

**THE UNION SAFETY AND HEALTH COMMITTEE:  
ORGANIZING FOR ACTION**

**A manual for local union safety committees**

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## Contents

The Union Role...Liability or Opportunity? .....	2
Creating a Union Safety and Health Committee .....	3
Getting Your Committee Going.....	5
Action Program.....	7
Step 1: Inventory of Workplace Hazards .....	7
Step 2: What to do with your Findings.....	9
Step 3: Document Hazards .....	10
Step 4: Analyze Your Contract Language.....	10
Step 5: Bring the Problem to the Attention of Management .....	10
Step 6: Organize Member Mobilization .....	11
Step 7: Keep Track of Injuries and Disease.....	12
Step 8: Maintain Files .....	12
Step 9: File OSHA Complaints .....	13
Union Input During the OSHA Inspection.....	14
Union Follow-up after the Inspection.....	15
Looking to the Future: Committees and "Right to Act" .....	16
Joint Safety and Health Committees: Opportunities and Pitfalls.....	17
Tests of Union Equality in Joint Committees.....	20
OSH Committee Innovations and Success Stories.....	21
Resources for the OSH Committee .....	22
A Basic Library of OSH Books and Materials.....	22
Safety and Health Films and Videos.....	23

### Appendix:

1. Film order form.....	26
2. Book order form .....	27
3. Local Union Safety and Health Workplace Operations Checklist .....	28
4. Steward's Health and Safety Report Form .....	34
5. Charting Safety Conditions at Work.....	35
6. Departmental Hazardous Conditions Poll.....	36
7. Sample letter requesting OSH Information .....	37
8. Getting Started with a one-on-one mobilization campaign.....	38



## THE UNION SAFETY AND HEALTH COMMITTEE: ORGANIZING FOR ACTION

Unions today are taking an active and creative role in asserting the rights of workers to safe and healthy places of employment. Both in the halls of Congress and our own State legislature, as well as in thousands of workplaces, Iowa unions and their representatives are fighting to see that workplaces are safer for their members and all workers.

One of the most effective tools in this struggle is the union safety and health committee, acting alone or jointly with management in a union-employer committee. In fact, committee work has been so effective that efforts to reform our federal and state OSHA law mandate safety and health committees as perhaps the key ingredient for meaningful change.

This manual brings together ideas and suggestions on building a strong union safety and health committee from a number of sources, particularly from Iowa unions which have shared with us their approaches to job safety and health. Union stewards, officers and safety committee members are today the primary sources for ideas and action in the movement to protect workers' lives and health on the job. This manual reflects their experiences, frustrations, and hopes.

Roberta Till-Retz  
Labor Center  
The University of Iowa  
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## *The Union Role in Job Safety and Health: Liability or Opportunity?*

Many unions have taken very aggressive positions to monitor workplace safety, but a series of court cases have, until recently, made some unions hesitant to get too involved in workplace safety and health efforts for fear of incurring legal liability for the injury or death of a worker. In cases in the 1970's and 1980's, unions were sued by workers or their families anxious for relief, but barred by workers' compensation laws from suing employers. Plaintiffs generally brought cases under the federal labor law's union duty of fair representation, or under various common law negligence theories. Some plaintiffs tried to argue that union negligence in enforcing safety and health contract language breached the union's duty of fair representation. But these suits were generally not successful, judges holding that good faith representation does not entail the much higher standard of "due care," and that such liability would discourage unions from negotiating better protections for their members. Judgments tended to agree that federal law clearly placed responsibility for workplace safety on the employer, not the union. Negligence suits which were brought under state common law were often held preempted by federal labor law, but occasionally a judgment would go against the union.

Perhaps the most well-known of these cases was the 1978 Helton v. Hake (98 LRRM 2905), where the Missouri Court of Appeals held the union liable for the death of a worker electrocuted while hanging angle irons near a high tension line. The widow sued, claiming the steward had failed to shut off the power, and hence the union was liable for damages in her husband's death. The union had negotiated contract language providing that the union steward "shall see that the provisions of these working rules are complied with." But the deciding clause read: "It is understood and agreed that the employer is in no way responsible for the performance of these functions by the steward."<sup>(1)</sup> Though few unions would negotiate such explicit language, suits continued to be brought, and there was sufficient disagreement among the courts for the U.S. Supreme Court to step in settle the issue.

In the 1990 United Steelworkers v. Rawson (134 LRRM 2153), the Supreme Court ruled that union efforts to bargain a safer workplace for its members do not expose it to extra liability for workplace accidents or health problems. In that case, the families of four workers killed in a mine explosion charged the Steelworkers Union with negligence which had caused the deaths of 91 workers. The union had participated in a joint labor-management safety committee which conducted safety inspections. During one of these, the committee failed "to uncover obvious and discoverable deficiencies," including failure to note that the self-rescuers were stored in padlocked boxes, and that the activating valves of the oxygen-breathing-apparatuses were corroded shut. The Idaho Supreme Court had found the union liable under state tort law for breach of due care it owed the mineworkers by assuming in the contract joint responsibility for mine safety. The U.S. Supreme Court reversed, making some key findings:

- a. *Federal pre-emption of state tort law:* Section 301 of the Labor-Management Relations Act pre-empts state-law tort claim by the workers' families, since their claim is dependent on the collective bargaining agreement, which is governed by federal law.

(1) "Information Notes," March 1980, Cornell University, NYSSILR.



b. *Duty of Fair Representation standards*: Mere negligence on the part of the union in enforcement of the labor agreement does not constitute a breach of the union's duty of fair representation. If an employee claims a more far-reaching duty, the employee must be able to point to specific contract language indicating the intent to create obligations enforceable against the union by individual employees.

Following this decision, unions are free to bargain actively for workplace safety, without fearing either state action, or duty of fair representation claims. Care should be taken, however, that contract language does not put responsibility on the union for workplace safety (as in Helton v. Hake) or specifically allow individual members to assert a claim against the union for workplace injury or death (as discussed in USWA v. Rawson). In all agreements and joint safety efforts with the company, *make sure that the employer clearly bears total responsibility for "a workplace free from recognized hazards."*

#### CREATING A UNION SAFETY AND HEALTH COMMITTEE

Unions have many opportunities to solve safety and health problems under the OSH law. For these opportunities to be most effectively realized, a union Safety and Health Committee should be created in the local. The rights to create this union committee exist through your union constitution or bylaws. But in order for this committee to gain maximum effectiveness it must have the authority to conduct certain activities in the workplace on worktime. These rights do not presently exist in our OSHA law, but can be asserted through the negotiations process and won at the bargaining table.

*Contract language to enable your committee to operate effectively might include:*

- The right to adequate on-the-clock time to devote to health and safety work.
- The right to total plant access and investigative authority on paid time, including the right to periodic (at least monthly) plant inspections.
- The right to evaluate new machinery and equipment for safety
- The right to immediate investigation of accidents on paid time.
- The right to request an industrial hygiene survey of the plant by a neutral consultant jointly agreed on with management, paid for by management.
- The right to health and safety schooling for committee members at employer expense conducted by experts chosen by the union.
- The right to paid and unpaid leave of absence for health and safety schooling.
- The right of the committee to shut down unsafe operations.
- The right to meet with top management decision-makers to get problems resolved and hazards corrected.
- The rights of full equality with management in joint safety and health committee meetings, including equality in numbers of members, chairing of meetings, creation of meeting agendas, approval of minutes.



**Model Contract Clause Giving Rights to Your Union Committee:**

*"The employer shall recognize the health and safety committee established by the union with one representative chosen by the union from each shift in each department. Safety committee members shall have all the safeguards and protections given union stewards. Committee members shall have unlimited access in their department or area of jurisdiction and shall have the right to investigate and process safety and health complaints and problems. The chair of the union committee shall have the freedom of movement to contact safety committee members throughout the plant and aid them in handling health and safety problems. Members will be paid their regular rate of pay when performing their duties."(2)*

**Legal rights your committee has under OSHA and the NLRA:**

- -The right to any and all health and safety information, including monitoring and medical surveillance information.
- -The right to statistical data on employee medical examinations, with individual names removed.
- -The right to individual medical records, with signed permission of the individual.
- -The right to bring a union expert into the plant to conduct inspections and monitoring of hazards.
- -The right to file OSH grievances under your contract (unless specifically waived).
- -The right to file and follow up on OSHA complaints.
- -The right to accompany the OSHA inspector on workplace inspections.

(2) Workplace Health and Safety: A Guide to Collective Bargaining, by Paul Chown, Labor Occupational Health Program, University of California at Berkeley, 1980.



## GETTING YOUR COMMITTEE GOING: WHO, HOW, AND WHAT

Your union bylaws or constitution may outline the structure and function of your committee. If not, your national or International union headquarters will probably have a special safety and health department or staff person who will assist you in getting your committee going. In addition, your International will probably have a wealth of information on the hazards specific to your occupation and industry. Some considerations in setting up your committee include:

**>Who should be on it?** Ideally you would want representatives from each department and each shift. Look for people who have shown an interest in safety and health issues and are willing to commit the time and energy you need. You want members who can think broadly about the issues, who aren't afraid to confront authority, and who are prepared to do the grunt work of research and investigation needed.

**>How many members?** Your committee should have at least three members, possibly more depending on the size of your workplace. If you have a large committee (over ten, for example) you might want to divide the group into smaller subcommittee to work on special areas.(3)

**>What are your functions as a Committee?** Your committee's functions may be outlined in your union bylaws. They will probably include:

- educating committee members on:
  - >health and safety law,
  - >use of the OSHA standards book,
  - >contract provisions dealing with health and safety,
  - >recognition of hazards in the workplace.
- maintaining close communication with department stewards
- helping file OSH grievances, when necessary
- conducting membership surveys on specific hazards and health concerns
- investigating accidents and "near-misses"
- holding frequent "walkarounds" of the workplace to check for hazards
- drafting proposals for contract language on health and safety for consideration by the bargaining committee
- developing and maintaining contacts with resources and experts outside the workplace, including the International or National union safety and health department, the

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(3)Adapted from "Union Health and Safety Committees," Western Institute for Occupational & Environmental Sciences, Robert E. Fowler, ed., n.d.



state AFL-CIO, the University of Iowa Labor Center, IOSHA safety officers and industrial hygienists, state legislators, workers' compensation experts.

- filing of OSHA complaints when needed.
- helping members on refusal to work issues.
- recommending purchase of OSH resources to the local union.
- reviewing employer records on safety and health including:
  - \*The employer's written hazard communication program
  - \*OSHA Form 200
  - \*Material Safety Data Sheets
  - \*The employer's hazard communication training program for workers
  - \*Employee exposure records.(4)
- reporting to union rank and file members and executive board.

***Your committee and your rank and file membership***

Since the key to your effectiveness is the interest and support of rank and file union members, your committee must take special care to involve and inform them.

A report at the regular membership meeting is essential--in part because the meeting minutes will then reflect the history of your activities. Use other means of communication also: workplace fliers on specific hazards; notices on the union bulletin board; reports in the union newsletter; even possibly a special safety and health bulletin which appears periodically.

**Local Union Support** What support do you need from the local union? In order to do your job of pressuring management to live up to its legal obligations in the OSH area, your committee needs both moral and more concrete support from the local. Since documentation is a vital part of your job, your committee needs the space and facilities to keep orderly and accessible files. Some local unions provide their safety committees with: (5)

- documented facts when called on.
- a desk, typewriter, bookcase, and file cabinet in the union office.
- access to a typist and copying machine.
- access to a telephone.

(4) Richard Ginnold, Labor Occupational Health Program, University of California-Berkeley, Occupational Safety and Health Materials, 1979.

(5) From Robert Fowler, WIOES.



- paid lost time to attend safety and health educational conferences and workshops.
- money to buy a library of reference books.

### **ACTION PROGRAM FOR A LOCAL UNION SAFETY AND HEALTH COMMITTEE**

**How should you start?** Whether starting a new committee, or revitalizing an existing one, it helps to have a plan of action. Below are several steps for a union safety and health committee to follow in addressing safety and health hazards in the workplace such as unguarded machinery, noisy equipment, poor ventilation, unsafe storage or materials, or hazardous work processes.(6)

#### **ACTION PROGRAM STEP 1: *Take an Inventory of Workplace Hazards***

Begin a systematic check of work areas, toxic materials, workers' sickness and injury reports and complaints to see where safety and health hazards exist. To determine code violations, secure copies of the state Occupational Safety and Health Standards for General Industry, 29 CFR 1910. For construction, get the Occupational Safety and Health Standards for the Construction Industry, 29 CFR 1926. (See Resource Section for ordering information.) Iowa has adopted these standards, and they may be procured free from the Division of Labor Services. Small pocket book digests of the two Codes are also available.

#### **Why do your own inspection ?**

No matter what your workplace is like -- factory, warehouse or office -- there are many advantages to doing periodic health and safety inspections.

A primary reason is to increase your odds of winning grievances and IOSH complaints. Documentation can increase your bargaining power and lessen chances that management will shoot holes in your arguments during grievance meetings, at arbitration, or during an OSHA inspection. Inspections can also be used as an organizing tool to activate and educate members. Problems uncovered may serve as excellent issues to organize around.

#### **Can Any Worker Conduct Inspections?**

Yes, but how an inspection is done and who carries it out will depend on the circumstances of your workplace. In a unionized workplace contract language might give members the leeway to carry out a more direct inspection. Unionized workers also have the right to bring an independent expert or a union official into the workplace to do the inspection. (For more on your legal rights see the section below.) First, let's look at how your inspection should proceed:

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(6) Adapted from materials of the Labor Education and Research Center at the University of Oregon and the University of Wisconsin, School for Workers.



### **A. Set Your Goals**

Your first step should be to set your goals, priorities and tasks. These will depend somewhat on the nature of your workplace. For example, are you looking primarily for chemical exposure problems or safety hazards? Are there co-workers in certain departments that should be involved in your inspection?

### **B. Use A Checklist**

Make a checklist with standard questions which can serve as a guide for the inspection and will give you a reference point for future inspections. (See sample Local Union Safety and Health Workplace Operations Checklist, at end of manual.) You will customize the checklist to fit your workplace, dividing the workplace into logical areas where similar types of processes occur. You may need several forms for one work area, to be able to pinpoint the risk areas.

### **C. Involve Department Stewards**

Make sure the stewards know about your committee's efforts. Use a form such as the "Steward's Health and Safety Report Form" at the end of the manual to make it easier for them to let you know about problems they are having trouble solving. Be ready to use your special expertise to assist them in dealing with these problems.

### **D. Keep Detailed Notes**

Keep detailed notes of all observations -- on what you see, hear and smell. Record the hazard, its location and who is affected. Write down whether it occurs daily or at special times. For example, do people feel sick when returning to work after a weekend? Is there one area in the shop where workers report symptoms more often? Note what management says and does about hazards.

### **E. Inspect Documents**

Certain documents contain information you can use. Request all Material Safety Data Sheets (MSDSs) from management for materials you suspect may be hazardous. You have the right to this information under the Iowa Right to Know Act. OSHA 200 Logs (for workplaces of ten or more employees) will tell you what injuries and illnesses the employer has reported to OSHA are occurring in each department. (Be alert for errors and omissions!) The OSHA 200 form will also give you names of individuals affected. You can request OSHA 200 Logs anytime from your employer.

## **A UNION'S LEGAL RIGHT TO INSPECT THE WORKPLACE**

*The National Labor Relations Act says that employers must bargain with unions over wages, hours and working conditions. Health and safety issues fall under the category of working conditions. The employer must also allow the union access to the information it needs to represent members, administer contracts, and bargain over new agreements. Therefore if the union needs information on health and safety, it has the right of access to it.*



*The right to health and safety information includes the right to bring your own health specialist into the workplace to do an inspection.*

*Four NLRB cases have upheld this right in the 1980's: Winona Industries and International Chemical Workers Union (1981); NLRB v. Holyoke Water Power Co. (1985); ASARCO Inc. v. NLRB (1986) and Hercules Inc. v. NLRB (1987).*

*These cases have also set out the scope of the right to inspect. For example, in Winona Industries (1981) it was made clear that the company could not simply discuss the issue with the union -- that bargaining in good faith meant allowing the union to do an inspection. ASARCO (1986) and the 1987 Hercules case brought some restrictions: that the union inspection be for a reasonable period of time and at a reasonable time and that employers with trade secrets be able to get a written agreement with the union before the inspection takes place.*

*Several of these cases have determined that the union's right to inspection is not limited just because other inspections have taken place. For example, if OSHA or the employer recently conducted an investigation, the union can still do its own -- even if it participated in the other inspections.*

*The union does not have to file a grievance or be involved in contract negotiations in order to use the right to inspect. The appeals court in Holyoke (1985) affirmed the right to the inspection whenever the union needs information to represent its members.(7)*

## **ACTION PROGRAM STEP 2 : *What to do with your findings?***

>Tackle the Worst Problems First: Assign priorities to your complaints by asking:

-Is it serious? Which problems are most serious or of immediate danger?

*Use Graphs or Charts.* The union may want to put the information which is collected on its surveys and document searches into graphs or charts. This helps you make comparisons over time or between departments. (See sample at end of manual.)

- Is it high-profile? Which problems are people most upset or angry about?

*Use Member Surveys.* Your committee may want to conduct surveys of members in departments which seem to have the most uncorrected hazards, or the most serious problems. See the department poll at the end of the manual for one example, but you can easily create your own with the help of the department steward.

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(7) From "How to Inspect Your Plant...a U.E. Guide," and "Strategies for Solving Your Office Air Pollution Problems," SEMCOSH Office Workers Health Project.



- *Is it winnable?* Which problems can be corrected quickly with little effort or at least cost?

Pick projects you can win quickly. One important way to build your committee is to get a series of small victories at the start. This increases the confidence of committee members, gets the attention of management, and gains the support and enthusiasm of the membership.

**ACTION PROGRAM STEP 3: *Document the hazard you want corrected.***

Interview affected workers and the department steward; check the OSHA standard or use the General Duty Clause to strengthen your argument; make sure you clearly understand and can describe the processes, materials, equipment or substances involved.

**ACTION PROGRAM STEP 4: *Analyze your Contract Language.***

Check your contract to see what protection or restrictions you have. Unless there is language to the contrary, you have the right to grieve unsafe and unhealthful working conditions, since this is a mandatory bargaining item. In any case, you may grieve conditions which violate federal or state codes. Plan on strengthening your contract language as you begin working in this area.

**ACTION PROGRAM STEP 5: *Bring the problem to the attention of management* .**

If there is time, and you have a joint committee, get the item on the agenda, or call a special meeting. If you do not have a joint committee, you may still bring the problem to the attention of the supervisor and provide your documentation and set a time limit for correction. It may be necessary to file a grievance in coordination with the department steward. In an emergency, talk to the supervisor to get the situation immediately corrected; if no action results, call OSHA with an "imminent danger" complaint and then FAX a complaint form.

**\*Grievances on unsafe conditions:** When you have a health or safety problem which management refuses to address immediately through informal action, your first step, except in emergencies, should be the filing of a grievance. This is preferable to complaining to outside authorities because, if the grievance is well documented and management knows you may go to the DLS or OSHA, it may settle the grievance.

Before putting your grievance in writing, investigate the matter and include:

- a) Time and place where the violation occurred, including the specific site and time of day when the problem is most intense.
- b) Number of workers affected and any past injuries, sickness, accidents.
- c) Detailed description of the hazard, e.g., chemical substance, type of equipment, type of welding.
- d) It is helpful (but not mandatory) to identify the code being violated, for example: "employer is not providing adequate ventilation in violation of General Industry Standards 1910.147, lockout-tagout."



e) If known, you may want to suggest a way to control hazards, e.g., "repair back loader horn" or "guard floor holes."

Note: OSHA and IOSHA require the employer to institute "feasible administrative or engineering controls" for health hazards such as noise and fumes, before relying on protective equipment, which is considered an inferior solution by the law.

Remember: It is the *employer's responsibility*, not the union's job, to correct hazards. Your job is to represent your members fairly and assertively.

**\*Grievances on refusals to work:**

a) Detail the nature of the hazard. Was it unusual for the workplace? Was it a violation of the contract or OSHA standards?

b) Did the worker have any disabilities that contributed to the danger of the situation? Did the employer know of them?

c) What was the worker's perception of the hazard? Will other workers testify to the good faith of the worker? What exactly was the basis of the worker's fear: past experience? knowledge of an OSHA standard being violated?

d) Did the refusal promote some group interest? Were other workers involved, concerned, affected? Was the union involved in the refusal?

e) Did the worker offer to do the work if made safe? What was said, exactly?

f) Did the worker offer to perform alternative work?

g) Did the worker stay on the worksite until ordered to leave by management?

**ACTION PROGRAM STEP 6: *Organize membership mobilization campaigns and direct concerted actions.***

Sometimes safety and health is regarded as a technical matter for the experts only. But rank and file members care about their health and can very effectively have a voice in effecting change. An effective way to get management action without filing either a grievance or an OSHA complaint is to mobilize your members to use their protected rights to concerted activity to demonstrate their demands to management.

**Polling and Risk-Mapping.** One way to involve your members in cleaning up their workplaces is to have your committee members administer a "departmental hazardous conditions poll" (see sample at end of manual). Another technique is to get workers' assistance in creating a "risk map" of their areas. Using a large paper or board, diagram the work area, including passage ways, equipment, machinery, etc. Then use colored pens to indicate the location of health and safety risks: noise, lifting, fumes and dust, chemical exposures, risks of cutting, the most stressful jobs, etc. This map involves members, and demonstrates to them, and to management, if you decide to share it, what



risks are present in the work area.

Once your members are aware of the risks they face, get them involved in pressuring management to solve the problem. For example, workers may want to wear tee shirts or buttons to work declaring "This job is Dangerous To My Health!" When grievances are filed, make sure they are group grievances, rather than solely individual, under the principle that "an injury to one is an injury to all."

A petition campaign is another way to build support and show management that people are united. Informational pickets may also be effective, especially if your workplace is located in a highly visible area.<sup>(8)</sup> Or make the filing of the OSHA complaint a mass event which is announced at a meeting with members testifying and signing the complaint in the open meeting. An advantage to this approach is that it builds general solidarity in the workplace and helps strengthen the union as well as your safety and health program.

#### **ACTION PROGRAM STEP 7: *Keep track of Job Injuries and Disease.***

The safety and health committee should try to be informed about and investigate injuries and possible occupational disease (e.g., lung problems, dizziness, hearing loss, skin disease) not only as a basis for a safety grievance or complaint but also to document a workers' compensation claim. In many cases, a compensation claim is rejected or reduced because it was not reported at the proper time, or because of an inadequate investigation at the time it occurred. Here unions can materially help their members by assisting in this process of proving the injury or illness was work-related. In fact, many workers' compensation reports are self-serving statements by management supervisors and company doctors with no representation for the worker. Two steps for the union to take are:

a) Investigate all injury-causing accidents and cases of occupational disease to document the causes, and identify possible safety and health violations. Submit a report for the worker's compensation file. Where indicated, file a grievance for correction of hazard.

b) Make sure workers know their rights and file appeals if the employer contests their claims.

#### **ACTION PROGRAM STEP 8: *Maintain well-ordered Safety and Health Records.***

For help in negotiations, grievances and injury cases, keep a file of

- a) copies of all federal and state complaints and citations;
- b) safety grievances with management answers and actions;
- c) copies of workers' compensation files and safety inspection worksheets where obtainable;

<sup>(8)</sup> From "How to Inspect Your Plant...A U.E. Guide, and "Strategies for Solving YOur Office Air Pollution Problems, SEMCOSH.



- d) safety meeting minutes;
- e) your employer's medical treatment reports/nurses logs;
- f) copies of your employer's complete OSHA Form 200 reports of work-related illnesses and injuries

**ACTION PROGRAM STEP 9: *File OSHA complaints on uncorrected problems.***

The OSH law, though it is written to protect workers without unions, as well as those who are organized, in fact is practically useless without the special expertise and independent power of action which a union provides affected workers. Workers who are not represented by unions have very little power to use the law to their advantage. Effective safety and health action by local unions can therefore be a considerable inducement for workers to prefer an organized workplace.

Under the 1970 Occupational Safety and Health Act, each employer must maintain a workplace "free from recognized hazards...likely to cause death or serious physical harm to his employees." In addition to this general duty, the employer must comply with hundreds of detailed federal and state codes which cover specific hazards. Almost all private employers, no matter how small, are covered.

The state of Iowa has also passed legislation to protect workers from safety and health hazards in the workplace. The Iowa Occupational Safety and Health Act of 1972 protects all non-farm workers in the private sector and people who work for state, county and city governments as well.

**Taking Action Under the Law.** You take action under the law by filing a Complaint with the Division of Labor. If management does not correct a hazard, the union should consider filing a complaint with the Division of Labor Services. All complaints should be in writing and must be signed to be considered valid formal complaints. The complaint should allege that a violation of the Act exists in the workplace, and the description of the alleged hazard should be as clear and specific as possible. Make sure that in your complaint, you indicate the identify of the union-authorized walkaround representative and the list of authorized alternatives.

**Complaint forms** are available from the Division of Labor Services, or the complaint can be submitted in the form of a letter. In cases of imminent danger, telephone calls will be responded to, but follow the call up with a signed letter or complaint form. You can FAX a complaint to IOSHA FAX # 515-242-6301. Some unions call the Division of Labor Services to get information on applicable codes and control measures, in order to strengthen their written complaints, particularly in difficult cases.

If you prefer, your name will not be revealed to the employer. The law prohibits the employer from discriminating against anyone because he or she has filed a complaint.

A complaint will usually result in an inspection as soon as the Division of Labor can free up the personnel, sometimes within a few days, in any case, within a month. It will be unannounced. To be sure a complaint is received, you can send it certified or registered mail. If you call the Division of Labor to see if the complaint has been received, concerns

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about the confidentiality of your complaint may make the Agency reluctant to tell you if it has been received.

If the Commissioner of Labor determines that an inspection is not warranted, the agency must notify the complainant of such determination in writing, indicating the reason for the decision. If the union is dissatisfied with the Commissioner's ruling, it can request an explanation for the negative decision. If still unsatisfied, the union can file a complaint with the federal government against the state plan (called a CASPA; see below).

A complaint submitted by telephone will be considered an "other than formal" complaint. In that case, the DLS will send the employer a letter requesting information as to abatement and asking what the employer is doing to address the items you complained about. Be sure and ask that your name be withheld if you want your identity protected.

***Complaints and requests for information can be addressed to:***

***IOSH Administrator  
Division of Labor Services  
1000 East Grand Avenue  
Des Moines, Iowa 50319  
(515)281-3606  
FAX # 515-242-6301***

A complaint should result in an inspection: Make sure you exercise your walk-around right to accompany the inspector on the inspection and point out hazardous areas to be examined, and mention and request a closing conference with the inspector, (separate, if you desire) allowed under OSHA regulations.

**Union Input During the Industrial Hygiene Inspection**

- 1. Point out the operations which you feel are the worst ones in terms of exposure to air contaminants, noise or stress. Mention operations which may not be done often but which you feel may pose hazards to the employees involved, for example, tank entry operations, maintenance operations in a baghouse, etc.*
  - 2. Is the inspector observing and sampling the operation as it is usually run, or have conditions been changed to make the shop seem better than it really is?*
  - 3. Has the Union previously notified the employer of health and safety hazards either verbally or through filing a grievance? Give the inspector copies of grievances or joint safety committee minutes you think are relevant.*
  - 4. Does the Union have copies of past air sampling, noise sampling, or health and safety surveys done by the employer, by a State, county or city agency, or by an outside consultant hired by the employer?*
  - 5. Does the Union have a daily log or long-term record of worker exposure to hazardous conditions, or a record of operations that use hazardous chemicals?*
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6. *Has the employer tried to control exposure to air contaminants or loud noise levels in the past but let the control devices fall into disrepair?*
7. *Does the Union know of any control measures that have worked in other shops for similar operations? These may even be other shops owned by the same employer.*

### Union Follow-up after the Inspection

1. Request that IOSHA send the Union copies of the citations and sampling summary sheets. For a summary of the air sampling or noise sampling, it is useful to know which operations or employees were sampled, what substances were analyzed for in the samples, the length of time the samples were taken, the sampling method, and, of course, the results of the sampling in terms of airborne concentrations or noise levels found.

2. Exercise the Union's right to participate in an informal conference.

3. Ask the IOSHA office to send the Union copies of all abatement letters and information that the employer sends to IOSHA. It might be preferable to file a Freedom of Information request since the employer might claim that certain information is trade secret information

4. File a Freedom of Information request for copies of citations, sampling summary sheets, employer abatement letters, contest notices, hearing decisions or settlement agreements for past inspections that the IOSHA office has done at the same shop, or different employer shops in the same city or region. If the employer has plants in other states, you may want to contact the OSHA offices that cover the out-of-state plants for copies of the same type of information.

5. The Union should contact the IOSHA office if an abatement date is up but the employer has failed to correct the problem, or if the employer claims to have done some corrective action in an abatement letter when the corrective action has not yet been taken.

The union should maintain contact with the state to assure that violations are cited and that it is represented in case there is an informal negotiation during the contest period. You will be provided with the written report of the field inspection only after the case is finally closed; then it will cost you 25 cents per page. Unfortunately, the union has no right to appeal the penalty or citation issued by IOSHA. You may only appeal the abatement period.

6. If the union feels that the Division of Labor is not meeting its obligations under the law, the union can file a CASPA (Complaint Against State Program Administration) with the OSHA Area Director, U.S. Department of Labor, Room 815 Federal Building, 210 Walnut, Des Moines, IA, 50309, telephone: (515) 284-4794. The Area Director will investigate any complaints you may have with the state program.(9)

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(9) Adapted from materials of the Labor Education and research Center at the University of Oregon, and from the University of Wisconsin School for Workers.



## LOOKING TO THE FUTURE: SAFETY COMMITTEES AND THE "RIGHT TO ACT"

The "right to act" movement is based on the recognition that "its the power of workers on the job that makes workplaces safer,"<sup>(10)</sup> that each operation needs a safety and health expert on duty constantly, and that the best safety inspector is the worker on the job who knows the hazards. Therefore, nearly all right to act proposals provide for mandatory safety and health committees--even in unorganized workplaces.

Many of the proposals of the "right to act" legislation are neither new nor original: in parts of Canada, workers or their union can veto employer doctors, safety training plans or protective equipment. *In Sweden workers (over 90% organized) have since 1974 had the right to shut down dangerous operations and refuse hazardous jobs as individuals, decide how to spend the company safety budget, veto plans for new machines, and are now involved in workplace design to address broad work environment issues.*<sup>(11)</sup>

For U.S. workers, such rights could cause changes in power at the workplace; important issues of control over the labor process are at stake here. Further, specific suggestions, especially those dealing with mandatory safety and health committees at all covered workplaces, could be a powerful entering wedge for unionization of unorganized workplaces.

### Can American Workers Get the Right To Act? HR 3160: The Comprehensive Occupational Safety and Health Reform Act of 1991

This piece of legislation, embodying many of the "right to act" provisions, was introduced in 1991 by William D. Ford, Democrat, Michigan. It would be a major revision and strengthening of the Occupational Safety and Health Act of 1970. The bill has important provisions which would strengthen the role of safety and health committees in unionized workplaces. These provisions include:

1. Each employer with 11 or more employees must have a written occupational safety and health program. The program must include:

-methods and procedures for identifying hazards, correcting hazards, providing occupational safety and health services, providing for employee participation in the occupational safety and health program, including formation of an employee committee, providing employee training and education, investigating illnesses, injuries, deaths. There must be special training, conducted with no loss of pay, for occupational safety and health committee members.

<sup>(10)</sup> *In These Times*, May 3-9, 1989.

<sup>(11)</sup> *In These Times*, *Ibid.*, and Robert Asher, "Organized Labor and the Origins of the Occupational Safety and Health Act," *Labor's Heritage*, January, 1991.



2. Under the proposed new law, *each workplace must have an occupational safety and health committee*, co-chaired by worker and employer representatives. The committee is to be elected by the employees with procedures to protect a free and fair secret ballot election; where there is a union, the committee is to be selected by the union. Committee activities are to be conducted with no loss of pay for employees.

*The committee's rights must include the rights to:*

- review the employer's occupational safety and health program;
- review incidents causing death, illness or injury;
- review the employer's work injury records;
- conduct inspections at least every 3 months and in response to worker complaints;
- interview employees during investigations;
- hold meetings at least every three months;
- observe the measurement of employee exposure to hazards.

### JOINT SAFETY AND HEALTH COMMITTEES: OPPORTUNITIES AND PITFALLS

Joint union/employer safety and health committees can be one way to get action on safety and health problems in the workplace. Or they can be a quagmire bogging down your efforts to protect your members. Since there is at present no statutory requirement that your employer create or participate in good faith in a committee, what seems to make the difference is upper management's commitment and willingness to spend money for safety--something over which your union has no control.<sup>(12)</sup>

Strong contract language creating a joint committee can help hold management to its contractual commitment to joint safety and health activities. But it may still be necessary to use the grievance procedure, the OSHA complaint process, and membership mobilization to get management to move.

The language suggested here is just an example of what might give your local union the clout it needs to make your joint committee work. You may want to strengthen this language or adapt it to fit your situation.

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(12) Boden, Hall, Levenstein, and Punnett, "The Impact of Health and Safety Committees," Journal of Occupational Medicine, Vol. 26, No. 11, 1984.



**Model Contract Clauses Creating a  
Joint Safety and Health Committee: (13)**

**>1. Joint union-management committee:**

There shall be a joint labor-management health and safety committee. The committee shall be composed of an equal number of management and union representatives. The union representatives shall be selected by the local union.

**>2. The joint committee shall perform the following functions:**

- a. Meet at least once every month at established dates;
- b. Make periodic inspections of the workplace at least once every month.
- c. Make recommendations for the correction of unsafe or harmful conditions and the elimination of unsafe or harmful work practices.
- d. Review and analyze all reports of industrial injury or illness, investigate causes of same, and recommend rules and procedures for the prevention of accidents and disease and for the promotion of the health and safety of employees.
- e. Promote health and safety education.
- f. Accompany government inspectors and employer consultants on all surveys of the plant and participate in these inspections.
- g. Investigate any worker exposure to potentially dangerous substances, fumes, noise, dust, etc.
- h. Be notified by the employer of any proposed measurement of worker exposure to any potentially dangerous conditions and be involved in these measurement procedures.
- i. Receive in writing the identification of any potentially toxic substance to which the workers are exposed together with all material safety data sheets.

**>3. The employer shall keep full and accurate minutes of all matters discussed at all meetings and provide union representatives with copies.**

**>4. The employer shall pay union members of the committee at their regular rate for all time spent on committee business, including time spent in inspections, handling of safety problems, accompanying inspectors, and in meetings.**

**>5. The employer agrees to provide the committee with adequate equipment and training for measuring noises, air flow, air contaminants, and other workplace hazards. Specifically,**

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(13) Paul Chown, LOHP.



the employer shall pay all reasonable costs of training and lost time, when necessary, for the union committee members.

>6. Committee recommendations and processes shall be considered an adjunct of, and subordinate to, the regular grievance procedure. All disputes and disagreements arising under the health and safety clauses of this contract, if not disposed of by the safety and health committee, shall be subject to the grievance procedure.

>7. The committee may ask the advice, opinion and suggestions of experts and authorities on safety matters. The committee or union representatives thereof shall have the right to call to the plant such experts and authorities, as well as international representatives of the union; and they shall be permitted to make such examinations, investigations and recommendations as shall be reasonably connected with the purposes of the committee.

The *opportunities* of joint committee action include quick resolution of safety and health problems in a way which avoids the time-consuming grievance and complaint processes.

The *pitfalls* of "jointness," as testified to by many Iowa unionists, are that the committees are ineffective, that management members stall, or that upper management doesn't listen to the committee. One problem occurs when the management representatives lack genuine authority and decision-making power: their commitments are worth little if they can't get top managers to agree. Another issue is that sometimes management dominates the committees, or is unresponsive to union efforts to achieve equality, to, for example, union requests to amend the committee minutes when something is left off.

A problem documented by the Grainmillers (AFGM) is "the listmaking process," where the committee meetings deal with long lists of maintenance jobs (repairs, etc.) and a discussion of which were and weren't completed. The committee should not become simply an employment agency for the maintenance department. Real problems, not routine maintenance, should be the subject matter of the joint meetings.

A 1991 study of joint programs finds that the most successful ones are those in which the union is assertively involved in the initial planning and implementing of the joint committee. Three University of Michigan researchers argue that in the plants they studied, a high degree of union involvement in safety and health creates pressure on management to treat it as an important labor relations issue. Local unions need to carefully monitor the joint programs to make sure they live up to the intent of the agreement which created them. One of the most successful programs they examined was one in which safety and health was a strikeable issue, which gave the union power to insist that the program meet its goals.<sup>(14)</sup>

If you do get involved in a joint effort, **true equality—the same kind you have across the bargaining table**—is vital to maintaining your integrity as representative of your members.

(14) Hugentobler, Robins, and Schurman, "How Unions Can Improve the Outcomes of Joint Health and Safety Training Programs," *Labor Studies Journal*, Vol. 15, #4, 1990.



## TESTS OF UNION EQUALITY IN JOINT COMMITTEES

1. Do union members have a practice of meeting separately, bring up agenda items and planning strategy before meetings?
2. Do the union and the employer have an equal number of representatives?
3. Does the union have sole right to appoint its representatives?
4. Do the chair and secretaryship rotate?
5. Do the committee's functions include: frequent unannounced safety walkarounds? investigation of accidents?
6. Who makes up the agenda and approves the minutes?
7. Is it easy to get the minutes accurately corrected?
8. What happens if there is a tie vote?
9. Does operating management take action on committee recommendations and decisions?
10. Does the committee have access to all employer data it needs?
11. Do union safety committee members receive lost-time pay for their worktime safety and health activities?

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**OSH COMMITTEE INNOVATIONS AND SUCCESS STORIES:  
WRITING OUR OWN HISTORIES**

1. The Machinists' Union and the Boeing Corporation. In a recent contract, the parties created a health and safety institute to oversee joint osh committees on site. The institute is composed of equal numbers of Boeing and union representatives, and has expert members from the fields of toxicology, industrial hygiene, safety, education, and materials technology. The institute will retain other independent experts to assist in the job of tracking and evaluating employee exposures, conducting statistical analyses of osh-related data, evaluating protective clothing and devices, and sponsoring research projects. Three were underway in 1991 to look at early returns to work for injured employees, multiple chemical sensitivities, and health effects of working with chemical composites. (15)

2. The health and safety committee of UAW 1612 in Philadelphia noted that workers were complaining that a new fiberglass-coated wire was causing itching and skin rashes. Management balked at replacing the wire, since there was no relevant OSHA standard. The committee encouraged every worker who might have the skin problem to visit the plant nurse. When 50 to 60 workers per day were leaving their jobs to be examined, management got the message that it would be cheaper to replace the wire than lose production time. (16)

3. USWA Local 4588 in Eagle, Pennsylvania was able to tackle the problem of back injuries and other accidents by negotiating into its contract the right of safety committee members to "red tag" a machine which is causing an imminent danger. The machine cannot be used until it is fixed and a committee member removes the tag. (17)

4. Your story here:

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(15) Union Labor Report, January 24, 1991.

(16) "Do-it-Yourself Tactics: Local Action on Job Safety," American Labor, No. 15., 1981.

(17) "Do-it- Yourself....".



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RESOURCES FOR THE SAFETY AND HEALTH COMMITTEE
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### A Basic Library of OSH Books and Materials

***Iowa Occupational Safety and Health Standards for General Industry*** (29) CFR 1910 as adopted at 347-10 (88) IAC. Promulgated by the Iowa Division of Labor Services with most recent amendments.

> Order from: Iowa Division of Labor Services, 1000 East Grand, Des Moines, IA 50319. Tel: 515/281-3606

***NIOSH Pocket Guide to Chemical Hazards.*** A handy reference summarizing all pertinent information on chemicals deemed hazardous by the government's National Institute of Occupational Safety and Health.

> Order from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Current (1990) edition costs \$7.00. (See sample ordering letter at end of manual.)

***Annual Reports*** of the Department of Employment Services, State of Iowa. Provides statistical data on injury reports, factors relating to injuries and illnesses, IOSHA inspections for the state of Iowa.

> Order from: Department of Employment Services, 1000 East Grand Avenue, Des Moines, Iowa 50319. 515-281-3606

***Copies of the Occupational Safety and Health law and the Right to Know law, with the administrative rules.***

> Order from: Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319. 515-281-3606

***Work is Dangerous to Your Health: A Handbook of Health Hazards in the Workplace and What You Can Do About Them,*** Jeanne M. Stellman, Ph.D. and Susan M. Daum, M.D., 1973. A paperback guide to workplace hazards, their dangers to workers, their effects on worker health.

> Order from: Random House, 400 Hahn Road, Westminster, Maryland, 21157. \$7.95 plus handling.

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***International Labour Organization Encyclopedia of Occupational Safety and Health.*** Comprehensive two volume set arranged alphabetically by hazard; contains information on both safety hazards and health hazards, with photos and diagrams.

> Order from: ILO Publications Center, 49 Sheridan Avenue, Albany New York 12210. tel: 518-436-9686. \$210 plus \$6.50 handling.

***Cumulative Trauma Disorders: A Manual for Musculoskeletal Diseases of the Upper Limbs.*** Edited by Vern Putz-Anderson. Taylor & Francis, 1988.

> Order from: Taylor & Francis Inc., 242 Cherry St., Philadelphia, PA 19106-1906. \$16, plus handling.

***Office Work Can be Dangerous to your Health: A Handbook of Office Health and Safety Hazards and What You Can Do About Them.*** Jeanne M. Stellman, Ph.D., and Mary Sue Heniffin. Fawcett Crest, New York, 1989.

> Order from: Fawcett Crest. Mail Sales Dept. TAF, 201 E. 50th St., New York, N.Y. 10022. \$4.95 (add \$.50 postage).

### **Safety and Health Films and Videos**

Workers too often downplay their concerns about unsafe job conditions out of an unwillingness to appear weak or apprehensive, or out of ignorance as to the potential long-term effects on their health of certain exposures. It can be difficult to mobilize rank and file members behind the work of the safety committee if they are uninformed about workplace hazards and about the long history of struggle to clean up America's job sites.

These films and videos offer a way to add interest to a committee meeting or a local union membership meeting while at the same time building support for your committee's work.

All the titles are in VHS videotape format unless indicated. They can all be ordered from the AFL-CIO. (See order forms, attached). Some, as indicated, can be ordered from the Labor Center by calling 319-335-4144.

#### ***Asbestos Alert: Strategies for Safety and Health***

30 minutes 1987. VHS. Rental \$5.

Documentary on hazards of asbestos and ways to prevent exposure. Includes working with asbestos in brake-shoe operations, insulation removal procedures and other asbestos operations.

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***Can't Take No More.***

25 minutes 1981. 16 mm. Rental \$5.

Produced by federal OSHA under the Carter Administration; Recalled by Reagan's OSHA. Historical view of worker's struggles for job safety. ALSO AVAILABLE FROM LABOR CENTER.

***Health Hazard in the Shop.***

25 minutes. 1978 Rental \$5. 16 mm only.

Shows OSHA inspection from the time the complaint is received until the health hazard is corrected.

***Lost Time: Occupational Back Injury.***

20 minutes. 1981. Rental \$5. 16 mm only.

Examines the redesigning of work processes and lifting tasks to reduce the high incidence of back injuries. Using interviews with injured workers and doctors, the film presents a practical approach to this problem.

***No Easy Way.***

30 minutes. 1981. Rental \$5. 16 mm only.

Dramatization of effective safety committee action to investigate an accident and get management to correct the situation. Shows a refusal to work issue handled by the committee and the mobilization of rank and file support. ALSO AVAILABLE FROM LABOR CENTER.

***OSHA***

25 minutes. 1981. Rental \$5. 16 mm only.

This film tells the story of how OSHA was set up to stem the tide of disease, injury and death in American workplaces and what their rights are under the law. Another film produced under the Carter administration and recalled by the Reagan administration. ALSO AVAILABLE FROM LABOR CENTER.

***Porque?***

10 minutes. 1988 Rental \$5.

Spanish-language introduction to the basic concepts of workplace safety and health. Hazards range from chemicals and gases to stress. Remedies and legal rights are also discussed.

***Song of the Canary.***

30 minutes. 1978 Rental \$5. 16mm or VHS.

Coal miners once took caged birds into the mines to detect the deadly carbon monoxide that often causes death. Today, workers are the canaries, exposed to a deadly new array of chemicals. Using the case history of workers manufacturing pesticides in an Occidental Chemical plant, the film reports effects of the pesticide DBCP in causing sterility among the men. Dramatically drives home the need for worker/union monitoring of worker

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health problems which may be tied to workplace exposures. ALSO AVAILABLE FROM LABOR CENTER.

***The Stress Factor.***

19 minutes. 1986. Rental \$5.

Comprehensive look at job-related stress and what can be done to reduce stress in the workplace. The program covers the signs and symptoms of stress, the effects on the worker's health, management's response and how to recognize stress.

***Stress Testing on the Job.***

60 minutes. 1985. Rental \$5.

A four-part video designed to train union committees in effective ways to respond to job stress. The program explores the physical toll stress can take, why workers blame themselves or co-workers for problems caused by working conditions and how to handle a stress-related grievance as well as the stress experienced by stewards on the front line caught between management and workers.

***Worker to Worker.***

25 minutes. 1981. Rental \$5. 16 mm only.

This film shows the many kinds of safety and health problems which workers encounter on the job. Sometimes these problems reach into the home and affect the health of spouses and children. Chemicals that create birth defects, cancer, and other illnesses are frequently used in the workplace by workers who are completely unaware of their deadly properties. Workers talk about OSHA and NIOSH and their experience in convincing others that they don't want to shut the plant down, they just want a safe place to work. ALSO AVAILABLE FROM LABOR CENTER.

***The Wrath of Grapes.***

15 minutes. 1987. Rental \$5.

Documentary illustrating how the pesticide menace has spread beyond the fields where farm workers are regularly exposed to these deadly chemicals to nearby communities. Asks for support of table grape boycott. ALSO AVAILABLE FROM LABOR CENTER.

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## Appendix: Sample Letters, Forms, and Surveys

### 1. To order a film or videotape from the AFL-CIO:

Date: \_\_\_\_\_

Local Union Address: \_\_\_\_\_

To: AFL-CIO Department of Education  
Film Division  
815 16th Street., N.W. Room 407  
Washington, D.C. 20006

Please send us

Title: \_\_\_\_\_

Show Date: \_\_\_\_\_ (you must give a specific date)

Format: Videotape \_\_\_\_\_ 16mm \_\_\_\_\_

If the film is not available at the above date, we would like to show it:

Alternative show date \_\_\_\_\_

If the film requested above is not available, please send us:

Alternative title \_\_\_\_\_

I understand that we must return the film/video the day after it is shown, that all films and tapes must be rewound, and that we must insure the film/tape or be held responsible for loss or damage.

(30 minute film—insure for \$400; Over 30 minute film—insure for \$600. Insure videotapes for \$300)

Bill us at the address above. Thank you.

Signed: \_\_\_\_\_

Local Union \_\_\_\_\_



2. Order form to order the NIOSH Pocket Guide to Chemical Hazards:

*Superintendent of Documents*

*US Government Printing Office*

*Washington, DC 20402*

*Please send me a copy of the most recent (1990) edition of the NIOSH Pocket Guide to Chemical Hazards, NIOSH publication number 90-117. Enclosed is a check for \$7.00 to cover cost of the publication, shipping and handling.*

*Please send it to:*

*Thank you.*

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### 3. Local Union Safety and Health Workplace Operations Checklist\*

#### Walking-Working Surfaces

- |   |     |    |
|---|-----|----|
| 1. All factory walkways properly marked and cleared   | Yes | No |
| 2. All office area walkways cleared   | Yes | No |
| 3. All exterior walkways cleared and in good repair   | Yes | No |
| 4. All floor holes, floor openings, wall openings and skylights are properly guarded  | Yes | No |
| 5. Non-slip mats, grating, false floors and other materials are in use in wet and other hazardous areas                                       | Yes | No |
| 6. All mats, gratings, etc. are in good repair  | Yes | No |
| 7. Floor openings, hatchways, manholes are properly guarded with covers meeting specifications  | Yes | No |
| 8. All open sided floors, platforms and run-ways four feet or more above ground or floor level are properly guarded with toe boards installed | Yes | No |
| 9. All railings and toe boards meet specifications and are in good repair   | Yes | No |
| 10. All elevated load-bearing floors and roofs and conspicuously posted reflecting safety load limits   | Yes | No |
| 11. All other load-bearing surfaces are properly installed, in good repair, with load capacity clearly marked                                 | Yes | No |

#### Stairs and Stairways

- |  |     |    |
|--|-----|----|
| 1. All stairways (other than fire exits) and elevator and escalator shafts are clear, hand-rails and/or guardrails provided treads and risers in good repair with non-slip surface and adequate illumination | Yes | No |
|--|-----|----|

#### Ladders and Scaffolds

- |   |     |    |
|---|-----|----|
| 1. All ladders (except fixed ladders) equipped with safety feet   | Yes | No |
| 2. All ladders in good condition; wooden ladders maintained unpainted                                   | Yes | No |
| 3. Precautions are taken to prevent use of metal ladders where there is possibility of electrical shock | Yes | No |

\*OCAW International Union. Reprinted in "Union Safety and Health Committees," WIOES, n.d.



Ventilation

- |  |        |
|--|--------|
| 1. All work areas appear to be properly ventilated;<br>no accumulation of smoke, dust, etc., was noted | Yes No |
| 2. Temperature, humidity and air movement in all work areas<br>apparently within comfort limits        | Yes No |

Fire Safety

- |   |        |
|---|--------|
| 1. Location and easy accessibility of at least two fire emergency exits for each<br>work area confirmed with special attention to high hazard areas | Yes No |
| 2. Each fire emergency exit is properly marked and illuminated  | Yes No |
| 3. Is the route to safety clear and unobstructed from the fire doors?   | Yes No |
| 4. All fire emergency doors swing in the direction of exit travel   | Yes No |
| 5. Fire emergency doors cannot be locked from inside, each is equipped<br>with panic or other simple type of releasing device                       | Yes No |

Fire Suppression Equipment

- |  |        |
|--|--------|
| 1. Does this facility have a volunteer fire brigade?   | Yes No |
| 2. Are regular training session conducted?   | Yes No |
| 3. All portable fire extinguishers are readily accessible, properly located<br>and show servicing is up-to-date; maximum travel distance for all units<br>not in excess of 75 ft. or 50 ft. in hazardous areas | Yes No |
| 4. Each extinguisher has been checked for its adaptability to the<br>hazard presented in the immediate area  | Yes No |
| 5. Clearance of 36 inches maintained between sprinkler deflectors<br>and top of stored material  | Yes No |
| 6. All fire hoses in proper position and appear to be in good condition  | Yes No |
| 7. Where manual fire alarm boxes are used, each is accessible from maximum<br>travel distance of 200 ft.; the travel path unencumbered   | Yes No |
| 8. Where fire control systems are used which are a hazard in themselves,<br>appropriate warning of such hazard are posted  | Yes No |
| 9. All potential sources of fire and/or explosion from gases, vapors, fumes, dusts and<br>mists inspected for correctable hazards  | Yes No |
-



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Electrical Wiring, Apparatus and Equipment

- |  |     |    |
|--|-----|----|
| 1. Clearly illustrated instructions for resuscitation of persons suffering from electrical shock are posted in all electrical stations, switchboards and transformers, entrance restricted to authorized persons | Yes | No |
| 2. Procedures for de-energizing electrical circuits reviewed for effectiveness   | Yes | No |
| 3. Extension cords and other temporary wiring free of breaks, fraying or other defects   | Yes | No |
| 4. All interior wiring systems have grounded conductors continuously identified throughout the plant's electrical system   | Yes | No |
| 5. Electrical equipment operating between 50 and 600V are protected against accidental contact by an approved cabinet or other enclosure   | Yes | No |
| 6. Insulation mats and protective gear are provided in all areas where more than 150 V to ground are necessarily exposed within eight feet from the floor  | Yes | No |
| 7. Sufficient access and working space is provided and maintained about all electrical equipment for ready and safe operation  | Yes | No |
| 8. Each electrical outlet box is provided with a cover which effectively protects against the hazard from accidental contact   | Yes | No |
| 9. Inspection reveals instructions for disconnection are attached to each electrical motor and appliance   | Yes | No |

Electrical Wiring, Apparatus and Equipment

- |   |     |    |
|---|-----|----|
| 1. All portable electrical tools are equipped with hand-operated switches which are manually held in the closed position. All electrical cables in good condition | Yes | No |
| 2. In locations where dust collects on electric motors causing potential ventilation deficiency, suitable typed of enclosed motor is used                         | Yes | No |
| 3. In battery rooms, provision has been made for diffusion of gases to prevent the accumulation of an explosive mixture   | Yes | No |

Industrial Sanitation

- |  |     |    |
|--|-----|----|
| 1. Toilet facilities meet the following standards: |     |    |
| --separate facilities provided for each sex        | Yes | No |
| --all are within 200 ft of work area               | Yes | No |
| --number of facilities conform to standard         | Yes | No |
| --toilet rooms clean, lighted, ventilated          | Yes | No |
-



- 
- |   |        |
|---|--------|
| 2. Dressing rooms are clean, lighted and equipped with individual clothes facilities  | Yes No |
| 3. Lavatories are provided in appropriate numbers with hot and cold water, individual hand towels, and are maintained in good repair; lavatory area is clean and well lighted | Yes No |
| 4. Drinking fountains are installed within 200 ft. of all work areas; they are clean and maintained in good working condition   | Yes No |
| 5. Outlets for non-potable water are clearly marked to indicate that the water is not for human use/consumption   | Yes No |
| 6. There are no cross-connections, open or potential, between a potable and non-potable water supply  | Yes No |
| 7. Receptacles for waste are adequate in design and number; they are leak-proof, well-maintained and serviced regularly   | Yes No |
| 8. Adequate control over insects, rodents and vermin  | Yes No |
| 9. The lunch room is adequate in size, clean, well-maintained and physically separated from areas offering hazards of exposure to toxic materials                             | Yes No |
| 10. All food is properly stored, refrigerated where appropriate and handled under acceptable sanitary practices   | Yes No |
| 11. Vending machine areas are maintained in a good sanitary condition   | Yes No |

#### Material Handling

- |   |        |
|---|--------|
| 1. All fiber rope and fiber rope slings used in material handling are in good condition; no evidence of excessive wear or visible defects         | Yes No |
| 2. All wire rope and wire rope slings are in good condition; no evidence of mechanical damage, bumps, broken strands, or other visible defects    | Yes No |
| 3. All chain slings, including end fastenings, are in good condition; no evidence of excessive wear or mechanical damage; all are properly stored | Yes No |
| 4. Each chain bears a current inspection tag  | Yes No |
| 5. Repairs to chains are made only under qualified supervision; all are proof tested for load under the prescribed standards                      | Yes No |
| 6. All hooks and rings are being tested before being put into service with records of dates and results of such tests                             | Yes No |
| 7. Inspection of all hooks reveals all in good operation; no visible defects  | Yes No |
| 8. Shackles are in good repair; no visible defects  | Yes No |
-



- 
- |  |     |    |
|--|-----|----|
| 9. Cranes and hoists are in good operating condition; regular schedule for servicing maintained; proper operating procedures are followed  | Yes | No |
| 10. All industrial trucks are equipped with warning devices; all are equipped with overhead guards   | Yes | No |
| 11. All industrial trucks are equipped with warning devices; all are equipped with overhead guards   | Yes | No |
| 12. All L P gas-powered industrial trucks are properly stored away from underground entrances or elevator shafts to avoid the hazard of explosion  | Yes | No |
| 13. In refueling operations, all engines are stopped; smoking is prohibited  | Yes | No |
| 14. Where electric batteries are recharged, facilities are provided for flushing and neutralizing spilled electrolyte, for fire protection, and adequate ventilation is provided for dispersal of gas emanating from batteries | Yes | No |
| 15. The load capacity is indicated on each truck and is strictly observed  | Yes | No |
| 16. All conveyor systems in good operating order; no visible defects; adequate clearance from aisles and walkways; stopping devices adequate in number and location  | Yes | No |

#### Hand and Portable Powered Tools

- |  |     |    |
|--|-----|----|
| 1. All hand and portable powered tools are in good operating condition; no defects in wiring; equipped with ground wires                                 | Yes | No |
| 2. All portable equipment is equipped with necessary guarding devices  | Yes | No |
| 3. All compressed air equipment used for cleaning operations is regulated at 30 psi or less; chip guarding and personal protective equipment is provided | Yes | No |

#### Machine Guarding and Mechanical Safety

- |  |     |    |
|--|-----|----|
| 1. Every production machine has been inspected as to the following items, all found to be in satisfactory condition: |     |    |
| a) Cleanliness of machine and area   | Yes | No |
| b) Securely attached to floor  | Yes | No |
| c) Operations guarded  | Yes | No |
| d) Illumination  | Yes | No |
| e) Effective cut-off devices   | Yes | No |
| f) Noise level within limits   | Yes | No |
| g) Adjustment  | Yes | No |
| h) Tripping mechanism  | Yes | No |
| i) Material flow   | Yes | No |
-



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Welding Cutting, Heating and Brazing

- |  |        |
|--|--------|
| 1. All compressed gases are stored and used according to standards | Yes No |
| 2. Welding operations are properly screened                        | Yes No |
| 3. Fire watchers are designated where required                     | Yes No |

Medical Facilities and Records

- |  |        |
|--|--------|
| 1. The dispensary is equipped, the availability of professional or training personnel, and the maintenance of records conform to corporate minimum standards and are in compliance with OSHA standards | Yes No |
|--|--------|

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#### 4. Steward's Health and Safety Report Form

Stewards: Please use this form to report to the safety and health committee all safety and health problems you are having trouble getting corrected.

Return to \_\_\_\_\_

Date: \_\_\_\_\_

Department: \_\_\_\_\_

Location of accident, safety problem or condition: \_\_\_\_\_  
\_\_\_\_\_

Steward's Name: \_\_\_\_\_

Supervisor Contacted: \_\_\_\_\_

Summary of Accident or Problem: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggestion for Correction: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Action by Safety and Health Committee:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Management Response:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Recommendation for further action:

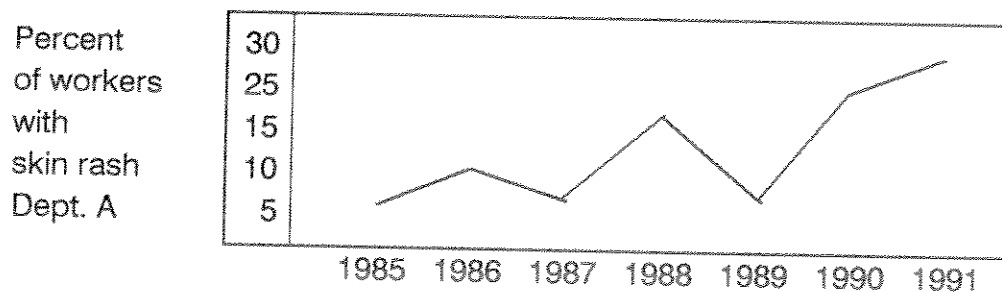
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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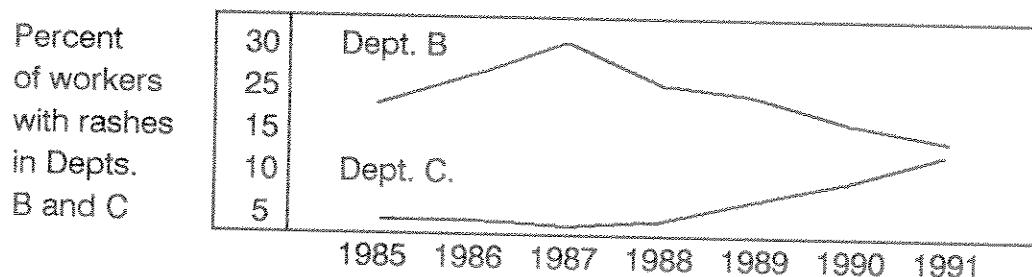
## 5. Charting Safety Conditions at Work.\*

A. Line Graph to help analyze the pattern of illness in a workplace



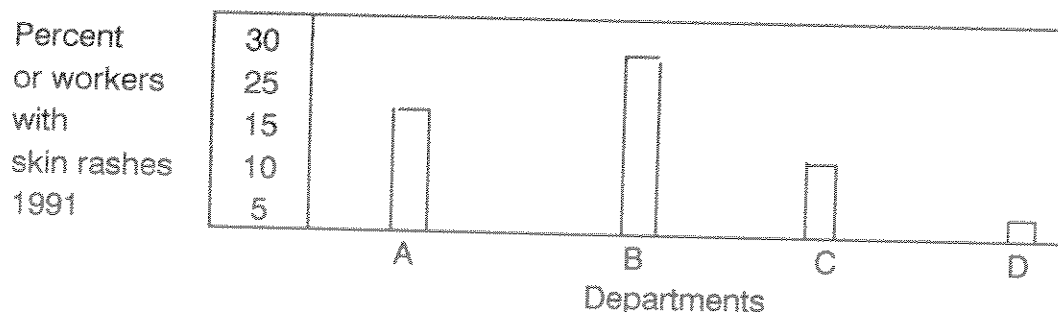
This is a "line graph" showing how events in a single department are changing with time. It shows not only that things in this department have been getting worse, but it pinpoints when the most dramatic change took place.

B. Line graph to compare illness in two departments



Here we have combined the situation in two departments on one graph. If we looked only at the most recent year, we would think there is not much difference between the two. But by looking at both departments over time, it is easy to see which department the OSH committee might want to focus on.

C. Bar graph to help analyze the pattern of illness in a workplace.



This bar presentation allows us to compare different departments throughout the entire workplace in one year. Incidence rates in each department must be expressed in a percentage, not in absolute numbers, so that comparisons are not misleading. This again helps you determine priorities for action.

\* The Case of the Workplace Killers: A Manual for Cancer Detectives on the Job. UAW, 1980.



## 6. Departmental Hazardous Conditions Poll

[To involve your members in your committee work, have safety committee members or stewards ask everyone in their department on their shift for their opinions on which hazards they are most concerned about. Use hazards found in each department.]

Please fill out and return to your steward or safety committee member.

Department: \_\_\_\_\_

Date: \_\_\_\_\_

1. Which two of the following conditions or substances on the job bothers you the most? (Check only two items)

- a) heat \_\_\_\_\_
- b) noise \_\_\_\_\_
- c) smoke or dust \_\_\_\_\_
- d) acid fumes from passivation tank \_\_\_\_\_
- e) graphite dust \_\_\_\_\_
- f) fork lift truck exhaust \_\_\_\_\_

2. Here is a list of safety hazards we have found. Which one would you most like to see corrected:

- a) overloaded small crane #4 \_\_\_\_\_
- b) faulty insulation on welding machine #64 \_\_\_\_\_
- c) greasy floors \_\_\_\_\_
- d) no fire exits by machine #32 \_\_\_\_\_

3. Can you think of other safety or health hazards you would like to see corrected?

a) Hazard \_\_\_\_\_  
\_\_\_\_\_

Solution \_\_\_\_\_  
\_\_\_\_\_

b) Hazard \_\_\_\_\_  
\_\_\_\_\_

Solution \_\_\_\_\_  
\_\_\_\_\_

Please continue on back, if needed. Thank you. Your Safety Committee.



## 9-7. How to Request Medical and MSDS Information

(Send certified mail, return receipt requested)

Dear \_\_\_\_\_:

In order to appropriately represent our members, this local union requests that the following information be provided to us.

A. Pursuant to OSHA Regulation 29 CFR 1910.20, Access to Employee Exposure and Medical Records (Effective August 21, 1980):

1. All employee exposure records, including all workplace monitoring and biological monitoring results. Note that this includes a request for all results covering chemicals, noise, heat, cold, vibration, pressure, and radiation exposure;
2. Any analysis using these exposure records;
3. Any analysis using employee medical records; and
4. Copies of all Material Safety Data Sheets.

This information must be provided within fifteen days at no cost.

B. Pursuant to OSHA Regulation 29 CFR 1904.7, Access to Records, Log and Summary of Occupational Injuries and Illnesses (Effective July 21, 1978):

1. The log and summary of occupational injuries and illnesses for the last five years.

C. Pursuant to OSHA Standard 29 CFR 1912.00, Hazard Communication (fully effective May 25, 1986):

1. The entire written hazard communication program, including the list of hazardous chemicals and explanation of how you will inform employees of the hazards of unlabeled pipes and non-routine tasks;
2. An explanation of how MSDSs will be readily accessible to employees;
3. If you do not have MSDSs for all hazardous chemicals at this facility, please provide copies of documentation indicating that you are attempting to obtain MSDSs from your suppliers; and
4. An explanation of how the training requirements of this standard will be met by May 25, 1986.

Consider this letter a standing request for updated and/or new information pursuant to the above regulations.

A designated representative of this local union is prepared to meet with you if you have any questions concerning this request.

Sincerely,



## 8. Getting Started with a One-on-One Mobilization Campaign

Theory and structure of the organizing model of union action.

# Servicing Model vs. the Organizing Model

**T**he key to success in any internal organizing campaign is involvement of the membership in actions and decisions that affect them—whether bargaining for a contract, recruiting new members, settling a grievance, or lobbying on a bill in the legislature.

In trying to do a good job, local union leaders often defeat their own efforts by relying too heavily on the “**servicing model**” of local union leadership—trying to help people by solving problems for them.

Many local union leaders are finding that using an “**organizing model**”—involving members in solutions—results in a higher degree of organization and success.

Here are some examples of these two different models.

**Issue/Problem**—Contract is up for negotiation

**Service Model**—Business agent negotiates contract and presents it for ratification

**Organizing Model**—Members participate in formulating demands, elect bargaining team, participate in pressure actions, then vote on ratification/rejection

**Issue/Problem**—Employer is violating a safety standard

**Service Model**—Union rep files grievance or complaint with safety agency

**Organizing Model**—Union asks affected workers to sign a petition or take part in a protest or go as group to OSHA to file complaint

**Issue/Problem**—Union wants legislation passed

**Service Model**—Union lobbyist talks to legislators

**Organizing Model**—Members sign petitions, write cards, visit legislators, attend hearings



The advantages of the "organizing model" are several.

First, it is frequently more **effective**. An employer is more likely to bargain fairly if there is a clear indication that a large number of workers are involved in and behind the union. A public agency is more likely to solve a problem if it knows many people want it resolved. A politician is more likely to support labor's legislation if he or she knows the membership is involved and knowledgeable.

The second advantage is that it **gives members a sense of power as a group** by letting them share in the decisions and the victories. It is one thing to read in the union newsletter that the union won an arbitration or got a health and safety problem resolved or delivered a decent contract; it is quite another to know that by attending a rally or participating in a bargaining session you affected the outcome.

Third, the "organizing model" **educates members** about the nature of the dispute between the union and the employer. Often when the union loses a battle, the member blames the union because he or she didn't participate and doesn't know what happened.

Last, and perhaps most important, the "organizing model" enables the local union to **take on and solve more problems** because more people are involved and available to help.

In the short run, using the organizing model requires a lot of work, flexible leadership and the shedding of old ways of doing things.

But in the long run, it helps build the union into a force of many, as opposed to a service organization of just a few leaders.



## ONE-ON-ONE STRUCTURE

### **Canvassers.**

The canvassers are the backbone of the system. The One-on-One structure calls for one canvasser for every twenty members. In other words, if the local has 3000 members, you will need to recruit 150 canvassers from among the stewards and other active members. If the local has 200 members, you'll need 10 canvassers. The number of canvassers needed is figured by dividing the number of members by 20.

The canvasser's job is simply to give a leaflet on a particular topic to each of the 20 members on his/her list. The leaflet will ask the member to do something -- write a letter to Congress, return a survey, volunteer for some union activity. The canvasser should be prepared to reinforce the message verbally and to answer some of the questions the member might have. The canvasser isn't expected to know everything on the topic and is definitely not expected to argue with the member or try to talk him/her into something he/she doesn't want to do.

The actual One-on-One canvass should be completed within about two weeks -- ten working days -- so canvassers need only contact two members per day to complete their quota. (Canvassers can contact more or fewer than twenty members if you so desire. The number twenty was chosen more or less arbitrarily in order to keep the task manageable for canvassers.)

You can use the same canvassers each time you do a One-on-One canvass...or you can recruit different canvassers who might be interested in that particular issue.

### **Canvass Organizers**

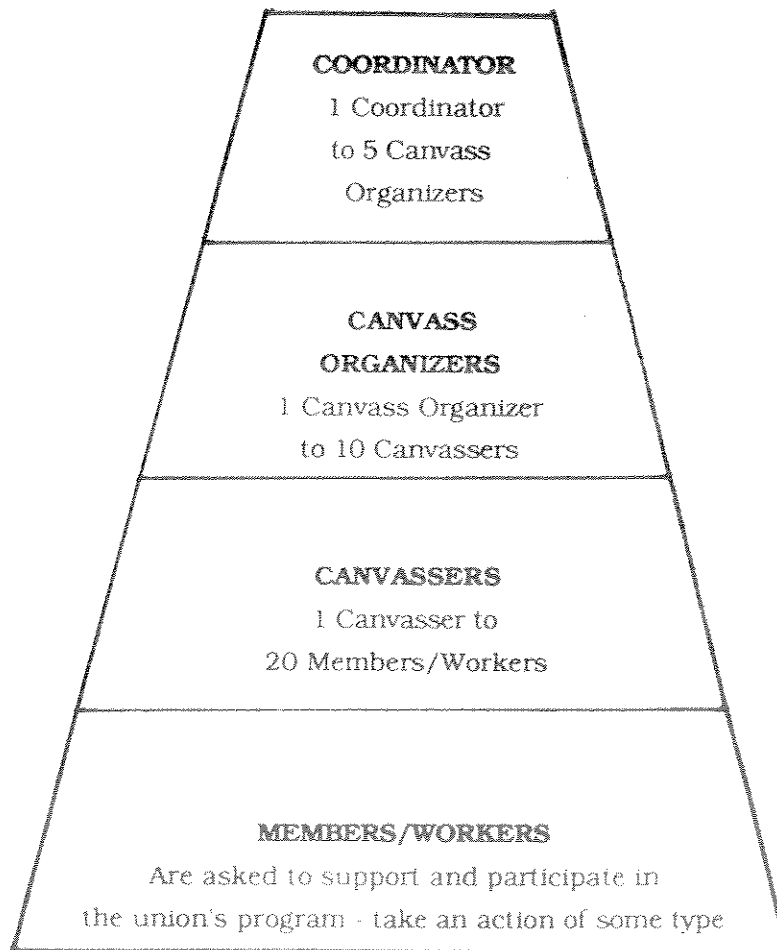
You will need one canvass organizer for every 10 canvassers. The canvass organizer's job is basically to keep track of how the canvassers are doing...deal with any problems the individual canvasser runs into...check with the canvassers every so often to make sure the job is really getting done.



### **Coordinators**

The Coordinator(s) oversee the whole process. The number of Coordinators depends on the size of the local. If the local is large enough to warrant having more than five canvass organizers (which would mean you have more than fifty canvassers and more than a thousand members), there should be one coordinator for every five canvass organizers.

It's a simple structure which sometimes sounds more complicated than it is. It might be easier to understand by looking at this diagram.





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*Once the One-on-One structure is set up, it may prove valuable in unexpected ways. Local 206 of the International Brotherhood of Teamsters in Portland, Oregon initially used One-on-One to distribute a contract survey to members. However, they found they could use the same structure to quickly distribute information during contract negotiations and to arrange demonstrations of union solidarity and support. When the Local went into a brief strike, the same structure was used as the strike committee.*

*Tom Leedham, Secretary-Treasurer of the Local, says, "Because you usually don't have much preparation time, the first stages of a strike are like a Chinese firedrill with everybody running in different directions. The One-on-One network gave some immediate structure and order to our activities. Also, now that we're back, we've ended up with a better relationship with management because the One-on-One stuff demonstrated the power of the union on the shopfloor. Now they realize they have to deal with us, so we've really started solving problems."*

.....

### THE ONE-ON-ONE CANVASS

The Canvass itself involves only a few steps.

#### **1. PLANNING SESSIONS** - Local union leadership meets two or three times to:

- a) draw up canvass structure, determine how many canvassers, canvass organizers, etc. will be needed, figure out who will do what jobs and how to recruit more canvassers if needed;
- b) choose an issue for the One-on-One canvass. The issue may be anything the union wishes to educate its members on and which calls for active participation and support. Or, the local may decide to survey the members first, before choosing an issue, in order to determine what the members are interested in, to see how much they already know about a particular subject or to find out what



their feelings about the issue are at the present time;

c) Develop materials for the Canvasser Training Session. The materials needed are **(1) a Leaflet** to be handed out to members; **(2) Discussion Questions** to be used in the Canvasser Training Session. *(The most effective way to educate people on an issue is often to give them an opportunity to have a discussion about it); (3) a Fact Sheet* to provide additional facts as back-up for the Canvassers; and **(4) Yeah...Buts** which are arguments or objections Canvassers might encounter from members, along with suggested responses.

## 2. TRAIN CANVASSERS

Each time a One-on-One Canvass is done, canvassers must attend a training workshop to educate themselves on the issue and to practice communication techniques. *(An outline of the One-on-One Canvasser training workshop is available from the AFL-CIO Department of Education.)*

## 3. DO CANVASS

The One-on-One Canvass itself should take no more than two weeks. In a building trades situation, the canvass period may be condensed into two or three days. During the canvass period, the coordinators and canvass organizers should be closely monitoring the activities to make sure the Canvassers are contacting the members, to catch any problems that might come up, and to make sure everything's happening according to plan.

## 4. EVALUATE RESULTS

If possible, determine how many members actually took the action step requested on the leaflet. Once the canvass is complete, information about how it turned out and what the results were should be passed along to the members. Some kind of "thank you" activity, such as a party, should be arranged for the canvassers and everyone else who helped during the canvass.



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1. Meet with Bus. Rep. and proper Local Officer sometime this week.					
	2. If this is an initial canvass, an attitude survey should be done prior to meeting.					
	1. Local Officers recruit potential Canvass Organizers and Canvassers at workplace or by phone.					
	2. Schedule training sessions.					
	3. Canvass Coordinator assembles material.					
	1. Follow-up calls for Training Sessions.					Canvass Organizer Training Session.
	2. Contact Canvass Coordinator for Canvasser's material.					
Canvasser Training Session #1	Canvasser Training Session #2	Inform Officers of Results of Training Sessions.	Canvass Organizers prepare record sheet file folder.	Inform Officers of Progress.	Local Organizers meet with Canvassers as a group or individually.	
	Canvass Begins	CANVASS 1. Progress Report from Canvassers.				
		2. Inform Business Representative and Local Union Officers of Progress.				
	Continue Progress Reports.	CANVASS				
		Meet Officers and Bus. Rep. to discuss progress.			Canvass Ends	Evaluation and Party (not necessarily on this day.)

WEEK 1

WEEK 2

WEEK 3

WEEK 4

WEEK 5

WEEK 6



**RESPONSIBILITY CHART**

Indicate who has primary responsibility for each step in a One-on-One Canvass

<b><u>STEPS</u></b>	<b><u>COORDINATOR</u></b>	<b><u>ORGANIZER</u></b>	<b><u>CANVASSER</u></b>
1. Planning			
2. Survey			
3. Issue			
4. Leaflet			
5. Organization			
6. Training			
7. Canvass			
8. Evaluation			



[illegible]



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## INDEX OF SUBJECTS

Books on OSH issues.....	22-23
Charts of workplace injuries and illness.....	9, 35
Checklist for OSH committee walkarounds.....	8, 28
Complaint against IOSHA inspection .....	15
Contract language,	
Creating joint union-management committee.....	17-19
Giving rights to union OSH committee.....	3, 4
Need to analyze contract language.....	10
Documents,	
Inspection of management documents by union.....	8, 37
OSHA Form 200, MSD Sheets .....	6, 8
Fair Representation and Union negligence .....	3
Films on OSH issues .....	23-25
Graphs of workplace injuries and illness.....	9, 35
Grievances ,	
Investigation of safety grievances .....	10-11
On discipline for refusals to do unsafe work.....	11
On unsafe conditions.....	10
Hazard Communication Program.....	6
Information from management,	
Legal rights to obtain information.....	4, 8, 37
Sample letter requesting information .....	37
Inspection of Workplace,	
How to inspect.....	7-9, 28
Legal right to a union inspection.....	8-9
IOSHA office , address.....	14
Joint committees,	
Action to correct problems.....	10
Contract language creating joint committee.....	18-19
Equality of union and management.....	19-20
Liability of union for worker injury or death.....	2-3
Minutes of joint committee meetings.....	18



---

Mobilization of members around OSH issues.....	6, 11-12, 38
OSHA complaints.....	13-14
OSHA inspection,	
Union follow-up after inspection .....	15
Union role during inspection.....	14-15
Petitions on OSH conditions.....	12
Records of safety committee .....	12
Right to Act movement and legislation .....	16-17
Risk-mapping.....	11
Safety Committee,	
Functions of committee.....	5-6
Legal rights of committee.....	4
Membership of committee.....	5
Stewards and OSH committee.....	5, 8, 34
Surveys, of members.....	9, 36
<u>United Steelworkers v. Rawson</u> .....	2
Workers' Compensation claims .....	12

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