

## HEALTH AND SAFETY COMMITTEES

### *Getting Started*

Many AFT locals have established health and safety committees. The primary goal of these committees is to assure that all members have a hazard-free, safe and healthful place to work. This fact sheet presents profiles of health and safety committees in public agencies and healthcare facilities.

There are two basic kinds of health and safety committees:

- **Union only** - which all unions can form
- **Joint labor-management committees**- where a collective bargaining relationship exists

### **UNION HEALTH AND SAFETY COMMITTEES**

The health and safety committee should be a standing committee of the local and as such it should work closely with building representatives and the union grievance committee. It should meet regularly to be an effective committee.

A high-ranking executive board member should be named to chair the committee. Other members should be appointed to reflect the interests and diversity of the union. A workable committee should probably have no more than seven to ten members. When a union has staff, a staff person should be assigned to the committee.

The primary purpose of the committee is to resolve work-related and environmental health and safety problems in the workplace. An important goal is to work toward the establishment of good health and safety policy at the worksite. Another goal is to educate and inform union representatives throughout the union about hazards which should be reported and corrected.

Health and safety committees are formed for both reactive and proactive reasons. If the committee is formed in response to a crisis such as poor indoor air quality that is contributing to increased illnesses among staff and students, the committee's immediate focus will be on this issue. The committee will, however need to carefully construct an action plan. For some ideas on developing an action plan, see below, "**Health and Safety Action Plan**".

However, if the committee is formed because there have been diffuse complaints, the committee should strive to define and narrow these complaints to specific issues and prioritize its work. Below are some guidelines for defining the issues and developing a committee's program:

## **Getting Started**

Starting a health and safety committee can seem like a daunting task, but there are several steps that can be taken to organize the committee's work:

**First**, identify workplace hazards by:

- Making a presentation and leading a discussion on health and safety at a union-wide meeting of building representatives or stewards;
- Doing informal surveys with members; distribute surveys through the building representative or steward structure. **AFT's Union Leadership Institute - ULI (ULI\_support@aft.org)** can provide sample surveys for you to adapt or use;
- Collecting background information:
  - ◇ Requesting information from management that unions have the "right to know". For instance in the private sector and in osha state plan states<sup>1</sup>, workers including public employees and their unions have the right to request the results of any testing done in the workplace such as monitoring for air quality, asbestos or radon. Unions can request the composite results of any medical testing performed on all employees such as drug testing;
  - ◇ Meeting with management health and safety representatives officials such as environmental health officers and/or managers responsible for workers' compensation (loss management). Such individuals can provide useful information on how health and safety matters are handled by the employer, i.e. Current policies on "right to know", renovation, asbestos removal, pesticide use etc.;
- Arranging walk-around inspections of all worksites where health symptoms have been reported. If the committee has problems getting access to worksites, providing a check list for the building representative to complete. **ULI** can provide simple walkaround guides and check lists.

**Second**, find out about all applicable OSHA standards (if applicable) that may apply to the union's members. **ULI** can provide copies of all applicable standards with easy to use interpretations. Form a relationship with an OSHA compliance officer that the union can call during non-crisis periods and get advice/information about standard interpretation or on proper control measures.

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<sup>1</sup> Public employees in the following states have OSHA coverage: Alaska, Arizona, California, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virgin Islands, Virginia, Washington and Wyoming. Other states such as Ohio, Rhode Island and Wisconsin have adopted OSHA standards and regulations for public employees, but generally provide little enforcement.

**Third, make a list and prioritize the health and safety issues of the membership.**

**Fourth, focus first on health and safety problems that the union can solve.** Small victories can win new supporters and demonstrate the union's ability to improve conditions.

- Requesting that the employer come into compliance with the OSHA blood-borne pathogen standard. The standard requires that any staff that reasonably "anticipate exposure to blood or other potentially infectious materials" be provided with training to prevent exposure, protective clothing (gloves), the hepatitis b vaccination and immediate medical attention after a significant exposure to blood;
- Requesting that all personal protective equipment be provided and paid for by the employer. For instance, maintenance and custodial staff should not have to pay for gloves, overalls and/or safety shoes and safety glasses.

**Fifth,** request to meet with management to discuss your concerns and possible management initiatives to correct the identified hazards. Consider asking for corrections that put the administration and the union in a "win-win" position. Be sure to leave behind a written description of the hazards identified and recommendations for change.

**Sixth,** identify potential allies if your efforts with management are not successful. When management is slow or totally ignores the union's concerns, the union should consider its options. The union may want to reach out to traditional community allies such as the AFL-CIO Central Labor Council, churches, community groups, parent -teacher organizations and political figures to build support for action. Such actions could include community rallies or highly visible community meetings on the problem that feature victims, union representatives and experts. This tactic may work when the union can demonstrate that the very vulnerable, i.e. hospital patients, as well as workers/staff, are being unnecessarily exposed to dangerous conditions. A media plan should be developed to expand visibility and heighten the pressure on management (See the Health and Safety Action Plan);

**Seventh,** draft policies for the union to present to management to assure that future exposures or hazards can be avoided. For instance, some locals have successfully negotiated renovation policies that require contractors to seal off construction areas if work is done during working hours and that require noise levels be kept at a minimum. **ULI** can provide sample policies.

***Long Term Activities:***

Once the committee has gotten its "feet wet" with work on its first priorities, it can develop other functions and activities. Some examples include:

1. **Learning about good policy and procedures as well as employee rights under current laws:**

- ◇ Learning how to use existing agencies such as OSHA, state health and safety agencies and the health department. **ULI** can assist with information.
- ◇ Inviting local experts to address meetings of the health and safety committee. Many cities have COSH groups (coalitions on occupational safety and health); COSH groups are coalitions of unions, health and legal professionals who are concerned about protecting workers. COSH groups can help train union health and safety committee members, identify union-friendly experts and assist in research.

2. **Instituting on-going methods to identify problems:** several successful health and safety committees have set up on-going structures to find out about health and safety problems as they arise. The committee should consider developing a complaint or incident form that is distributed through the building representative network of the district. Building representatives could route complaints or potential problems to the committee for advice and consideration. The committee could also evaluate complaints for possible contractual violations; suspected violations could be turned over to the union leadership for grievance consideration.

3. **Suggesting health and safety language for the union to consider at contract time:** The health and safety committee can start with a “general duty clause” that simply says that management is responsible for providing a safe and healthful workplace free of hazards. The union can then build upon that general duty clause to address more specific issues. Contact **ULI** for model contract language as well as language negotiated by several AFT affiliates.

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The health and safety committee should also actively inform and educate the membership at every stage of their activities by:

- Publicizing health and safety problems with stickers, fliers and fact sheets. There is no reason to “reinvent the wheel”. **ULI** can provide a wide range of fact sheets from the national program as well as excellent material produced by aft affiliates.
- Holding educational sessions on health and safety concerns to members; and
- Helping to educate all workers on health and safety problems and victories by submitting stories to the union newsletter or paper.

## Joint Health and Safety Committees

After a district-wide union committee is well-established, the local may want to propose a joint labor-management health and safety committee to management. These committees work best when they are negotiated contractually. For this kind of committee to work, there must be mutual respect and a commitment on the part of management to act on the recommendations of the committee.

Labor and management should be equally represented on the committee. At a minimum, a joint labor-management committee should:

- **Meet** regularly and have written minutes of each meeting posted for every employee to see;
- **Regularly** review and recommend revisions of all district health and safety policies; propose new policies such as flood clean-up, pesticide application and renovation policies;
- **Review and evaluate** all complaints, investigations and accident reports; the committee should make recommendations for mitigating the problem or preventing future accidents;
- **Be actively involved** with the selection of any consultants chosen to conduct investigations;
- **Provide** adequate information and education for both management and union representatives so that they understand hazard recognition and control as well as relevant osha standards and regulations;
- **Have** some assurance that the committee's recommendations will be acted upon by management. When corrections will be costly, there should be a plan of correction with short-term, temporary remedies until the hazard is eliminated.
- **Have** a guarantee that union members have paid time off to participate in the joint labor-management committee.

## Health and Safety Action Plan

Often, health and safety issues arise in the form of a crisis when the union does not have a health and safety committee in place. There may be some unique challenges to the problem, i.e. technical and medical aspects as well as legal and contractual concerns. However, despite the complexity of some health and safety crises, unions have traditionally developed effective strategies to respond.

Based on AFT affiliate and other union experience, here are some guidelines for developing a responsive **Health and Safety Action Plan**.

- ✓ **Know Member Rights:** Find out about any OSHA standards, state laws and local ordinances that might apply to the situation.
- ✓ **Consult with the ULI Department.** The program can help decipher highly technical reports and information as well as help in finding local experts.
- ✓ **Let Your Members Know What You're Doing.** Communicate with members on an on-going basis during the crisis/investigation.
- ✓ **State Your Solution:** Develop a strategy for change that the union can take to management. Compile the results of the union's investigations, surveys and research and craft the union's demands for eliminating the hazards and remedies for members who have been injured or made ill. Seek a time-frame for the remedies as well as assurances that the problem will be resolved. When the problem(s) is not easily remedied, offer to work jointly with management to work for a solution. Such ad-hoc committees must have the genuine commitment of management.
- ✓ **Find Allies:** Form coalitions with the AFL-CIO Central Labor Council, other unions and community groups that share your concern. For instance, parents may share concerns about inadequate conditions in schools.

**First and foremost, the union must be involved in defining the issue or the problem.** The members' perspective may be far different from management's. In this pursuit, the union should:

### **Gather Information**

Some methods that unions can use include:

- Surveys of members based on anecdotal complaints to the union - a simple survey can determine how widespread the health and safety /environmental problem is in a school or workplace;
- One-on-one discussions. These can be very useful in defining how members perceive the problem/hazard or exposure;
- Walkaround inspections of schools/worksites where health symptoms have been reported.

- Whenever possible take photographs of hazardous conditions or areas; Health and
- Examination of key documents such as OSHA logs of injuries and illnesses<sup>2</sup> ;
- Collect information that the employer may have. Often employers will hire consultants to do testing or monitoring; employers may also have records of employee medical examinations. Under the OSHA “Access to Medical and Monitoring Information” standard, a union can request and must be given copies of any monitoring data and composite results of medical examinations; and
- Bringing in a union-identified expert to assist in the analysis. Several locals have retained their own experts to help identify the hazards and solutions to health and safety exposures.

**Develop a plan if management is unresponsive to your requests or demands.** When management is slow or totally ignores the union’s concerns, the union should consider its options such as:

- Developing a media plan that develops an easily communicated angle and provides a poignant picture of the situation. There are a variety of methods that union may use to reach the media. For instance, if the union can demonstrate that the very vulnerable, i.e. young students and hospital patients as well as workers/staff are being unnecessarily exposed to dangerous conditions, the union may wish to organize a news conference with victims, affected children and their parents and props (pictures of the worksite/school, toxic chemical labels, chunks of crumbling building material etc.). Coalition participation in community rallies and meetings will also help draw media attention.
- Complaining to OSHA or contacting a state health department for an investigation. OSHA complaints should be in writing and as detailed as possible; the union should appoint a walk-around representative in the complaint (OSHA cannot legally announce an inspection). Since OSHA has a backlog, the union must be persistent, i.e. call frequently to make sure that an inspection occurs within the legally mandated fifteen business days.
- Considering other potential legal remedies. For instance, members who have suffered a serious disability may be covered by the Americans with Disabilities Act. Contact the AFT Health and Safety Program for more information.

**Once the problem is resolved, consider long-term follow-up to avoid further incidents.** Most health and safety problems are not episodic, they are on-going concerns for members. The union may consider forming union-wide or workplace health and safety committees.

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<sup>2</sup> OSHA requires all private sector employers and public sector employers in Alaska, Arizona, California, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maryland, Maine, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virgin Islands, Virginia, Washington and Wyoming to keep records of injuries and illnesses. An individual or union representative can request copies of these records for a number of years back;