



A Union of Professionals

WORK SHOULDN'T HURT

Continuous Bargaining: Representing Members on Workplace Health, Safety and Environmental Issues

Many local unions have contract language on health and safety, and they seek better and stronger language with each contract; no contract language can be relied on to solve *all* the union's health, safety and environmental problems.

New information on old hazards; recognition of additional hazards; and perhaps most importantly, new hazards created by workplace changes (such as work restructuring and new technologies) constantly challenge a union's ability to represent its members on health, safety and environmental issues.

The contract creates important mechanisms such as joint labor-management health and safety committees that allow for ongoing communication on health, safety and environmental issues. In some cases, management would like the union to treat the safety committee meetings as pleasant discussions among friends.

Often, management tries to limit the involvement of the union in health and safety only to the monthly joint committee meeting. Every time union and management representatives come together to discuss health, safety and environmental issues, a form of bargaining is taking place. Continuous bargaining is a powerful tool for the union to make needed improvements in health and safety conditions in the workplace.

On one level labor and management's health and safety goals may seem similar (e.g., management wants fewer accidents; the union seeks a safe workplace), but the reality is that union and management approaches to *achieving* those goals can be very different (e.g., management's implementation of policies and practices that discourage workers from reporting injuries vs. the

union's emphasis on eliminating hazards that cause injuries and illnesses).

In general, neither party thinks of these labor-management discussions as "bargaining." But some local unions are beginning to see improved results from their joint labor-management interactions on safety and health and other issues when they think of these discussions as ongoing or continuous bargaining and prepare for them as bargaining sessions.

When unions prepare for contract bargaining they engage in certain essential activities:

1. Selecting the union's bargaining representatives and training them (in union-only sessions) for their roles;
2. Understanding the members' issues and concerns using surveys, planning meetings, one-on-one information gathering, etc.;
3. Organizing and activating the members to defend their interests and the union's strength in the bargaining process;
4. Analyzing the union's (and management's) strengths and weaknesses given the current bargaining environment;
5. Preparing proposals and positions as a committee and approaching management as a united and organized voice;

The **American Federation of Teachers** is a union of 1.7 million professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

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6. Developing a bargaining strategy;
7. Caucusing regularly to maintain unity, developing a common strategy and formulating responses to management proposals; and
8. Demanding that any agreements reached are written, clear and enforceable.

Preparation for a joint labor-management health and safety meeting is just as important as preparing for contract bargaining. The union should be as well-organized and just as inclusive of members' concerns as preparation for contract bargaining.

A key difference between contract bargaining and many joint labor-management processes is the role that union-only meeting time plays in setting the union's agenda, developing priorities and goals, and planning strategies for obtaining those goals.



While contract bargaining involves regular union-only meeting time before and during negotiations, many unions involved in joint labor-management health and safety committees or teams often meet only with management and rarely or never as a union-only committee.

Local unions should find ways for the union side of joint labor-management health and safety committees to meet independently, and regularly, to prepare for joint meetings.

During continuous bargaining on health, safety and environmental issues, it is crucial to:

- Build involvement and unity within the union;
- Build the identity of the union;
- Pay attention to your instincts; and
- Caucus with your union sisters and brothers before, during and after joint meetings.

Union health and safety committee members or representatives can support continuous bargaining on health, safety and environmental issues by:

- Surveying members regarding their health and safety concerns;
- Developing fact sheets and newsletter articles on particular issues to keep members informed;
- Making presentations at membership meetings;
- Having one-on-one conversations with members;
- Analyzing data like the company's injury and illness logs to identify injury/illness trends, hazards and priorities;
- Obtaining and reviewing materials on particular hazards from sources such as the United Steelworkers Health, Safety and Environment Department, the AFL-CIO, the Canadian Labour Congress, the Occupational Safety and Health Administration, the Mine Safety and Health Administration, and the National Institute for Occupational Safety and Health, the Canadian Centre for Occupational Health and Safety, the Ontario Workers Health and Safety Centre (www.whsc.on.ca) and the Environmental Protection Agency;
- Identifying and documenting health, safety and environmental impacts resulting from workplace changes (e.g., increased injuries or illnesses from downsizing, speed-up, 12+hour shifts, mandatory overtime, job combinations, new technologies, work restructuring, etc.). Unions may be able to formally bargain over these changes and/or their impacts;
- Identifying strengths and weaknesses of current health and safety training programs; developing union priorities for type and content of training and determining who should provide the training; and
- Developing and undertaking strategies that involve our local union members, build the union and make health, safety and environmental improvements.

If your local union needs assistance or would like additional information about continuous bargaining or other health and safety issues, contact the health and safety team at 4healthandsafety@aft.org [May 2022]