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**ROLE OF WORKERS AND THEIR REPRESENTATIVES  
IN ACCIDENT PREVENTION AND RESPONSE**

Prepared in conjunction with the Workshop  
on the Provision of Information to the Public and on the Role  
of Workers in Accident Prevention and Response

11th-14th September 1988

Hosted by Sweden

Sponsored by the OECD ad hoc Group of Experts  
on Accidents Involving Hazardous Substances

**REVISED DISCUSSION DOCUMENT**

The discussion document was prepared by a consultant to the OECD, Mr. Pekka Aro, to be used as a basis for discussion at the Workshop. It was subsequently revised to reflect comments made, and conclusions reached, at the Workshop. The conclusions of the Workshop are indented in the body of the text. Similar documents are being prepared in conjunction with related Workshops and these will be used in the preparation, in the future, of an OECD Guidance Document on prevention of, and response to, accidents involving hazardous substances. This document does not necessarily reflect the views of the OECD or its Member countries.



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**THE ROLE OF WORKERS AND THEIR REPRESENTATIVES IN THE PREVENTION  
OF ACCIDENTS INVOLVING HAZARDOUS SUBSTANCES**

**INTRODUCTION**

The OECD, through its Environment Committee, has undertaken a project to improve prevention of, and response to, accidents involving hazardous substances. This was in response to a call by Ministers and other high level officials at the OECD Conference on Accidents Involving Hazardous Substances held on February 1988. The body responsible for supervising the work on this project is the OECD ad hoc Group of Experts on Accidents Involving Hazardous Substances.

One aspect of this project is the development of guidance related to accident prevention and response. This will include principles concerning investments and aid programmes with respect to hazardous installations in non-OECD countries (the guidance will hereinafter be referred to as the "guidance document").

As part of the project, two OECD Council Acts have been adopted, which are binding on OECD Member countries. These are the "Decision-Recommendation concerning Provision of Information to the Public and Public Participation in Decision-Making Processes Related to the Prevention of, and Response to, Accidents Involving Hazardous Substances" [C(88)85(Final)]; and the "Decision on the Exchange of Information concerning Accidents Capable of Causing Transfrontier Damage" [C(88)84(Final)]. These two Council Acts, along with the conclusions of the OECD High Level Conference, are available in a Publication of the OECD entitled Accidents Involving Hazardous Substances, Environment Monograph No. 24. In addition, in 1989 Council adopted a "Recommendation on the Application of the Polluter-Pays Principle to Accidental Pollution" [C(89)88(Final)].

The project also includes a number of activities regarding the exchange of information and experience and the analysis of specific issues of mutual concern. As part of this work, four OECD Workshops are being held related to the issue of accident prevention and response. These address: management's role in the prevention of industrial accidents; the role of labour and provision of information to the public; the role of public authorities with respect to prevention; and emergency preparedness and response and research issues. It was recognised that in light of the expertise of participants, these Workshops provide an opportunity not only for a direct exchange of information but also for obtaining input into the development of the guidance document. Thus, the drafting of the guidance document will take into account the discussions and conclusions of the Workshops.



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This document was prepared in conjunction with the second Workshop and deals with the role of workers and their representatives in the prevention of accidents involving hazardous substances. The format of this document was designed to parallel and track the Workshop agenda. This approach was chosen in order to facilitate Workshop discussions; however, it means that the document may, in some sections, not follow the most logical sequence. As revised, the document reflects the Workshop discussion and conclusions as agreed by the participants.

#### The Objective of This Document

This paper aims at generating as well as structuring discussion at the Workshop for which it has been written. It concentrates on issues related to the role of workers and their representatives in accident prevention and response which are on the Programme for the Workshop, but its scope is somewhat broader, taking note of issues relevant to workers and their trade unions beyond the agenda of the Workshop. It is not to be read as an exhaustive presentation of the issues it deals with.

This paper also puts forth suggestions and considerations for use in the OECD guidance document for accident prevention and response.

#### Scope of Accident Prevention and Response

To be effective, the concept of safety has to cover all phases of the life of an hazardous substance. This includes at least:

- production;
- use and handling as intermediate as well as end product;
- transportation both within the facility and outside;
- storage and warehousing;
- waste disposal.

Not only do these aspects have to be treated individually, but also their interlinkages both nationally and internationally are essential to accident prevention and response. However, not all of these aspects are covered in this document nor in the agenda of the Workshop. In particular, transport issues and waste disposal are only touched upon, including the important problem of exporting hazardous waste into developing countries.



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**The Structure of This Document**

- A INTRODUCTION
- B ROLE OF WORKERS AND THEIR REPRESENTATIVES
- C GENERAL POLICIES
- D IMPLEMENTATION AT PLANT LEVEL
- E INFORMATION, TRAINING AND EXERCISES
- F ISSUES SPECIFIC TO GROUP-STRUCTURED COMPANIES

Chapter B describes the importance of worker and trade union involvement in accident prevention and gives a brief background to activities in that field.

Chapters C, D and E are titled following the Workshop Programme. This has meant some violence in dividing topics among the various chapters, and the division should be treated flexibly.

Chapter F was necessary in order to collect a number of points particularly relevant to multinational enterprises. It also takes up the issue of responsibility within the management of a company, though that obviously concerns single-site companies as well.

The conclusions of the Workshop have all been incorporated verbatim and they are identified in the body of the text by indents.

**ROLE OF WORKERS AND THEIR REPRESENTATIVES**

There are several critically important reasons for worker involvement in the prevention of accidents involving hazardous substances.

Firstly, workers are in most cases first to be in direct contact with the substances they produce, use or transport. They are the most likely potential victims of an accident. Therefore, as part of the overall protection of their personal safety and health, workers have an immediate interest in preventing accidents.

Secondly, they have practical experience of their work and the substances they have to deal with. As a rule, they have a long commitment to the place of their work. Given the opportunity and the facilities, they want to make this experience available for the safe operation of their workplace. Workers are also in a position to recognize dangerous situations and to take action to prevent or mitigate their consequences.

Thirdly, they and their families live near the plants which produce the harmful substances and have a concern over the environmental well-being of those communities. There is an inseparable connection between the safety of a workplace and the safety of its environment.

Because of this role of workers and the crucial importance to them of maintaining a working environment which minimizes their risks of accidents, the trade union movement in several countries has begun to



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include environmental issues in their policy-making and practical work, in addition to the more traditional occupational safety questions. National and local trade unions\* have studied the health and environmental effects of their industries and - sometimes with professional experts - have developed information material for their members and for general distribution.

More recently, the international trade union organisations (such as TUAC, the Trade Union Advisory Committee to the OECD; ICFTU, the International Confederation of Free Trade Unions; and ICEF, International Federation of Chemical, Energy and General Workers' Unions) have begun to pay closer attention to the environmental as well as safety issues.

This activity has a specific focus on accidents involving hazardous substances. A clear starting point for more structured activity in this area was the Bhopal accident in December 1984 and the Trade Union Report on Bhopal, published in 1985. The approach of trade unions is unique, combining the traditional work on occupational safety and health at the workplace with a strong connection to the external environment.

A number of specific outcomes of this work should be highlighted. Trade unions proposed a resolution which was adopted by the annual Labour Conference of the ILO in 1985, concerning "the Promotion of Measures against Risks and Accidents Arising out of the Use of Dangerous Substances and Processes in Industry". The ICFTU Occupational Health and Safety Working Party was established and, on its recommendation, the ICFTU Executive Board adopted in 1986 the Trade Union Principles for Preventing Chemical Disasters (see Annex I). The ICFTU and the ICEF adopted resolutions on this matter at their respective congresses, both held in 1988. In 1989, the Labour Conference of the ILO held the first discussion on a Recommendation and a Convention on safety in the use of chemicals at work which will come up for a second discussion at the 1990 Conference.

Workers, through their national and international organisations, wish to participate actively and responsibly in any relevant development in preventing accidents involving hazardous substances. This includes: support for expanding the information on health and environmental effects of hazardous substances; strengthening regulations; and ensuring their implementation.

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For purposes of this document, when the term "union" or "trade union" are used, it means the national union. Local unions and international trade union organisations are specifically indicated as such. It should be noted that union structures differ among OECD Member countries.



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Where trade unions do not exist, the employer should consult the workers using methods discussed in subsequent chapters, where possible. In particular, this refers to electing safety committees and safety representatives as well as providing information and training.

Workers have a continuing role and responsibility in the prevention of accidents by carrying out their jobs in a safe manner, by supporting the ability of others to do so, and by contributing actively in the development and implementation of safety policies and practices.

For accident prevention and emergency preparedness activities to be effective, there must be a co-operative effort, based on openness and trust, among workers and their representatives where they exist, management, community groups and government authorities\*. Two-way channels for communication between management and workers are essential for furthering trust and confidence.

To help fulfill their role and responsibility, workers may require a number of instruments and structures such as unions, confederations and their international organisations. Where present, local unions provide a structure to facilitate the exercise of the worker's rights and the carrying out of their responsibilities. At the national and international level, confederations and international organisations provide expertise and information, access to political and regulatory decision-making processes and the opportunity to share experiences. Employers and governments should encourage and facilitate the ability of workers to fulfill their role and responsibility.

#### GENERAL POLICIES

This topic deals with workers' role in the development and implementation of general policies for improving accident prevention and response. The discussion includes all levels of activity: local authorities, national governments and international agencies.

For the reasons described above, workers have a vital interest in participating in the development and implementation of these policies. Except for part of the work at local level, their primary mechanisms for participation are their trade unions.

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For purposes of this document, "representatives" include trade unions and other bona fide organisations of employees.



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However, the range of issues is wider than simply the immediate working environment of each person. It includes the whole chain of situations in the "life" of a hazardous substance: production, use, transport, storage and waste disposal. Much of this involves participation in policy-making and implementation well beyond the boundaries of the workplace.

Following are some considerations and suggestions for establishing and maintaining good communication and co-operation. They are addressed to governments, companies and trade unions. Chapter F partially deals with the same issues.

- Workers through their trade unions should have access to a consultative channel during the preparation of any legislation concerning accident prevention and response. It would be advantageous if this channel were tripartite, i.e., it involves trade unions, employers and the government authorities. It should also involve consumer organisations, where these are separate from trade unions.
- Since accidents involving hazardous substances are not only local or national issues, trade union organisations should have an established consultative status in the inter-governmental procedures which are concerned with these issues.
- Any regulation of accident prevention and response should involve the workers and their representatives. The most common and, by experience, a well-functioning system is that of safety representatives and safety committees at plant level. A safety representative should be elected by the workers. A safety committee should include representatives of workers and management.
- The safety representative should have - in addition to being able to carry out his/her own investigation of an accident or a hazard - an independent right to refer to authorities such as the labour inspection authority, and call them into the workplace, i.e., to investigate a potential hazard.
- In several countries, the safety representative has the right to stop work which involves imminent risk to workers' health. This has, in many instances, been considered a useful safeguard against unforeseen situations of danger. In Sweden, where this right has existed since 1974, only a total of 39 cases were reported to the labour inspection authorities in 1988. This figure has come steadily down from a peak of 171 cases in 1979. When a safety representative interrupts work against the employer's will, it should be reported to labour inspection authorities who will determine whether work can continue and, if so, under what conditions. In most of the 34 reported cases, the authorities have given advice to improve the situation and allowed work to continue after their advice had been implemented. It is estimated that a substantial number of cases are not reported because the issue has been resolved locally (Source: Arbetsarkydd 12/1989, p. 9-12).



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There is very little existing legislation on the workers' right to take action concerning the effects of their work on the external environment. In France, a proposal is currently pending to that effect. There are clauses in collective agreements in some countries on information and training in environmental protection. The rights of the safety representative and the safety committees could be expanded to include environmental hazards relating to major accidents as well as occupational hazards.

For example, the Finnish Central Organisations of Employers and trade unions have had since 1969 a contract on structured co-operation in working environment issues. There are 30 national sectoral committees for different branches of the economy. Their main tasks include the review of developments in the safety-related work in their respective branches, to undertake promotional activities in the field of safety and to organise industry - specific training. They publish safety manuals for the branch. There is also a national central safety committee with a full-time Secretariat.

A proven structure for organising workers' contributions to accident prevention and emergency preparedness is the Safety Committee. The Safety Committee supports, but is not a substitute for individual and line responsibility for safety. It provides a forum for consultation on safety, health and environmental matters. At plant level, the Committee should consist of workers and managers, including those which have the authority to implement the Committee's decisions.

A Safety Committee should be established where it does not exist, and be consulted in matters related to safety, health and environment. Specific tasks would involve a review of safety audits and reports and of emergency plans and an analysis of accidents involving hazardous substances which had or may have had consequences inside or outside the plant. For the Safety Committee to be effective, resources should be made available to fulfill its tasks and its conclusions should be acted upon.

Prerequisites for the effective contribution of the Safety Committee are: the availability of comprehensive information including information on causes of accidents and incidents; the possibility of using external experts; appropriate education and training of members; and no loss of earnings for time spent in activities related to the Safety Committee.

In addition to plant Safety Committees, mechanisms at a corporate, sectoral national or international level might be useful to help disseminate safety information and provide an input to decision-making processes concerning





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accident prevention and emergency preparedness. For example, advisory committees with representatives from labour, management and public authorities could help provide input into national government policies and might contribute to international activities.

Another mechanism to fulfill labour's role with respect to accident prevention, in addition to Safety Committees, is the establishment of Safety Representatives at plant level. Safety Representatives, nominated by workers, should be given specific training and understanding of safety related matters and should have certain responsibilities in this respect.

Without the risk of repercussions, a worker, and in certain cases a safety representative where he exists, should interrupt hazardous activities in a safe manner when he has reasonable justification to believe they present an imminent and serious danger to health or the environment and he should be entitled to call upon top management or public authorities in case of need to review the situation.

Trade unions carry out information exchange among themselves regarding accident prevention and response. Whether mutually agreed established safety committees exist or not, unions publish material for their members on workplace hazards. Occupational safety and health is an integral part of trade union training programmes in practically any country. It has also become an increasing element in the development assistance which is channelled either bilaterally between a donor and recipient union or - in most cases - under the auspices of the international trade union organisations. Training material used in industrialised countries is adapted to the local circumstances and in some cases, union safety and health experts from industrialised countries are sent to carry out the training projects.

As mentioned above, several international trade union organisations have elevated the priority of environmental issues in their work. Information exchange is an essential part of this activity. The ICRTU and several associated ITS' (International Trade Secretariats) are working on improving the compiling and dissemination of information on hazardous substances for use by national trade unions and local organisations\*. After the Bhopal mission, they have - in addition to an ongoing campaign to prevent chemical accidents - initiated and participated in many inter-governmental exercises to improve and expand the information available on hazardous substances.

As an example, the ICF has published a new edition of its publication "Threshold Limit Values - Best Prevailing Standards", listing 900 chemical substances and the tightest existing standards for their presence at the workplace in six countries. In the near future, this list will be available on-line through an electronic bulletin board which is easily and inexpensively accessible from practically any part of the world.