

Grassroots activism is the key to worker health and safety

In October 2016, the OPSEU Mental Health Division hosted a two-day conference in Toronto on “Violence in health care and mental health facilities.” Bob DeMatteo, a renowned health and safety activist and retired Senior Health and Safety Officer for OPSEU, gave the keynote speech. The full text of his remarks is below.

Activism, the law and health and safety change

It is a pleasure to be here with you to work through this whole question of activism and its relation to health and safety law and positive change in occupational health. Thank you for inviting me. I hope what I am about to say will be of some use in your deliberations.

But before addressing this whole question of activism, I thought it important to address the current state of occupational health, the current context of our political economy and the forces at work inhibiting our progress. It’s important to know what we are up against so that we can develop effective ways of overcoming these obstacles to positive change.

Canada has one of the worst health and safety records world-wide

- 1,000 workers die annually from work related injury and disease – that’s five work-related deaths every working day. Ontario accounts for about 30 to 35 percent of these deaths.
- And it is not getting better. Between 1993 and 2012, work-related deaths increased by over 29 per cent. Occupational disease claims increased by 172 per cent.
- Of 29 OECD countries, Canada had the fifth-highest work-related fatality rate.
- We know also that even these statistics underestimate the true extent of injury and disease on the job. Study after study confirms that companies are under-reporting lost time injuries. It’s been estimated that an additional 6,000 deaths due to toxic exposures occur annually but are not acknowledged or supported by authorities.

The more things change, the more they seem the same

The history of occupational health is strewn with too many tragedies resulting from employer negligence and government inaction.

- In 1911, 146 young women perished in a factory fire at Triangle Shirtwaist Company on Manhattan’s Lower East Side where I grew up. Workers were trapped because the company had locked the doors to the stairwells and fire exits to prevent pilfering.

- In 1990, 25 workers were killed in a fire at the Imperial Food Products plant in Hamlet, North Carolina where they produced chicken nuggets. Workers were trapped because the company locked the fire exits to prevent pilfering of chicken nuggets.
- In 1992, 26 coal miners were killed in a coal dust explosion at the Westray Coal Mine in Pictou County, Nova Scotia. Months before the disaster, numerous violations of the OHSA and mine regulations were noted by government inspectors and workers, but nothing was done to enforce these violations that were identified as causes of the explosion. To add insult to injury, the company was presented with the J.T. Ryan annual safety award one week before the explosion.
- On Christmas Eve in 2009, four immigrant workers [in Toronto] fell to their death when a defective stage scaffold collapsed. This accident was so disturbing that the [Ontario] government was forced to conduct an inquiry headed by Anthony Dean. This led to a series of weak recommendations that barely touched on the question of lax enforcement and worker empowerment.
- All of these human tragedies were followed by the usual hand-wringing by politicians promising that such catastrophes would never happen again. These scenes are now commonplace, but as you can see the promises don't amount to much.

Lax enforcement & weak worker rights

The common element in all of these tragedies and Canada's abysmal health and safety record is the lack of adequate and effective enforcement and a very weak system of worker rights. In every instance, these tragedies involved violations of existing regulations that were not complied with and not enforced. As well, those responsible barely got a slap on the wrist. The other element was the powerlessness of the workers. Let's take a look at what is happening in Ontario's enforcement system.

Ontario's enforcement performance

Between 2007/08 and 2013/14, enforcement was down on every parameter, e.g., field visits, inspections, orders, prosecutions. Reflecting the growth in precarious employment and a stagnant economy, and job insecurity, work refusals were down by 35 per cent, and if compared to 2003 it was down by 65 per cent. It's ironic that this major decline is taking place on the heels of the Christmas Eve disaster.

Well, you might ask, could this be an indication that things are getting better? I don't think so. Fatalities are up and worker complaints to the ministry are up by 51 per cent. Note also that these latest stats likely include the blitz in the health care sector that the [Ministry of Labour] has been publicizing about in 2015.

Failure to protect workers from exposure to toxic chemicals

The regulation of worker exposures to toxic chemicals is another area in which the government has failed to provide appropriate and effective protection. The government continues to adopt out-dated exposure standards primarily from the American Conference of Government Industrial Hygienists (ACGIH), a body that is not governmental at all and whose “experts” are essentially from industry. Despite several studies showing that these threshold limit values (TLVs) are not health based, our government continues to adopt these as our occupational exposure levels (OELs). Indeed, Dutch regulators have just concluded that a large percentage of TLVs have little valid documentation to support their adoption as protective standards.

In addition, there are a whole class of chemicals that significantly disrupt the endocrine system at minute levels. These chemicals such as Bisphenol A can contribute to the development of breast cancer as well as cause serious reproductive and developmental problems in children. Despite these serious effects, this substance and many others in this class are treated as nuisance dusts.

What has been shown to work in preventing injury, illness and disease at work?

Enforcement:

What is troubling about Canada’s weak enforcement experience and the abysmal record in Ontario is that strong enforcement efforts by government have been shown from both experience and scientific study to be the major factor in reducing workplace injury and disease. Study after study shows that it is: strong enforcement and thorough inspection; the existence and compliance with regulations and frequent visits by inspectors; high visibility and access to enforcement tools; and provision of sufficient spending and resources.

Worker resistance:

The other factor also supported by good scientific study has to do with the ability, capacity and willingness of workers to resist employers’ control over decisions that affect their health and safety and demands for higher productivity at the expense of their health. Much of this has to do with the balance of power in the workplace which also reflects the general class balance of power in our society.

For example, Grunberg’s study of unionized auto workers in Britain and France showed that strongly organized worker resistance on the shop floor resulted in lower accident rates, while the more compliant and accommodating unions had a rate of injury 40 times higher than the more resistive union. Grunberg concluded that the lower the intensity of labour, the lower the accident rates will be, and that workers rather than management tend to be the best guarantors of worker safety.

Similarly, a study by Dr. Peter Suschnigg of Laurentian University on the relationship between labour/management relations and lost time injury rates at three steel-making plants in Ontario showed that both labour intensity rate and lost time injury rate were significantly lower at the plant where labour relations were adversarial rather than compliant or accommodating.

What these studies show is that the more the balance of power is in favour of the employer, the greater the intensity of labour and the higher the risk of injury. It follows then, that work-related accidents and disease will vary with the ability of workers to circumscribe the power of the employer.

Both of these latter points I will return to as we look at the key parts of the activist agenda for positive change. But before we address the role of the activist and an activist agenda, I would like us to explore the general state of our political economy and the impact it is having on our well-being at work and our ability to make further progress in occupational health.

The Four Horsemen of the Economic Apocalypse

What I would like to turn to next is a look at the major changes in our political economy that have had a major impact on our ability to resist and on the ability of government to afford health and safety protections for workers through their regulatory regimes.

Since the mid-1970s there has been a massive shift in economic wealth and power from the working class to the corporations, a.k.a. Capital. Part of this was initiated early during the [former Prime Minister Pierre] Trudeau years when his government introduced wage controls – there were no controls on prices) – as well as major changes to federal tax structure that significantly favoured corporations and had a tremendous impact on revenues and the creation of the fiscal crisis of the state.

Much of what we are experiencing can be traced to the “Four Horsemen” of the workplace: Downsizing; globalization; automation; and precarious employment. This was manifested in the broader political economy through merger mania [and] lean and mean production methods. Employers have switched from their “take it, or leave it” to “take it , or we leave you” stance.

This has led many unions to make deep concessions for lower pay and benefits and working conditions, including two-tiered pay structures for new hires in order to save jobs – see Caterpillar, GM, Magna International. This also included a general retreat from resistance, particularly in the private sector.

In the public sector, the downward trend in health and safety can be traced to various structural adjustment programs similar to those imposed on third world countries by the [International Monetary Fund] and World Bank to appease the corporate sector’s demand for

austerity programs including tax cuts, spending cuts, privatization and de-regulation, and contracting out to non-union, for-profit providers.

For public sector workers, we see a general deterioration of working conditions as a result of cuts in resources needed to do the work safely; staff shortages created by downsizing existing staff in all sectors; and the privatization and contracting out of services to non-unionized, for-profit providers. Public sector workers are also facing the societal fallout of these austerity programs – a client population, particularly in the mental health sector, that is growing more violent. People are growing more aberrant as a result of stress and frustration from economic and social insecurity. These public sector cuts amount to a massive cut to what is known as the social wage – that part of a society’s wealth set aside for the common good.

We now have a growing precarious work force characterized by job insecurity [and] low pay and benefits coupled with exhausting and dangerous work conditions.

These changes in our political economy have had a major impact on our ability to resist [and] created divisiveness and competition among unions, as well as among workers, on gender and racial grounds. This has led to a reluctance to “rock the boat” and made it more difficult to maintain solidarity.

We are witnessing the result of 25 years of corporate assault on labour in an effort to maximize profits and maintain control over production. Consequently we are witnessing a movement that is in a period of decline.

Where do we go from here?

Having said all this and painted a bleak picture, the question is: How do we turn this around? But it would be a mistake to believe that all is lost. Up to this point, workers, unions and their activist and professional allies did come together as a movement and directly confront corporate power in an effort to make work safer and healthier. We made great strides throughout the 70s and early 80s in the peak of our activism. During this time we achieved major legislative reform that provided workers with the right to know, the right to participate, and the right to refuse. We witnessed workers in constant motion, organizing and fighting for improved working conditions.

What can we learn from the past?

There are important lessons to be learned from our past achievements that are important for us to bear in mind as we rebuild a reinvigorated movement:

- Organized labour has been the essential factor in most workplace improvements, from the industrial revolution to the present.

- Working-class power depends on one basic ingredient – the active and committed participation of knowledgeable rank-and-file workers. Workers who are aware of the connection between their health and conditions of work. Workers who are aware of the state of their lives and its connection with the conditions under which they work.
- Our power to bring about positive change was enhanced by our alliances with the larger health and safety community of activists and committed professionals. This included alliances with the environmental and women’s movements.
- Public support for the cause of health and safety was an important factor in our ability to get governments to introduce stronger protections. Labour had tremendous public credibility on the issue of health and safety.
- We resisted treating health and safety as a purely technical and scientific problem best left to the experts to solve. Rather we viewed health and safety as a political issue that required a grassroots, rank-and-file approach.

When it comes to challenging workplace harm, a hygienist might be useful to measure it or a doctor to provide a diagnosis, **but only workers with collective power have a chance of doing something about it!**

However, the “Four Horsemen” of the workplace have had a major impact on our ability to organize and resist and make further improvements in health and safety. It would be a mistake to deny this and fail to learn what is necessary to overcome this setback. The real question for labour is how to overcome these obstacles and rebuild a new reinvigorated occupational health and safety movement in order to effectively confront the current political economy with its corporate domination.

An agenda for worker empowerment and action

To successfully reach workers (unionized and non-unionized) requires a grassroots, rank-and-file approach. This is in contrast to the current drift towards reliance on expert advice, training, and solutions, along with professional lobbying.

We must shift our emphasis to developing the power of workers in their workplace and assume that workers are capable of understanding their situation and of acting on their own behalf.

The role of activists and professionals is to facilitate the empowerment of workers to act collectively to control their own destiny.

- Avoid the information bubble
- Don’t be the expert
- Don’t be the lone ranger
- Always promote collective action
- Maximize worker participation
- Educate, activate and legislate

- Make it public – don't hide abuse.

To this end, some activists and unions have developed useful techniques and methods to enhance worker participation and empowerment. These include:

- **Popular education techniques** that recognize the vast knowledge base that workers already have about their conditions of work and allow for the full and free participation of workers in a collective learning process – a process that builds upon workers' existing expertise and experience.
- **Participatory Action Research (PAR) techniques** in which workers conduct their own research with the full participation of the workers in the identification of their injuries and hazards and the development of priorities and agendas for action.
- **Body and hazard mapping** are participatory actions research techniques that are useful in identify illness and hazards in the workplace, but because they directly involve the workers affected, they are powerful mobilizing tools to help organizing workers around their issues.

Such participatory techniques have been used in Canada and other jurisdictions with very positive results. The major problem is that up to this point, popular education and PAR have remained confined to a relatively small groups of workers.

The Canadian experience

In Canada [PAR] was successfully employed with gaming workers in Manitoba and asbestos workers in Ontario. In both instances, the employment of PAR involved the participation of workers in body mapping their injuries and illnesses, hazard mapping the work hazards in the workplace, [and] mapping their lives to see how work affected their lives outside of work. Finally, workers were then able to develop short-term and long-term priorities and an action agenda to address the problems. The achievements of these projects were chronicled by Drs. Margaret Keith and Jim Brophy. What is important to note in addition to the workers' ability to effect change was the heightened level of membership participation and activism.

My wife Dale and I have been working with current and former General Electric (GE) employees in Peterborough to document their toxic exposures over the years in an effort to support their WCB claims for various cancers. The research is essentially participatory in nature – the workers do all the research digging and it is also allied with the local environmental activists. As a result, an occupational and environmental health coalition was formed to look at pollution inside and outside the GE complex.

What needs to be done to revitalize our movement and effectively challenge corporate power?

This calls for a variety of actions, ranging from actions to preserve and strengthen existing laws, regulatory apparatus and existing organizations, and a call for reforms to improve the status quo.

However, our central task is to increase workers' influence and control at the workplace and in the broader political arena. To this end, we need to develop a practical agenda for action that addresses the current predicament and comes to grips with the constraints on bringing such an agenda to fruition.

Building a legal framework to enhance the influence of workers in the workplace

Over the last 30 years we have made significant legislative and regulatory gains in health and safety. The right to know, the right to participate, and the right to refuse dangerous work are major achievements. More recently we gained bilateral power to issue "stop work" directions in some jurisdictions such as Ontario, although this is rarely invoked. Unfortunately, these have turned out to be weak rights and frankly, not used enough. And at the same time, regulatory enforcement has been dismal.

We must begin to develop and demand legal provisions that enhance workers' influence over health and safety decisions in the workplace.

There are jurisdictions outside Canada that have legal regimes that: provide for more powerful worker rights and tougher enforcement. For example, the *Occupational Health and Safety Act* for the State of Victoria in Australia provides worker health and safety representatives with a number of important rights and powers:

- the power to conduct routine inspection "at any time" after having given reasonable notice, and carry out "immediate" inspections in the event of an accident or hazardous situation;
- the power to issue "provisional improvement notices" that must be complied with after seven days, provided the notice hasn't been cancelled or modified by an inspector on appeal;
- the power to issue a unilateral stop work direction if the employer and the representative disagree over a safety issue;
- the right to be consulted about any proposed changes to the workplace, plant or use of substances that may affect the health and safety of the workers;
- the right to appropriate facilities and assistance to carry out his or her duties;
- the power to obtain outside assistance from the union or other expert;
- the power to require the employer to establish a joint health and safety committee.

In effect, we need to establish an Internal Enforcement System that is based on workers being accorded sufficient powers to act, rather than a system based on voluntary compliance and weak worker rights.

More effective enforcement

We need to insist upon an enforcement system that has teeth and is a real incentive to protect workers. We need a severe and tough system of punishment and not persuasion.

A system based on the following enforcement principles would provide more protection for workers:

- The cost of violation must be significantly greater than the cost of compliance (in some jurisdictions, fines are also tied to historical safety record and can escalate accordingly).
- The enforcement system must be organized and resourced to ensure that the chance of getting caught violating the laws is great.
- The inspectorate must be provided with more effective and immediate forms of sanctions that require mandatory application.
- The government health and safety apparatus must include appropriate levels of technical and scientific capacity.

Making connections and building a movement

Our occupational health and safety agenda must take a broad approach that encompasses environmental, public health and general social issues within society. And we need allies in the society at large to have any chance of achieving our agenda.

We must go beyond the narrow and more technical orientation that contributes to the isolation of health and safety, and inhibits the development of alliances necessary to increase our strength and influence. This might include allying with community groups trying to deal with a specific environmental health problem. Or it might involve joining forces with health coalitions fighting to maintain our public health care system. In Brampton, Ontario, health care workers joined forces with patients and their families recently to expose the serious problems with P3 (public-private partnership) hospitals.

Reaching out to high risk and non- unionized workers

Bearing in mind that the majority of the workers are not unionized, reaching out to non-union workers is key to the success or failure of the health and safety movement. Non-unionized workers have no power and they work under the worst conditions in dirty low-paying jobs with no job security. Many are people of colour, women, and immigrants trying to support large extended families. Many of these workers are the new “temporary” workforce created by privatization.

Reaching out internationally

Workers and unions around the world are struggling with the same forces that keep us weak and unable to fight for improvements in health and safety. We must join with other struggles, both to assist and learn. Globalization and the freedom of capital to move to areas where labour is cheaper and regulations and laws weaker is the major threat to worker well-being on all levels.

The final analysis

A healthy and safe workplace will not come about when the experts in their wisdom deem it appropriate. It will only come about when workers get sick and tired of being poisoned and maimed as a result of their work that real change will come about.

So what do we do next? Well, what is the first thing that turtles do? They stick out their necks!