

HEALTH AND SAFETY : AN ISSUE IN INDUSTRIAL RELATIONS

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Workers experience the issue of health and safety every day of their working lives. They are faced with dust, noise, fumes, unsafe machinery and a host of other hazards. This has resulted in a number of varied responses depending on the nature and extent of organisation in a particular factory or industry. Firstly, there is often an acceptance of unsafe conditions as part of the job. At the same time we witness spontaneous resistance to dangerous conditions, usually related to a major catastrophe: for example, the mining industry has a long history of industrial action around safety. The third response is that of unionised workers who are able to concern themselves in a systematic way with working conditions and take health and safety into the arena of bargaining. This last response is a very new one for the emerging trade union movement in South Africa which hitherto has been primarily concerned with wages, recognition, dismissal and grievance procedures.

The area of occupational health and safety is a contested one. Over the past few years, there have been a number of different struggles over hazardous working conditions which make possible an initial assessment of this crucial area of struggle. There are essentially three main parties involved: the state, capital and organised labour. Each has recently begun to develop clearer responses to this potential area of conflict. It thus becomes important to analyse both their strategies and the dynamic inter-play between them.

This article concentrates on the response, thus far of the emerging trade union movement. It is divided into two parts: the first looks at health and

safety in a general way in order to isolate certain guidelines which may be useful in the struggle to improve working conditions. The second part draws on concrete struggles in order to illustrate some of these guidelines. In doing so, the organisational content of the struggle for healthy and safe working conditions is stressed. The scope of the article is limited by the fact that the authors are based in the Transvaal and thus some of the examples used may be regionally specific. (1) Furthermore, these examples are not presented as exhaustive analyses of the particular struggle described: rather they have been incorporated in order to demonstrate specific organisational points that the authors believe to be of importance in the battle for a healthy and safe workplace.

I The Politics of Health and Safety

Health and safety is a subject of conflict between workers and employers: on the one hand employers generally attempt to avoid expenditure on parts of the production process that do not directly result in profits, for example ventilation, fume extraction, lighting etc. In fact, health and safety must be paid for out of profits: "It is an extra that employers may or may not decide to purchase, rather than an integral part of the way work is done." (2)

Health and Safety raises the crucial question of who controls the production process. The struggle for healthy and safe work involves conflict over the design and speed of the labour process, hours of work and the machinery and tools used in production. The general trend is a trade off between health and safety on the one hand, and profits on the other. A tension therefore exists between improving working conditions which increases the costs of production, and maintaining and extending levels of profitability. The creation of a healthy and safe workplace implies a concern for and a commitment to the

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physical and psychological well-being of the workforce rather than a primary and exclusive concern on the part of capital with profits. However, the social relations of capitalist production impose pressure on workers to produce and consequently to take risks which may endanger their safety. (3) Therefore, the demand that work be made safe and healthy, implies a challenge to the system of production that puts profits before human needs.

However, in the short run, the struggle for a safe and healthy workplace may not at all times involve a necessary antagonism to capitalist production. It takes place within the wider context of class struggle which is largely shaped by the relative strengths and weaknesses of the contending parties within a particular historical period. Thus workers engaged in activities aimed at winning improved working conditions do not necessarily aim to simultaneously gain control of the labour process. At the same time, employers may attempt to subvert the radical potential of health and safety demands by attempting to reach a compromise with the workers and by establishing structures to promote consensus.

Thus the Robbins Report, which preceded the most recent British legislation on occupational health and safety, attempted to argue that health and safety is an issue where there is an "identity of interest" between employers and workers. Indeed while health and safety constitutes a basic site of struggle, there may well be areas of compromise - where employers' needs are catered for in terms of a reduction in accidents and the incidence of disease which in turn reduces lost productivity time and capacity, and simultaneously implies a substantial improvement in working conditions.

There are two primary reasons for capital's willingness to concede a limited percentage of profits in the cause of improved health and safety. The first is the economic reason of productivity. The concept

of "loss control" constitutes employers' fundamental approach to the problem of health and safety: workers are regarded as commodities and accidents become events which lead to lost time and are therefore termed "lost time accidents" (LTA's). (4) Furthermore, accidents and illness which lead to absenteeism or "man-hours" lost mean, in effect, an equivalent loss in profits. It is thus "cost-effective" to reduce accidents and ill-health to the extent to which the money spent on prevention remains less than that saved in the long run by lower accident and disease rates.

The second reason for limited concessions in the area of health and safety is essentially a political one. Capital is experiencing a crisis of control occasioned by the rapid growth of independent trade unionism throughout the country. These unions have, through their collective strength, begun to challenge employers' exclusive control over production and conditions and terms of employment. Struggle over issues like wages, hiring and firing have opened up an arena of bargaining: these issues are no longer absolutes determined by employers' needs, but are continually subject to challenge from the organised working class.

In the area of health and safety capital and the state's responses has been to try to pre-empt the politicisation of the issue. This process involves the recognition of hazardous conditions and of the need to improve them in order to defuse what could become a contested area. At the 1983 conference of the Medical Association of South Africa, Mr R J Ironside, President of the Federated Chamber of Industries, urged employers: "to seriously view responsibility for health and safety before it becomes an additional area of conflict between management and labour." (5) Thus health and safety has been placed firmly on the industrial relations agenda.

This development has been confirmed by the introduc-

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tion of recent legislation. (6) It follows the Erasmus Commission of Enquiry into Occupational Health of 1975. The findings of this Commission were that industrial hazards and illness were widespread; that there was a lack of management concern about this; and that workers have very little say in their conditions of work. The Commission recommended that employers regularly consult workers about hazards in the workplace and that extensive legislation be introduced to regulate these hazards. The fact that it has taken eight years to introduce legislation in response to these recommendations is evidence of uncertainty and divided opinions in the state departments of Health and Manpower as to how this potential area of conflict should be legislated for. It is this uncertainty that indicates a recognition by the state that health and safety could potentially emerge as a bargaining issue between capital and labour.

The legislation introduced thus far is clearly an attempt to pre-empt such a development and to help assert employers' prerogatives in the area of health and safety. It sets out to institutionalise the potential conflict in bureaucratic structures such as management appointed and controlled safety committees, thus removing the issue from the shopfloor and placing it outside the sphere of industrial relations. The separate treatment of health and safety from other areas of industrial relations involved the establishment of two different Commissions of Enquiry by the state. Thus Erasmus can be regarded as the industrial health arm of Wiehahn.

The labour dispensation following Wiehahn laid down ways in which conflict around industrial relations, excluding health and safety, could be regulated. The exclusion of health and safety matters from this arena was a clear attempt to ensure that this issue would remain the prerogative of management. The result of this strategy was to put off any action on the findings and recommendations of the Erasmus

Commission.

In the interim, the labour movement has consolidated its growth and gained a number of significant achievements. Webster has identified three important rights that workers are asserting through negotiation and agreements: the right to organise inside a factory; the right to limit employers' power to dismiss workers during a strike; and the right to challenge the "managerial prerogative" to dismiss or retrench by laying down a set of procedures that have to be followed. (7) In addition, through their actions, unionised workers have won the de facto right to strike. (8)

Health and safety has until recently been exclusively controlled by employers. However as the frontier of control is being shifted back on the shop floor - organised labour is attempting to extend the bargaining arena to include fundamental control issues like new technology, allocation of overtime, health and safety and production techniques.

Two last points need to be made to explain the emergence of health and safety as a conflict issue. Firstly, the state's fiscal crisis places constraints on its ability to act in this area. Already preventative medicine and community care is being cut whilst tariffs have been raised. However the extensive industrial illness identified by Erasmus and the unremitting toll of accidents found in mining and industry has meant that the government can no longer ignore these problems and their potential for conflict. The outcome has been a particular form of occupational health and safety legislation that is designed to push the responsibility for occupational health and safety onto the private sector.

This has, in turn, led to a conflict between the government and employers as the latter try to decrease their responsibility in order to cut the costs involved in providing a healthier and safer

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working environment. To accomodate this, the government is allowing employers to help determine regulations and standards that they can practically implement. Thus the Department of Manpower was requested by certain employers to review some of the draft regulations following MOSA because: "It is believed that they argued that some of these were impracticable and too costly."(9)

Secondly, there are the international developments in health and safety to consider. The seventies has seen the introduction of health and safety legislation worldwide. These developments have not gone unnoticed by the South African state which has attempted to apply those aspects of overseas health and safety legislation locally which act to regulate the conflict and channel it into bureaucratic structures.

At present capital and the state are trying to find an area of consensus over health and safety, before the unions are in a position to take it up consistently and militantly. In this process, a number of real concessions appear likely to be made in the workers' favour. These concessions are ambiguous since on the one hand they may be of direct benefit to workers, but are designed to co-opt. Whether they are beneficial to workers will depend on the extent to which workers are able to develop their own organisation and demands around health and safety, and not be limited by the bureaucratic structures employers will attempt to impose on them.

II Recent Struggles

1. Mining.....

Health and safety is a crucial area in the sector of mining due to the constant threat of loss of life or limb. According to the General Secretary of the National Union of Mineworkers, Cyril Ramaphosa:

In the mines health and safety is the top

priority - it is more important than wages. You've got to be alive or uninjured to earn the wages. Therefore, to us, health and safety comes first. (10)

During the course of the past year, the NUM has taken up health and safety in a number of legal cases, the most notable of which was the inquiry into the deaths of 68 miners at the Hlobane Coal Mine following a methane explosion. This inquiry indicated that, despite the many regulations covering underground work, if there is no enforcement of these regulations work is not made any safer. It was shown at the inquiry that the ventilation, flameproofing of machinery and testing procedures for methane were all inadequate. The result was South Africa's worst mining disaster.

However the inquiry itself also provided black mineworkers and their union with real gains. According to Mr Ramaphosa, this occurred in three ways:

- * firstly, the union gained organisationally: even in the mines where we hadn't started organising people knew we took up Hlobane and are streaming in.
- * secondly, management was made to realise that dangerous working conditions could no longer be disregarded because:
 - they realised that there is an organisation which is going to challenge them on safety issues.
- * thirdly, the union itself became aware of the fundamental importance of health and safety:
 - We found it was probably the most important organising instrument in our hands.

The right to refuse dangerous work.....

In the context of such dangerous conditions where regulations are too often not enforced, it is the right to refuse dangerous work that had emerged as the most significant demand of the rapidly expanding

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union. The NUM is currently involved in two such cases: one at West Driefontein Mine in which a long and complex legal wrangle is being fought out - if the union wins the case, it will establish the legal right for its members to refuse to work under unsafe conditions. The second case is at Western Deep Levels where 105 mineworkers refused to work. Following discussions with top management this demand was conceded for the day. In addition, there are hundreds of unreported work stoppages over this issue.

Such demands from the rock face, that arise because mineworkers are confronted with danger every day of their working lives, will ensure that health and safety remains a priority for mineworkers and their union.

2. Challenging Health and Safety Structures.....

The passing of the Machinery and Occupational Safety Act (MOSA) of March 1983 may be seen as an attempt by the State to pre-empt worker organisation around health and safety. (12) The proposed structures (i.e. safety committees) are designed to channel conflict between established shop steward committees and employers into joint safety committees which lack significant powers and which employers and company health professionals are able to dominate.

The ability of workers to use these structures to their own advantage will depend on their organisational strength. A tentative response to the proposed safety committee structures from the independent unions has thus far been rejection in favour of utilising existing factory committees to take up health and safety. In addition, it has been proposed that unions concentrate their demands on democratically elected safety representatives with significant rights. (13)

The South African Allied Workers Union (SAAWU)

attempted to use this strategy in opposing management's attempts to set up a joint safety committee. Management, however, stubbornly resisted these demands and proposed a compromise of a joint committee of trade union and non-trade union members sitting together with management. SAAWU have refused to accept this resulting in a deadlock.

This incident demonstrates that the challenge to liaison type safety committees is an organisational issue. Whether organised labour will try to use these committees to their own advantage or if they will set up alternative structures, their organisational strength will be of crucial importance. Even workers in strongly organised factories may well be pressurised to participate in these structures, or may even perceive such a strategy to be in their interests.

One possibility for shop steward committees in deadlock situations, as described above is to keep a watchful eye on these joint committees and attempt to challenge each decision by the committee about health and safety. Shop stewards may take up issues in direct response to a safety committee initiative (e.g. forcing workers to wear uncomfortable protective equipment in favour of engineering controls) or respond directly to initiatives from the shop floor about hazardous work. Such a strategy would attempt to progressively erode the employers' prerogative to determine working conditions without reference to existing shop steward structures.

Issues that will be initially effective in this challenge will most certainly be those that arise from the shopfloor and not those that necessarily require professional "experts" for their success. An example would be a campaign to force management to recognise that guards are needed to cover exposed moving parts of machinery that workers find dangerous.

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3. The right to information.....

A significant demand to be won in the struggle for participation in the regulation of health and safety, is the right to information about the nature of hazardous working conditions and how they affect workers' health.

The Transport and General Workers Union (TGWU) were recently able to win such a demand when they successfully prevented management from dismissing a number of workers who were trying to remove some working materials from the factory in order to ascertain whether they were dangerous to their health. TGWU won their reinstatement and negotiated the right to demand information about the dangers of working materials to workers' health.

This right to information is a cornerstone in the fight for participation in and control over health and safety. Information of immediate importance include results of medical examinations of workers; results of any monitoring or surveys of the workplace; information concerning health and safety standards and regulations, and the composition and hazards of substances used in the workplace. Only trade union organisation can now translate the winning of this important right to information into practical demands for better working conditions; for workmen's compensation, and for participation in the control of dangerous substances.

4. The struggle for compensation.....

Health and safety campaigns are often built around major surveys that attempt to find sick and injured workers and demand due compensation as well as improvements in working conditions found to be responsible.

One such campaign is presently being conducted by the National Union of Textile Workers (NUTW) in an

effort to locate workers suffering from brown lung. Environmental tests were also carried out to determine areas in the workplace in which cotton dust levels were unacceptably high. The two year campaign has surveyed over 2500 workers. To date four workers have been compensated for brown lung while a further 19 applications have been submitted. One of the workers successfully compensated has thus far received R1600 from the Workmens Compensation Commissioner. A further R149 per month will be paid to this worker for the rest of his life. He is so severely affected that he gets short of breath just from walking.

The success in winning compensation claims is made more significant when one appreciates the intricate bureaucracy of the compensation apparatus and the fact that only one other worker had received compensation for brown lung up till then. (14)

The success of the NUTW campaign has led to organisational growth and the raising of workers' consciousness about their hazardous work. However, the difficulties experienced at this stage in following up the campaign with successful demands for changes in working conditions responsible for brown lung illustrate the potential pitfalls associated with a survey campaign of this nature aimed at securing workmens compensation.

Firstly, compensation ensures that medical expenses and compensation are paid for by the Commissioner. In this way, employers are protected from any civil claims instituted directly against them by sick or injured workers.

Secondly, by assigning a monetary value to a type of accident (for example the loss of an eye) or to an industrial illness (for example brown lung), workers' lives and health are made equivalent to an amount of money. This may act to reinforce the acceptance by workers of dangerous work in exchange

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for danger pay. NUTW workers are beginning to suggest that members at risk of contracting brown lung receive such danger pay in the face of employers refusal to make necessary improvements in working conditions.

If we accept that we cannot measure the true cost of the loss of an eye or the disablement caused by a chronic illness, then we must accept that compensation is only the first stage in dealing with industrial illness and accidents. While compensation does provide workers with much-needed financial assistance, it is of great importance to advance worker demands beyond compensation to include demands for meaningful changes in the production process.

5. Worker Training in Health and Safety.....

As health and safety is incorporated into the industrial relations bargaining arena the need emerges for a new type of shop steward - an elected worker representative but with a specific interest and training in health and safety - "the safety rep."

To effectively tackle health and safety issues, such workers need to acquire some new skills including the recognition of hazards and ways of dealing with them. These skills have a great effectivity when they enable safety reps to take up workplace hazards confronting workers on a daily basis. By relating training to shop floor organisation, health and safety issues are kept out of the legalistic areas in which employers dominate by virtue of their access to expertise.

Health and safety training in South Africa is in its infancy and has thus far aimed primarily at trying to provide workers with a general understanding of the hazardous nature of their work. Metal and Allied Workers(Vaal) initiated a health and safety education campaign in 1983. The campaign illustrat-

ed the important connection between training and democratic factory-based organisation. This course was not directed at a group of safety reps, but rather at any interested union members. The programme was initiated at a time when the union was beginning to build structures at shopfloor level. For this reason structures to accomodate additional input on health and safety were not forthcoming, with the result that no consistent group of workers was available for specific training. There was no structure for report backs and thus the issue was never taken back to the shopfloor in any systematic way.

Ideally, health and safety training should be linked directly with shopfloor action. One way of doing this is to begin a training course by allowing the participants to identify the hazards they are exposed to regularly. The International Woodworkers of America developed this training technique in the course of a widespread health and safety education programme over the past four years. The results have been the acquisition of skills by large numbers of union members, the establishment of factory-based health and safety committees industry wide, and a number of concrete struggles over health and safety demands of which a significant proportion were won.

Conclusions.....

This article has examined industrial health and safety as a new issue in the bargaining area. Concrete struggles have been looked at in order to raise questions that may be used to evaluate the gains and the progress made in the course of these struggles.

A number of important criteria have emerged for this purpose:

- * to what extent have particular health and safety struggles helped unions organisationally?
- * how effectively has capital's prerogative to

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control this area been challenged?

* what short and long term gains and demands have been made?

It has been argued that successful health and safety struggles are situated at the shop floor, so as to counteract a common strategy used by employers to transform health and safety disputes into legalistic issues requiring expertise in which they have dominance.

In this regard the possibility of an area of consensus has been raised. What is of crucial importance is the organisational steps to be taken in such a situation rather than whether or not workers' demands are at a particular point in time, congruent with employers' interests.

Footnotes:.....

1. We have not been able to provide a national overview of occupational health and safety struggles and would therefore welcome any other contributions to this topic.
2. P. Kinnersly, *The Hazards of Work*, (London 1973), p9.
3. See T. Nichols and P. Armstrong, *Safety or Profit : Industrial Accidents and the Conventional Wisdom*, (Falling Wall Press 1973).
4. F. Sitas, "Health and Safety Conditions in Witwatersrand Foundries", Department of Sociology, Witwatersrand University, 1984.
5. Star, 8.7.83.
6. See SALB 8.8 and 9.4 for further information on recent occupational health and safety legislation.
7. E. Webster, "A New Frontier of Control? Case Studies in the Changing form of Job Control in South African Industrial Relations", Carnegie Conference Paper No 111, (SALDRU, UCT 1984), p12.
8. E Webster, "Organisational Trends, Achievements

- and Potential of the Labour Movement in South Africa in the post-Wiehahn Period", Department of Sociology, Witwatersrand University, 1983, pl2.
9. Rand Daily Mail, 26.8.83.
 10. Interview with Cyril Ramaphosa, General Secretary of the National Union of Mineworkers, by J. Maller and M. Steinberg, 26 April 1984.
 11. Ibid.
 12. See J. Meyers and M. Steinberg, "Health and Safety Organisation", SALB 8.8 & 9.1 (Sept/Oct 1983), pp79-90.
 13. For model recognition agreement see ibid pp91-5.
 14. See "Workmen's Compensation: Who pays the Price?", in this edition of SALB.

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