

Trade unions and improving health and safety in small enterprises : the findings of an ETUC study

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The full details of the project findings may be found in : *Working safely in small enterprises in Europe. Towards a sustainable system for worker participation and representation* (ETUC 2002).

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The level of work-related injuries, fatalities and ill health experienced in small workplaces is unacceptably high. This is not solely the result of undertaking more hazardous work, but primarily because the arrangements for health and safety in small enterprises are unsatisfactory.

The EU Framework Directive 89/391 demands from employers :

- health and safety arrangements in all enterprises focused on *risk management*;
- participative *risk management*, which involves both the creators of the risk and those that experience risks in acknowledging the :
 - fundamental responsibility of the employer;
 - requirement for competent support to evaluate and control risks; and
 - rights of workers to be represented and engaged in this process.

However, the “structures of vulnerability” in which employers and workers in small enterprises are enmeshed means that they need additional support to comply with these requirements. Efforts to extend such support have resulted in national strategies to promote small workplace health and safety that involve the use of “push-pull” intermediary structures and processes as well as more traditional approaches to regulation. Such successful strategies emphasise the role of face-to-face contact in delivering health and safety actions. Worker representation has a role in such push-pull contexts — both to enhance workers’ autonomous action in relation to their health and safety and to promote actions on health and safety by workers and their employers/managers jointly.

With these considerations in the mind, the ETUC undertook a project supported by the EU Agency for Health and Safety, to investigate and make better known the extent to which schemes of worker representation in health and safety act to promote arrangements for preventive health and safety in small workplaces. In doing so it aimed to increase understanding of ways in which trade union strategies could :

- promote greater consultation in health and safety;
- increase health and safety awareness amongst workers and owner/managers; and
- achieve tangible health and safety improvements.

Examples of representative participation in health and safety in SMEs were investigated in four countries : Italy, Spain, Sweden and the UK. Further insights

were gained by reviewing practices in the woodworking industry across a number of EU countries. This article outlines some of the main findings of the project and comment on their significance for the health and safety of workers in small enterprises throughout the EU.

What works and why

While there are many approaches to operationalising EU-wide legal requirements for participative approaches to risk management in small enterprises, there are several factors that seem to promote their success and sustainability.

Trade union involvement : To be successful and sustainable on any scale, representative participation in health and safety in small enterprises requires support, and trade unions are the main source of this. They also play a major political role in instigating participatory approaches at the national, sectoral and regional levels.

Organisation at workplace level is fundamental to the trade union approaches in the study. Regional/territorial reps, regional/sectoral committees, and trade union regional or sectoral organisers do not take the place of worker organisation in small enterprises. A primary objective in all cases is to *instigate and support the development of worker organisation for health and safety at work*. This is evident, for example, in the approach of Swedish regional reps and that of reps in other schemes such as those in Italy and in Spain. In no case does representation from outside replace representation by workers. Therefore, although these initiatives stem from a recognition of the problem of organising for OHS in small workplaces, they are not alternatives to workplace organisation. An appreciation of this helps in understanding both the trade union strategy towards sustainability (through organisation inside the workplace and its support from outside by trade union/joint structures). It also helps explain the political hostility to these initiatives that is sometimes expressed by employers’ peak organisations.

A legislative framework : While trade union involvement may be fundamental to the operation of schemes to increase worker participation in health and safety arrangements in small firms, there is little doubt that a legislative framework is enormously important in initiating and sustaining such schemes. Our investigation of experience in countries such as

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Sweden, which has long-established legislative provision, as well as in a country such as Italy, where legislative provisions are more recent, strongly support this. However, the need for legislative provision was also endorsed by comments from countries such as Spain and the UK where schemes are at present largely voluntary.

There are several reasons why a legislative framework is important. It sets out minimum legal requirements that parties involved with small enterprises must follow. It provides a useful framework for trade unions and employers to build on in their collective agreements. It raises the profile of the issue and provides a conspicuous marker for all small enterprise workers and employers to see. Legal support for small-firm workers' rights to representation strengthens their position and is an encouragement to act when otherwise fear of victimisation might prevent them from doing so. Moreover, the legitimacy that a legal framework can confer on regional/territorial reps and their support structures is a quite powerful factor in determining their acceptance by all.

The engagement of peak organisations and regulatory bodies : Trade unions have made considerable political and practical efforts to ensure the success of worker representation in OHS in small enterprises. At the same time, the engagement of employers' organisations (and the branches of them that represent small firms' interests) is crucially important. There is something of a paradox here, since at a political level, in all the countries studied, the peak employers' organisations tend to be most vocal in opposing schemes to increase small-firm worker participation in health and safety. Despite such opposition, where schemes are most effectively implemented, it is through a framework elaborated in agreements between trade unions and employer/small enterprise organisations (and sometimes other parties). Such agreements help to ensure the commitment of members, as well as providing pooled resources to support training and information. In our national studies, we also noted the extent to which representatives themselves enjoy access to regulatory agencies, preventive services personnel and other elements of support that involve such agencies.

Skilled representatives : Aside from the legitimising role played by legislation and by the engagement of employers'/small firm organisations in agreements on regional/territorial representation, there are several further reasons why representatives are able to develop positive relations with small firm owner/managers. Generally, regional/territorial reps are well-informed and useful sources of information and advice on health and safety matters. This adds to their legitimacy in the eyes of small firm owner/managers. Amongst their most important supports are training and experience. Most of the schemes we studied stressed the role of building workplace

organisation for health and safety. However, they also attached significance to representatives being able to undertake inspection activities, and to make authoritative comments to owner/managers concerning improvements required. Thus, reps were committed to building worker organisation in small workplaces and long-term sustainable links between themselves and the workers in the small enterprises they visited. At the same time, they were capable of acting swiftly and exercising their rights to intervene where the situation warranted it. Their experience also meant that they were likely to have cultivated strong working relations with other actors, such as regulatory inspectors, and could engage with them as and when appropriate. All this lent further credibility to their role.

Trade union representatives and organisers that are engaged in representing the needs of small-firm workers do so in ways that are both structurally and socially different from those undertaken by more traditional forms of representation within workplaces. While there are fundamental principles that underpin all forms of worker representation, their practical application varies according to the nature of the social and economic situations in which it occurs. This means that schemes to represent the health and safety needs of workers in small enterprises must take particular account of the circumstances of such workers.

Our findings demonstrate clearly that communication skills are important, as well as the ability to function on many levels, not only in relation to employers and workers in small firms, but also with regard to regulatory inspectors, personnel of external preventive services, local media, and other social and economic interests. Training that takes account of these special needs is enormously important. Information resources provided by trade unions and/or the bilateral bodies that have been set up in a variety of regions and sectors are also important. Furthermore, support and co-ordination of the efforts of trade union regional/territorial representatives is vital to the success of their mission.

Acknowledging needs for different approaches : Our study indicated that there was no single "preferred approach" to representing small-firm workers' health and safety interests. Although versions of the Swedish model of regional health and safety representation are the ones most frequently adopted in EU countries, variation in the economic, regulatory and labour relations systems and cultures in different countries means that each national application has its own unique features. In addition, there are many other initiatives, such as health and safety advisory services for workers in the UK, sectoral/regional health and safety committees in Greece, trade union initiatives in Denmark and regional trade union health and safety observatories in France, as well as the roles of joint committees and bilateral structures

in some regions and sectors of Spain all of which suggest that there may be “horses for courses” according to local circumstances. It seems clear that a variety of approaches, each one taking account of the peculiar circumstances of the region/sector to which it is addressed, is more likely to reap better overall benefits than exclusive allegiance to the implementation of one particular model.

Resourcing : Whatever scheme is most appropriate to local circumstances, all have some degree of resource implication. This is a fundamental point and it cannot be ignored. If worker representatives are to participate in creating and sustaining health and safety arrangements in small firms, they can only do so effectively if they are properly trained, informed and their activities reasonably well co-ordinated. Setting up arrangements to effect such training, information and co-ordination requires resourcing. There is sufficient indication of the success of regional/territorial health and safety reps and other trade union initiatives in improving OHS in small firms to suggest that the resulting reduction in the cost of accidents is likely to be considerable and dwarf the costs of implementing and running such schemes.

The real problem is perhaps not the costs of schemes in absolute terms, but who is responsible for bearing them. Unless outlays can be connected to the savings they generate, they are unlikely to be popular with the agencies that provide them.

Constraints and obstacles : The “structures of vulnerability” of workers in small firms mean that the general and multifaceted lack of resources in small establishments limits development of management competency, information, training, and safe plant and equipment. They often result in restricted access of workers to the autonomous representation of their interests such as provided through works councils and trade unions, and there may be little experience of OHSM on the part of both workers and their employers. These vulnerabilities may be further exacerbated by the insecurity of work in many small enterprises, and the prevailing threat of unemployment, limited profitability and the large amount of illegal (and consequently unregulated) work and workers associated with them. Their negative effects are felt at a variety of different levels. They include achievement of compliance with the regulatory system, the development of strategies of self-interest, equating managing health and safety with profitability and undemocratic and autocratic social relations. All of which prevent workers from feeling able or willing to participate in any meaningful way in making and maintaining OHS arrangements.

It is against this challenging backdrop that trade union regional/territorial representatives and equivalents engage with small enterprises in order to improve participatory strategies for better health and

safety performance. It would be surprising indeed, if under such circumstances there were no barriers or constraints to their effectiveness. The ignorance of employers about health and safety standards in such situations (and their paradoxical conviction that they are well informed) is well known. Their limited understanding of health and safety issues is often combined with limited education and a weak understanding of management in general. All this makes it extremely difficult for trade union representatives to develop the full potential of their role. Instead, as a result, regional representatives (or their equivalent) are often limited to undertaking inspections and investigations of specific breaches of legislative requirements, responding to the (often anonymous) complaints of workers about specific failures and informing employers of the need to address such matters. In this they are playing the role of a surrogate regulatory inspector. While it is no doubt necessary to do so when confronted by wilful or negligent breaches of regulatory requirements that pose a danger to workers, it is understandably difficult to fulfil the role of activating workplace organisation when primarily playing this role.

Furthermore it is not only employers who pose obstacles and constraints for the role of regional/territorial representatives (although it is likely they are the main source of such problems). Workers themselves may be resistant to engaging with health and safety issues. Regional/territorial representatives report difficulties with activating and building health and safety organisation in workplaces where there is none already. This is evident in most countries in the survey. Problems are attributed to a mixture of lack of awareness of health and safety issues and insecurity concerning their jobs on the part of small-firm workers. These problems are particularly acute in very small workplaces.

The way forward

The ETUC study confirms the important role played by trade unions in promoting and sustaining initiatives to achieve arrangements for representing workers and improving health and safety performance in small enterprises. It establishes the significance of trade union engagement in this process both at the macro-political level and in activating and supporting organisational arrangements at regional, sectoral and workplace levels. It demonstrates that there are a number of important supports that ideally need to be in place if such activities are to be successful. They include legislation and collective agreements that recognise the special problems of making health and safety arrangements operational in small enterprises and support and sustain efforts to achieve this through representational rights relevant to the needs of small-firm workers. This has been achieved so far only in a minority of EU countries and there is a strong case for extending such provisions much more widely.

However, we have argued that legislative rights and collective agreement alone are not enough. Other actors, as well as trade unions, in national health and safety systems and at EU level, need to be convinced of the important role to be played by participatory strategies in improving small workplace health and safety. This includes employers and their organisations, regulatory bodies, insurance organisations and professional bodies. While we hope that the ETUC study will help to raise that awareness, we recognise that much more needs to be done.

There is a role here for information dissemination at international, national and sectoral levels. Such information should make it clear that there are many different approaches to achieving better participatory arrangements for health and safety in small workplaces. They all require commitment from participants to supporting and sustaining them. Increasing understanding of the important role played by representative participation in OHS would be greatly assisted by more information concerning what works best in different economic national and sectoral situations. It would be useful to know in greater detail, for example, what techniques for activating workplace health and safety organisation in SMEs are most often deployed by regional/territorial representatives and their equivalents, as well as which of them are most effective and why. It would be helpful to have more information on the kinds of constraints and barriers that participatory schemes face and the means with which they have been successfully addressed. It is equally important to know what are the requirements for quality in the training provision that specifically addresses the needs of representatives engaged in such schemes.

Most of the schemes we considered are relatively new, indeed some are still in their pilot stages. Clearly it is unrealistic to expect answers to all these questions immediately. However, if such schemes are to be more widely adopted (and we think there is sufficient evidence of their success to warrant this) then this is the kind of information that would be helpful in ensuring that they are implemented appropriately.

We know from evidence in larger workplaces that trade unions and health and safety representatives make a significant contribution to improving health and safety performance. Participants and observers of the role of representational schemes in small enterprises described in previous pages believe them to contribute to improved health and safety performance in similar ways. There are strong theoretical arguments to support such a belief. However, there is considerable further scope to demonstrate it and while there are strong ethical arguments for worker representation, economic arguments concerning its success may hold greater sway amongst employers and those responsible for resourcing such initiatives.

The ETUC study shows some of the ways in which trade unions have engaged in addressing the issue and developing new approaches to their fundamental roles of activating, operating and sustaining worker representation in health and safety in small firms. It is evident that these are new dimensions for the role of trade union organisation in the changing world of work in which there are considerable challenges for successful outcomes. It is, however, clear that trade unions are making significant efforts to meet such challenges. ■

Partners in the ETUC project were : CISL, UIL and Sindnova in Italy, the TUC and South Bank University in the UK, CC.OO and ISTAS in Spain, LO in Sweden, the European Federation of Building and Wood Workers for the woodworking sector, the CFDT in France and the TUTB which provided expertise and coordination assistance.

More information on the project can be found on : <http://www.etuc.org/tutb/uk/sme.html>