

# The Union Safety a very story

**If recognition is a measure of value, trade union health and safety representatives (safety reps) are very valued indeed. In parts of the construction industry the recognition which some active safety reps received has taken the form of being put on a blacklist.**

But sometimes recognition is more positive. Colin Evans, site supervisor and union safety rep at Penderyn Quarry in South Wales found himself on a quite different list. As a result he was invited to Buckingham Palace in 2005 to receive an MBE recognising his efforts to encourage greater employee participation in health and safety.

It is all too easy to take union safety reps for granted but the fight to get them into the workplace has been long and hard. The early struggle is particularly relevant to today's landscape of cuts to the Health and Safety Executive, deregulation, 'Elf and Safety' propaganda and the decline in numbers of unionised workplaces.

## Roots of representation

It is tempting to regard 1974 as the starting point. Undoubtedly the *Health and Safety at Work Act* (HSAWA) paved the way for the first safety reps but the roots of worker involvement reach deep into the 19<sup>th</sup> century.

The early industrial revolution saw no union reps, let alone union safety reps. The ruling classes viewed any worker associations with extreme suspicion. This is hardly surprising. The French had recently demonstrated all too clearly what can happen if you let the lower orders off the leash.

But as the industrial revolution crammed more and more people into squalid towns and dangerous factories, pressures began to build.

The *Factory Act* of 1833 is generally regarded as the first *effective* factory act because it provided for the appointment of government factory inspectors. There were four of them. Although they cannot in any way claim to be the first worker representatives – their primary role was to ensure compliance with the legislation – nevertheless, they did begin to improve the worker's lot.

Nor were they the only ones. Philanthropists such as Robert Owen demonstrated that treating workers better made good business sense. In 1833, he declared, "eight hours daily labour is enough for any human being." This was at a time when even young people between 13 and 18 were allowed to work 12 hours a day.

## Nick Cook explores the origins

And then there were campaigners such as Annie Besant, who in 1888 supported the match girls' strike against poor conditions in match factories where the white phosphorus used in the match heads ate away at their bones. It took another ten years before the more benign but more expensive red phosphorus replaced the white.

## Underground movements

But arguably it was the mines that saw one of the earliest incarnations of today's safety rep. In 1872, mining legislation empowered workers in mines to employ two of their number to carry out monthly inspections. The *Mines and Quarries Act* of 1954 took worker representation one step further, empowering unions to appoint worker inspectors. The Act also empowered these embryonic 'union reps' to investigate accidents, accompany government mine inspectors and take part in mine inspections by management.

Interestingly, in the same year, unions representing workers above ground were demanding the same rights. But at this stage their fight was not even with the Government. It was with the General Council of their own representative body, the Trades Union Congress (TUC).

## Joint Safety Committees

"You may be as ruthless as you like with materials and machines but not with the men and women who use them." Dr D.G. Evans of the Medical Practitioners' Union aimed this quote at employers during the 1954 Trades Union Congress. He was speaking in support of a motion urging the Government to set up joint safety committees in workplaces. Joint safety committees and safety reps are two sides of the same representational coin.

The pressure for compulsory joint safety committees

and safety reps was not new. According to Professor David Walters of the School of Social Sciences, Cardiff University, it can be traced to the late 1920's, when a factory inspector threatened to make them compulsory.

"And during the 1930s there were moves in Parliament for joint safety committees but these were unsuccessful."

The TUC General Council resisted the call for compulsory safety committees and safety reps because its members believed it would compromise the independence of union representatives on health and safety matters.

For a decade, their arguments prevailed but at the 1964 Congress, the pressure to call for compulsory measures could no longer be ignored. Mr W. Prince of the Amalgamated Union of Foundry Workers called for the *Factory Act* to be extended to:

- The election of safety delegates, with powers of inspection, by the workers concerned in factories: such powers of inspection to include the right to inspect the scene of an accident and the equipment involved, a right at present only available to miners under the *Mines and Quarries Act 1954*;
- Setting up of safety committees in factories;
- The right of workers' safety delegates to accompany the factory inspector on his visits to factories;
- The advice of the factory inspector to the firm to be available to the safety committee or safety delegates.

Mr Prince also put his finger on what he saw as a misdirected emphasis within the trade union movement when he declared that, "every one of us gives a first class legal aid service to our members based on the object of securing damages for our members who suffer these terrible injuries."

He left his listeners in no doubt as to where he felt the emphasis should lie. "We have to look at accident prevention as a first priority for our movement." He convinced Congress that legislation was the only way: "Because the voluntary system has failed."

Seconding the motion, Mr C.C. Bramsby of the Heating and Domestic Engineers Union also condemned the voluntary system. It had been tried since 1920 but even now "we have no more than 3,000 safety committees in 240,000 factories."

He reminded the Congress of the *Mines Act* of 1954. Ten years ago this had given workers the type of powers that trade unions representing overground workers were still seeking.

And he supported the proposer's views on claims versus prevention: "We are only interested in keeping the workers' fingers on their hands, their eyes in their sockets and their lives with their families."

Dr PS Greaves supported the motion with examples from his own personal experience: "I was called out of bed at two o'clock in the morning to see a man who had a severely burned foot. He had cooked the sole of his foot by treading on a faulty cable in a foot of water."

"A similar instance was where we were called to a



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▶ Miners at West Cannock Colliery examining their new safety helmets in 1935. By the late 19<sup>th</sup> century, mining legislation allowed workers to employ two of their number to carry out monthly inspections.

# Safety Rep: Short history

of the trade union health and safety representative.

## Box 1. Safety Representatives and Safety Committees Regulations 1977 (SRSC)

These put further flesh on the bones of HSAWA requirements, giving safety reps the right to:

- Investigate potential hazards and dangerous occurrences (Reg. 4);
- Investigate complaints from other employees (Reg. 4);
- Carry out workplace inspections (Reg. 5);
- Carry out inspections with respect to dangerous occurrences (Reg. 6);
- Make representations to employers on behalf of employees regarding health and safety (Reg. 4);
- Inspect statutory health and safety documents held by employer (Reg. 7);
- Be consulted “in good time” about specified matters (Reg. 4);
- Receive information from regulatory authority inspectors and to represent employees in consultation with inspectors (Reg. 4);
- Have paid time off for carrying out health and safety functions and for undergoing health and safety training (Reg. 4).

foundry in the town where a man had been severely burned in the face with molten metal. The facts of it were almost unbelievable. They had a rainwater pipe running down a stanchion in the shop where they were casting. There had been a heavy fall of rain. Water was pouring down into the foundry shop. It got into the molten metal and blew up in this man's face. He was very lucky indeed not to be blinded.”

He concluded: “It was an accident which could have been prevented.”

Opposing the motion on behalf of the General Council, Mr J. O'Hagan claimed that: “Compulsion by itself is not the answer. There has got to be the fullest measure of joint consultation between the two parties, the employer and the worker, if we are going to succeed in our efforts for eliminating accidents. The danger of compulsory safety committees is that we will not get this means of consultation.”

The motion was carried. Those supporting it had been eloquent but perhaps even more persuasive was the annual toll of some 2,000 occupational deaths and 100,000 industrial injuries.

### The union effect

It was to be another ten years before the next step. Continued high levels of accidents led to the Robens review of health and safety. The recommendations of this report were adopted by the 1974 HSAWA, including a requirement for safety reps and committees.

Professor David Walters comments: “Interestingly, Lord Robens did not support the introduction of regulatory measures for trade union-appointed safety representatives. He thought they might be too political.” However, the HSAWA paved the way for union and non-union safety reps and also for safety committees. The Act also brought an additional 8 million workers under the umbrella of health and safety legislation, including those working in schools, hospitals and agriculture.

Further flesh was put on the HSAWA requirements by the *Safety Representatives and Safety Committees (SRSC) Regulations 1977* (see Box 1).

The HSAWA, aided by the SRSC regulations, helped to increase numbers of union safety reps. In 1979, trade union membership in Great Britain had reached a peak of 13 million. Worker representation was looking good.

And as time went by studies began to show a positive “union effect” on health and safety. One very influential survey indicated that workplaces with safety reps and safety committees had up to a 50% better accident record than those without<sup>1</sup>.

In 2007, Professor Walters co-authored a report supporting the conclusion that workplaces with trade union representation had lower injury rates than those where health and safety was left solely to management<sup>2</sup>. A recent report by the TUC surveys the evidence of the union effect<sup>3</sup>.

But then union membership began to fall. By 2000 it had declined to 7.9 million and in 2012 stood at 6.9 million. Coupled with the trend towards smaller, non-unionised firms, this means increasing numbers of non-represented workers.

Nor has the scandal of blacklisting helped. Prospective union reps do not consider ending up on a blacklist an attractive perk of the job. Union safety rep Dave Smith recalls his attempts to get work after being blacklisted: “There were adverts in the newspapers all the time, but if I ever applied to get a job I could not get one at all. I was a qualified engineer in the middle of the building boom, and my kids were on milk tokens.”

## Box 2. The Health and safety (Consultation with Employees) Regulations 1996

- Employers must consult with employees not covered by representatives.
- Employers are given discretion as to whether they consult employees directly or via elected representatives but:
  - Representatives elected under these Regs have less support than those elected under SRSC, i.e:
    - No support for workplace inspections;
    - No support for accident investigation;
    - No support for inspection of statutory documents;
    - No right to request a safety committee.

Attempts to extend representation to all workplaces have included the use of roving safety reps. Used widely in Sweden, where they are funded partly by a levy on employers, these reps visit companies (usually SMEs), which do not have their own reps.

Roving safety rep schemes have been piloted in the UK. One 1998 scheme covered farms while a 2003 HSE scheme provided workplace safety advisers to small firms in five key industrial sectors – construction, retail, hospitality, automotive and voluntary. Both schemes demonstrated positive benefits but have not since been pursued.

“Nor are they likely to be in today's climate,” comments Professor Walters.

In 1989 the European Council insisted that the UK require workers to be consulted about their health and safety at work whether they were trade union members or not. The result was the *Health and Safety (Consultation with Employees) Regulations 1996*. This extended consultation rights to all employees. These regulations were criticised for not giving non-union reps the same rights as union reps (see Box 2).

### Conclusion

The history of the trade union safety rep has some important lessons. First is the importance of worker involvement in health and safety. Although still far too high, current fatality and accident rates are much lower than they were before the 1974 HSAWA.

Secondly, the union effect demonstrates the importance of having a strong and independent organisation backing the safety reps.

And thirdly, while co-operation between employers and workers is vital, health and safety should not be left at the mercy of voluntary arrangements.

### References

1. Reilly, Paci and Holl, *Unions, safety committees and workplace injuries*, BJIR Vol. 33, 1995.
2. Nichols, Walters and Tasiran, *Trade Unions mediation and industrial safety*, Journal of Industrial Relations, 2007.
3. How unions make a difference to health and safety: the union effect [www.tuc.org.uk/workplace/tuc-8382-f0.cfm](http://www.tuc.org.uk/workplace/tuc-8382-f0.cfm)
4. Acknowledgements to Roger Bibbings of RoSPA and Professor David Walters for their assistance.