

SAFETY FIELD DAY

HEALTH IN THE WORKPLACE

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THE ROLE OF OHS IN ENTERPRISE BARGAINING

PAPER BY

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INTRODUCTION

Relatively few organisations, including Trade Unions, have adequately addressed the question of how occupational health and safety (OHS) can contribute to the current workplace reform process, or conversely, how the reform process can create healthier and safer workplaces.

This can be seen from basic data collected by the Department of Industrial Relations from some 1,000 Certified Agreements that had been ratified by the Australian Industrial Relations Commission by the end of June 1993. Less than half of these Agreements - 400 - contained some mention of Occupational Health and Safety matters. But, of these 400 agreements, only 117 specified safety measures as a performance indicator, while only 140 of them contained a general commitment to Occupational Health and Safety principles. And yet, we know that for the majority of workers OHS is an important issue; they do not expect to go to work to be injured or killed, something that happens too often in Australia.

The limited impact OHS has had to date on enterprise bargaining may be because of a mistaken belief that OHS legislation is enough. It is not enough however: the legislative framework is simply that - a framework which enterprises must operate within, once those enterprises have made the commitment to OHS. The details of how enterprises then respond to OHS legislative requirements must be worked out at the workplace level in consultation with employees and their representatives, and it is these details, and their relationship to broader workplace reforms and improved productivity, which are appropriate issues for the bargaining process.

This integration of OHS with workplace reform is even more urgent given the current shift away from prescriptive standards to performance based regulations. Under prescriptive regulations, employers are required to comply with a particular standard in a particular way. A performance based approach simply requires that employers achieve certain outcomes in relation to workplace hazards without specifying in detail how such outcomes are to be attained. In the case of machine safety, a prescriptive approach would establish specific requirements for issues such as design approval and machine guarding. A performance standard may simply require that all risks associated with the use of machinery are assessed and, as far as practicable, are controlled.

The lack of detailed requirements under this new regulatory approach places the onus on employers to develop OHS strategies appropriate to their workplace which comply with the minimum standards established by performance based regulations. If employers take up their responsibilities in a serious manner, it makes good sense to develop these OHS strategies in conjunction with the overall workplace reform program.

OHS AND PRODUCTIVITY

The connection between health and safety and productivity is not always immediately obvious. In part, this is because OHS is often treated as a fixed cost item which must simply be borne. Workers' compensation premiums are paid each year and subsequent claims become a matter for the medicos and insurers. As a result, OHS performance is rarely monitored.

In looking at the variables which affect productivity, terms such as quality, quantity, efficiency and effectiveness are common. OHS performance has an impact on all of these factors. These connections need to be highlighted and recognised so that their impact on productivity can be measured.

Workplaces need appropriate OHS management systems which will provide the information to identify the costs of work related injury and disease, the types of injury and disease which incur the greatest proportion of cost, and the work processes associated with those injuries and diseases. Based on this the connections between productivity and OHS can be identified and acted on.

But injury rates and associated costs are not the only way of looking at the connection between OHS and productivity.

Work accidents caused by bad equipment design or poor maintenance of equipment disrupt the production process. Design and maintenance improvements will prevent accidents, decrease lost production time and increase efficiency. But the savings in lost production are not simply due to the reduction of accidents which can be achieved through better design and maintenance. Efficiencies will also be created simply because workers no longer need to make time consuming allowances to compensate for poor design and maintenance. A poorly maintained machine needing constant adjustment takes up valuable time and creates a temptation to place fingers near moving parts to save time in making those adjustments. Significant productivity gains can be made through these small improvements to work processes alone.

There are further flow-on benefits for productivity to be achieved by addressing these issues. Safer, more efficient production will lead to increases in both quantity and quality of throughput, and more effective use of resources. Cleaner production, with less cost to the environment, is usually another benefit of safer production methods.

It is important not to focus solely on measures of losses to the production process. The real benefits to productivity are to be gained through loss control. This relies on having a proactive approach to preventing exposure to health and safety hazards in the workplace. However, it is not as easy to measure the contribution of such preventive approaches to productivity. Enterprises need to develop their own qualitative measures based on the effectiveness of the risk identification and control systems in their workplaces.

HOW TO ADDRESS OHS IN WORKPLACE AGREEMENTS

The inclusion of OHS clauses in workplace agreements will not guarantee that health and safety issues are automatically resolved, any more than the enactment of OHS legislation by government suddenly stops work related injury and disease. The rationale for getting OHS onto the workplace reform agenda is simply, but importantly, a matter of ensuring that safer, healthier workplaces are part of the shared objectives which emerge from the enterprise bargaining process.

It should be noted here there is more than one way of ensuring that OHS is adequately covered in the workplace reform process through enterprise agreements. Recent experiences have demonstrated that the development and negotiation of workplace agreements can be a very difficult and time-consuming process. Some agreements run to dozens of pages, while others are very brief and allow the opportunity for further development of specific aspects at a later time.

For this reason the ACTU has developed a 'basic' Model OHS Clause (Appendix 1), which commits the workplace parties to develop a more detailed OHS agreement within a specified timeframe. For use with the more lengthy agreements, the ACTU has prepared a longer, more detailed Model OHS Clause.

Whichever method is chosen as more appropriate to a particular workplace, there are a few principles which should guide the approach to including health and safety in an enterprise agreement.

(i) **LINK OHS WITH BROADER ENTERPRISE OBJECTIVES**

It is not appropriate to simply restate obligations which exist under current OHS legislation in a workplace agreement. If the objectives of the workplace agreement are to improve enterprise productivity, efficiency and flexibility, then health and safety considerations should be linked with these outcomes. For instance, initiatives designed to increase workforce flexibility by allowing job rotation and multiskilling should be linked to health and safety objectives such as the elimination of repetitive jobs which are frequently associated with occupational overuse injuries, and not inadvertently create risks.

(ii) **RECOGNISE OHS CONTRIBUTION TO PRODUCTIVITY**

The contribution of improved health and safety performance to productivity increases should be acknowledged, not just in terms of reductions in lost time injuries but also in terms of more efficient work organisation. Measures for increased efficiencies achieved through the identification and control of health and safety hazards should be included in productivity measures.

(iii) **ESTABLISH ACCOUNTABILITY FOR OHS PERFORMANCE**

Accountability for health and safety performance should be a feature of workplace agreements. While the employer has a duty of care to provide a healthy and safe place of work, all parties in the workplace have a role to play in ensuring health and safety standards are maintained.

Accountability for OHS should be addressed through job descriptions outlining the roles and responsibilities of managers, supervisors and work groups. OHS responsibilities should be spelt out in the same way as responsibility for an issue like product quality might be detailed in a job description.

Health and safety committees and workplace representatives have an important role to play in monitoring OHS performance and reviewing OHS programs. However, it must be remembered that OHS committees and representatives cannot be made accountable for the day-to-day management of health and safety issues.

WHAT OHS ISSUES TO ADDRESS IN WORKPLACE AGREEMENTS

OBJECTIVES

Health and safety must be integrated with the overall objectives of the workplace agreement. Notions of continuous improvement of work and management practices should include consideration of OHS to ensure that improved efficiency and productivity also lead to healthier and safer jobs.

CONSULTATION

Communication between workers and management is essential in the development of shared objectives for the enterprise. At its simplest, workplace consultative arrangements must ensure that problems experienced in the workplace are discussed openly. Health and safety problems must be included in such discussion.

Consultative arrangements within the workplace must be linked to existing workplace structures which have been established to address workplace health and safety issues. A practical consideration might include cross membership between the OHS committees and bargaining committees. This will ensure that groups established to examine work organisation, job design and training also consider health and safety issues.

TRAINING

Health and safety must be integrated with workplace training programs. Agreements should establish enterprise commitment to health and safety training for workplace OHS representatives and managers. Induction and on-the-job instruction should address OHS policy and procedures, particular hazards associated with particular jobs, control measures applicable to particular hazards, and how to utilise OHS systems to identify hazards and instigate preventive action. Workplace literacy and english programs should also include OHS issues. Broader workplace training reforms should also recognise the need to address health and safety issues in skills development programs.

OHS MANAGEMENT PROGRAMS

Workplace agreements may set out, in appropriate detail for the enterprise, health and safety programs which address issues such as reporting and recording of health and safety incidents, analysis of such records, hazard audits, maintenance programs, training, information provision, health and safety specifications for purchasing procedures, personal protective equipment, and first aid and emergency procedures. These workplace arrangements should be developed in consultation with the OHS committee and OHS representatives.

CHANGES TO WORK SYSTEMS AND METHODS OF WORK

Processes established by workplace agreements to address changes to work systems and methods of work need to take account of the potential impact on health and safety of any proposed changes. This should include issues such as *work organisation, job design, physical workplace design and layout, new technology and skills development*. Changes should not proceed until suitable measures have been developed to control any associated risks to health and safety.

HOURS OF WORK

Any proposed changes to hours of work, in particular, the introduction of shift work or extended shifts should not proceed without consideration of the health and safety effects of such working arrangements. For example, since exposure standards for atmospheric contaminants are generally set for 8 hour shifts, the introduction of extended shifts will require consideration of the health and safety implications of longer periods of exposure.

REHABILITATION

Workplace agreements should establish a commitment to the rehabilitation of injured workers through appropriate return-to-work programs.

PRODUCTIVITY

Workplace agreements should not link productivity pay increases for workers to specified targets for injury reductions. Such targets have the potential to encourage under reporting of work related injury. Development of productivity measures needs to include not just savings through reductions in lost time injuries and workers' compensation premium rebates, but also measures of the effectiveness of the health and safety systems established in the workplace. These measures may be based on the views of workers and managers as well as numerical measures. This information could be obtained through surveys of workers and managers, outcomes of workplace hazard audits, records of training, maintenance reports and OHS committee records. Surveys of workers and managers might be useful means of generating ratings or scores for the effectiveness of OHS initiatives.

CONCLUSION

Occupational Health and Safety has a critical role to play in the reform process and needs to be better integrated into the drive for productivity and efficiency improvements at the enterprise level. The appended clauses have been prepared by the ACTU for use and suitable adaptation by unions - it may be of value to other workplace parties as well.

We all need to give greater recognition to the potential that good Occupational Health and Safety performance has for the creation of more efficient, more productive, more competitive Australian workplaces which are also safer, healthier and better places to work.

APPENDIX 1

ENTERPRISE BARGAINING

BASIC MODEL OCCUPATIONAL HEALTH & SAFETY CLAUSE

An occupational health and safety agreement will be negotiated by _____
(within 6 months)
and implemented.

The agreement, to ensure the effective management of risks at the workplace, will include provisions to:

- support the establishment and maintenance of union elected health and safety representatives;
- establish and/or maintain the rights of workers, their health and safety representatives and union officials to be informed and consulted;
- ensure consultative procedures for the resolution of occupational health and safety issues;
- ensure appropriate training for workers and supervisors including at least 10 days union approved training for health and safety representatives;
- maintain a system for reporting, recording and investigation of incidents, injuries and illness which includes the routine analysis of the information;
- commit management to an ongoing program of identification and control of risks;
- ensure that procedures are implemented to facilitate early intervention and rehabilitation for injured workers.

The agreement will acknowledge:

- the workers' right to cease unsafe work and their representatives' right to advise them to do so; and
- that statutory requirements, including regulations and codes of practice, are minimum standards which will be improved upon wherever possible.

APPENDIX 2

MODEL OHS CLAUSE

- 1. Objective**
- 1.1 The parties to this agreement are committed to achieving healthier and safer jobs through workplace changes aimed at improved efficiency and productivity. This will be accomplished by establishing a comprehensive approach to managing occupational health and safety issues which aims to:
 - (i) control hazards at source;
 - (ii) reduce the incidence and costs of occupational injury and illness;
 - (iii) review work and management practices affecting the inter-relationship between efficiency, productivity, and health and safety; and
 - (iv) provide a rehabilitation system for workers affected by occupational injury or illness.
- 2. Consultation**
- 2.1 Consultative mechanisms will be established to address occupational health and safety issues. Such mechanisms will include:
 - (i) the election of union health and safety representatives who will represent fellow workers in negotiations on health and safety matters; and
 - (ii) the establishment of an occupational health and safety committee.
- 2.2 The OHS Committee shall consist of equal numbers of management and union representatives, unless otherwise agreed.
- 2.3 The Committee shall meet at least quarterly and will facilitate cooperation between management and employees on health and safety matters including the development, implementation and review of OHS policy and procedures, analysis of injury/incident trends and workers compensation performance and review of accident/dangerous occurrence reports together with reports on preventive action taken.
- 3. Training**
- 3.1 Employee OHS representatives will be given paid leave to attend trade union OHS training courses.
- 3.2 Workplace training programs, including induction and on-the-job training, will outline company OHS policy and procedures, particular hazards associated with the job, controls measures applicable to each hazard, and how to utilise OHS systems to identify hazards and instigate preventive actions.
- 3.3 Management training programs will outline company OHS policy and procedures, particular hazards associated with the job, controls measures applicable to each hazard, and how to utilise OHS systems to identify hazards and instigate preventive actions.
- 4. Occupational Health and Safety Program**
- 4.1 The employer shall institute a procedure for collecting information on the nature of hazards and incidence of injury which includes:
 - (i) an internal system for reporting, recording and investigation of incidents, injuries and illness;
 - (ii) the routine analysis of injury/illness/incident data; and
 - (iii) routine reports on key OHS performance indicators (lost time trends, injury frequency rate trends, cost and severity measures, estimation of indirect costs).
- 4.2 A system of regular workplace inspections and regular hazard audits of work areas and work practices which include reference to relevant legislation, standards and codes of practice shall be instituted at the workplace. These will be carried out with the involvement of the OHS representatives.
- 4.3 Records of workplace inspections shall be maintained by the employer and made available to the Occupational Health and Safety Committee.
- 4.4 A scheduled maintenance program which includes requirements of relevant occupational health and safety legislation, standards and codes of practice shall be maintained in consultation with the Occupational Health and Safety Committee.
- 4.5 The employer shall take prompt action to deal with any health and safety problems.

