



TRADE UNIONS PREVENTIVE AGENTS
TUPAs

SUPPORTING
PARTICIPATIVE
HEALTH AND SAFETY
ARRANGEMENTS
IN MICRO AND SMALL FIRMS





This publication is financially supported by the European Commission within the project "Trade Unions Preventive Agents (TUPAs). Promoting occupational health and safety (OHS) in micro and small enterprises (MSEs or "small firms") through the support of trade unions' external agents to workers' participation/representation". VP/2016/004/0034

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Legal deposit: V-3204-2018

Date: November 2018

Published by: ISTAS

Layout: Pilar Rodríguez (Pilixip)

Photographs: Freepik, Rawpixel, Raphael Andres, Ricardo Gomez Angel

Printing: QAR Comunicación, S.A.

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The project presented in this leaflet was funded by the European Commission (VP/2016/004 Improving expertise in the field of industrial relations) and could not have been completed without this support. It was led by Instituto Sindical de Trabajo, Ambiente y Salud (ISTAS) from Spain and developed in cooperation with Fondazione Di Vittorio from Italy, the Cardiff Work Environment Research Centre at Cardiff University in the UK and NSZZ Solidarność from Poland.

This leaflet is based on the final report of the project (David Walters, Kaj Frick and Emma Wadsworth; *Trade union initiatives to support improved safety and health in micro and small firms: Trade Union Prevention Agents (TUPAs) in four EU Member States*; October 2018), available only in English and that could be downloaded from:

<https://istas.net/TUPAsproject>

Many people, too numerous to mention individually, in all the countries on which the project focused, collaborated to the field work by giving us their time and information. We are most grateful for their participation and support, which were essentials for the results of the project.



WORK DAMAGES HEALTH THERE'S NO DOUBT ABOUT IT

Every year in the European Union (EU) some **4,700 people die as a result of accidents while they are working**, going to work or returning from work.

According to recent estimates published in scientific journals, a further **180,000 people die from conditions caused by their work**, the way in which they perform it, or the risks to which they are exposed.

On top of this are the **psychosocial risks people are exposed** to through the ways in which their work and employment are organised and the health-related consequences of these risks.



REGULATIONS ARE THERE TO PROTECT WORKERS' HEALTH

In the EU, **companies are obliged to prevent the exchange of health for wages** by guaranteeing the safety and health of their workers through the control of working conditions.



BUT ILL HEALTH IS NOT PART OF THE DEAL



Workers must work for their salary but **should not have to pay for it with their health**, let alone their lives.

And all this can be prevented by **organising work so that prevention takes precedence** over cost saving.

PARTICIPATION IS KEY TO EFFECTIVE PREVENTION

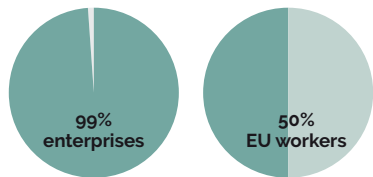


One of the most effective ways to achieve this is by **ensuring that workers participate in decisions about prevention and control**.

And this is most successful when it comprises **organised and represented workers** bringing their informed point of view and their hands-on knowledge of the work, its risks, possible solutions, and what hurts, exhausts and sickens those doing the job, to the table through their independent and autonomous representative.



HOWEVER, MORE AND MORE WORKERS ARE NOT REPRESENTED OR ORGANISED



Micro and small enterprises (MSEs) account for nearly **99% of enterprises** in the European Union and employ nearly **50% of EU workers**. New economic trends and new ways of organising the workforce (downsizing, off-shoring and outsourcing) have resulted in **increased numbers of MSEs**. The combination of fragmentation, precariousness, informality and proximity that is so characteristic of work in MSEs makes it **DIFFICULT TO ACHIEVE REPRESENTATION**.

SMALL FIRMS ARE LESS LIKELY TO HAVE REPRESENTATIVE PARTICIPATION ARRANGEMENTS AND MORE LIKELY TO HAVE POORER WORKING CONDITIONS, FEWER RESOURCES FOR PREVENTION, AND WEAKER SKILLS WITH WHICH TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH

Most MSEs in the EU face a general **lack of resources for occupational safety and health (OSH)** prevention and adequate OSH management. Workers employed in these firms are likely to experience poorer working conditions, lower job quality and proportionally **greater risks** to their health, safety and well-being, than those in larger firms.

Both workers and their employers in MSEs are vulnerable to the multifaceted poverty of resources available to many of them and the harsh competition they face in their struggle for their business survival. In modern economies larger and more powerful organisations manage their businesses

through **outsourcing risks to weaker and more vulnerable players** in their business relations. Price and delivery conditions these more powerful actors are able to impose upon their product and service supply networks serve to undermine OSH conditions among the weaker the MSEs, often situated in dependent positions in such networks.

In the struggle to remain competitive and meet these conditions, **both employers and workers in MSEs often sacrifice their prioritising of OSH**.

As the research on which this leaflet is based showed, recent surveys demonstrate that **owner-managers show low levels**

of knowledge on OSH, as well as of their legal responsibilities in this respect, which they compound by overestimating their understanding of both the OSH risks and the necessary measures for control. They **fail to see the need to take action themselves**, instead ascribing responsibility for such actions to their workers.

To complete the picture, this evidence also shows that while the principles of the process-based requirements of OSH management in current OSH regulations are generally understood and more or less accepted in larger organisations, they remain a **mystery to owner-managers** in many MSEs, who would **prefer to be 'told what to do'**.

AS A RESULT, WORKERS IN SMALL FIRMS ARE MORE LIKELY TO SUFFER WORK-RELATED ILL-HEALTH



Evidence also indicates that there is a **greater risk of a serious or fatal injury and (probably) ill-health arising from work in smaller workplaces than in larger ones**. Although under-reporting is a widely accepted feature of the documentation of OSH performance in small enterprises in all countries, the overall conclusion from the more robust studies strongly indicates an inverse size effect in relation to the incidence of serious injuries and fatalities that is likely to be repeated in relation to work-related ill-health.

SO WHAT CAN BE DONE?



In such situations **the conventional means of protecting workers' safety and health**, whether through regulatory enforcement or through advice and support from prevention services and the like, **fail to reach the great majority of these workers in MSEs**.

In these scenarios there is a need to **develop a range of specific strategies and tools** that better serve to protect the safety, health and well-being of workers in MSEs in the present-day economies of the EU.

National authorities in many EU Member States have implemented specific aid aimed at providing MSEs with training, advice, simplified management tools and economic incentives.

THE CONTRIBUTION OF TUPAs TO IMPROVING WORKERS' PARTICIPATION

However, for prevention to work properly, **measures that address the lack of worker participation are also needed**.

One such union response to this challenge are **Trade Union Prevention Agents (TUPAs)** – that is, people designated by trade unions to intervene in MSEs from outside. Their aim is to **help to bring the voice of workers** into decisions on prevention and control.



SWEDEN

ALMOST 50 YEARS OF REGIONAL SAFETY REPRESENTATIVES

In Sweden, since the 1970s, trade unions have had the **legal right to appoint Regional Safety Representatives (RSRs)**, who have the power to act in all companies in their field which:

- Do not have a joint committee on OSH (normally such committees must be set up in all companies with a stable workforce of more than 50 people).
- Have a union member among their workforce.

The RSR-system was set up as **the social partners agreed that the basis for prevention was an organised and informed workplace dialogue** between managers and workers, in particular through competent and independent workers' safety representatives.

The regional unions in each industry appoint the RSRs and inform the relevant firms of these appointments. As conditions vary substantially between industries and unions, each RSR may have between a few and 2,000 firms within their remit. At present, there are **around 1,700 part-time RSRs**, who also take on other tasks:

some are safety representatives within large companies, others are trade unionists who combine their work as RSR with other trade union tasks. It is estimated that, in total, RSRs in Sweden make up the equivalent of 311 full-time posts. **RSRs try to recruit local safety representatives in 'their' firms**, but as most are micro firms this is difficult. When RSRs succeed in recruiting a local safety representative, they remain in their legal role and provide training and support to that representative.

The cost of the system is about €20 million. This is **partly borne by the government**, which reimburses the unions for their specified RSR-costs, but **nearly half is paid for by the unions themselves**.

The RSRs visit around 50,000 to 60,000 workplaces per year (more than 5 times the number visited by the labour inspectorate). During each visit they review documentation, inspect workplaces, and monitor working conditions, adapting their focus to the risks inherent to the sector in which they operate. In addition, they talk to workers and to local safety representatives (where they exist)

and try to discuss the problems they have identified and their improvement proposals with managers. The unions' annual detailed reports demonstrate that the **RSRs are effective in reducing risks and promoting both local safety representatives and better management of the work environment** (i.e. compliance with the Framework Directive) in small firms. It is estimated that in the construction sector alone RSRs instigate around 500 work stoppages due to serious and imminent risk per year, nearly all of which are subsequently **directly resolved with local management**.

With so many visits, there are some conflicts between RSRs and small firms. Nevertheless, RSRs described having **generally reasonable cooperation** with employers. Nearly all were positive (55%) or neutral (43%) at the RSRs' first visits, and the relationships generally improved over time. Around a quarter of RSR visits were even initiated by employers. **RSRs' suggestions for improvement were also mainly received positively** (56%) or neutrally (37%) by employers.





There are **two different types of health and safety representative** relevant to the needs of workers in MSEs in Italy. Firstly, there is the **OSH Representative at Territorial level (RLST)**. These originated in the construction sector, as part of the development of union competences in the field of health and safety within joint bodies. The role of RLSTs in relation to joint bodies was then included in the national regulation transposing the Framework Directive on occupational health and safety, first in 1994 and again 2008, by delegating the definition of the concrete modalities of intervention to collective agreements.

The second type is the **OSH Representative at Productive Site level (RLSSP)**, also originating from agreements in the construction and transport sectors, but with a role in representing the OSH interests of workers on multi-employer worksites. In 2008, this RLSSP role was institutionalised in the context of ports, construction sites and complex production sites characterized by a high density workforce and the presence of many companies.

The best examples of good practice are mostly found in the north of Italy, in the craft and construction sectors and in the ports for the TUPAs at productive site level (the RLSSPs). They show that, given the presence of certain preconditions, these systems have the potential to make a substantial and unique contribution to supporting worker safety and health in small companies through the ways in which the active involvement of RLSTs can play an important role as a **'reference point' for workers and their employers** and in supporting them to comply with legal standards and find better solutions to occupational health and safety issues.

However, our findings show that, while RLSTs have some opportunities for voice on information and consultation practices, there are few for bargaining because small companies lack a culture of negotiation, social dialogue and industrial relations. Formal bargaining activities are therefore especially oriented towards the territorial level and the

achievement of agreements and protocols with employers' associations and institutions.

The most effective experiences based on cooperation are those promoted by the most structured bilateral bodies. And in these cases, there appear to be **several determinants of such effectiveness**. These include: an adequate number of RLSTs (which is also dependent on a high presence of affiliate companies and a significant level of economic investment); the development of locally planned interventions (involving strategies shared by the social partners and institutions); projects promoted by the unions focused on specific issues; the continuous presence of the RLSTs in the territory (as well as the establishment of local offices, and the involvement of RLSTs in training courses for workers); and the provision of both appropriate tools (including IT) and training to support RLSTs.

However, the bilateral bodies operate in very different ways in different regions, and **common strategies are underdeveloped at the national level**. Also, in terms of the role of the RLST, there are still significant problems of coverage in many territorial and sectoral contexts characterized by a structural and procedural fragmentation and fissure among these firms and the economic contexts in which they are situated.

The findings suggest **the importance of co-operative approaches** (by trilateral and bilateral strategies) from the social partners, public authorities, OSH practitioners and small firm organisations in supporting the role of these TUPAs. In particular, local institutions play a key role. At the same time, trade unions need to support these figures at all levels, including the basic role of the branch federations as well as of the local chambers of labour.

This said, the findings also show that **RLSTs are, when necessary, able to turn to more conflict-based strategies** aimed at mobilising collective actions to support the protection of workers' OSH and welfare when they are faced with serious abuses by employers.

In spite of the absence of a legal provision, there have been **several instances of TUPAs in Spain**. All of them consist of **health and safety experts visiting small firms**. Some are based on tripartite agreements at regional level, and some are sectoral, bipartite agreements between employers' associations and trade unions. Each is based on its own agreement, in an autonomous and original way.

One of the peculiarities of the Spanish experiences is that these agreements have had to take into account the appointment, not only by trade unions (genuine TUPAs), **but also by employers' associations, of external experts** who interact with small firms' health and safety management systems. These preventive agents act jointly or separately, depending on the agreement in place. There are even cases when visiting teams include an expert from the Regional Administration.

In Asturias, Castilla-La Mancha, Castilla León and Madrid, **regional governments finance teams of people appointed by trade unions and employers' association to visit small firms**. The Navarre regional government used to do the same and is currently considering reinstating it.

In the **construction sector**, there are different agreements that allow union and employers' association agents to visit worksites. These are funded through a charge per worker paid by employers. In Castilla León there is a particularly unusual agreement between **the regional government, its contractors for forestry works and regional trade unions**, that allows TUPAs to visit worksites in the mountains and in the woods.

In all cases, the purpose of the visits to workplaces is **to help identify problems, to make proposals to correct them, and to improve safety management**. Some visits are carried out with the help of a checklist and are

centered on health and safety management, while others take into account all risk factors, including chemicals, ergonomics and work organisation.

In spite of the inherent difficulties of producing quantitative evidence of the impact of TUPAs, the Castilla León forestry scheme resulted in a **reduction in accidents in this high risk sector of nearly 45%** between 2007 and 2014. Similarly, the data collected on **the Asturias general TUPAs scheme show significant improvements in OSH performance as a result of visits**. This can be seen both by analysing the progression of the same company in a given year and by comparing aggregated results in different years.

These experiences are particularly valuable because:

1. Their **scope and reach are significant**: it is estimated that TUPAs agreements cover at least 40% of workers in small firms.
2. The ability to reach agreements of this nature is indicative of the **constructive cooperation of the social partners**, who have demonstrated their willingness to negotiate on matters over and above salary and work time. The construction of autonomous regulations with the level of complexity required for the implementation of TUPAs reinforces the representative role of the social agents, gives them legitimacy and also establishes a virtuous circle of mutual trust and cooperation.
3. All parties are **very satisfied** with the development and results of the agreements. Once established, they are maintained and renewed almost automatically.
4. All parties agree that they have **led to an improvement in the general culture of prevention**.

THE UK

SMALL SCALE, YET RELEVANT, INITIATIVES

In the UK, since the early 1990s there have been intermittent voluntary initiatives led by trade unions, though often with the support of the regulatory authority and employers' associations, to introduce '**roving safety representatives**'. Evaluations of these approaches have stressed their positive features:

*'... the activity of Workers' Safety Advisors can make a difference to the standards of health and safety practice at small workplaces.'
(Shaw and Turner 2003)*

As well as earlier interventions in agriculture, other voluntary arrangements resulting from collective agreements can still be found, such as those in some parts of the **financial services** and **construction sectors**. In the banking sector, for example, there are arrangements to allow trade union representatives **access to worksites on a regional basis**, by voluntary agreement between the unions and the employers in the sector. On some large construction sites where the principal contractors are among the largest construction firms, full-time trade union health and safety '**convenors**' **provide representation** not only for workers employed by these principal contractors but also, by agreement with them, for workers employed by other contractors and subcontractors.

Such strategies for enhancing health and safety in small firms are also evident in sectors in which there are large numbers of workers in small enterprises. Here, for many years, unions

may have made no overt attempt to set up formal schemes for regional representation, but many of their practices reflect elements of such schemes and **gradually merge into organising strategies in which they are explicit**. The Union of Shop Distributive and Allied Workers (USDAW), for example, has a well-developed system for representing its members in small workplaces through the appointment of organisers (many of whom are former workplace representatives) covering large numbers of different workplaces usually within a particular region. Health and safety is a prominent issue for these union organisers, who provide advice and information, make representations to management and may be involved in investigating hazards and accidents.

In 2018 the TUC produced guidance on representing workers in micro and small firms in which it reiterated the special provisions of Regulation 8 of the SRSC Regulations 1977 which allows trade unions for actors and musicians to have such representation, pointing out that there is nothing stopping trade unions from **negotiating similar arrangements covering their own sectors** and indicating that unions can negotiate improvements to their current arrangements so that safety representatives can, by agreement, represent workers in several different workplaces or across a range of employers. It gives examples involving union representatives having authority to inspect the work of contractors and to discuss safety matters with their employees; and of unions successfully negotiating arrangements for safety representatives

to cover multiple worksites, such as in the voluntary sector in education and in the health service, sometimes even where there are no union members (TUC 2018).

These are small scale, ad-hoc and unevaluated examples. But two of their features are striking. First there is **the similarity of their approaches and the prominence of the role played by TUPAs in each of them**. Typically, these schemes rely on local negotiation to reach agreements with employers concerning their operation. They are frequently the result of joint actions between more than one trade union and often in relation to a number of employers, where an agreement is reached, for example, to allow existing representatives to extend their cover to workers of other employers, who may be working at the same worksite or at different worksites within the same locality. Or they are commonly the result of negotiated agreements between trade unions and larger employers with multiple worksites and fragmented management systems, that allow representatives based at one site to travel to and have access to other sites operated by the same employer. Their second striking feature is their similarity to those approaches described elsewhere in Europe, especially in Spain and Italy. While in the UK, these are usually local and small-scale initiatives responding to needs perceived locally and made possible by the nature of local labour relations, they suggest that a similar set of preconditions may determine the development and effective operation of interventions involving TUPAs, wherever they are found.

IN CONCLUSION

The research report on which this leaflet draws, presents a full and detailed account of **successful trade union supported initiatives on representative participation on OSH** that are tailored to the needs of workers and owner-managers in micro and small firms in several EU Member States. It shows that:

- 1) TUPAs are a potentially useful tool to improve OSH performance in MSEs because, as research evidence shows, **face-to-face contact with change agents is by far the most effective way of bringing about a successful intervention.**
- 2) The research further demonstrates the importance of information, competence and training to support the **considerable skills needed by TUPAs** in all countries in order to win the trust and co-operation of workers and owner-managers in MSEs.
- 3) What are the **key elements** that make TUPAs schemes work?
 - a. The unique **competence**, confidence and skills TUPAs have been shown to be able to develop and apply.
 - b. The **supports** trade unions and bipartite bodies provide that help give them these attributes.
 - c. Adequate and sustained **funding**.
 - d. Proper allocation of **training and means** for TUPAs to develop their interventions in MSEs.
 - e. A framework of **institutional co-operation** between trade unions, employers' organisations, regulatory agencies and public authorities.
- 4) The TUPAs we met were usually well-trained, well-informed, experienced, confident and competent interlocutors on OSH for both workers and managers in MSEs. The majority were able to show that they had **achieved significant improvements** in awareness of, and arrangements for, OSH in the MSEs that they had visited and helped.
- 5) **Political will** to adopt macro level policies and strategies to support the extension and resourcing of schemes involving TUPAs is determinant of their wider application.
- 6) Besides TUPAs, trade unions in the four countries studied have **undertaken other kinds of actions to support intervention processes on OSH in small firms**, such as joint structures to support workers and employers with advice, information and training. Interventions higher up supply chains have also been employed by trade unions in sectors such as transport, textiles and construction, both nationally and globally, to influence the working conditions experienced by workers in the micro and small firms that are often situated at their ends.
- 7) As **barriers** to the wider development of TUPAs schemes, we underline the following:
 - a. Considerable resistance to the mainstream adoption of such approaches from employers' and small business organisations and their political supporters in government.
 - b. Regulators are wary of endorsing schemes without the support of the social partners.
 - c. Unions are not in a position to invest resources and efforts in initiatives aimed at groups of workers among whom they have few members.

Experience thus demonstrates that workers representation through TUPAs-like systems can provide managers and workers in MSE with important OSH-support in very different EU-countries. With political will **similar effective systems could be introduced more widely** in the EU.





Visit the project website to download the final report and find more information about TUPAs.

<https://istas.net/TUPAsproject>



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