

Unions and VPP

Organized labor has many responsibilities. One of those is ensuring that contractual agreements are complied with by the company. This doesn't always include health and safety. Unions rely heavily on the Occupational Safety and Health Administration (OSHA) and its standards; however, there is a need to go beyond these requirements. The Voluntary Protection Programs (VPP) allows for further growth by requiring Union participation.

The VPP program isn't just another government program. VPP started at the nuclear power plant in San Onofree, CA, with a labor and management partnership in 1978. It was adopted by OSHA in 1982 and provides recognition to employers with better-than-average injury and illness rates an established, comprehensive safety and health management system. VPP sites must meet and are expected to exceed current OSHA regulations, enhancing worker safety and health. The program does not only target compliance issues; it takes a close look at already existing safety programs, making recommendations for enhancement and improvement. VPP requires meaningful employee involvement and employees often have a more critical eye regarding the actual hazards to which they are exposed on a daily basis.

Participation in the VPP process empowers Unions in the safety arena and enables opportunities for training for represented employees. When Unions work with OSHA in the VPP process, Union members are involved in developing, instituting and sustaining safety programs and policies.

For years, Unions utilized the resources available to them, which were limited and costly. There still remained a delay and reluctance on a company's part to adopt Union recommendations. If a company was compliant with OSHA standards, they did not see a need to go further. As VPP participants, we have always believed in going beyond mere compliance, because there are still incidents of worker injury and illness. Prior to VPP, ideas for safety improvement from workers may have fallen on deaf ears at times. Through VPP however, there are processes in place for these ideas to be discussed and in most cases implemented when justified, making work areas much safer for all employees. This process also allows employees to take ownership of the safety and health programs and gives them a stake in the success of VPP at their worksites.

Because many of the OSHA standards are outdated and have not kept up with technology, workplaces that are compliant can still have hazards and not protect the workers at the site. VPP sites focus on the hazard, regulated or unregulated, and not only follow all OSHA regulations but are expected to work cooperatively to address all hazards. A good example is the area of ergonomics. Although there is currently no OSHA ergonomic standard, VPP requires participating sites to address ergonomic issues.

At VPP sites, management leadership is a requirement and management takes a more proactive role to work toward better safety and health programs. There are avenues in

place for hazards to be identified and for hourly worker and Union leadership concerns to be heard. VPP companies are more responsive to fixing the problems that arise. Management at VPP sites must be willing to commit the resources necessary to alleviate hazards.

At this time, the federal government has placed great emphasis on the expansion of OSHA's cooperative programs. In particular, OSHA expanded its program of "Alliances." These alliances emphasize outreach, education and the promotion of safety and health. They are less structured than OSHA's other cooperative programs. Most of these alliances are between OSHA and employer groups with no requirements for Union participation. VPP goes beyond this by requiring that the Unions are involved in the process and support the VPP program from the start. Union safety and health committees have produced letters of declaration on worker involvement that state that "trade Union safety representatives, through their empowered role for purposes of consultation, often lead to higher levels of compliance and better health and safety performance than in non-trade Union systems."¹

Many Unions struggle with uncontrolled hazards in the workplace due to a lack of adequate safety and health training. One of the reasons Unions make such a difference is that they ensure that their safety and health representatives are trained. Surveys have found that trained Union safety and health representatives were far more knowledgeable than their managers. About 90 percent of safety representatives were aware of the main principles of the safety regulations. Over a third of managers are not aware of the principles of the regulations. The survey also found that over 80 percent of safety and health representatives had received training in safety and health in the last two years, compared to 44 percent of managers. VPP requires safety and health training for all employees, Union and management, to identify and control or eliminate workplace hazards. It also is common for VPP sites to have Union members who work full time in safety and health positions.

Over the past 15 years, efforts have been made in nearly every state to "reform" workers' compensation. There are certainly many areas of the system that need reform. At least some of the current efforts in reforms have weakened workers' protections and rights. Among commonly sought changes in the laws are (a) limiting the time workers can receive benefits (b) a reclassification of injuries as "non occupational"; (c) limiting the workers' right to choose their own doctors instead of the employer's doctor; and (d) some apparent use of inappropriate medical guidelines to decide whether and how much a worker is disabled.

The best way to reduce workers' compensation costs is to prevent injuries and illnesses at work. This can be done through effective health and safety programs that VPP requires that give workers and their Union representatives a meaningful role in the process.

If companies and its Unions are to secure safety and health together, we will need the continuing commitment of all parties to take the strategy forward. As part of the strategy,

¹ Health Safety Executive Commission/ Peter Kirby/HSE/ Trade Union Trends 2003

new structures, through which interested parties will be fully involved, will be introduced to implement and deliver the strategy.

Based on OSHA staffing and the given number of workplaces in the United States of America, to inspect every work site in America, it is possible Federal OSHA could only visit a site once every 97 years. Jonathan Snare, Acting Assistant Secretary of Labor for Occupational Safety and Health stated before the Subcommittee on Labor, Health and Human Services and Education Committee on Appropriations, U.S. House of Representatives on April 7, 2005, "In a report issued last March, the Government Accountability Office (GAO) noted that since OSHA can only inspect a small fraction of the Nations workplaces each year, voluntary strategies may provide important opportunities to extend the Agency's influence. GAO concluded that OSHA's voluntary compliance strategy shows promising results."² VPP requires having an initial onsite evaluation followed by re-approvals every three to five years. Also, VPP requires that a site conduct an annual, self evaluation for all the aspects of the site safety and health management system. This audit must be sent to the OSHA VPP manager, to assure that the company is complying with the process.

Safety and health legislation takes time and changes can become bottlenecked in the political system. Workers need to be given a real voice in the workplace and real rights to participate in health and safety as part of a comprehensive safety program to identify and correct hazards. VPP requires this as part of the initial application submitted. VPP has an expectation set forth in the Policies and Procedures Manual that requires equal opportunity to achieve and go beyond safety and health standards.

Promotion of VPP/Organized Labor

Understanding and building a relationship with VPP is of key importance for labor organizations. Labor has some high priority issues when it comes to safety & health. Working alone, intimidation tactics and rollback of safety standards are some of the issues that have been on the forefront for years, so there's a reason for the hesitation.

OSHA's limited resources have resulted in the standards not being kept current and less frequent inspections of the work place. The result is that the Union workers are being left at risk. The standards and concerns aren't new and have been heard by many still there is no offer by the government for them to be addressed. VPP sites support the use of compliance when needed and help OSHA to free up OSHA resources. Through the use of the Special Government Employee (SGE) program, OSHA resources are freed up to address compliance issues. The SGE program allows Union members to be trained and work with OSHA as a team members on VPP site inspections. The SGE program also allows Union team members the ability to view best safety and health practices at other sites and bring that knowledge back to improve safety and health at their own site.

² 2004 GAO Report (GAO-04-378 March 19, 2004) Titled Workplace Safety and Health: OSHA Voluntary Compliance Strategies Show Promising results, but Should be Evaluated Before They are Expanded.

By entering into the VPP process, doors are opened to improve safety and health at Union sites through networking and cooperative efforts between the Unions, the companies and OSHA. Networking allows Unions at VPP sites to help improve safety for Union brothers and sisters at other sites. One should go beyond the federal government to take advantage of other opportunities available to improve safety and health across the country.

Workplace expectations should be developed as a joint venture, including safety and health programs, policies and procedures to promote VPP in a labor organization, involve them in the process and provide a forum for them to voice their concerns. Understanding the importance and requirement of employee involvement in VPP and the process for resolving safety and health issues under the VPP requirements is key to achieving safety and health success. The VPP process implements long term safety and health continuous improvement for Union work sites that effectively protect workers.

Questions from Labor Members and Officers:

- **Can individual members still call OSHA with a complaint and will OSHA respond? What about the Local? Are our hands tied?**

VPP sites have a good working relationship with OSHA. Union members can put names and faces to OSHA employees in their areas. While being involved and working in partnership with OSHA and our companies, this doesn't diminish or take away our right to bring OSHA in to our plants if we have safety issues and concerns that won't be addressed by the company. Because of this, companies are more sensitive to the needs of the workers.

Unions have people they can call for help that they have developed relationship with and get answers and solutions to their questions. OSHA feels like a partner in improving safety at their site.

- **What do we have to give up?**

Nothing. All employee rights under the OSH Act are retained and in some ways enhanced. It is possible; due to resource issues OSHA could inspect workplaces under its jurisdiction once every 97 years. The VPP program requires having an initial onsite evaluation followed by re-approvals that occur every 3 to 5 years.

- **We've been in a joint health and safety venture for 15 years. What do we gain by joining VPP?**

The VPP process enhances a site's current safety and health ventures. It also adds a new partner, OSHA, which brings new ideas for improving safety and health. Being involved with VPP gives Unions the opportunity to meet and develop relationships with OSHA inspectors. Through the Special Government Employee (SGE) program, members get training to work side by side with OSHA inspectors on VPP onsite evaluations of other companies. This allows us to see best practices and ideas at other companies and bring them back to our sites.

- **What does the company get out of it? Why is the company interested? Is this to our advantage?**
VPP sites generally have increased production and are more profitable. Being a VPP site can also be a competitive advantage. Sites can get contracts for their business because they are a VPP site. This helps keep Union jobs at home in today's competitive global economy. The most important benefit is improved safety and health programs that lead to fewer incidents and lost time accidents to the Union members. For the company, it means fewer workers' compensation dollars spent and fewer dollars spent on trying to cover injured employees.
- **If we sign on to VPP can we get out of it if it doesn't meet our expectations? Are we locked into it?**
Both the Unions and company can withdraw from VPP at any time if expectations are not met.
- **What happens if not all the Unions want VPP? What happens if one wants out?**
If any of the Unions at a site do not agree with going through the VPP process, then the site is not allowed to become a VPP site. If one Union withdraws its VPP support, then OSHA removes the site's VPP designation.
- **Will OSHA go easy on the company once it achieves VPP?**
A VPP site is expected to meet or exceed all OSHA safety and health standards. If an employee files a complaint, the company must send back documentation of how the issue has been resolved. VPP sites are OSHA's best safety and health sites and OSHA has put its reputation on the line. OSHA takes complaints at VPP sites very seriously and holds the company accountable.

Benefits:

- The most important benefit is improved safety and health programs that lead to fewer incidents and lost time accidents to the Union members.
- Participation in the VPP process empowers Unions in the safety arena and enables opportunities for training for represented employees. Working with OSHA and the companies, Union members are involved in developing, instituting and sustaining safety programs and policies. Where once ideas for safety improvement from workers fell on deaf ears at times, they are now listened to and in most cases implemented, when justified, making work areas for America's workforce much safer.
- Better management commitment - At VPP sites, management is more inclined to work toward better safety and health programs. They listen to the hourly workers

and Union leadership's concerns and are more responsive to fixing any problems that may arise. Management at VPP sites must be willing to commit the resources necessary to alleviate hazards.

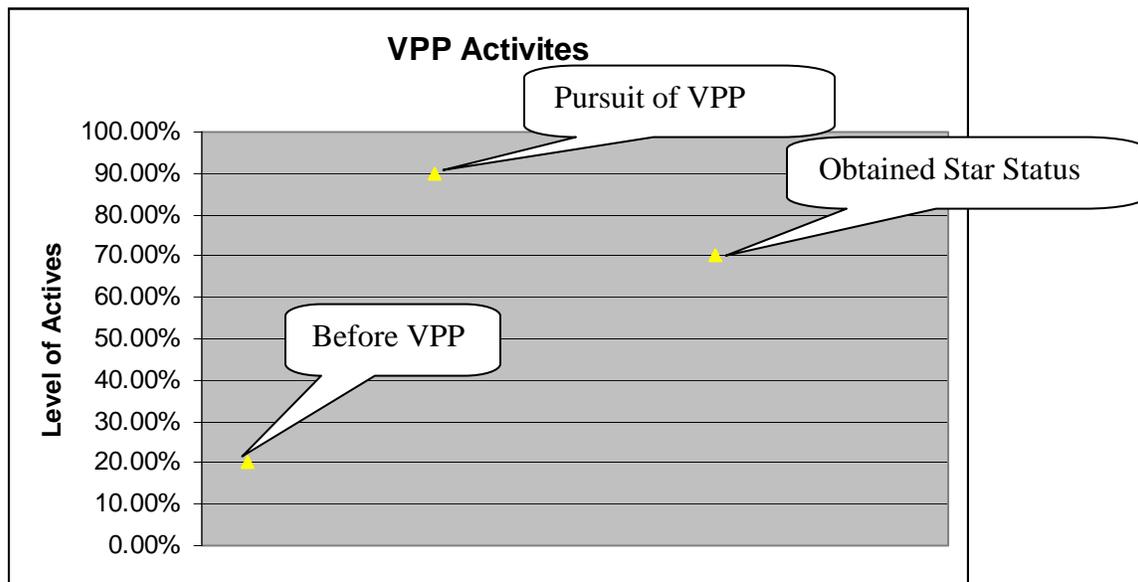
- VPP sites are more proactive than reactive, with regards to safety and health. They look for trends that can cause incidents and try to prevent incidents from happening.
- A site will often see OSHA more frequently. If you are on the general inspection list, you may not see OSHA for 97 years unless they arrive on site to address a complaint or serious accident. As a VPP site, OSHA will visit you every 3 to 5 years.
- VPP sites have a good working relationship with OSHA. Union members can put names and faces to OSHA employees in their areas. They have people they can call for help that they have a relationship with and get answers and solutions to their questions. OSHA feels like a partner in improving safety at the site. Through the Special Government Employee (SGE) program, members get training to work side by side with OSHA staff on VPP onsite evaluations of other companies. This allows us to see best practices from other companies and bring them back to our members and sites.
- A better working relationship with management in regards to safety and health, which often leads to better working relationships in other areas.
- Communication for Union members is improved on safety and health issues at VPP sites. They have better avenues to voice their concerns. Sites must have an effective way to communicate follow-up of concerns and what was done to alleviate the concern back to employees.
- More effective contractor management. VPP sites are usually stricter on contractor safety and health and manage their contractors accordingly. This provides a safer working environment for the Union floor employee.
- VPP sites generally have increased production and are more profitable. Being a VPP site can also be a competitive advantage. This helps keep Union jobs at home in the competitive global economy.
- While being involved and working in partnership with OSHA and our companies, this doesn't diminish or take away our right to bring OSHA in to our plants if we have safety issues and concerns that won't be addressed by our companies. Because of this, companies are more sensitive to the needs of the workers.
- VPP sites are expected to have good engineering controls. This is especially enhanced in controlling employee exposures to hazardous chemicals and any dusts, mists or fumes produced from the sites processes.

- VPP sites generally have more resources dedicated to health and safety.
- More members are engaged, aware and empowered to act on health and safety concerns.
- Union to Union communications and relations are better established and enhanced.
- Benchmarking (and mentoring) other sites through VPPPA. VPP site employees can network with other VPP Union sites through VPPPA to get ideas and best practices to improve safety and health at their site. Through VPPPA seminars, webinars and annual conferences, there are opportunities to see best practices and to meet experts in the safety field.

Ongoing Challenges:

VPP sites still have challenges that they must work through. Some of the challenges are:

- Psychological letdown on all sides after turbo-charged process. As the results of the pursuit requiring mass effort by all, after obtaining the Star status a drop-off of activity is then assumed. At times the company doesn't put enough effort into ongoing safety and health activity. It has to be communicated that the peak is normal but the new level is higher than it had been before entering the VPP program. Example is for reference only:



- “Continuous improvement”
- Resources (tighter budgets)
- Revolving door in some management roles

- Continuing values/culture change
- Joint H&S program is here to stay – entitlement?
- Everyone has a role

By working through the challenges, sites can continue to improve safety and health for the Union employees at their sites.