvements in health and safety. Where less hazardous forms of production take place, basic rights around health and safety could be achieved via an inclusion in the recognition agreement.

As far as size of firm is concerned, it is more likely that shop stewards in smaller firms will be able to deal effectively with health and safety matters as an extension of collective bargaining. In such a situation, integration with workplace organisation should also be relatively easy to maintain. In larger

firms, especially where there are particular hazards, a reliance on special structures and procedures may be the surest way of consistently dealing with health and safety matters while avoiding separation, or isolation, of these matters from organisation in the plant.

Trade union strategies towards health and safety would thus be most effective if they were forged in relation to conditions in particular plants or industries and in relation to experiences in addressing the issue. This does not have to mean a piecemeal approach, but one that is based on a clear idea of what is required for a union to make health and safety an integral part of its activities.

Policy guidelines by unions are important particularly when they embody the principles of negotiation around health and safety, worker participation and establishment of procedures that are independent of the legal framework. The COSATU resolution provides an important step forward, and one that could usefully inform the activities of its affiliates. Federation policy could also be seen as an important guide to action, especially in the light of the widespread implementation of MOSA, management domination of the structures and a common refusal to deal with health and safety via other mechanisms.

Response to the Article on the Role of Service Organisations by Some Members of LACOM, DURBAN, in SALB, Volume 12 Number 8

by **SHIRLEY WALTERS**, Centre for Adult and Continuing Education, University of Western Cape.

I wish to respond to the recent article in the *South African Labour Bulletin* on the role of service organisations. I found the article at times insightful, and at others surprising and confusing. What I found most surprising was the nature of the article itself.

The authors argue very strongly for service organisations to act in disciplined and structurally accountable ways. However it is not clear that the authors followed their own advice in the process of writing this article. It seems to me that the nature of the article contradicts the argument that is being put forward.

In order to check whether this point is true, I would appreciate clarity from the authors on the following questions: Why was the article written by 'some' members of LACOM, was it not written in con-

sultation with LACOM's constituencies? In line with their argument should it not have gone through a range of organisational procedures in order that the authors be structurally accountable to their constituencies both inside and outside their organisation? Have they not, according to their own argument about the generation of knowledge, reinforced their roles as experts by not following the procedures that they advocate? The nature of the article itself seems to hold within it a range of real contradictions and tensions that members of service organisations live with daily.

In the article the authors seem at times to recognise the complex and at time contradictory nature of service organisations. They make a number of important, insightful points which demonstrate their fine understanding of the realities. For example, they argue that certain of the inherent constraints of service organisations relate to their funding base, their organisational forms and structures. They correctly state that "service organisations are structurally unable to transcend some fundamental limits which arise from their existence". They recognise the fact that organisations are dynamic and determined to a large degree by the context in which they operate. However, at other times, they contradict this basic understanding with an ahistorical, static view of the role and functioning of organisations.

Democracy and accountability are flexible concepts

In the article there are a number of very sweeping generalisations which are not defined contextually. Service organisations are spoken about as if they are all the same regardless of purpose, functions, and locations. 'Mass organisations' be they for workers, youth, women or students are similarly spoken about in an undifferentiated way. This, I believe, seriously limits the value of the arguments, as organisations and their relationships with one another should not be determined outside their specific historical context. The authors are inclined to reify certain relationships and processes as if they are 'correct' regardless of time, place or purpose. They forget that organisational questions are fundamentally political and therefore cannot be decided in isolation.

Illustrations of the above point can be seen in their discussion of the issues of democracy and accountability. For example, on page 25 they give a list of what 'should' be done in order to ensure 'genuine accountability and unity'. While the list of 'do's and don'ts' may be perfectly acceptable for certain organisations operating in particular ways at particular times and in particular places, for others operating under different circumstances the proposed practices may be im-

practical and politically ill-advised.

A contemporary example to illustrate my argument is the new methods of organising that have had to develop both in certain service and mass-based organisations because of the State of Emergency. Organisations are continually having to redefine their theory and practice of democracy in response to the economic, social and political circumstances. The meanings of concepts like 'democracy' and 'accountability' cannot be seen as static. They are defined and re-defined in the process of organisation and political struggle. It seems that the authors tend to view these concepts ahistorically.

Service organisations are not just functionaries of mass organisations

Another problem I have with the authors' generalised discussion of service organisations is that the nature and purpose of service organisations appears to have been oversimplified. This surprised me. It appears that the authors have fallen into the contemporary trap of portraying 'service' organisations as having purely to act as functionaries of the mass-based organisations. This view denies the reality. It also denies the historically important role that many service organisations have and are fulfilling. Certain service organisations have played important roles in the development

of theory and practice within the fields of health, education, literacy, removals, research, etc.

Most 'service' organisations which locate themselves within the progressive movement inevitably have both service and political goals. Besides the mainly reactive service provision role, many of the workers in the service organisations would also be developing proactive and innovative responses within their fields of expertise which may be in research, education, resources, information and media.

For example, in the area of arbitrary removals by the State service organisations working in this field have on the one hand to see to immediate needs of an affected community, but on the other they have to play a proactive, innovative role by helping the often isolated community to understand and strategise to resist what is happening to them. The service organisations would have had to anticipate the needs by perhaps researching and developing educational materials and media to be ready when needed.

In this respect service organisations fulfill similar functions to some progressive university intellectuals. Similar arguments, which cannot be discussed here, but which apply to progressive academics can therefore begin to apply to them. For example, it would seem important to recognise when discussing the role of service workers the potential

relevance in some situations of concepts such as 'relative autonomy' and the dangers of becoming intellectual hacks'!

The authors, I believe, have presented the purpose and functions of service organisations and their workers in an one-dimensional way which does not take into account the dynamic relationship between the reactive service work and the proactive, intellectual work. Different structures and relationships with organisations may be appropriate depending on which purposes are to be achieved.

Experts and power

Another problem that I have with the article relates to the authors' concern about the role of 'experts'. The authors seem to question the validity of having 'experts'. While I recognise that this point is part of a complex debate about the division of labour in society, I believe that the concerns expressed about 'experts' are misplaced in the article. It would seem that the authors would want to get rid of work specialists and achieve a situation in society where everyone is supposed to be able to do everything.

Are they serious about not seeing the necessity and value of utilising the expertise, for example, of lawyers when necessary? This seems a romantic notion when taking into account the highly sophisticated and technological world in which we

live. While I agree that there are problems with the practices of most 'experts', I would argue that it is not the fact of having experts that is the problem, but rather the relationship of power that experts have over others in society. It is therefore this power relation that is the problem which needs to be addressed.

While the authors do not talk about the problem in this way, they do seem to recognise the relationship of power as a problem. In order to address this problem they sensibly recommend more structured, disciplined relationships between the 'experts' in service organisations and the organisations they serve as a way of controlling this relationship.

The concluding point I would like to make relates to what seems to be a paradox in their argument. The authors have gone to great lengths to critique service organisations and by implication themselves as workers in a service organisation. But at the end of the article they state that it is impossible for service organisations "to transcend some fundamental limits" and that it is the "mass organisations (that) bear the responsibility for developing the structures necessary to control service organisations ...".

The lack of control of workers in service organisations is thus placed firmly at the door of the mass organisations. The article appears in the end to shift from a critique of service organisations to a critique of

mass organisations who, they appear to argue, are apparently unable or unwilling to "clearly define the tasks to be undertaken" and so are not easily able to form contractual relationships with service workers. Mass organisations, they warn, need to take "a great deal of care and vigilance" in dealing with service organisations like them!

Ahistorical arguments

While I believe that the article points explicitly or implicitly to important critiques of both service and mass organisations, and it makes the important recommendation concerning the need for structured, contractual relationships between service and mass organisations, the arguments become at times confusing and contradictory. I believe that, rather than writing in an ahistorical, sweeping way about service and mass organisations in general, it would have been more helpful if the authors had situated their arguments within a given context.

The readers would then have been in a stronger position to assess the issues and relate them to their own situations. This approach would also have counteracted the tendency within the article to reify organisational practices. Organisational issues, I believe, cannot usefully be discussed outside of their historical contexts, as organisational issues are fundamentally political.