

## Fact Sheets: Health and Safety Action Plan

Often, health and safety issues arise in the form of a crisis when the union does not have a health and safety committee in place. There may be some unique challenges to the problem, i.e. technical and medical aspects as well as legal and contractual concerns. However, despite the complexity of some health and safety crises, unions have traditionally developed effective strategies to respond.

Based on CSEA affiliate and other union experience, here are some guidelines for developing a responsive Health and Safety Action Plan.

First and foremost, the union must be involved in defining the issue or the problem. The members' perspective may be far different from management's. In this pursuit, the union should:

### **Gather Information**

Some methods that unions can use include:

- Surveys of members based on anecdotal complaints to the union - a simple survey can determine how widespread the health and safety/environmental problem is in a workplace;
- One-on-one discussions. These can be very useful in defining how members perceive the problem/hazard or exposure;
- Walkaround inspections of worksites where health symptoms have been reported. Whenever possible take photographs of hazardous conditions or areas;
- Examination of key documents such as OSHA logs of injuries and illnesses.
- (OSHA requires all private sector employers and public sector employers in Alaska, Arizona, California, Connecticut, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, New York, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virgin Islands, Virginia, Washington and Wyoming to keep records of injuries and illnesses. An individual or union representative can request copies of these records for a number of years back).
- Collect information that the employer may have. Often employers will lure consultants to do testing or monitoring; employers may also have records of employee medical examinations. Under the OSHA "Access to Medical and Monitoring Information Standard," a union can request and must be given copies of any monitoring data and composite results of medical examinations; and
- Bringing in a union-identified expert to assist in the analysis. Several locals have retained their own experts to help identify the hazards and solutions to health and safety exposures.

**Know Member Rights:** Find out about any OSHA standards, state laws and local ordinances that might apply to the situation.

**Consult with the CSEA Occupational Health and Safety Department.** They can help decipher highly technical reports and information as well as help in finding local experts.

**Let Your Members Know What You're Doing.** Communicate with members on an on-going basis during the crisis/investigation.

**State your Solution:** Develop a strategy for change that the union can take to management. Compile the results of the union's investigations, surveys and research and craft the union's demands for eliminating the hazards and remedies for members who have been injured or made ill. Seek a time-frame for the remedies as well as assurance that the problem(s) will be resolved. When the problem(s) are not easily remedied, offer to work jointly with management to work for a solution. Such ad-hoc committees must have the genuine commitment of management.

**Find Allies:** Form coalitions with the AFL-CIO Central Labor Council, other unions and community groups that share your concern. For instance, passengers may share concerns on time-tables, routes, maintenance.

**Develop a plan** if management is unresponsive to your request or demands. When management is slow or totally ignores the union's concerns, the union should consider its options such as:

- Developing a media plan that develops an easily communicated angle and provides a poignant picture of the situation. There are a variety of methods that union may use to reach the media. For instance, if the union can demonstrate that the very vulnerable, i.e. young passengers and the elderly as well as worker/staff are being unnecessarily exposed to dangerous conditions, the union may wish to organize a news conference with victims, affected children their parents and props (pictures of the worksite, toxic chemical labels, chunks of asbestos etc). Coalition participation in community rallies and meetings will also help draw media attention.
- Complaining to OSHA or contacting a state health department for an investigation. OSHA complaints should be in writing and as detailed as possible; the union should appoint a walk-around representative in the complaint (OSHA cannot legally announce an inspection). Since OSHA has a backlog, the union must be persistent, i.e. call frequently to make sure that an inspection occurs within the legally mandated fifteen business days.
- Consider other potential legal remedies. For instance, members who have suffered a serious disability may be covered by the Americans with Disabilities Act. Contact the CSEA Safety and Health Department for more information.

Once the problem is resolved, consider long-term follow-up to avoid further incidents. Most health and safety problems are not episodic, they are on-going concerns for members. The union may consider forming union-wide or workplace health and safety committees. (See the CSEA Health and Safety Committee factsheet).