

**The practice of representation and
consultation on occupational safety and
health (OSH) in the EU — Findings from
ESENER 2**

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What this presentation is about



- Representative worker participation on OSH
- A reflection on the research evidence on the role of worker representation on OSH in the light of findings on current practice from the ESENER-2 follow-up study on *Worker Participation in the Management of Occupational Safety and Health*

What do we know about representative participation on OHS in the EU?

- Statutory measures for health and safety representatives (HSRs) and joint health and safety committees in all EU member states are in EU wide directives
- Research shows them to be a success in unionised/organised workplaces in the EU and elsewhere
- Studies demonstrate their association both improved OSH arrangements and performance
- And further show this improvement to be dependent on a set of preconditions for their effectiveness
- As well as suggesting the effectiveness of particular strategic approaches to their role on the part of HSRs

Preconditions for effectiveness include:



- Presence of regulatory measures (and the possibility for their application)
- Management/employer commitment and support for representation and consultation
- Engagement of regulatory inspectors and their commitment to participatory approach
- Workforce support
- Union support, training and information

ESENER – responses enable consideration of the extent and practice of arrangements for worker representation and its determinants

- Secondary quantitative analysis of ESENER-1 — having both general and specialist forms of worker representation *in combination* with high levels of management commitment to health and safety was strongly linked to higher levels of good OSH management practices and their perceived efficacy (Walters et al., 2012).
- Secondary quantitative analysis in ESENER 2 showed essentially the same result - among the seven countries' enterprises in ESENER-2.
- **But they both overestimate the presence of representatives in comparison with more conservative estimates of most national surveys**
- **And therefore their positive findings need to be considered alongside the evidence of the decline in worker representation on OSH in some countries; and the substantial proportion of workers who are not represented on OSH in their workplaces regardless of statutory entitlements**

The qualitative ESENER follow-up study

- What was the nature of the experience of representation on OSH ?
- What were the workplace realities that determined it?
- What was the role of influences in the wider socio-economic and regulatory contexts in which the workplaces were situated?
- **The full report** — <https://osha.europa.eu/en/tools-and-publications/publications/worker-participation-management-occupational-safety-health/view>
- **The summary report** — <https://osha.europa.eu/en/tools-and-publications/publications/worker-participation-management-occupational-safety-health/view>

The methods

- A qualitative study of worker representation on OSH in the EU — follow-up to the 2nd European Survey of Enterprises on New and Emerging Risks (ESENER-2).
- Focused on experiences of representatives, fellow workers and their employers and managers. Based on in-depth interviews with participants in 143 different establishments, equal proportions of small (between 10 and 49 employees), medium (between 50 and 249 employees) and large (more than 250 employees) establishments in Belgium, Estonia, Greece, the Netherlands, Spain, Sweden and the United Kingdom — thus representing a range of different regulatory and industrial relations contexts.
- Interviewees selected from among respondents to ESENER-2 who had agreed to be contacted for follow-up investigations. Drawn equally from private manufacturing, the public sector and private services. Analysis supported by a review of the literature and additional interviews with key informants
- Considered practices and what these suggest about the influences that determine them.

Key Findings

- Despite national differences in regulatory and labour relations systems, in establishments where all or even some of the ‘preconditions for effectiveness’ were found, there was evidence of the continued effectiveness of arrangements for worker representation on OSH.
- Representatives, managers and workers provided detailed information on the actions of worker representatives on OSH and their perceptions of its effectiveness in the contexts in which it occurred similar to those in previous studies

BUT

- Cases where this was prominent were not in the majority. Indeed, they were exceptional.
- There was evidence of the strong presence of different approaches to ‘participation’ to those that previous research on worker representation on OSH has found to be effective.
- And these approaches were especially different from the ‘knowledge activism’ identified by some previous studies as the *most* effective form of engagement by worker representatives

‘Knowledge activism’ (Hall 2006 and 2014)

- For those unfamiliar with the research, ‘knowledge activism’ implies the autonomous use by representatives of strategies combining political, legislative and technical skills in seeking and understanding OSH knowledge. Through this they are able to use informed worker-centred and collective understandings of OSH as the basis for workplace consultation, negotiation or bargaining on OSH – and in doing so have some chance of influencing the outcomes of these processes.
- As well as implying the presence of supportive preconditions the term also suggests something of the qualities of action of representatives themselves and their strategies of representation

But instead of knowledge activism and the preconditions for effectiveness we found —

- Common managerial approaches to safety **included marginalising representatives and representative participation** through imposing behaviour-based OSH management systems in which the meaning of ‘participation’ was individualised, responsabilised and linked to following rules of safe behaviour imposed by employers. Managers said :
 - *‘Safety is important for me, but I don’t see that a rep can contribute a lot to the OSH issues. I talk to people myself — I’m on site every day so its not a problem...’.*
- On workers —
 - *‘We want them to interact with the targets, take ownership and be proud of meeting their targets....we need to get engagement around the performance targets’*
- On safety representatives:
 - ‘The company employs them to print paper....we are a bit limited in the amount of time we can allow them to spend on something else’. (HSE manager in manufacturing)*

Responsibilisation, incorporation, accountability and BBS:

“The senior steward will often tell workers to ‘get their PPE on, or he’ll be taking them up to management.” Safety Manager

‘I use the union to communicate with the workforce, they get our message across. They fight our corner with us....I’ve taken things in a new direction in this sense.’ (HS manager manufacturing)

“Whatever we try to highlight around health and safety ... we want that to be consistent with what management are trying to highlight....sing from the same hymn sheet and all that.” Senior workplace rep manufacturing)

‘The health and safety rep just does health and safety – the union side is nothing to do with us’ (HSR in manufacturing establishment)

Marginalisation

On the underdevelopment of arrangements....

“our problem is [the Deputy Principal], who is also the head of finance, does not know anything, I mean really anything, about health and safety law” (Health and safety representative public sector)

“there’s limited cooperation [with management and] it’s getting steadily worse ... cooperation on health and safety matters in particular ... largely the result of budget cuts, they want to rationalise” (Another health and safety rep from the public sector)

On support of the workforce

When speaking to management and ‘expressing members concerns’] “it’s pure bluff. The members don’t know and they’re not that bothered” (HSR education)

On forms of 'participation'

- Incorporation of worker health and safety representatives into safety management systems —

'HSRs are the eyes and ears of the HSE manager on the shop floor' (said by both H&S managers and union HSRs)

- On the development of arrangements for representing workers on OSH :

'Its not something we've ever had to drive ourselves as management — originally it was driven by the union. The union would say – we want you to put in a committee — so we put in a committee... the driver for them were the regulations. As it evolved ... the union is nowhere nearly as strong as it used to be – and now I've got people who want to do it ...' (HSE manager)

Reflections on what determines current current practice:

- Worker representation on OSH is strongly affected by context, determinants include:
 - those within the establishment, such as size, sector, risk profile, knowledge, unionisation, collective bargaining arrangements, OSH management systems etc; those external to the establishment or more indirect, such as macro-economic factors, regulatory ethos, etc....

They influence:

- which people are selected or appointed as worker safety and health representatives or committee members; their access to training and to the type of training they may be entitled to receive and hence, the special skills they come to possess; . Thus influencing the means used to operationalise the regulatory functions and entitlements of representatives enabling them to carry out their roles effectively.

All have been subject to change that has eroded the preconditions for effective worker representation on OSH

The consequences of change

- Declining external support infrastructure:
 - Declining union membership and influence combined with renewed government hostility
 - Growth of fragmented and fractured management smaller firms etc
 - Growth of ‘precarious employment’
- Growing establishment of BBS systems
- Parallel atomisation, responsiblisation, accountability for employees and the development of ‘audit culture’ around safety management
- Changes in the nature of risk (diminishing physical but growing toll of psychosocial risk) that is a product of the organisation of work and employment
- Reduced resourcing/deregulation — from regulation to ‘deregulation’ to ‘common sense regulation’ — a paradigmatic shift

Reflections on emergent themes and their implications

- Change and determinants of the extent of arrangements for worker representation on OSH and its practice?
- A new emergent orthodoxy?
- What does this mean for:
 - The role of organised labour?
 - Representative or direct methods?
 - Unitary, pluralist or conflict frames of understanding the relations of participation OSH ?
- What are the consequences of:
 - Responsibilisation and the shifting meanings of regulation
 - The rise of safety management systems and their incorporation of arrangements for representing workers?
- What are the implications for worker-centred understandings of collective representation and mobilisation on OHS?

Thank you !