# Worker participation, and the management of health and safety in Britain and Germany.

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thesis submitted for the degree of PhD in the School of Industrial and Business Studies, Warwick University.

submitted May 1993.

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# Acknowledgements.

To acknowledge help, advice and support from others in the process of researching for a doctorate is a tricky problem, and an uncomfortable experience. The reason is that the process of thanking gives a portrait of the author more revealing than anything that follows in the next 350-odd pages. Above all, it is a chance to be generous at the end of a period of sleepless nights when I, for one, have been intolerable. My first gratitude, however, is to Marek Korcynski, for a set of recently produced PhD acknowledgements so grim that anything is now possible for me (sorry Marek). With that off my chest, I do have one or two things to say.

Dr Mike Terry was my main supervisor. I would like to thank him for his persistence in challenging my inherent laziness and for providing constant, constructive and, above all, honest support over almost four years. Professor Richard Hyman also gave valuable comments on successive, and not always very good, drafts of the thesis, and together they steered me though what didn't always seem possible. Also, I owe a debt of gratitude to fellow doctoral students at the Warwick Business School who have tolerated bikes, bloodhounds and belligerence in varying quantities.

Case study based research involves contact with many people, only a few of whom can be mentioned here. Wayne Curry, the two Jims, Dick Ryder, Mervyn Samuels and John Seabourne all gave of their time and energy during the course of the UK fieldwork. Iain Liddell taught me all about computers, and Ali Buyukusli kindly helped with Turkish translations. In Germany, Peter-Heinrich Meyer of ÖTV headquarters, Uwe Theilen (and family), Erhard Lechelt of IG Chemie in Hannover, Helmut Göbeke-Teichart and Andreas Dieterich were very supportive and understanding of my needs and the success of my periods in Germany rests with them more than anyone. The organisers of DGB and ÖTV education courses at Bad Kreuznach and Niedersfeld respectively were also very kind to me, as were the works councillors at the soap factory on my brief stay in Wupperthal; top turn. Ian in Freiburg, Malcolm, Manu and the rest in St Pauli, Hamburg, the Müller family in Jena and Thomas and Anna in the city of the case studies, all helped me just when I needed it, and I recognise that I owe a lot of people a lot of favours. For eight weeks I stopped with Frau Meyer and her Nazi husband; they were so very, very kind to me, and I will always remember them with great fondness. Thanks to Hans-Ulrich Meyer, also, for sweet-talking his grandparents at such short notice, and for risking the likes of me staying with the likes of them.

Finally, this thesis is dedicated to my mother, whose love, devotion and self-sacrifice for so many years still brings me to tears.

Richard Olsen
Birmingham
May 1993

"...autumn sunshine, magnificent and all shining through..."

## Abstract.

This thesis focuses on the participation of worker representatives in the management of health and safety at workplace level in Britain and Germany. Case studies were carried out in both the public and private sectors, largely based on semi-structured interviews with key personnel in the regulation of safety, but also involving the analysis of company and sectoral information on accident prevention, the observation of meetings and information briefings at various organisational levels, and the use of questionnaires in two cases. The main aims of the research have been to illuminate the tensions inherent in attempts to guarantee safe workplaces and to prevent accidents through analysis of the functions and contributions that worker representatives, union officials and managers make within formal and informal practices of involvement and participation. The reason behind a cross-national perspective lay in the similarities that exist in the regulation of health and safety, and the radical differences in the structures of trade union and workplace representation that exist in the two countries.

I found that employment in the public and private sectors embodies different conceptions of both the extent and quality of work pressure. Within this, capital intensive workplaces are more likely to obscure fundamental tensions between the pursuit of profit and the provision of safe working conditions. The role of management is of central importance in screening and shaping the particular way in which involvement (statutory/non-statutory; formal/informal) in safety regulation takes place. In each workplace, formal mechanisms for participation were marginalised, albeit in different ways. Furthermore, I found that extensions to the basic floor of rights in the regulation of health and safety were dependent on a range of factors external to the specific nature of protective legislation itself. In particular, the control of work, and the pace of work especially, seems to act as a critical factor in the relationship between hazard generation/prevention on the one hand, and forms of participation and involvement in safety regulation on the other.

I argue in the thesis that safety regulation is inherently a collective issue. The research shows the different ways in which disaggregative factors obstruct the expression of collective interests in health and safety management. Both management and workers are heterogeneous groups, onto which it is difficult to apply simple notions of interest. In addition, forms of collective regulation of workplace safety must co-exist with the highly individualised context in which accidents, and the blame for accidents, take place. Furthermore, effective participation in safety management depends on the degree to which safety can be made "visible", alongside more traditional industrial relations agenda items such as pay. Finally, I argue that the mutually reinforcing relationship between the two channels of worker representation in Germany has been overstated in the existing literature, with this research pointing to a more clear-cut separation of functions between the two bodies, and to the existence of an imbalance in the legitimacy of the two bodies in safety participation at workplace level. Furthermore, cumulative-type relationships in the regulation of safety appear to depend more on the particular working, organisational and sectoral environment in which management takes place in each country, than on the formal legislative provisions for participation that separate Germany from Britain.

## List of abbreviations.

| | |
|---|---|
| AEU | Amalgamated Engineering Union |
| ASA | Arbeitsschutzausschuß (Health and Safety Committee) |
| AsiG | Arbeitssicherheitsgesetz (Health and Safety at Work Act) |
| BArbG | Bundesarbeitsgericht (Federal Labour Court) |
| BetrVG | Betriebsverfassungsgesetz (Works Constitution Law) |
| BG | Berufsgenossenschaften (Professional insurance socities) |
| BPersVG | Bundespersonalvertretungsgesetz (Federal Staff Representation Law) |
| BSC | Business Safety Committee |
| CCT | Compulsory Competitive Tendering |
| COP | Code of Practice |
| CoSHH | Control of Substances Hazardous to Health Regulations |
| DAG | Deutsche Angestellte Gewerkschaft (German white-collar union) |
| DBB | Deutschebeamtenbund (German public officials' union) |
| DGB | Deutsche Gewerkschaftsbund (German TUC) |
| EA | Employment Act |
| EC | European Community |
| ECS | European Company Statute |
| EETPU | Electrical, Electronic, Telecommunication and Plumbing Union |
| EPA | Employment Protection Act |
| FRG | Federal Republic of Germany |
| GA | Gewerbeaufsichtsamt (state safety inspectorate) |
| GefStoffV | Gefahrstoffverordnungen (CoSHH equivalent) |
| GMBATU | General, Municipal, Boilermakers and Allied Trades Union |
| GMWU | General and Municipal Workers' Union |
| GUVV | Gemeindeunfallversicherungsverbände (Mutual Accident Insurance Agnecies) |
| HASAWA | Health and Safety at Work Act |
| HSC | Health and Safety Commission |
| HSE | Health and Safety Executive |
| IG | Industriegewerkschaft (Industrial Union) |
| IRA | Industrial Relations Act |
| JPC | Joint Production Committees |
| MitbG | Mitbestimmungsgesetz (Co-determination Law) |
| MSC | Management Safety Committee |
| NADOR | Notification of Accidents and Dangerous Occurrences Regulations |

| | |
|---|---|
| NALGO | National and Local GovernmenOfficers' Association |
| NUPE | National Union of Public Employees |
| OSC | Operational Safety Committee |
| OSHA | Occupational Safety and Health Act |
| ÖTV | Gewerkschaft Öffentliche Transport und Verkehr |
| PR | Personalrat (public sector works council) |
| RIDDOR | Reporting of Injuries, Diseases and Dangerous Occurrences Regulations |
| RVO | Reichsversicherungsordnung (Imperial Insurance Regulations) |
| SBA | Sicherheitsbeauftragte (safety representatives) |
| SOP | Standard Operating Procedure |
| SRSC | Safety Representatives and Safety Committee Regulations |
| TABs | Technischeaufsichtsbeamten (BG safety inspectorate) |
| TASS1 | Technical Administrative and Supervisory Section (of AEU) |
| TSC | Technical Safety Committee |
| TUA | Trades Union Act |
| TUC | Trades Union Congress |
| TGWU | Transport and General Workers Union |
| UMA | Union Membership Agreement |
| UVV | Unfallverhütungsvorschriften (Accident Prevention Regulations) |
| UK | United Kingdom |

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1 In 1988, TASS merged with another union, ASTMS to form Manufacturing, Science Finance (MSF).

# Chapter 1.

Worker participation in the management of health and safety; the evolution of a

framework for empirical research and analysis.

"The UK government has rightly opposed the prescriptive and inflexible nature of many of the directive's [on working time] proposals, for example the 48-hour limit on weekly working. But hitherto, the UK government has conveyed the impression that any minimum standards in the field of employment are an affront to the voluntarism of British industrial relations. This aggressive stance has created an equal and opposite response from the Commission and from some other EC countries that might have been sympathetic to the UK's stance. It has also led to the Commission's **absurd** introduction of the working time directive as health and safety legislation, requiring only a qualified majority to pass, so side-stepping the UK veto." Financial Times editorial, 1/5/92, my emphasis.

"...almost half of the EC workforce does not have the opportunity to give an opinion or make suggestions about improvements to their working environment." Hygeia, European Foundation/European Commission bulletin, issue No. 13,p1.

(i) Introduction

This thesis is about the participation of worker representatives in the management and regulation of health and safety in four workplaces. The objective of this chapter is to create a framework for an empirical and theoretical analysis of both worker participation, and health and safety, in a cross-national perspective. This does not only involve the analysis of "participation in health and safety" as a specific set of practices with a well-defined institutional set-up (i.e. safety representatives and safety committees in the UK and similar bodies in Germany). Rather, the objective of this thesis is also to consider the relationship between systems, institutions and practices of worker participation on the one hand, and the **management** and regulation of health and safety at workplace level in both the private and public sectors in Britain and the Federal Republic of Germany on the other. Thus, whilst both worker participation (Poole,1986; Ramsay,1985; Brannen,1976 and 1983; Clegg,1977; Feldman,1982; Batstone, et al,1983 etc.), and the regulation of health and safety (Beaumont,1983; Drake and Wright,1983; James and Lewis, 1986; Lewis,1977; Dawson et al.,1988; Diekershoff,1979 etc.) are well-researched issues in industrial relations, the attempt to analyse this interface between health and safety, and participation, in a cross national perspective involves the analysis of a new set of factors and relationships. This chapter aims to draw out and discuss the debates and arguments which the relationship between these two separate fields throws up.

An issue which has arisen in the course of the research, as the theoretical framework has been revised and subjected to criticism, is the extent to which either "participation" or "health and safety" forms the key focus; i.e. am I to use health and safety to illuminate the way in which we think of worker participation in decision-making, or *vice versa*, am I to focus on what participation tells us about the issues surrounding health and safety? The reason for this ambivalence again is that each field has a long separate identity in the history of social research, and each operates

within its own body of theoretical dilemmas and established frames of reference. I began the research with a strong interest in the issue of participation, and the theoretical and practical problems it throws up, particularly in cross-national comparison. The original intention was to use health and safety as a tool for investigating these issues in a fieldwork setting. However, the issues that have arisen have required a rethink in terms of the balance which is given to the two issues. The research carried out for this thesis aims therefore to synthesise these two somewhat disparate fields of analysis, seeing the issues raised by worker participation to be closely parallelled in many ways with those of the management of health and safety. This chapter seeks to elaborate this relationship between the two areas, and section (iv) expands on the nature of the relationship between safety regulation and forms of participation and involvement, pointing to the benefits that this synthesis has for cross-national and cross-sectoral research.

The starting points for such an analysis are (i) the relative similarity of the legal and institutional provisions for involvement of worker representatives in the management of narrowly defined health and safety problems and issues in the two countries, and (ii) the well-documented (eg. Clegg,1977; Maitland,1983; Fox 1977) dissimilarity in the field of worker participation and industrial democracy, as well as in other features of the broad industrial relations system such as the structure of trade unionism, the degree of centralism in collective bargaining, the role of labour law etc., outlined in more detail in chapter 2. The first starting point made it possible for me to conduct relatively systematic and well-matched comparative research, dealing with apparatus, institutions and legislation of health and safety with a high degree of similarity between the two countries. The second starting point informed the study of the very different context in which these institutions of health and safety operate in practice[1]. Cross-national and cross-sectoral analysis of health and safety has the advantage that it deals with roughly comparable systems of participation of worker representatives in management. This convergence however contrasts with the divergence in the

relationship between health and safety management on the one hand, and the national, sectoral and workplace-specific contexts in which it takes place on the other. In order to achieve a synthesis of a theoretical framework involving worker participation and health and safety, however, it is necessary to review existing research in both fields. Only a few studies have previously attempted to study issues of participation alongside those surrounding the management of health and safety (eg. Walters (1990), Beaumont(1980;1982)); most focus on either participation or on health and safety issues alone without examining the implications that each has for the other. That is one of the central objectives of this chapter.

The next section looks at the thorny issue of worker participation, and in particular the problems of definition and operationalisation, especially within a comparative setting, which have made good research problematic. It is my contention that attempts to define worker participation solely through an emphasis on formal institutions of representation are inadequate, as indeed are those which seek to find a functional equivalence between employee representatives operating within highly different social, legal and cultural contexts. Instead, I argue that participation must be located within and analysis of "relations of dominance" (Cressey et al.,1985:135); that is, that practices of consultation, participation and involvement, whether operating on a voluntary basis, or established through a body of protective labour law, form part of a much broader set of relationships which exist between employers, workers and trade unions. These relationships, in turn, centre on issues of **control** central to the purpose and structure of enterprises and organisations. Further, I argue that this means that studies of participation should not confine themselves to conflict over first-order issues such as investment priorities, resource allocation, specific management policies etc. Participation is also about processes **and** procedures, and therefore also necessarily involves the negotiation of legitimacy regarding both participation itself and the way in which managerial control of the organisation of work is contested. These arguments are preceded by a brief discussion of the Marxian legacy of much of

the debate on the nature of control and the subordination of labour at the point of production.

This section also looks at the issue of statutory participation in the specific context of the post-war German experience in industrial relations, worker representation and the development of a highly codified works constitution governing participation practices[2], through a discussion of the concept of "cumulation" (eg. Streeck,1984:407-408). By this term, I refer to a relatively broad body of argument which emphasises the **positive** value, for trade union representation at workplace level, of legislatively based systems of participation. In particular, in the German context, the argument for cumulation is that certain fundamental rights, eg. to information, prior consultation etc., are mutually reinforcing in their effect, and serve to blur the edges of legally prescribed channels of representation (whereby the works council and not the trade union is the vehicle for interest representation at workplace level), consequently giving trade unions in Germany *de facto* rather than *de jure* workplace influence and power[3]. Cumulation is therefore essentially an issue of forms and practices of interest representation. It involves the analysis of different forms and channels of representation and is therefore of importance for our understanding of the implementation of protective legislation in the sphere of health and safety, and not just with regard to forms of participation themselves. Given the existence of similar frameworks of health and safety legislation in the UK and Germany (the floor of rights), the arguments about cumulation are important in a comparative sense, as well as in relation to German industrial relations. By this I mean that the operation of different channels of interest representation is a key to understanding how participation in health and safety management takes place, and informs our understanding of the nature of safety regulation and tells us more about the opportunities and limitations that different structures of industrial relations and involvement possess.

There then follows a section containing a discussion of the issues surrounding participation and workplace trade unionism with respect to health and safety provision at establishment level. In some ways, the arguments used can be seen as parallel to those outlined in the preceding section on worker participation; firstly, it is my contention (following Moore, 1991; Nichols, 1973) that an analysis of occupational safety and health, the distribution and incidence of fatal and non-fatal accidents as well as other indicators of poor safety and health on the part of employees, and the efficacy and success of institutions of involvement in health and safety, should be set within an understanding of the broader politics of production at workplace level. This requires that accidents and unsafe working conditions and practices be seen within the framework of production requirements, managerial priorities, the allocation of scarce resources and competitive product markets. Yet the prevention of accidents and hazards is also related to broader political and economic factors, such as the health of the economy and the relative strength of organised labour in dealings with capital. This broader level is beyond the scope of a workplace-based thesis, but the issues are still salient and I review key themes later in this chapter. In each of the case studies, the wider framework of job control, the organisation, pace and pressure of work, and managerial strategy regarding the control and utilisation of labour emerged as of vital importance in underpinning the operation of formal participation machinery and union responses to safety regulation issues. In particular, the comparative experiences of the British and German public sectors on the one hand, and the public and private sectors generally on the other, became key axes for the analytical organisation of the material.

Secondly, a key aspect of this health and safety management within organisations of different kinds is the extent to which consultation, negotiation and bargaining are seen as appropriate modes of relating between representatives of management and the workforce. These issues have played a particularly important role in the sphere of health and safety in the British context, with the issues of negotiation and consultation

being central to the discussions of the Robens Committee (Robens,1972). They have also had an important effect on the framing of the Health and Safety at Work Act (HASAWA) in 1974 and the Safety Representative and Safety Committee (SRSC) regulations of 1977, and are discussed in greater detail in this section. In this context, I argue that the management of health and safety is inherently an issue for the **potential** expression of collective interests on the part of workers; that is, health and safety management **can** be a central theme for trade unions and worker representatives in their relations with employers and managers. The extent to which issues surrounding safety become collective issues, as well as the precise nature of this collective expression, in the face of much received wisdom which stresses the role of the individual employee as responsible for his/her own safety, is a question for the fieldwork to address, and a section of each case study is devoted to the discussion of issues of representation and collective safety regulation.

Section (iv) of this chapter attempts to synthesise the previous discussions of both worker participation and health and safety regulation. In particular, I highlight the important issues that have arisen from the discussion, and discuss how they have shaped and informed the fieldwork. Several key groups of issues emerge from sections (ii) and (iii); it is my contention that many fundamental problems surrounding the participation of worker representatives in decision-making, and the range of processes and practices which seek to maintain safe working conditions, overlap to a great extent, and the choice of comparative, cross-sectoral research was made with these issues in mind. This section elaborates on the way in which the fieldwork chapters serve to illuminate our understanding of these complex and diverse issues.

The final section attempts to point the way forward towards the framing of more focused research issues for the subsequent fieldwork. I am careful not to pose the central research questions as simplistic hypotheses which would dictate an

inappropriate set of research methods[4]; rather, given the cross-national, and cross-sectoral, nature of the enquiry, I attempt to move from my discussions of the literature with respect to both worker participation and the management of health and safety to a formulation of three sets of questions, and research issues in general, that I then take forward into the fieldwork at establishment level, and which therefore serve as a link to the case study chapters. In addition, I attempt in the final section of this chapter to relate the clusters of research questions to the structure of the research design and in particular to the relevance of a cross-national and cross-sectoral study.

(ii) Worker participation, industrial democracy and the fundamental problem of management.

Worker participation and industrial democracy are broad and difficult fields. The practices they describe can range from worker management and ownership, to consultation committees, worker directors, share ownership and profit-sharing schemes, through to quality circles, briefing groups, team working etc. For this reason, what can be achieved from analysing participation is inevitably dependent on the broader framework which is adopted for such a study; ie. on what one takes as the definition of participation and the reference point for study. This represents the inevitable problem of definition - the need to be specific and systematic in the inclusion of some things within "participation" and the exclusion of others, alongside the likelihood that an over-reliance on formal institutions of participation will render research methods inflexible to the context in which participation operates.

I would begin by defining participation as an expression of inherent tensions in the function of management itself, rather than as a neat set of institutions and practices:-

> The perennial interest in workers' participation in management
> indicates that it concerns a **fundamental** problem of industrial
> organisation. (Walker, 1975:434, my emphasis)

It is therefore important not to overestimate the role of somewhat reified "national characteristics" and traditions in understanding patterns and practices of participation (eg. Bean,1985:164). The participation of worker representatives in decision-making is essentially an issue of power, the control of work and the ability of those representatives to influence both decisions and decision-making **processes**. In this sense, studies of worker participation concern themselves with a common ground of paradigms and central issues, especially when the regulation of workplace health and safety is concerned.

However, this is not sufficient as a starting point for empirical enquiry; rather, we need to look in more detail at the way in which participation has been approached by a variety of authors in industrial relations, in order to refine the parameters and opportunities in this study. A major contribution to the theoretical debates concerning worker participation and involvement, as opposed to essentially empirical, case-study based analyses which do not systematically criticise the notion of participation itself (eg. Marchington 1990), is made by Poole (1986). He utilises a multidimensional typology of worker participation in an attempt to construct a framework for looking at both the long-term development of participative machinery, and the relative weight of factors external (political economy, the global strength of labour and capital etc.) and internal (values held by agents) to the production process. This typology contains a series of paired opposites which characterise practices and forms of participation; voluntarist schemes as against those based on some kind of statutory employment or company law - initiated by management, by employees, by trade unions or by politicians (or indeed a combination of these). It can be direct or indirect participation, worker representatives may be non-union only, union only, or a mixture of the two. The scope of issues covered by participation and involvement

arrangements can vary[5]. They can be unitarist or pluralist. Participation can be introduced at the behest of both sides of industry, or through the greater ability of one side to unilaterally establish new machinery. This potential for diversity in the practice of worker participation helps to explain why it can be used to serve such disparate ends; for example, as a vehicle for by-passing trade union representation at workplace level, or as a way of workers seeking to enhance their ability to challenge the managerial power of employers (eg. Ogden,1981:548), and Poole is right in arguing that there is a great deal of flexibility and complex causality involved in worker participation depending on the particular formation of these factors in each case (Poole, 1986:87-88)[6].

The approach of Poole, whilst extremely valuable in setting the broad parameters for the complex study of institutions of participation, represents both methodological as well as theoretical weaknesses, reproduced in the work of other authors[7]. Poole, makes several unsatisfactory assumptions about the nature of both participation and other aspects of industrial relations; for example, that there is an inherent reluctance on the part of managers to initiate participative schemes given their wish to defend a kind of managerial space in the organisation (Poole,1986:41-42). Yet Poole also argues that:-

> such developments [managerial interest in involvement and participation] are almost certain to expand in the years ahead, partly because of the competitive advantages to be gained by introducing experiments of this nature. (Poole,1986:173).

It is my contention that one can assume no such thing, and that both the existence and particular nature of forms of participation are both highly variable and related to the very tensions inherent in the nature of management in organisations on the other. In particular, the interaction between the issues that are addressed on the one hand (eg. safety regulation), and the forms of legitimacy, conflict and consent attached to the process of involvement itself is of key importance in this thesis. This does not mean

that institutions of participation are not important, and I do seek to draw on some of the methodological strengths of Poole's analysis in this thesis, particularly in trying to analyse the context in which diverse forms and practices of participation takes place. It is impossible to carry out a study of participation without focusing to some extent on formal mechanisms (safety committees, especially) for the involvement of worker representatives, although on the whole Poole's analysis is somewhat historicist in seeing participation simply as part of the ebb and flow of institutionalised industrial relations.

A second approach in the study of worker participation is to focus on the functions which a diverse set of agents and institutions fulfil in work relations (eg. Sorge,1976). This approach allows one to compare equivalent functions across systems or countries, such as the function of the works council in Germany with, for example, that of the shop stewards committees in the UK. Whilst this framework would enable one to view widely differing practices as "participative", and thereby get away from a rigid institutional analysis, there are problems involved with such an approach. The initial problem is with attempting to identify precisely what the functions of participants actually are. Who can easily define accurately what the functions of a shop steward *vis à vis* members, employers, union officials etc., are? Furthermore, Sorge assumes, like Poole, that there is some kind of inevitable progress involved in schemes of worker participation, and that it is simply a matter of cross-national investigation as to how different cultures and nations fulfil the same functions. If the analysis of Poole is historicist, then that of Sorge is a-historical and teleological; worker participation becomes a function of modern production requirements, in the solution of technical problems, in attempts to "humanise" work, or reduce alienation. Worker participation, however, cannot be reduced to a single idiom whereby the functions it performs become the focus of academic analysis, and where the specificity of each set of practices and relations are subsumed in a simplistic manner within much broader categories of functional analysis. However, the comparison of

functional equivalents must form one central part of cross-national research of safety involvement, and I make use of such an approach in this thesis. The reason for this is to avoid lengthy submersion in debates about the differences and similarities between worker participation and collective bargaining[8]. The similarity between key legislation on safety regulation in the two countries allows us to look at the role of people who in some respects can be seen as functional equivalents (safety officer/*Fachkraft*, safety representative/*SBA* etc; see later). In this thesis, however, my research does not hinge solely on the precise comparison of functional equivalents. The comparison of the role of safety representatives in Britain and Germany is used as a means to an end, in illuminating the problems and opportunities that different structures of trade unionism and workplace interest representation present for the involvement of workers in the management of safety.

Davies (1986:74-78) categorises studies of worker participation and industrial democracy in three ways. Firstly, there is the political approach to worker participation, which arises out of the struggles of both the trade union movement and the political left, and is concerned with challenging the power and prerogative of management and employers at workplace and enterprise level. The fierce debates within the German trade union movement during the 1950s and 1960s[9], over the extension of parity representation on supervisory boards is an example of this, as was, in a way, the report of the Bullock committee (Bullock,1977) and the approach of the last Labour administration towards the extension of industrial democracy in Britain. The second approach, according to Davies, stems from industrial psychology analysis and is centred on programmes involving the attempt to enlarge jobs and reduce alienation. The *Humanisierung der Arbeit* (humanisation of work) programme, sponsored by the West German government in the 1970s was an example of this, although such job enrichment or enlargement programmes are usually company-wide initiatives[10]. The final approach is productivity-led, and concerns the attempt to release human resources and potential more fully so that efficiency and commitment

from the workforce is enhanced. The growth of direct communication, quality circles and briefing groups (the so-called "new managerial techniques"), as well as other usually management-led initiatives, are examples of this approach.

It is of course possible that these three broad approaches to participation will overlap, particularly as the different groups involved (unions, politicians, employees, managers, employers etc.) may often have competing claims for the same set of institutions and initiatives[11]. The contribution that the categorisation of Davies offers is introducing the concept of **heterogeneity** in the perceptions that key actors hold about the nature of participation in everyday situations, although her reliance on descriptive analysis contains similar weaknesses to Poole's arguments. It is important, therefore, to recognise that participation is not a homogeneous category of social research, and is heavily dependent on the rationale behind it, the interests of groups and individuals who participate and the nature of the claims that are made for participation as such. Such a view informs my treatment of what participation represents in this thesis. A central issue in the analysis of participation of health and safety management in this thesis is the different ways in which unions, safety representatives and works councils manage the representation of heterogeneous safety interests. As we shall see later, this heterogeneity is a complex factor in understanding how participation takes place, with a variety of practices separating groups of workers from each other in terms of safety interests, and an under-emphasised disjuncture between forms of collective representation and the processes which individualise the way in which the safety and health of workers are seen.

Ramsay (1977:498) likewise argues that the divergent expectations and interpretations placed on schemes of participation render it impossible to study as a completely uniform phenomenon:-

The key lies in understanding the **differing and contradictory**
interpretations, held by the two sides, of this notion of participation.
(Ramsay,1977:498, my emphasis).

This approach has been important in structuring the fieldwork in this thesis. My focus

is on first-order problems, such as disagreements between representative bodies **and**

management over specific safety issues, and on the function and role of the process of

participation itself, and what these processes tell us about the management of safety

and the ambiguities of interest representation[12].

Ramsay also makes a further important point concerning the nature of specifically

management-led participation and involvement, as well as job enlargement schemes

and programmes etc. He claims that these management-led initiatives do not have

productivity and efficiency as their *raison d'être*; rather, the appeal of involvement

and participation is in the way it can help generate and sustain legitimacy and consent

for the very notion of management itself (Ramsay,1985:58-60). Thus, participation

involves a process whereby legitimacy, not just for substantive decisions, but for

positions and structures of power and representation as well, are challenged and

negotiated. He supports this with case study evidence which shows the most

important element in job enrichment schemes to be the legitimacy of the managerial

prerogative (see also, Cressey et al,1985:22-23). He uses this to then argue that cycles

of participation, or interest in participation, tend to be related to times when

managerial control is threatened in some way, requiring new forms of legitimation[13].

In another work, Ramsay shows how management-led initiatives in participation,

involvement and job reform, are often couched in terms of the productive benefits that

are intended to result, but in practice involve only pseudo-democratic changes, and a

large degree of worker apathy[14].

To pause and take stock for a moment, it is clear from the above discussions that it is

impossible to arrive at some sort of "universal" theory of participation. Analyses that

focus on the institutions of involvement are likely to lack a theoretical understanding and critique of the relationships of power and conflict, as well as the negotiation of consent, which exist in the workplace. They can at most help us to correlate the existence and type of participation involved, with other factors such as workplace size, density of trade unionism and macro-economic performance, even if some authors who have attempted such correlations have produced questionable conclusions[15]. On the other hand, those approaches which analyse participation in terms of the wider functions that are inherent in the employment relationship, at whatever level, are likely to be a-historical, and allow no room for the specificities and peculiarities which permeate such a diverse field of study.

Whilst it is impossible to establish a universally applicable theory of worker participation and industrial democracy, I wish to argue that it is possible to view participation and industrial democracy, whether initiated by management, employees or trade unions, as being generated out of fundamental tensions involved in the management of labour, as the earlier quote from Walker (1975:434) indicates. Furthermore, as Ramsay argues, studies of participation should focus on the negotiation of conflict and consent, and on the differing forms and degrees of **legitimacy** that different actors in the organisation seek to gain from participative practices. In this thesis, worker participation is treated as a set of formal and informal, statutory and voluntarist, practices which confront tensions in the function of management (more particularly, the management of health and safety, and the control of working methods and work itself), and which are particularly concerned with the intervention of worker representatives in decision-making processes. The complexity and diversity of the institutional and legal framework (see chapter 2) in the two countries forms the basis of the cross-national comparative focus I have chosen.

So far, we have looked at a variety of approaches that have been taken by authors concerning themselves with worker participation. I would like to move now to a more

detailed analysis of some of the central themes in the involvement of worker representatives in decision-making, and to highlight what I see as the most important analytical themes and paradigms which govern the research design of this thesis. Central issues in the study of participation have been taken up by several authors, particularly those associated with the Centre for Research into Industrial Democracy and Participation at Glasgow University (eg. Cressey and MacInnes,1980; Eldridge,1982). Many such analyses focus in some way on the nature of control in (capitalist) organisations; Thompson (1983:133-144) analyses the way in which social scientists and industrial sociologists have conceived of a frontier of control existing at the interface between labour and capital, and involving the negotiation of competing interests and objectives. Cressey and MacInnes (1980) argue that this is too simplistic an approach, in that it falsely counterposes two relatively homogeneous groupings of labour and capital, and tends to assume a set of zero-sum issues which are discussed, argued and ultimately resolved through various forms of conflict and consensus. Instead they argue that the management function involves not only the direction and allocation of resources which are scarce (and thereby which may be bargained over), but also the generation of acceptable patterns of relating (i.e. in securing the positive commitment of labour for the tasks of production themselves); that is, the management function is centrally concerned with the **dual nature of labour** (see discussion below). Hence:-

> The dual nature of control means that conflict about work and control are not zero-sum. (Cressey and MacInnes,1980:19).

The reality is, then, that interests are more diverse than the notion of a frontier of control suggests; the extent to which the interests of management and workers coincide or conflict changes through time, changes with relation to the issues involved, and "coincidence" of interests at one level, or on one set of issues, can co-exist with conflicts of interest in other arenas. Each of the case studies in this thesis

shows the difficulties of simplistic notions of interest representation in the area of safety and health.

Importantly, the competition and conflict over the distribution of resources (distributive bargaining), can co-exist with a shared set of priorities such as job security and the long-term strength of the organisation. In such instances, the frontier of control concept again appears too simple and one-dimensional as a conceptual device for understanding both the mechanics and politics of participation. A conception of interests in this simple bifocal way would mean that participation would only exist for the articulation of simple paradigms on the part of two homogeneous groups, labour and capital, workers and managers; eg. increased wage rises or increased dividends. For MacInnes (1985:106):-

> Beyond the warfare of bargaining lies a common interest in achieving mutually satisfactory relationships. This is the space in which consultation operates.

This is also the "space" which is of key importance in this thesis, particularly when, in the case studies, we start to look at what goes on in the management of safety, above and beyond what the statute book says about rights to information and consultation.

Furthermore:-

> If there are conflicting material interests between managers and workers, whilst at the same time they depend on each other, albeit in the context of asymmetrical power relationships, then we can characterise this general situation as one of antagonistic cooperation. (Cressey et al.,1985:138)

Section (iv) of this chapter further discusses the relevance of this "antagonistic cooperation", and other similar conceptualisations, in attempting to broaden our understanding of participation through the issues surrounding health and safety management. It is important here, however, to discuss in more detail the theoretical

foundations that underlie and inform my approach to the empirical study of participation.

For authors such as Cressey and MacInnes, the arguments of a frontier of control are similar to those used by Marx to deal with the problems of the formal and the real subordination of labour. The first of these arises out of the simple ownership of the means of production by capital, in that capital has the power to dispose of machinery, equipment etc. at its will for the realisation of surplus value. The second, however, represents the essential problem of management - the control of human labour power and human resources (1980:13-16), and the need to fragment and specialise production through the progressive division of labour[16]. In other words, whilst capital may own the means of production, the process of applying labour power to such capital in the production of commodities is necessarily a social problem in that labour cannot be reduced to a commodity in the same way as capital. Cressey and MacInnes argue that the dichotomy between the real and formal subordination of labour helps to maintain a false distinction between participation as **incorporation** on the one hand, and involving the **advance of labour** on the other. Broadly speaking, this involves the difference between participation as a sell-out to the goals of management, and participation as a pre-figurative form of workers' control, a dichotomy they claim to have adversely dominated analyses of participation.

They claim that the dual nature of labour is the key; in other words, that whilst it is in employers' interests to reduce the cost of labour and to increase control of the labour process through de-skilling and the separation of functions through the division of labour, it remains impossible to completely fulfil these intentions without the total alienation of labour. Capital needs to develop the social productivity of labour as much as it needs to alienate it through the division of labour (1980:13-16). To illustrate with respect to health and safety, employers need to maintain a healthy workforce (because of the compulsions of law, as well as the need to reduce

absenteeism, labour turnover etc.) whilst at the same time needing to maximise labour utilisation in competitive product markets, and thereby threaten workers' health and safety in the process. Therefore, for analyses of worker participation, the processes of involvement and consultation of employees, directly or through representatives, are an inherent part of the managerial function irrespective of the narrowly-defined institutional framework for participation that exists. MacInnes puts the point succinctly:-

> Even where there are no committees, and no stewards, managers consult their employees all the time. (MacInnes,1985:101)

An important element in these theories of participation is the structural imbalance in the power held by employers and workers in organisational settings. Hill (1981:128) demonstrates how unions as such represent an attempt by individual workers to join together and to thereby establish a collective power base from where to challenge management - a power that is still highly restricted for many reasons. Cressey et al. (1985:135), in their study of participation in Scottish workplaces, argue that any form or practice of participation or consultation takes place within an existing occupational hierarchy, and within **relations of dominance**[17]. This approach starts from the position that the role of management in seeking to control and coordinate production and working methods necessarily involves the negotiation of a range of potentially competing interests, usually involving competition between employers and workers, but also between work groups, establishments within the same firm or group, and, importantly, levels and functions within management itself.

Therefore, the management function involves the process of ensuring and sustaining **domination** as the need to resolve competing demands, and as the need to establish mutually satisfactory relationships, assert themselves. This is the complex and highly dynamic framework inside which participation exists and operates on a daily basis. Participation is not to be limited to a distinct category of industrial relations enquiry,

rather, it should be seen as a set of practices, institutions and channels of representation involved in the negotiation of consent and legitimacy for the prerogative of management to manage. Thus, management can be enthusiastically supportive of participation schemes of various kinds without compromising their right to manage - indeed, attempting as part of the process of involvement and consultation to enhance their legitimacy and ability to manage. Such an approach allows us to view participation in both broad terms (encompassing a wide range of possible institutions, agents and practices involved in industrial relations), and in a more flexible manner, as we seek to increase our understanding of how these relations of dominance actually operate in the workplace. As Cressey and his colleagues state:-

> In the context of different work situations, consultation can have its
> own specific sense and meaning. (Cressey et al.,1985:118)

It is the objective of this empirical study, in the case of participation in health and safety regulation in particularly, to narrate the sense and meaning of participation in specific contexts. Therefore, once again, the space that exists beyond conflict and the complex ways in which control is contested and sustained, are central to our understanding of what goes on inside participation. It requires us to redefine, through empirical enquiry, what we mean by conflict and contestation in particular contexts and over particular issues. As we shall see later, this way of viewing participation as an aspect of the politics of production in a broad sense, is further complicated by the nature of health and safety and the problem of identifying natural sets of interest communities in that field.

The authors construct a framework of understanding for participation and industrial democracy, through a discussion of the notion of pluralism in an industrial setting. They argue (Cressey et al.,1985:170-173) that pluralism has traditionally been dealt with as a first-order concept, as an essentially organisational response to competing demands, and involving forums for the resolution of conflict. The authors, however,

seek to expand the conceptualisation of pluralist processes and argue that pluralism involves a far more complicated process of the continual, and not always predictable, shifting of organisational goals, as well as a continual construction, disintegration and maintenance of somewhat unique policy communities, alliances and balances of forces, than simplistic notions of pluralism permit. In other words, the way in which interests are articulated, and the extent to which the interests of different work groups (particularly management and workers) coincide or conflict, is a dynamic process, closely woven into other forums and ways of relating in industrial relations - consultation amongst them. An objective of this thesis is to illuminate the different ways in which interests surrounding safety regulation and involvement are articulated, particularly by worker representatives.

Participation may often be a suitable mechanism for management in rhetorical attempts to secure legitimacy, but this is by no means always the case. I would argue that the process of negotiation over management's right to manage is subject to an inherent instability, and the fundamental nature of the tensions inherent in the function of management itself, discussed above, means that this negotiation is a constant and permanent problem, if at some times more visible and explicitly contested than at others. In this sense, participation forms part of a dynamic pluralism, in that it involves negotiation over and around competing interests in a highly complex and fluid manner, within asymmetrical power relations which limit the scope of democratic involvement initiatives. In other words, participation, because of its role in affecting and reacting to broader power relations organised, should not be seen as a completely stable set of practices. As an expression of the **relations of dominance** at specific moments, participation is an inherently unstable phenomenon, making (amongst other things) precise definition extremely difficult if analytical clarity and force are to be maintained.

Furthermore, it is not just the process of legitimation of management, and managerial prerogative, which is central to an understanding of the creation and maintenance of participation and involvement. Shop stewards in particular may seek to use such mechanisms as vehicles for the generation of legitimacy for their own role as representatives of workers, and for the very notion of union representation itself. (eg. Cressey et al.,1985:153-159). As we shall see in the fieldwork chapters, these issues, of different channels of representation, and of the representative matrix in which health and safety participation operates, were of central importance in understanding how such participation, consultation and involvement in each of the four workplaces actually worked in practice, as well as in understanding the meaning and importance that participation, in health and safety as well as more generally, had for key individuals in this representative mix.

As we have seen, our understanding of participation is highly contingent on the motivations and interpretations given to institutions of consultation by different actors in industrial relations[18]. Cressey et al. go further in arguing that such differences in perceptions of what participation actually means are a cause of the short life-span and overall failure of such initiatives (Cressey et al,1985:168-169). However, this does not simply tell us that such schemes have been mis-managed or introduced in the wrong way or at the wrong time; rather, it tells us something of the structural parameters within which management and unions' understanding of participation exist. For management, it can be argued that the involvement of the workforce is to some extent a form of extension of the *raison d'être* of management itself, notwithstanding the necessity to develop further the division of labour.

There is nothing inherently contradictory in this, especially if we recognise a central function of management to be the negotiation and maintenance of an effective working consent over a range of issues surrounding the labour process and the organisation of work, and over tasks and motivations which are unable to be fully

specified and directly controlled by management (ie. issues beyond the formal details of the employment contract). There can be a positive relationship between managers seeking to enhance forms of worker participation, job enlargement etc., on the one hand, and defending prerogative on the other. For workers, involvement is a more difficult concept; the problems of incorporation, of responsibility without power, or permanent opposition versus continued influence etc. are ones which are felt more sharply by employees and trade unions, than by management:-

> Reservations and criticisms by employee representatives were rarely developed into any alternative vision of what industrial democracy **ought** to consist of, nor were specific changes to the systems offered suggested. (Cressey et al.,1985:174, original emphasis).

It is therefore important in the study of participation in safety regulation to look at the degree and scope of **coherence** and in the response of unions, works councils and other representative bodies to the opportunities that participative mechanisms offer for the expressions of collective and individual interests.

In addition, given that participation operates within relations of dominance, unions and employee representatives do not possess the opportunity to develop a naturally coherent ideology of participation:-

> short of the ability to withdraw and oppose management's plans when necessary, there was little prospect of unions becoming deeply involved in schemes which only offered the opportunity to influence management when it chose to listen. (Cressey et al,1985:169)

Thus, participation is not a symmetrical process; rather, it involves qualitatively different **thinking** with respect to employers and worker representatives. The examples quoted from above highlight the structural location that participation has within these relations of dominance - that the intentions and aspirations of workers, or more usually their representatives, are sifted through the willingness of management to renegotiate or redefine how their prerogative shall operate, and how their

possession of ultimate decision-making power is to be expressed and defended. With regard to the construction of an effective research design for this thesis, this means that the axiomatic role of key managers in enabling, facilitating, obstructing etc., both the quantity and quality of involvement of worker representatives must be addressed.

MacInnes (1985:107-109) argues that in the British context, the relative failure of consultation machinery to satisfy the democratic demands of worker representatives, and the consequently poor record of both success and permanence of such mechanisms, are partially explained at least by a traditional unwillingness of British management to negotiate away their prerogative to manage, instead framing participation as unitarist and thereby using it as an adjunct to their decision-making power rather than as a challenge to it. The case studies each show, in different ways, how management strategy, and the differential pressures on management in the public and private sectors, acts as a "gatehouse" to effective utilisation of consultation and participation protection by worker representatives.

An important focus of the thesis is also the role of different forms of participation in giving worker representatives the opportunity to challenge and contest managerial approaches to safety regulation. Whilst the choice of both public and private sector workplaces highlights the relationship between the nature of employment and the particular approaches of management in safety regulation, the role that different structures of worker participation play is the key of issue of Anglo-German comparison. Above all, forms of participation reflect closely the different structures of **interest representation** in the two countries. I would therefore like to discuss briefly a central theme which arises in material, published in both English and German, which focuses on the nature of co-determination at the level of the workplace in Germany.

This is the notion of cumulation (Streeck,1984:407); the idea that the range of statutory rights to information and consultation possessed by the works council, combined with the high degree of organisational, policy and personnel overlap between works councils and trade unions in Germany, gives unions a higher level of *de facto* influence and control in workplace relations with management than exists *de jure* given the formal exclusion of trade unions from collective bargaining functions within establishment level industrial relations[19].

It seems that cumulation can take two forms[20]. On the one hand, Streeck argues that:-

> West German industrial democracy - ... - is now the main mechanism
> by which unions represent their members *vis-à-vis* employers.
> (Streeck,1991:319)

Similarly, he argues that because:-

> ...unions have taken over the co-determination system, de-unionisation
> and the creation of a non-union sector are not viable options for
> German employers. (Streeck,1991:319)

This line of argument is also supported by other commentators on German industrial relations, particularly with reference to the likely future development of the works council/trade union relationship. For example:-

> The influence of trade unions on works councils consists, on the one
> hand, of the right to nominate candidates; on the other, in the fact that
> the union lists are as a rule elected by overwhelming majorities.
> Through this "lever", the unions could expand their institutional
> bargaining and strike monopoly by adding a monopoly of
> representation on the works councils. (Jacobi and Müller-
> Jentsch,1990:139)

These arguments rely to an extent on the importance of works council elections for local trade unions, with the continuing high level of *Deutsche Gewerkschaftsbund* (*DGB*) representation amongst works councillors used as support[21]. This form of

cumulation indicates a possible overlap between the functions of the union and the works council in establishment-level representation of workers in relations with management[22], and emphasises the role that **institutions** of participation play in providing opportunities for trade unions to extend and strengthen their activities and influence in the workplace (Briefs,1989:69). Schmidt and Trinczek (1991:182-188) characterise the relationship between the works council and the union in three general ways. Firstly, *Verschmelzung* (absorbtion) describes the use of the works council by the trade union to extend its representative function contra capital at workplace level (i.e. contra the agents of capital, management). The union is dominant, and uses the works council to further its own ends at workplace level. The authors also use the term *Verschränkung* (integration) where the union is supportive of the works council, whose primary goals and objectives are derived, however, from the legitimacy given to it by workplace elections. Thus, the representation of workers by works councils in this situation does not extend easily to the relationship between labour and capital in the broader sense implied in the first situation. For example:-

> Allerdings müssen die Interessen der Gewerkschaft in den Augen
> dieser Betriebsräte jeweils mit den Interessen des Betriebs und der
> Beschäftigten abgeglichen werden, und in diesem Prozeß haben die
> von den Gewerkschaften artikuliererten Anliegen keinen "natürlichen"
> Vorrang. (Schmidt and Trinczek,1991:185).

> [in the eyes of works councillors, the interests of the union must be
> adjusted to the interests of the workplace and of the workforce, and in
> the course of this, the demands articulated by the union have no
> "natural" precedence.]

In this scenario, the works council has to contend with competing demands on its allegiance and on its representative capacity. The third description of this relationship between union and works council is *Entkoppelung* (separation). Here, the union acts as a service department for works councils, but by and large the two institutions pursue separate organisational policy goals, preferring to leave each other in peace. The German case studies in this thesis illuminate these distinctive, but related, ways

of viewing the works council/union relationship with relation to the regulation of safety, and to anticipate my conclusions somewhat, the second and third categories proved more useful than the first.

There is also a second kind of cumulation; that involving the coupling of the rights to information and consultation between supervisory board level representation and the works council, a process which Streeck claims to have been strengthened by the *Mitbestimmungsgesetz* (*MitbG*) (co-determination law) of 1976 (Streeck,1984:407). In this thesis, I concentrate mainly on workplace co-determination, and therefore, on the applicability of the first kind of cumulation to the analysis. The reasons for this are partially dictated by the limits to the research design (limits of time, levels of access etc.). Also, *Mitbestimmung* involves more tangible and "hard" rights at workplace level than at supervisory-board level, where even boards with parity representation structures (after the extensions to the *MitbG* in 1976) are subject to a managerial casting vote[23].

These authors do not espouse a blind faith in the process whereby unions take over the functions of works councils to become the effective institution of workplace representation[24]. However, it is clear that the nature of this relationship, and the specific practices involved in the interface between trade union and works council interest representation, are both of key importance for our understanding of participation in German workplaces, with respect to health and safety participation as well as the operation of co-determination more generally. Indeed, whilst it is possible to argue that works councils have become a key target for the workplace level activities of trade unions, with the goal of establishing high concentrations of *DGB* affiliated members on works councils being central to this, the degree of success of such a goal is another matter. Indeed, a key contention of this thesis is that the precise nature of the relationship which exists between works councils and workplace level trade unions, and the unpacking of the constituent parts of this process of cumulation,

are matters for detailed empirical enquiry, and form a key part of the research in the German workplaces.

Above all, the **qualitative** nature of this relationship is the key issue; to what extent is the relationship between the two channels of representation limited to the trade union function of education, in the area of health and safety and more generally (Schregle,1987:325)? To what extent is our understanding of this relationship governed by competing notions of collective bargaining as opposed to consultation?; Is it realistic to expect that institutional separation between works councils and trade unions generates an effective distinction between regional framework collective bargaining on the one hand, and the implementation of these agreements through consultation by works councils on the other? This is a problem which is made more complex by the difficulties in the theorising of health and safety as being an issue for bargaining at the workplace, discussed in the next section. Lastly, to what extent are moves towards an increasingly fragmented and deregulated labour market (eg. Streeck,1991a:60), involving challenges to the traditional pattern of industrial conflict and union strategy (Jacobi and Müller-Jentsch,1990:137-140), as well as developments in technology which enable more sophisticated and diverse labour utilisation policies at company rather than industry level, liable to increase the likelihood of conflict and competition between the two channels of representation rather than co-operation and cumulation?[25]. Schregle (1987:320), in particular, argues that the works council does participate in collective bargaining, although the author could be criticised in that areas where the works council has jurisdiction over the trade union in dealings with management, are generally those limited to "soft" issues such as promotion, recruitment, transfer of employees etc. Again, this relationship cannot be satisfactorily articulated outside of detailed work within establishments, and inside specific workplace environments.

In the UK context, the role of formal, statutory participation in the regulation of safety is also of key importance, despite the lack of a broader framework of *Mitbestimmung* and works councils. As with the German case studies, structures of representation play a critical role in defining how formal participation mechanisms are used. In particular, the fieldwork seeks to examine how the floor of rights that exist for safety representatives, and shop stewards, in the pursuit of safe working conditions, works in practice, and how different forms of interest representation at workplace level affect the ability of worker representatives to build on the basic legal provisions in establishing more dynamic and pro-active safety strategies, and in integrating the benefits of formal participation into more general relations with managers, and into mainstream industrial relations agendas. Moreover, and to anticipate my results a little, the concept of cumulation should not be limited to analysis of German industrial relations and safety regulation. Following interesting findings in the case studies, I would argue that the ability of worker representatives to use the legislative framework for the protection of working conditions depends on the particular organisational context at hand, and in particular on the pressures that different kinds of managerial strategy put on workers. As soon as this pivotal role for the letter of the law in safety participation is questioned, then we can begin to look at cumulative-type relationships between channels of representation and forms of participation in the context of a British system of voluntarim that lacks the extensive framework for participation and consultation.

This section has taken issue with a range of problems associated with the study of worker participation in a cross-national perspective. One of the central strengths of the research, the comparison of similar arrangements for participation in health and safety operating within radically different frameworks of the regulation of industrial relations, is also paradoxically a weakness. This is because each system of industrial relations has developed a separate tradition in the analysis of worker participation and industrial democracy. In the British context, this has led to emphasis being given to

the factors that are likely to lead to management-led initiatives in participation (Poole,1986), and to case study material on particular "experiments" in industrial democracy, whether at board level (Batstone et al.,1983; Brannen 1976) or at shopfloor level (Marchington, 1980). With respect to Germany, the debate has centred on both the dual channel of representation (the relationship between works councils and trade unions), and the way in which product and labour market changes are likely to affect the nature of this **given** system of participation at workplace level. I have argued that despite this divergent legacy of analyses of participation, cross-national research can illuminate greatly the way we think of participation. In order to give such an analysis a sharper focus, I shall look specifically at the issues surrounding participation in health and safety management, a theme taken up in the next section.

(iii) Health and safety management and priorities; participation in what?

This section is about how health and safety can be analysed in the context of the involvement and participation of workers, their representatives or trade unions at workplace level. In particular, I shall argue that two sets of issues are of importance in generating questions and appropriate research methods to be applied in the fieldwork in each country. The first of these is that whilst the health and safety of employees, as well as of the general public in certain situations (eg. public services, environmental problems etc.), is a product of many factors, such as the state and mix of technology, levels of training, etc., we cannot look at these factors outside of an appreciation of the fact that workers work in a system of production which is of an essentially **political** nature. This involves primarily decisions over the allocation of material and financial resources, the satisfying of competing demands within organisations, and the construction of priorities where such resources are scarce, or where competitive markets necessitate them. The key body of work I call upon here is that of Nichols (eg. Nichols and Armstrong,1973; Nichols,1986 and 1991), who has continuously

attempted to challenge popular perceptions of job safety which stress individual responsibility for accidents, and also analysis of health and safety which chooses from a set of possible first-order causes of accidents.

This section then leads on to a discussion of a second set of issues surrounding health and safety participation - involving the competing notions of **bargaining** and **consultation** over health and safety issues, terms which have had an important history in health and safety legislation, particularly in the UK context[26]. The key question here is how unions and workers' representatives, in each of the national settings, can effectively mobilise and campaign around safety issues, and use forums and mechanisms of collective representation (works councils, workplace trade unions, safety committees etc.) for the expression of health and safety issues. This question has important consequences for the fieldwork design, and forms a key link between our previous discussions of worker participation and managerial control in themselves on the one hand, and the location of health and safety within the **politics of production** on the other. In essence, this is one of the key "framework" questions of the whole thesis, and informs the case study research to a great extent.

The root of the Robens report (Robens,1972:13) recommendations (the self-regulation of health and safety in industry by those involved in creating risks and working with them) lay in an attempt to overcome the assumed chief cause of accidents at work, apathy[27]. Nichols (1973:4) argues forcibly that this is a key mistake, and that apathy itself is no explanation at all. Instead, risks and hazards are created within the **relations of production**, and, consequently, accidents do not happen to atomised individual workers, operating in some kind of vacuum (Nichols,1975:221); if one looks at workers in this isolated way, then one is very quickly drawn into a simplistic attempt to identify causes of individual accidents which, whilst important in themselves, do not tell us why so many accidents happen at work as a whole. This inevitably leads to an over-emphasis on technical problems and the role that

technology itself can make to improving safety and working conditions in the workplace. Indeed, each case study of this thesis begins with an outline of the production methods and technological mix of each workplace, including an analysis of the importance that technologies, and the risks inherent in them, can play in framing the priorities and agendas of health and safety in each situation.

However, safety problems can **never** be reduced to a list of technical issues and solutions; rather, they occur as a part of an organisational set of relations characterised by the dominance of management; relations of dominance, once again. Control systems built into machinery and new technology can never be completely safe - there is **always** an interface with human activity, and between labour power and the means of production. In particular, there can be conflict over the pace of work, the choice of payment system as well as the nature of everyday work pressure which can generate hazards[28]. Therefore, health and safety is, amongst other things, implicitly a matter of control of the workplace and working methods. For this reason, the regulation of health and safety at workplace level, and the way in which safety is striven for, is implicitly an industrial relations issue, even if the precise way in which it is treated in workplace relations is contingent on many other factors. This is not to assume or pre-judge that health and safety should be dealt with in a particular way; rather, that it is potentially a matter for collective representation of employees, whether through trade unions or otherwise, and that if this collective expression of conflict over safety and production priorities does not take place, then this is an important matter, and we must ask why?

Moore (1991:19-20) claims that the common practice of analysing accidents through the categorisation of their type, the part of the body injured, the degree of seriousness, the section of the firm it occurred in etc., is something of a fallacy, in that this reasoning helps to generate a false impression of accidents as unique, rather than as an inherent aspect of the politics of work. Thus:-

> Compartmentalisation, separation and partial analysis together
> constitute a formidable obstacle to any real understanding of how
> competition, pure economic efficiency measures of performance and
> cost cutting in the workplace impact on workers' health and safety.
> (Moore,1989:24)

Instead, a broadened view of industrial injury and accidents should look at the factors generating potentially dangerous situations, as well as at the relationship between the development of these situations and the organisation and control of working methods and processes - in particular, the desire to keep production going (Nichols,1975:221-223). The maintenance of health and safety is therefore intimately related to the priorities that management make in everyday situations, between competing demands on scarce resources. The over-riding suggestion of such arguments is that priorities geared towards production, such as keeping unit labour costs down, and increasing productivity and output etc., are likely to displace health and safety priorities over time, even if such a displacement is not always transparent and self-evident. The importance of these decisions based on the allocation of resources within an organisation, and the priorities that are established through managerial decision-making, mean that the involvement and participation of workers or their representatives is inherently a question of participation in health and safety **management**, in some or all of the processes that lead to these decisions being taken, and, therefore, the potential conflict between safety and profit affects worker representatives as well as management, involved in this decision-making. This is not to say that such participation must inevitably make managers out of workers - some of my case study evidence points tentatively to management using the system of participation in health and safety to exclude union influence, and to retain key prerogatives in areas central to health and safety management. What is at stake however, is the ability that workers (representatives) have to genuinely influence the articulation of competing interests with respect to health and safety, and the quality of in-put which they can make into the decision-making processes which shape and structure these sets of priorities.

To pause and re-cap a little then, if we wish to understand the nature of occupational health and safety more fully, we need to move away from simple notions of causality, which stress somewhat meaningless categories such as **apathy, accident proneness** etc., towards a wholistic appreciation of the wide range of pressures, conflicts, and struggles which are applied to workers in the daily course of work. These are factors central to the function of management (payment structures, personnel policy, manning strategies etc.); they also interact with the means of production, with stable, or not so stable, phenomena such as the technology of production processes, the layout of the plant, the first-order hazards involved in production materials and so on. It is this connection, between safe working conditions and the organisation of the working environment and the working day in other ways which makes the editorial argument in the quote at the beginning of this chapter difficult to sustain. How can it be "absurd" to link safety with the amount of time that workers have to work?

Under such an approach, as Nichols argues (Nichols,1973:4), it is not the existence of apathy as such, but the reasons why apathy exists as a problem for health and safety that are to be investigated (ie. finding out why apathy exists is more important than merely taking it for granted). Such an argument is not limited to Nichols; I quote at length:-

> Separating what is around an organism from what an organism does is also harmful in the study of occupational health, which is all too often limited to identifying chemicals in the shop. But working is not just a location; it is also an activity, the pace of work, the degree of concentration required, the adequacy of toilet facilities, the duration of lunch breaks, the demands of particular muscles, the type of supervision, the monotony, the noise, the freedom to change position, and the temperature. All are part of the occupational environment. (Levins, R., and Lewontin, quoted in Moore, R. 1991:16-17).

Case studies of particular accidents by Nichols (Nichols,1975:227) show the important role that pressure from foremen and supervisors plays, both in terms of the

nature, and the extent of such supervision, in fostering dangerous working practices. My research shows that pressure to disregard safety is often a very individually-experienced problem, operating without the direct compulsion of supervisory discipline.

There exists an inevitable cost-benefit analysis of health and safety by management, which reinforces the power of managers to set the agenda on health and safety and the priority to be given to it relative to other factors:-

> The result of which is that, despite legislation, the power to decide or determine what constitutes a risk - and how risky a procedure might be, shifts upwards always resting finally with management, technical experts and administrators. Therefore, this acceptable risk approach is in truth about managers holding power and workers facing the risks. (Moore,1991:11)

Littler and Salaman (1984;22-26) provide strong empirical evidence of just how disproportionately accidents affect those furthest removed from the centres of decision-making power in the workplace[29]. The sentiments of these two quotations are not confined to academic criticism of existing arrangements for health and safety management; there is a tacit acceptance of their inherent logic with respect to each piece of legislation that restricts working hours or working conditions for various groups of employees, and categories of employment, from pregnant women, to children, to long-distance lorry-drivers and so on (see for example, Beaumont,1983:68). The problem, of course, is that it is impossible for companies to completely solve the safety or profit dilemma (that at the end of the day, providing safe working conditions is an effective cost to business), and the inclusion of the clause "...reasonable practicability..." in legal regulation of health and safety is a recognition of this. There is an obvious problem in that the courts find it very difficult to take account of the varying complex pressures exerted on a worker in deciding who is responsible for accidents (Beaumont,1983:176-177), and in deciding objectively the

extent to which financial considerations can be taken into account in responsibility for accidents etc.

Such pressures towards unsafe working conditions caused by things like the pace of work, the payment system in operation, security of earnings etc., do not simply arise spontaneously out of particular, local, workplace relations, however. If we accept that the relative strength of capital and labour will affect the articulation of these competing interests between production-led and safety-led priorities, then this is equally true of the national context of industrial relations (Nichols,1989:546-547), necessitating an understanding of employment conditions, deregulation legislation and so on at national level[30].

Nichols argues that the balance of power between labour and capital at the workplace is at least partially determined by developments at national level, away from the immediate economic context of the firm. However, one of the problems of attempting to view health and safety in this way, as a part of a broader set of economic and political relationships inside and outside the workplace, is that a simplistic causal analysis can be reproduced at a higher level, involving attempts to illuminate the way in which economic buoyancy and economic depression affect the accident rate and the conditions of employment liable to lead to greater safety problems; the arguments alternately for the pro- and counter-cyclical relationship between business activity and health and safety indicators. Nichols has taken up this issue, and there is insufficient room for a detailed discussion here. However, it is important to understand the parameters of this particular debate as it has implications for framing the kinds of questions to be asked in the fieldwork chapters. In the private sector, the economic environment which a firm finds itself is important in framing the production/safety discussion. In the public sector, the issue is again one concerning the different kinds of **political** pressures that impinge on the function of management and managerial strategy.

These arguments can be split into two groups. On the one hand, a basic contention is that during a recession, employers find it difficult to shed labour quickly enough to keep pace with the fall in activity, leading to a reduction in the workload, and the likelihood that accidents will decrease in these periods (Nichols,1989:538-540). Similarly, output will fall and the utilisation of plant and machinery will decrease, leaving more space for workers and consequently producing less pressure. Thus, recession is marked by a decrease in accidents and injuries. On the other hand, it is equally plausible to imagine that a depression in business activity weakens organised labour at the workplace, threatens job security, can mean a lower rate of investment in new machinery and thereby an increase in demands on old plant, and importantly, a relegation of auxiliary functions such as health and safety specialists and routine maintenance in an effort to maintain competitiveness. Accordingly, an upswing can lead to greater job security, less reasons to take safety risks and more money to develop safety management systems and to employ the staff needed to make them stick. This argument makes several key assumptions, the most important being that an upswing in the economy necessarily translates into a strengthened position for organised labour at the workplace. Whilst it is true that in the long-term tighter labour markets might well lead to greater room for manoeuvre for unions at local level, this is not a simple relationship. One could argue that the economic upswing in the UK in the mid-1980s was at least partially built on rigourous measures of labour market deregulation, accompanied by more frontal challenges to trade unions through employment legislation, which weakened labour, and which positively contributed to the noticeable increase in occupational injury over the first half of the 1980s (Nichols,1990:17).

In the context of this thesis, the difference between public and private sector employment and the different ways in which the relationship between work pressure and accidents is manifested, are of crucial importance. Without entering a lengthy

debate about the nature of ownership, the separation of ownership from management etc., it is important to consider the extent to which public sector managers can model their strategies of labour utilisation on their private-sector equivalents, in the absence of external competitive product markets, a real profit motive etc. The two public sector case studies address this issue directly, particularly with regard to the political context in which managers operate in publicly owned workplaces, and the degree of success that government attempts to radically change the employment relation have had (applying in particular to the UK context).

Ignoring this public sector/private sector comparison, however, the complexities of the pro- and counter-cyclical arguments are clear for all workplaces: to pre-figure my research results somewhat, the impact of bonus payment systems in Department B (chapter 6), illustrates the difficulties in establishing a clear relationship between economic activity, payment systems and the generation of accidents. Furthermore, whilst the research methods used in this thesis do not allow a systematic analysis of the various claims outlined above, the case study evidence from the private sector in both countries appears to suggest that depression of economic activity engenders a de-prioritisation of safety, at least in terms of the visibility and vibrance of committees and functions, and in the interpretations of key actors in workplace health and safety in each case, even if strong, positive correlations with the incidence of accidents is impossible to discern[31]. Given the degree of complexity involved in determining which economic and social factors contribute to poor safety and accidents etc., what must really be at issue when discussing the institutional and legal framework of regulation of health and safety, within changing political and economic circumstances, is the extent to which self-regulation, the over-riding philosophy of both Britain and Germany with respect to health and safety legislation and practice, can

provide the logic for a universal local system of safety provision
(Dawson et al,1988:265),

rather than what it tell us about the specific statistical effect on accidents themselves.

However, the issues central to the pro- and counter-cyclical debate are important, in that they point to the importance of economic factors in framing both the real, and rhetorical, discourses of health and safety participants in specific workplace situations. If it is the case that safety is governed by decision-making over resource allocation, amongst other things, then local (ie. plant-based and company-based) economic conditions become important in giving a context to the participation that takes place. The key task is to determine the extent to which management have the prerogative to de-prioritise safety issues, and the resources and opportunities that trade unions or worker representatives have to challenge this. In a cross-national study such as this one, the impact of statutory rights to consultation becomes significant, as we attempt to understand the functioning of the **floor of rights** in health and safety participation.

Similarly, if one accepts that unsafe and unhealthy working conditions are the product of the fact that the organisation of the workplace, and working methods etc., are dominated and sustained by production rather than human (social) criteria, then one might assume that **bargaining** over health, coupled with protective legislation compelling managements to comply with minimum standards and practices, is an appropriate mechanism for the improvement of working conditions and safety. In other words, if profit-led managerial decision making is responsible for creating an environment in which accidents are more likely to happen, then unions and other representative bodies (works council mainly) have health and safety (potentially, at least) issues on their bargaining agendas[32], and protective legislation becomes important as a vehicle for improving safety through the power it gives to worker representatives to **challenge** management in this area. The logic of this argument is

that at times when safety and profit are **perceived** to be irreconcilable aims, bargaining and conflict over safety are more likely than effective consultation, an issue which the fieldwork chapters address, particularly with regard to the difference between public and private sector workplaces, but also when looking at the differences between the two chemicals factories. My private sector fieldwork in particular seems to support the argument that perceived irreconcilable differences between the protection of working conditions and profit (or, more accurately, cost saving strategies) are more likely to lead to conflict over safety regulation and unsatisfactory descriptions of the functioning of participation.

This forms a further important question of the fieldwork; how can workplace trade unions, as well as other employee representatives, develop strategies which challenge the profit-led deprioritisation of safety concerns. What opportunities are there for them to do so, and what obstacles?[33]. This brings us on to the second set of issues that commentators on health and safety have addressed with respect to participation, and industrial relations more generally; the importance of bargaining and consultation, as competing terms, for the way in which health and safety issues are regulated by management and employee representatives.

The starting point here is the philosophy of **self-regulation** (Dawson,1988) built into the health and safety system of both Britain and West Germany, and the legislative background to each system. In Germany, management is directly responsible for health and safety in much the same way as in the UK. Safety committees were made compulsory in 1973, having similarly advisory roles to their British counterparts. A similar piece of legislation to the HASAWA, the *Arbeitssicherheitsgesetz* (*AsiG*) of 1973 made safety specialists compulsory in large companies, again with an advisory role, but having regard for safety as a primary concern rather than other managerial tasks. The two main differences in health and safety legislation between the two countries are a) that *Sicherheitsbeauftragte* (safety representatives) are selected by

management in Germany and by recognised trade unions in the UK and b) that employee participation in health and safety in Germany is entrenched within a system of workplace co-determination whereby the works council has certain rights and powers with respect to health and safety[34]. The system of inspection through bipartite *Berufsgenossenschaften* (*BGs*) ensures that self-regulation is also a central feature of German health and safety, with inspections, and prosecutions being lower there than in the UK.

In Britain, the Robens report attempted to improve safety standards through a move away from external enforcement to self-regulation. Part of this process was the initiation of relatively extensive provisions for worker participation in safety regulation at workplace level. The committee also argued that **consultation** was the most appropriate form for the resolution of problems concerned with health and safety[35]. Indeed, the whole tone of the report, and of those large parts of it that were made into the HASAWA, was an attempt to take health and safety out of bargaining, and to establish a system of self-regulation at workplace level with clear opportunities for workforce involvement, thereby breaking with a tradition of legal regulation of health and safety which had minimised the importance of participation[36]. For the Robens committee of enquiry, health and safety was too important an area to be bargained over, and their fear was that such a process of collective bargaining would inevitably dilute standards of health and safety, as it became just another item on the bargaining agenda, to be settled in comparison with a wide range of other factors, despite a lack of evidence of extensive health and safety bargaining in British industry[37].

Such an approach was understandable given that unions in the UK have always played a greater role in both seeking compensation for injured employees after the event[38], and in seeking to have particular dangers recognised through additional payment and danger money etc., than they have in the effective workplace prevention

of accidents[39]. A similar move was to recommend that the new safety representatives would be selected from the entire workforce and not necessarily through union channels, an issue which was to be the most fiercely debated in the passage of both the HASAWA and the SRSC regulations, ending with the repeal of the HASAWA by the Employment Protection Act (EPA) of 1975, which ensured single-channel nomination of safety representatives[40]. The approach of the Robens committee was based on the central assumption that there was more to unite the interests of managers and employees in the area of health and safety than there were conflicts of interest (Dawson et al.,1988:14-16). Thus, common problems, according to the committee, required solutions framed in a cooperative and consultative setting, with the main target being an increase in the level of input from all levels of employee, from senior management down to shop floor representatives. This is not an uncontested notion. For example, Moore (1991,11) argues that safety problems are disproportionately a part of manual employees' working environment, given the distance between conception, selection, investment choices (and other managerial functions) etc., and execution in the industrial division of labour:-

> In the workplace there clearly exists an asymmetry between the risks
> and burdens of responsibility carried by workers relative to
> management power,... (Moore,1991:11)

Haraszti (1984;294-301), and Littler and Salaman (1984;22-26), as we have seen, make similar points.

Thus, whilst the Robens committee feared a dilution of importance for safety under collective bargaining, the view of some unions is that the opposite is the case; i.e. that the consultative nature of safety committees introduced under the new legislation meant that safety representatives could have their power and responsibility compromised by the existence of an advisory safety committee (Dawson et al.,1988:54-56). This partially explains why safety representatives have tended to be

seen as more important than safety committees by trade unions (Beaumont,1983:122), and why many unions (eg. TGWU) try to insist that safety representatives are also shop stewards.

The difficulty with a discussion of collective bargaining procedures which include health and safety issues on the broad agenda, is that there has historically been little research in the UK as to the extent to which health and safety issues become the subject of collective bargaining and collective agreements at workplace level. Instead, much of the available evidence comes from United States experience (Bacow,1980:61-65), where health and safety agreements are more common, despite the similar legislative framework of the Occupational Safety and Health Act (OSHA) of 1970. What evidence there is appears to suggest that unions are reluctant to expend bargaining capital on health and safety agreements which still leave poor working conditions and which cost firms extra money, indicating the difficulty of conceiving of health and safety as a simple zero-sum game between employers and workers at plant level (Bacow,1980:65). Bacow goes further in arguing that legislation such as the OSHA (and therefore the HASAWA/SRSC regulations) contain inherent dysfunctions in that they are built at one and the same time upon the existing industrial relations machinery and also on the treatment of safety as an issue for consultation over an agreed set of priorities rather than conflict over resources. Indeed, the Robens philosophy, passed on to the legislation of the 1970s in the UK, was highly dependent on the willingness of management to take safety seriously and to stimulate the participation of employees, given that the positive rights of such employees, and their representatives, are relatively weak, and the levels of enforcement are low (Dawson et al.,1988:174-176, and also Hendry,1989:9). As my research will show, managers in different workplaces have varying degrees of commitment to health and safety participation.

Beaumont says that consultation has traditionally been seen as a weaker mode of relating with management on health and safety, and other issues, than negotiation, which allows for coercion and the use of force and sanctions in the pursuit of certain goals. He argues, however, that the separation of **negotiation** and **participation** in analyses of health and safety and industrial relations represents a false dichotomy (Beaumont,1983:97-99), and argues that there is never a situation where a complete unity of interests, or a perfect zero-sum bargaining agenda exists. The idea that participation (involving an ideal type of consultation) and negotiation are mutually exclusive alternatives ignores the flexibility and informality that is built into collective bargaining and everyday relations between management, workers and trade unions, and reproduces the false dichotomy between worker advance/incorporation mentioned in the previous section. The survey evidence Beaumont produces appears to show that consultation was viewed in stronger terms by employee representatives in health and safety management, as a bargaining situation only really arose when management were determined to defend certain prerogatives (Beaumont,1983:103-107).

Indeed, the finding that defence of managerial prerogative did not mean an emphasis on consultation is indicative of the fact that not only do different groups within an organisation (mainly management and workers, but not solely) have competing notions of safety priorities, but that there are competing perceptions of the nature of relationships which exist in the regulation of safety itself (Beaumont,1983:117); this relates strongly to the arguments of the previous section which stressed the different role that institutions of participation could play in the rhetorical and ideological discourse of different actors, above and beyond the substantive issues which are resolved and challenged with systems of participation. This is important in a comparative context, as it would be wrong to suppose that different institutional and legal frameworks of participation in health and safety regulation necessarily change the nature of the regulation involved. The lack of statutory workplace co-

determination in the UK does not necessarily mean a stronger bargaining role for employee representatives as the incorporationist argument would imply - rather, the extent to which safety issues get bargained over, and the nature of consultation and bargaining in this arena in specific situations, are both issues for the research to address.

The problem here is that whilst in a global sense, unions can be seen as agents for improvements in health and safety, through the defence of working conditions broadly conceived, this is by no means a uniform process. Flanders, in the "Fawley Productivity" study, argued that risk analysis and the assessment of hazards, were inherently imperfect as tools of an operational safety system, because:-

> ...neither side can be impartial,...for management is biased in favour of production and workers in favour of protection. (Flanders, quoted in Lewis,1977:21)

But are these biases consistent, and are they good heuristic devices for a deeper and wider understanding of participation in health and safety? This is the key to a central issue; that, in a tangible sense, health and safety is rarely an issue which clearly and simply separates employees from managers. One of the key problems of establishing effective worker participation and involvement in health and safety is that the interests of employers and workers conflict to a variable extent over time, and occasionally a unity of interests may exist, such as the need for new investment that meets both production **needs** and safety improvement criteria at the same time. This situation (the importance of investment for both safety and production reasons) certainly seemed to be important to participants in my own case studies, and is also an issue at the heart of the dynamics of health and safety regulation at workplace level; i.e. it is not true that unions and managers continuously stand opposite each other in policy terms on health and safety as on any other matters. The **dynamic pluralism** of Cressey et al.(1985:170-173), discussed above, applies as much to health and safety

as to other issues, with the added problem that the potential stakes are much higher, and the urgency to make progress towards safe working conditions more apparent. Similarly, health and safety provides us with a good example of an area in which both the conflicts of interest inherent in the provision of safety within production systems, and also the needs of both management and the workforce to act co-operatively in some respects co-exist under what Cressey et al. called "antagonistic cooperation" (Cressey et al.,1985:138). The heterogeneity of interests with respect to general agenda items for industrial relations is therefore reproduced in the arena of health and safety.

All of this has further implications for empirical research in this area; if unions are, potentially at least, key agents in the struggle to maintain safe working conditions, then it is not just the issue of bargaining versus consultation which is at stake, but the nature and content of any bargaining and consultation which takes place. Moore (1991:29) has argued that the single-channel protections afforded by the Safety Representative and Safety Committee (SRSC) regulations has meant that, in the British context, safety representatives have taken advantage of such measures and extended bargaining and negotiation over safety issues.

This leads to another problem in identifying how health and safety is negotiated, bargained and discussed; namely, that any bargaining that happens is likely to be informal and rarely subject to official machinery of industrial relations and official agreements, particularly in a workplace without formal/statutory participation mechanisms. This informal bargaining and involvement is infused with considerations of overtime, payment systems, supervision, training, manning levels, investment and task discretion and job autonomy in the control of the labour process and the organisation of work[41]. Regarding the latter, Moore (1991:9-11) has argued that "low-level intelligence" relating to experience on the job, and the discretion and knowledge that workers exercise on a continual basis, are important factors in

promoting an effective regulation of health and safety, and that this has been slow to emerge despite the SRSC provisions for participation, and the emphasis on involvement in the Control of Substances Hazardous to Health (CoSHH) regulations of 1988, an important piece of legislation for the UK private sector case study in particular.

The issue of job control generally, points to important considerations once again in the empirical study of health and safety participation, and leads to interesting findings in some of the case studies. The control of the labour process, the degree of discretion and autonomy for employees, and the control that workers or their representatives have over manning levels and the **ffort bargain** are all important in understanding how dangers are generated in the workplace, and how unions and employees respond to them. This is particularly important given that the case studies span the public and private sectors, giving us the opportunity to see how the control of the labour process, and the criteria which are used to set staffing levels, differ between the public sector in the two countries and the public and private sectors in each country[42].

Finally, the study of health and safety participation is one of a highly variable and dynamic set of actors and relationships which serve to confuse simple notions of interests and policies, within a system of production that systematically creates dangerous working conditions. Therefore, it is not just the approach of workplace trade unions to health and safety which must be addressed in the case studies. Management must also be seen as a central force in their own right, given the power that they are taken to have in shaping the parameters of the regulation of safety issues. Moore (1991:9) argues that systems devised by management for the regulation of safe working conditions at an operational level tend to ignore the asymmetrical power relations mentioned earlier. Therefore, models of safety regulation based on managerial self-interest ("it is in all our interests to keep the place safe")[43], are flawed according to this author, and whilst such systems may be only partially related

to the participation of workers in the management of health and safety, the way in which safety is viewed by both senior and line management themselves has an important bearing on our understanding of health and safety regulation and management at workplace level. After all, the way in which a particular mechanism of worker participation operates is intimately linked to the approach that management takes to the issue of the defence of its prerogative. An institution such as a safety committee does not operate in an organisational vacuum.

This section has attempted to locate the issues surrounding the regulation and management of health and safety at workplace level, within broader industrial relations in general, and within the sphere of involvement and worker participation in particular. The two major themes discussed were firstly the nature of hazards and accidents within what I have chosen to call **relations of dominance**, and how safety must be seen as an integral part of the politics of production in terms of power, decision-making and managerial prerogative. Secondly, this necessitated a discussion of the nature of consultation and bargaining over health and safety issues, and the importance that this has for our understanding of channels of interest representation, the location of trade unions in the workplace and worker participation. I recognise that both this, and the previous, section have been expansive in throwing up issues that arise from the literature, in a somewhat hap-hazard kind of way. This is inevitable given the potential scope of a thesis dealing with central issues as broad as participation, health and safety regulation, and representation. The aim of the next section, therefore, is to bring the arguments of both this and the previous section together, to re-cap the main theoretical frameworks and concepts that the thesis addresses, and to attempt to synthesise the disparate strands of argument into a more coherent approach to the analysis of participation in health and safety.

(iv) A synthesised terrain? Heterogeneity and ambiguity in safety participation.

We have so far considered an extremely wide and disparate literature, ranging from empirical and theoretical studies of participation in different contexts to those more concerned with health and safety regulation and the inherent problems of accident distribution and prevention. I have claimed earlier that this thesis seeks to analyse participation in health and safety management through a synthesis of these two separate traditions of industrial relations analysis, and the purpose of this section is to articulate what I see as the common agenda covering issues of participation and safety.

The fundamental arguments I have put forward can be summarised thus: the participation of worker representatives in decision-making processes is inherently an issue of **control**, of work and working methods in particular. Secondly, institutions and practices of participation operate within hierarchical structures of authority, or **relations of dominance**. Thirdly, participation holds a mirror to the fundamentally **unstable** nature of management, and therefore cannot be considered merely in terms of the performance and effectiveness of committees/consultative forums etc. Fourthly, participation is a part of the process whereby **legitimacy** and **consent** for the right of management to manage is negotiated and maintained. Finally participation is about processes as well as issues, and it is about the establishment of **mutually satisfactory relationships** which allow work in an organisation to go on, on a day-to-day basis, with the result that it cannot be seen as a forum for the straightforward expression of homogenous interests on the part of capital and labour.

Accidents, explosions, dangerous occurrences, spillages, slips and trips etc. are all many and various (some happening to individuals and some to groups of workers and even affecting people outside the working environment), but they occur within an environment of decision-making and resource allocation, introducing the problem of

**control.** Therefore, health and safety is about **management,** and about the fundamental nature of resource allocation and the construction of priorities between production goals and safety costs. Making workplaces safe costs money - an inherent problem underpinning analysis of health and safety participation. However, the conflict between safety and profit is a complex one, with the nature of investment, and the economic environment within which the organisation operates seemingly important in determining how this conflict is expressed or suppressed. Because safety is tied closely to the function of management decision-making in other areas (particularly investment and resource allocation, and staffing policies), safety regulation is inherently a matter for trade unions and other organs of worker representation. To put it another way, when safety is so closely tied to the core decisions that management make in the pursuit of organisational goals, the effective prevention of accidents and control of hazards etc., must involve the representation of interests that might conflict with dominant managerial strategy. Again, this is not a simple matter, with a variety of forces acting to obstruct the generation of unified sets of collective interests in safety regulation. Finally, to counterpose **consultation and negotiation** as mutually exclusive modes of participation in safety regulation is to over-simplify the process whereby **consent** for work and for working conditions is generated and sustained.

The overlap between what I take to be the central theoretical reference points of study for participation and health and safety is striking. The fact that health and safety regulation involves the articulation of collective interests immediately raises a whole range of questions about the efficacy of collective bargaining, consultation and participation mechanisms in how these interests are followed through and resolved in some sense. This is one of the central reasons for choosing a cross-national study. When MacInnes talks of the need to establish "mutually satisfactory relationships" (1985:106), this applies to the physical environment and to working conditions as well as to the politics of production and to the rules of governance in the workplace.

The cluster of terms that have been used to describe this instability in the relationship between capital and labour, "antagonistic co-operation", "mutually satisfactory relationships", "practical co-operation" (Littler and Salaman,1984:65, see also Wright Bakke,1946:1-19) all point to an important feature of safety regulation at workplace level; i.e. that conflict and consensus over policies towards the working environment are dynamic intricate processes. More importantly, the fact that safety regulation is not just about written safety policies and a set of rules about how to operate particular machines - the fact that safety is related to money, staffing policies, investment levels and strategies etc. - means that the participation of worker representatives in consultative forums non-specific to health and safety matters is also of key importance. In the context of the German works constitution, participation in health and safety must address the role of the works council as well as that the safety committee. Similarly, in the UK safety committees must be looked at in association with the general industrial relations machinery at the workplace.

The difficulties of interest representation are also an axiomatic part of this thesis. Rueschemeyer (1986:75) states clearly this difficulty:-

> Collective organisations are indispensable for identifying and
> articulating common interests which would otherwise remain inchoate,
> interpretable in different ways.

Unions therefore, in a general sense, are highly ambiguous bodies, seeking to make coherent a wide variety of competing and contradictory interests, on the part of their members as well as the union organisation itself. The lessons for the regulation of safety are clear:-

> The simple fact that a collective organisation exists is no guarantee
> that collective interests will be pursued. (1986:76)

Furthermore, these ambiguities in the roles and functions of representative bodies are reproduced in a different way for management. The conflict between safety and profit in a particular situation may well be a conflict between different functions of management, and different levels of management, as evidence from the case studies will show.

The problems that unions have as representative bodies, both in opposition to management and in mediating between workers and managers, are compounded by the difficulties in articulating simple interests with regard to health and safety. One of the roles of health and safety analysis in this thesis is to extend and elaborate on the degree of heterogeneity obstructing the expression of collective interests. It is not simply that the factors separating **groups** of workers from each other (geographically, socially, economically) in the workplace complicate attempts by worker representatives to construct united strategies. There is also a disjuncture between forms and practices of the **collective** regulation of safety (SRSC Regulations, safety committees etc.) on the one hand, and the **individualisation/atomisation** of accidents (discussed in the previous section) on the other. Workers, for a variety of reasons, often experience accidents or unsafe working conditions in an individual way, which does not necessarily sit easily with the maintenance of effective strategies by bodies concerning themselves broadly with collective representation. This tension between the individualisation of blame and responsibility for accidents, and structures of participation which emphasise forms of collective regulation, runs throughout the fieldwork, and I return to this issue in the final chapter, particularly with regard to the visibility of health and safety, and the problems of collectivisation for unions and other bodies. Above all, the heterogeneous nature of interest representation in health and safety is dynamic in nature, involving an instability that can only be addressed through empirical research. The next section points the way forward to the case studies, by discussing more specifically the way in which the theoretical framework of the thesis can be applied to workplace situations.

(v) Participation in health and safety; the framing of empirical research questions.

The previous sections in this chapter have looked at the theoretical background to participation in health and safety which has informed my research. In this section, I want to move towards a framework in which the fieldwork can be organised and structured so as to make an analytical contribution to this field. In this chapter, I have made several claims about the nature of employee relations, about the parameters inside which the regulation of health and safety takes place, and about the nature of worker representation in safety issues as well as other matters. I have also argued that in a sense, these issues are universal, in that they concern fundamental aspects of the employment relation, and constant and unavoidable decisions about the priorities given to safety regulation as against other business and/or organisational objectives. Notwithstanding the fact that each of the four case studies represents a highly particular and specific constellation of factors governing participation in health and safety, it is important to be able to structure and present the case studies in a way which enable these universal issues to be analysed in both a systematic and comparative fashion. The final chapter of the thesis returns to the issues emanating from the two-way comparative structure of the research, drawing in turn on the outcomes of the intervening chapters on the fieldwork. However, it is necessary to structure the case study chapters in a way which makes comparison easier and also benefits analytical discussion. I would emphasise here that such a structure is not a perfect solution to methodological imperfections discussed elsewhere. Because of limitations to the depth and breadth of access, and the differential weight given to key actors in the four studies etc., a completely even distribution of the fieldwork in this framework of analysis is impossible. However, each case study, at the least, must deal with some of the core theoretical arguments presented earlier in this chapter. For this to happen, the four fieldwork chapters involve, in addition to an introductory section

presenting background information on employment, working methods, participative structures, accident statistics etc., three umbrella sections in which the research is presented.

The first set of issues addressed in each study cluster around the relationship between the generation and prevention of accidents in the workplace on the one hand, and styles of management and the variety of pressures which management and workers operate under in the private and public sectors respectively. I have argued earlier in this chapter that there is always a potential conflict between safety and production priorities, complex as this relationship is as experienced in everyday work relations, and notwithstanding competing arguments about the precise direction of causality in the relationship between financial pressures and accidents (see Nichols,1989). The way in which this conflict is expressed, suppressed, articulated etc., is therefore central not only to each workplace in isolation but to all four workplaces, and must therefore be dealt with in a systematic manner here. The difference in the nature of the employment relations between the public and private sectors is critical here, in an attempt to understand the differential impact of public and private ownership on management, the pursuit of production/profit-oriented goals and the ability of worker representatives to influence decision-making processes in each context.

In addition, in the context of a cross-national comparative study such as this, the focus must rest not only on the different experiences found in the private and public sector workplaces, but on the complex tensions and pressures felt at different levels of the organisational hierarchy in the negotiation of safety regulation in both sectors, particularly those which appear to disunite areas of management charged with different responsibilities with regard to safety and production. To anticipate my conclusions a little, the sectoral differences are expressed primarily through discussion of the issue of **work pressure** (*Leistungsdruck* in the German context) and at how managerial strategy impacts upon the pace of work and the ability of workers

to retain job control and autonomy, and thereby to restrict the generation of accidents through resistance to increases in the pace and pressure of work. In the public sector, the degree to which management can maintain an autonomy in the delivery and organisation of work which serves to restrain the "marketisation" of employee relations, in the UK acting almost as a cipher in the implementation of legislation, is an important issue. Particularly interesting in this respect are the divergent experiences of the two public sector studies. The British study is set against a background of successive pieces of legislation, passed since 1980, which are united by a desire to inject private-sector style competition into employment in the public sector[44]. Most relevant to this study has been the introduction of compulsory competitive tendering (CCT) for a range of services carried out by local authorities (Hartley,1990). In Germany, no such comprehensive and deliberate attack on received practice in the public sector has taken place, and the lack of financial pressure on the pace of work in Department G forms as much of a focal point in the Department G case study, as CCT does for Department B.

The second section in each case study looks at the way in which the statutory framework for the participation of employee representatives operates in practice in highly specific organisational settings. Britain and Germany have similar, though far from identical, provisions both for the regulation of workplace health and safety, and for the participation of employees representatives in this process of regulation. The key difference in this statutory framework is that participation in health and safety in Germany dovetails with a comprehensive system of involvement and consultation (*Mitbestimmung* and *Mitwirkung*) in a range of employment issues. In Britain, participation in health and safety management remains one of the only major pieces of legislation relatively untouched by Conservative changes in employment law[45], and exists somewhat in isolation given the lack of a legal framework of guarantied rights to information and consultation in the UK. This particular picture of convergence and divergence in the institutional and legal framework of Britain and

Germany forms the other central comparative pillar of the thesis, and in this sense the British and German studies treat the issue of legislation and participation slightly differently, particularly where precise comparison of, say, the role of the union, is difficult to maintain. In Britain, a key question is the extent to which legislation regulating health and safety, including as it does provision for participation of employee representative, and some legal redress against employers, acts as a floor of rights which can neither be eroded by bad management, nor bargained away in a voluntarist manner in conjunction with trade unions[46]. In Germany the focus is still on the existence and operation of this floor of rights, but the emphasis shifts slightly to the relationship between safety participation and the well-established system of participation at workplace-level via the works council in utilising and expanding these rights. Once again, the way in which legislative protection, in health and safety as well as other issues, acts as a floor of rights on which worker representatives can build in relations with managers is analysed. A further aspect of the role of employment legislation in the regulation of health and safety is the differential way in which legal standards, and particular sets of legislation, are implemented at workplace level. In particular, the ability of management to utilise minimum legal standards as both a ceiling (as opposed to floor) of rights for worker representatives, and as a way of **sanitising** safety regulation as involving merely compliance with quantified and easily measured standards for working conditions (whilst obstructing more dynamic and participative safety regulation) is a key issue.

The third of the three analytical categories employed in the fieldwork chapters is something of a logical extension to the other two. The issues surrounding the legislative framework in which participation in safety takes place are largely issues of comparison between British and German employment practice. Equally, the nature of the employment relation, and the particular way in which the negotiation of safety as against production priorities takes place, raises fundamental questions about the differential nature of public and private sector employment, and of the possibilities

and constraints that exist for management in each sector[47]. The third section in each case study will look at the role of the trade union, with respect both to its role in the management of safety, and its function as a representative agency in a complex environment. My approach in this chapter has been to emphasise that safety is intrinsically an issue for the potential expression of collective interests[48]. Each study must therefore address the extent to which this collective representation over safety issues takes place, as well as the factors which obstruct unions from mobilising around health and safety. In the UK, unions have a degree of privilege in the representation of workers' safety interests via the SRSC regulations (see chapter 2). In Germany unions have far less direct formal influence at workplace level; rather, direct influence is limited to parity representation in the industry-specific safety regulation and inspection bodies. This dichotomy between industry-level and workplace-level union influence points to an important problematic relationship in Germany - that between the union and the works council. I attempt to unpack the concept of cumulation further, and to examine the implications that the union/works council relationship has for our understanding of interest representation in health and safety, involving also a re-examination of the particular nature of health and safety representation in comparison with other issues like pay and job security. This takes us back to the main theme of the thesis itself, the nature of participation in health and safety management as a specific sphere of industrial relations in different national and sectoral settings.

The complexity of these issues, their degree of overlap and the extent to which they reinforce each other are clear. Similarly, such a diverse set of paradigms within which to undertake a study of worker participation necessitates a particular kind of research design, methodology and tools for empirical analysis. These are dealt with in chapter 3. The next chapter reviews at length the historical and legislative background to participation in health and safety in both countries.

Notes.

1. The methodological issues raised by the nature of this enquiry, and the methods used in the carrying out of the fieldwork, are dealt with in detail in a different chapter. In particular, the problems involved in framing comparative fieldwork in an area with a great deal of divergence in terms of "key institutions" are left to the third chapter, and are consciously omitted here.
2. See chapter 2 for more details.
3. There is a somewhat anglo-centric bias in this chapter, given the greater availability and access of material which deals with participation in a British context. Thus, my discussions of participation debates in a German context, whilst important in showing how our understanding of the field is related to other important factors, are more practical in nature, referring to the arguments about "parity" representation in the 1950s and 1960s, rather than at a more sophisticated theoretical level.
4. A somewhat arbitrary example would be "Statutory workplace participation in Germany makes it harder for management to ignore the wishes of worker representatives relating to safety issues?".
5. Cressey, P., and Williams, R. (1990), use a graded approach to participation in their analysis of the survey work of the European Foundation, starting with mere information-giving and progressing through involvement, consultation and joint decision-making.
6. Poole suggests (1986:15-24) that a key factor in the historical initiation, success and failure of schemes of participation is the latent and manifest power held by labour and capital at a broad social level through time, power generated in turn from macro-economic developments such as full employment, skill shortage etc.
7. For example, Fröhlich et al. (1989) use similar analytical tools in their survey of worker participation in the introduction of new technology in several European countries. The location of participation in this almost "free-floating" matrix of causality is often the result of an *a priori* assumption about what participation is for, and the values that it should embody. In the case of the study by Fröhlich et al., there is an assumption that participation is a positive force for change in working lives, supplemented by further assumptions about the determining way in which new technology opens up further opportunities for involvement. This also accounts for the confusion of description and prescription in the work of Fröhlich et al. whereby the existence of participation machinery is often confused with an implicit set of arguments about the value and worth inherent in participation itself.
8. Flanders (1975;42-3) argues that collective bargaining is the best form of worker participation, in extending democracy and influence over a wide range of issues. Lane (1989:224-226) argues that participation is an extension of collective bargaining which is seen as "...merely a process of interest representation in certain limited areas." This is an interesting set of arguments. I am interested here in the relationship between legislative rights to information and participation, the framework of safety regulation and different forms and structures of interest representation in public and private sector workplaces, necessitating a distinction between general bargaining, and formal institutions and mechanisms of involvement.
9. See, for example, Markovits (1986:289-290).
10. For details, see Streeck (1984:394).
11. Case study evidence appears to show that initiatives in participation, particularly involving union representatives on behalf of employees, are usually seen by management in terms of increasing efficiency and motivation, and by worker representatives as involving some degree of power sharing and democracy; eg. Cressey et al,(1985). Furthermore, in the German context, the introduction of new managerial techniques such as quality circles and team working, was clearly related to the development of the *Humanisierung der Arbeit* programme developed at a corporatist level (Jacobi and Müller-Jentsch,1990:133), although the difference here is that these new approaches to involvement and direct communication were not

introduced as a challenge to existing union channels of representation (Jacobi and Müller-Jentsch,1990:148), nor as a challenge to the role of the works councils in participation at workplace level. Similarly, job enrichment is often allied, in a rhetorical sense at least, to the benefits that should result for productivity and efficiency. Again, for a discussion of the *Humanisierung der Arbeit* programme in this context, see Beisheim et al.,(1991;123-125).

12. Flanders (1975;41-42) describes the crucial importance of distinguishing between procedural and substantive issues in industrial relations, arguing that establishing systems of rules to govern the carrying out of everyday relations is at least as important as first-order issues such as pay claims, holiday entitlements etc.

13. Whilst it is important to note that Ramsay is restricting himself here to management-led participation schemes involving job redesign, it is also the case that this type of participation is central to the experience of workers in the post-war British context.

14. This allows Ramsay to categorise the success of such initiatives as "incorporation" (Ramsay,1980:48-50).

15. For example, Brannen (1983:147) argues that:- "when the market situation of labour strengthens, and the balance of power changes in its favour, participation becomes important as an attempt to comes to terms with it". Such an attempt to correlate participation with some notion of labour "strength" is weak; whilst it is true that crucial periods in the growth of consultation forums in British manufacturing were those where labour appeared to be more powerful (i.e. the second world war), this is by no means universally the case. An opposite position could be taken with regard to the preference of "strong" trade unions in the 1970s for "free collective bargaining" rather than formal participation (and incomes policies).

16. Littler and Salaman (1984;49-54) discuss in detail the development of the division of labour, and its effects on the nature of managerial attempts to control jobs and workers. See, also, Rueschemeyer (1986:4-11).

17. I make extensive use of the research carried out by Cressey et al. on participation in large Scottish enterprises. The reasons for this include the similarity with my own research design, fieldwork research methods.

18. Cressey et al., argue that the dichotomy between managerial perceptions of unitarism, as against employee representative perceptions of power sharing and genuine involvement, featured to some extent in all of the workplaces studied.

19. The formal exclusion of trade unions in the post-war works constitution is discussed in chapter 2. Markovits (1986:289-290) shows how parity co-determination became a central campaigning issue for leading trade unions in the 1950s and 1960s, and Schregle (1987:322-323) shows how a system of dual representation by, on the one hand, unions at regional and national level for bargaining purposes and, on the other, by works councils at workplace level for more general employment regulation issues was part of a deliberate strategy developed by the DGB in the post-war period, and not imposed unilaterally by legislators.

20. The set of arguments I have characterised as "cumulation" is strongly related to other developments in workplace level industrial relations, such as the stimulus in recent times towards the growth of internal labour markets, and firm-specific labour regulation policies (eg. Streeck,1984:408-411 and Hoff,1984), and the way in which co-determination has made personnel issues more central to strategic management through the costs associated with the possibility of works council opposition to unilateral managerial decision-making over labour issues (Streeck,1991a:70; Streeck,1984:411-414), although there is insufficient room to fully elaborate these issues here.

21. 76.3% of works councillors were *DGB* affiliated members in 1990, compared to 76.6% in 1987; (*Die Mitbestimmung*, 3/91:221-222).

22. See also, Jacobi and Müller-Jentsch (1990:134).

23. Streeck (1984:409-411).

24. For example, Streeck (1991a:81-82) shows how progress towards decentralised collective bargaining, and the shift in the balance of power towards works councils in the regulation of employment issues, creates tension in the relationships between the

two channels of representation which threatens simplistic notions of cumulation of rights and powers between them.

25. Chapter 2 deals with the details of changes in employment legislation in Germany in the 1980s in more detail. Jacobi and Müller-Jentsch (1990:139) say that at the time of writing, the German government were considering amendments to the *Betriebsverfassungsgesetz (BetrVG)*, which would strengthen the structural and organisational influence of minority groups in the works councils, thereby diluting the domination of the *DGB*.

26. Again, this debate in based on the British experience, given the problems of access to German material early in the research.

27. This aim is repeated in the HASAWA. See, for example, Hepple (1983:407).

28. Nichols (1980:265) shows how the choice of payment system has been a historical source of problems for workers' safety.

29. Such a situation is not limited to capitalist economies. Haraszti (1984;294-301) shows graphically how piecework systems in factories in communist Hungary produced intense physical and economic pressures on workers to cut corners and to ignore the formal safety policy of the factory.

30. Part of this includes a recognition that the legislation on health and safety is framed to the benefit of employers in making safety at work contingent on the "reasonable practicability" of measures to ensure it. See chapter 2.

31. Nichols (1989:546-547) shows how accident and injury statistics are imperfect tools for solving issues of the cyclical nature of economic influence. In particular, business upswings and labour confidence might increase the ability of workers to take time off for an injury that tight economic circumstances and aggressive managerial style would not permit.

32. The assumption that safety issues are inherently a matter for collective bargaining is made by several authors in industrial relations; eg. (Flanders,1975:41; Clegg,1979:25) It is ironical then, that the failure of (British, in this context) unions to take safety onto the bargaining agenda (or, rather, the absence of preventive strategies at the expense of reactive compensation agreements) is cited as one of the main reasons for successive attempts to legally regulate health and safety.

33. Unions <u>do</u> campaign around health and safety issues in a way which directly challenges both managerial prerogative and the dominance of production criteria; for example, the waves of strikes in the UK oil industry in 1989 were centrally concerned with discontent over safety standards in the light of the Piper Alpha disaster of July 1988. Beaumont (1983:181) cites other similar examples.

34. Full details of the legal framework of regulation are given in chapter 2. The discussion here is focused on the issue of safety priorities and the importance of power and decision-making control in the workplace for the construction of the safety agenda; for this reason, the high degree of similarity between the two countries is stressed at the expense of dissimilarities.

35. Dawson et al. (1988:24).

36. Beaumont (1983:71).

37. For example, Beaumont (1983:49).

38. See Hepple (1983:407-408).

39. See, for example, Beaumont (1983:61); see also, Moore (1991:26-27) on the historical failure of UK unions to negotiate the introduction of participative mechanisms for health and safety prior to the HASAWA and the SRSC regulations

40. Beaumont (1983:186).

41. Case study evidence from the US has shown how manning levels has been a key factor in workplace negotiations over health and safety.

42. The issue of the nature of public sector employment resurfaces in the case study chapters. For a fuller discussion, see for example Batstone et al. (1984).

43. Or those based on the coercion of insurance premiums and penalties for companies with poor safety records etc.

44. Accompanied by privatisation of whole segments of the public sector.

45. Notwithstanding recent suggestions of the future privatisation of all or some of the services now undertaken by the HSE.

46. To re-emphasise - the Robens report, and the whole edifice of safety legislation springing from it, was predicated on the fact that "health and safety" should be taken beyond bargaining and industrial relations and managed as a separate sphere of operation, with guarantees of involvement for worker representatives.

47. Notwithstanding the fact that public sector experience in each country is as different in some ways as between the sectors in each country.

48. Legislation in both countries have recognised this through the role given to trade unions in the national systems of safety regulation.

# Chapter 2.

Health and safety, co-determination and worker participation in the UK and Germany: a history of legislation and practice.

(i) Introduction

This chapter attempts to give a comprehensive overview of the practices of worker participation, with respect to the management of health and safety in particular, and outlines the development and impact of the central pieces of legislation governing these practices in each country. In this chapter, emphasis is given to the legal, statutory and institutional forms of worker participation, in order to contextually locate the empirical research of later chapters with reference to what may be called the **official** world of involvement in safety management. Given the scope, breadth and extent of the material covering labour law in the two countries, this paper takes on the task of collecting and organising the information important for the thesis. It does not enter into a critique of the relationship between legislation and health and safety in abstract terms - nor does it develop an argument concerning the qualitatively different histories of worker involvement in the two countries. This requires that the chapter follows a fairly regimented pattern, outlining the situation in each country separately, and in a somewhat disjointed fashion, rather than attempting to compare practices theme-by-theme. Similarly, each section follows the developments in legislation and practice in each country, with no direct comparative analysis, for example between the Health and Safety at Work Act (HASAWA) of 1974 in the UK, and the similar *Arbeitssicherheitsgesetz* (*AsiG*) of 1973 in Germany.

Section (ii) looks at the complex history of worker participation in the UK, particularly in the post-war period. Particular use is made here of the research by authors such as Ramsay (1977) and MacInnes (1985), who have studied the patterns of consultation and involvement in British industry (particularly manufacturing) over this period. It also looks briefly at the employment law legislation of the 1970s, the Bullock report, and the

key impact that labour law changes, introduced in the last 12 years, have had on the sphere of worker participation, and industrial relations in general. Section (ii) then goes on to look more closely at the development of health and safety legislation in the UK, particularly from the Robens report, through to the HASAWA of 1974, the Safety Representative and Safety Committee (SRSC) Regulations of 1978, and major developments since then. Further, use is made of a variety of statistical sources which outline the distribution of accidents and occupational injury, in particular with reference to the chemical industry[1].

Section (iii) looks at the post-war history of worker participation in the Federal Republic of Germany (FRG); in particular, I focus on the importance and impact of major pieces of legislation. Emphasis here is given to the growth and development of workplace co-determination, and the importance of the relationship between the two channels of worker representation, the works council and the trade union. This section then moves on to the management of health and safety in the German context, particularly through the provisions of the general *Mitbestimmung* (co-determination) laws, as well as specific safety legislation such as the *Reichsversicherungsordnung* (*RVO*) (Imperial Insurance Order) of 1963 (Amendment), and the *AsiG* (Health and Safety at Work Act) of 1973. A statistical outline of accident distribution is given, again particularly in the context of the German chemical industry.

A final section looks at a different arena in which the legal regulation of both worker participation and health and safety is played out; the European Community (EC). Legislation on health and safety participation has taken on more of a European dimension in recent years, and many of the comparative themes which inform this thesis are better dealt with in terms of pan-European developments than in individual national contexts.

Therefore, this section will involve a reappraisal of some of the themes raised in the sections dealing with national arrangements and practices.

(ii) UK labour law, industrial relations and safety regulation

Industrial democracy and worker participation are difficult fields to disentangle in studies of British industrial relations. The central reason for this is the overwhelming lack of **statutory** participation rights for workers and/or unions. Processes which in other countries are identified as worker participation, and are covered by distinctive representative mechanisms, are in the UK more integrated into collective bargaining. Therefore, analyses of involvement and participation must locate themselves in a diverse network of relationships which can be informal as well as taking place in formal participative forums. This helps to explain the difficulties authors have had in specifying what participation is in the UK context (Poole,1986:1-12, Marchington,1980:9-14, Ogden,1981:544-546)[2].

Britain has often been characterised as having a *laissez-faire* tradition of labour regulation and collective bargaining (Clegg,1979:289-306). In essence, this refers to the relative abstention of the state from extensive regulation of industrial relations, with voluntary self-regulation, in the form of free collective bargaining between capital and unions, providing the essential basis of industrial relations. Historically, the relationship between the 19th Century trade union movement and the emerging Labour party is a good starting point. Wedderburn (1986:22) points to the fact that in the late 19th Century, the absence of political representation for workers and trade unions in Parliament, (combined with other factors such as the lack of a written constitution) ensured that very little positive protection was ever afforded organised labour by the legislature[3].

Wedderburn argues that this was a central factor in the formation of workers' protection in law as **immunities**, rather than the positive rights (eg. to association and to strike) which began to emerge in the labour codes of other European nations (Wedderburn,1986:16-17). Similarly,

> The immunities were in essence the British legal form of basic democratic liberties, the equivalent of what in other countries took the form of positive rights... (Lewis,1983:363)

These immunities have had a checkered twentieth-century history, with periodical attempts (1901, 1971,the 1980s legislation etc.) to limit and control the pursuance of collective interests by trade unions. However, the immunities remained largely intact (until the 1980s at least), given a "deliberate abstentionism" on the part of UK governments in the regulation of industrial relations law. The gist of state policy towards employment law has been reluctance to legislate, coupled with rulings designed to stimulate free collective bargaining and locally agreed practice (see, for example, Wedderburn,1986:30-35; McCarthy,1988:12). This has had important effects on the role of unions in safety regulation. Protective legislation, certainly up until the 1970s, had always been seen as an addition to collective bargaining, rather than as a replacement for it (Hepple,1983:408). It also helps to explain the importance that unions placed on **single-channel** nominations of safety representatives in the framing of 1970s legislation, given that non-union representation in the new regulations might be seen to threaten the place of unions in negotiating over working conditions.

The second world war formed an important staging post in the development of consultation and participation in British industry, characterised by the growth in Joint Production Committees (JPCs). The ILO reported around 2.5m workers to be covered by over 400 JPCs in the engineering industry alone in 1943 (MacInnes,1985:94). However,

in the fifteen years following the end of the war, economic growth, the nationalisation of key industries, near-full employment and the development of the shop stewards movement, conspired to weaken the spread of formal consultative machinery with the extensive development and spread of collective bargaining (Marsh,1982:121).

The 1960s saw an increase in strike activities, and both major political parties engaged in attempts to regulate and re-order the increasingly unofficial nature of trade union activity, as part of a debate over the apparently inherent problems of British industry and productivity (for details, see Nichols,1986). This period also saw the publication of the Donovan report which recommended the recognition and integration of the shop stewards movement into mainstream industrial relations and union activity, and also coincided with an increase in interest in the concept of industrial democracy in the reform of industrial relations and economic regulation.

During this immediate post-war period, safety legislation was expanded through the Factories Acts[4], which limited themselves to very specific and technical matters, and were not part of a comprehensive framework of safety regulation. Dawson et al.,(1988) argue that legislation of this kind:-

> ...was characterised by its fragmentation and by the absence of workforce involvement. Fragmentation was rooted in the gradual extension of regulatory coverage through a struggle between employers and proponents of laissez-faire on the one hand and trade unions and reform groups on the other. (Dawson et al.,1988:9)

The 1970s was a period of intense activity in the employment law arena in the UK, with successive attempts to intervene in the process of collective bargaining, primarily through incomes policies introduced by both political parties whilst in power. The Industrial Relations Act (IRA) of 1971 attempted to directly regulate the activities of trade unions,

through a registration scheme giving positive rights to registered unions on the one hand, and through the creation of the National Industrial Relations Court (NIRC) on the other. According to Wedderburn, the IRA represented a qualitatively new approach to the regulation of industrial relations, through **primary** intervention, rather than through the indirect **abstentionist** approach to the law described earlier (Wedderburn,1986:51-56), although the fall of the Conservative government led to a further change in direction in industrial relations regulation.

Legislation introduced by the subsequent Labour government must be seen as part of the broader policy of accommodation with the demands of trade unions, and the unwritten accord between them both; the Social Contract. The repeal of the 1971 Act, and a return to the immunities of the 1906 Act was achieved through the Trade Union and Labour Relations Act (TULRA) of 1974. The Employment Protection Act (EPA) of 1975, provided more direct protection of both trade unions (through an extension of support for collective bargaining, the setting up of ACAS etc.) and to individual workers (for example, through new unfair dismissal legislation). These two Acts form the background to the developing debate on industrial democracy and participation during the late 1970s. Indeed, industrial democracy was not limited to the work of the Bullock Committee (Bullock,1977)[5]; the EPA, and other pieces of legislation, dealing with the National Enterprise Board for example, also included elements of consultation and involvement for employee representatives (Ramsay,1977:493). The Bullock majority recommendations included mandatory employee representation on unitary boards of companies employing over 2000 people[6], and single channel representation through trade unions. The subsequent White Paper of 1978, watered down several of the main recommendations from Bullock, including limiting the participation to the supervisory board of a two-tier system. The White Paper never became law, and the in-coming Conservative government did not take it any further.

Despite the eventual lack of legislation on participation, the 1970s did see an increase in forms of involvement. The Warwick survey of establishments in 1978[7] charted the growth of consultative committees over the period 1973-8. It must be noted also, that experiments with industrial democracy, particularly involving worker directors, were largely limited to the public sector (Ramsay,1977:495), with British Steel (Brannen et al.,1976) and the Post Office (Batstone et al.,1983) being the major examples[8].

Turning to health and safety, the 1970s was also a period of expansion in legislation. The report of the Robens committee in 1972, implemented through the HASAWA (1974), represented a break with tradition in the legal organisation of health and safety in Britain. Robens and the 1974 Act sought to inject genuine self-regulation and accountability (through easier access to enforcement and prosecution) into the provision of safe working conditions, and to make it a central issue for employee involvement at the workplace - rather than relying on highly specific Factories Acts-type legislation on single industries. One of the main changes in legal emphasis introduced by the HASAWA was a conditional responsibility on employers to provide safe working conditions, replacing the more narrowly-defined yet absolute standards of the Factories Acts. In particular, employers after the 1974 Act had to take all "reasonably practical" measures to ensure workers' safety, a term which has remained at the heart of enforcement and the prosecution of employers in the courts. It made employers responsible, in a comprehensive way, for the safety of employees, rather than specifying definite practices that were illegal etc. This was further reinforced by the SRSC regulations of 1977, which specified rights to information, consultation, time-off and inspection of the workplace for union appointed safety representatives, and also stipulated that a consultative safety committee must be established if requested by at least two safety representatives.

Whilst the legislation of the 1970s sought to make the system of regulation of health and safety more coherent and universal in its application, it also embodied central difficulties with regard to worker participation in health and safety. Although the whole tone of the Robens report sought to take safety out of the arena of collective bargaining, the HASAWA gave trade unions a central role in the management of enforcement agencies, and the subsequent provisions of the SRSC regulations ensured a privileged role for recognised trade unions in the representation of workers in safety matters, principally through single channel nomination of representatives[9]. This tension between negotiation and consultation over safe working conditions was discussed in the last chapter, and re-emerges in the fieldwork chapters. Codes of practice produced by the Health and Safety Commission (HSC) also established the function of safety representative **training** as a mainly union function (Walters,1990:10)[10]. It is important to note also, that the SRSC regulations gave very little to safety representatives by way of "strong" rights to participation, such as joint-decision making over safety-related managerial decisions, and the law in general says very little about the functions of safety representatives, or the functioning in practice of safety committees[11].

Enforcement is shared between the HSE and local authority inspectors in the UK, through improvement and prohibition notices designed to stimulate self-improvement in the safety practices of firms, rather than to invoke punitive sanctions. In 1988/9, 11546 notices of this kind were served by inspectors, compared with only 2342 **informations**, the first step towards prosecution[12]. The insurance of employees in Britain comes under the compulsory auspices of the Employers' Liability (Compulsory) Insurance Act of 1969, and is only administered by the HSE because of an agreement under part of the HASAWA which transfers enforcement to the HSE from the Secretary of State (Drake et al.,1983:136). Therefore, a separation between insurance premiums and inspection/enforcement, as coercive forces for good health and safety practices in UK

workplaces, exists in a way which the combined functions of German insurance agencies do not allow (see later in this chapter).

The theory of self-regulation enshrined in the legislation of the 1970s is essentially one which sees safe working practices as being in the interests of both workers and employers, seeing enforcement agencies as necessary for the few who do not accept the responsibility for safety. Walters (1990:9) refers to the code of practice accompanying the SRSC regulations, which stresses that as much use as possible should be made of existing industrial relations machinery in achieving the degree of consultation and mutual trust necessary for the implementation of the regulations themselves. Similarly:-

> If health and safety is, as some would maintain, a matter for collective bargaining, it could have been brought within the ambit of this general statutory disclosure [the pro-collective bargaining terms of the EPA]. However,... health and safety at work is treated, not as a matter for conflict to be resolved by collective bargaining, but as involving a community of interests for which joint consultation is the appropriate mechanism. (Drake et al.,1983:186)

This form of legislation. and enforcement, built on the tri-partism of the HSC and the Health and Safety Executive (HSE)[13], has remained virtually intact despite the significant changes in labour law, and trade union power that have taken place subsequently.

The last 14 years of Conservative government have seen resurgent attempts to use the law, and legal sanction, coupled with more far-reaching changes in the structure of industry and changes in the occupational make-up of the workforce, to control and weaken the activities of trade unions in the workplace. The earliest moves to weaken organised labour concentrated on the individual rights of workers, in extending the qualification period for unfair dismissal and maternity leave (Wedderburn,1986:69).

Subsequently, the main legislative attempts to curb both the bargaining and organisational power of trade unions were the Employment Acts, (EAs), of 1980 and 1982, and the Trade Union Act (TUA) of 1984. The first of these limited severely the picketing and secondary action rights of unions in dispute. It also outlawed the closed shop. The 1982 EA banned the use of industrial action to pursue rights of recognition and consultation, or to pressurize employers into Union Membership Agreements (UMAs), as in the case of the **Messenger** newspapers dispute[14] (Wedderburn, 1986:72). The 1984 TUA dealt more specifically with the internal organisation of trade unions, under the rhetoric of democratising allegedly unrepresentative bodies[15].

Wedderburn summarizes the combined effects of the various changes:-

> The new statutes of the 1980s have invited the common law to resume its
> dominion over industrial conflict, union security and the power
> relationships inherent in employment. They have cleared the ground of
> laws that had propped up minimum standards as a base for bargaining
> machinery, much of which is now deplored as an obstacle to lower wages
> and competitive efficiency. (Wedderburn,1986:94)

Moreover, these changes have also been accompanied with a positive role for the courts in enforcing harsh sanctions on offending unions. The important changes of the 80s are not easy to categorise, and some authors have pointed to the continued resilience of structures of collective bargaining and trade union activity in the face of this concerted attack on the vestiges of immunity[16].

The 1980s have also seen a growth in so-called a-typical or **peripheral** forms of employment such as part-time work, temporary work and sub-contracting. Combined with continued high levels of unemployment, it would not be surprising to find that these recent developments in labour law have weakened the bargaining strength of unions in the workplace, and enabled management to re-establish their decision-making prerogative without recourse to extensive forms of participation (especially participation

involving unions). In addition, this extension in the scope and range of non-typical employment has implications for health and safety and forms of collective regulation of working conditions. As the previous chapter argued, the fragmentation of employment is a central way by which managerial decisions affect working conditions (sub-contract labour being associated with less safety training, more cost-cutting etc.) and also the ability of workers or their representatives to maintain a collective approach to safety regulation. It is also a way by which the individualisation of blame is reinforced and protected, as individuals fall out of the various collective mechanisms (unions, access to safety representatives etc.) designed to protect them.

Recent survey evidence seems to differ as to the strength of forms of worker participation in the last decade. Daniel (1987:112-115), in the DE/ESRC/PSI/ACAS survey of 1984 (covering change since 1980), argues that participation in the implementation of new technology has been, on the whole, weak:-

> Our findings show that,....,there was little or no involvement of workers and their representatives in the introduction of the major changes we studied...managers generally operated in a minimally pragmatic fashion. If they could introduce the changes they wanted to without having to take account of the views of any other group or individual, they did so. (Daniel,1987:113)

In particular, Daniel found that the extent of participation and consultation, particularly through union channels, was strongly positively correlated to both the degree of resistance and uncertainty surrounding the change involved, and the extent to which the changes were organisational as opposed to solely technical.

The original survey material, however, showed a more complex development of general consultation and participation mechanisms, rather than those limited to the introduction of technical change (Millward et al.,1986). Whilst the proportion of establishments with

joint consultative committees remained constant at 34% across all sectors, there was relative decline in consultation in manufacturing, and relative growth in the public sector. The 1990 survey (Millward et al.,1992:153) found that this figure had fallen to 29%. The authors conclude that, in the early part of the 1980s at least, participation and involvement have been more affected by shifts in the structure of employment, than by disuse of committees, or managerial de-recognition of them (Millward et al.,1986:140). These conclusions would tend to confirm the arguments of MacInnes (1985:98-99), who claims that incidence of consultation, in private manufacturing at least, has remained stable in the post-war period, with constant failure and renaissance being a typical cycle. Health and safety committees were cited as frequently in 1990 as in 1984 (1992:162), although the authors report a big decrease in the number of workplaces where safety representatives existed without safety committees. This was accompanied by an increase in the proportion of workplaces where no consultation over safety takes place (from 22% in 1984 to 37% in 1990), with this trend being strongest in firms without union representation.

There is also disagreement in the survey results over the growth or decline in the role of trade unions in participation machinery. Whereas Millward (Millward et al.,1986:144) point to a slight decline of the union channel in nominating the employee representatives on consultative committees, other authors (eg. Batstone et al.,1986;117-120), argue that not only does trade union-channel representation still pre-dominate in most sectors of the economy, but that it has not suffered even a relative decline compared to **individualistic** participation techniques such as briefing groups, quality circles etc.

The 1980s have seen no major repeal or extension of the HASAWA and the SRSC regulations, save for new arrangements in reporting of accidents with the Notification of Accidents and Dangerous Occurrences Regulations (NADOR) in 1980, replaced by the

Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) in 1986. The HASAWA remains the centre-piece of UK safety legislation, with the HSE, through advisory industry committees (IACs), producing new regulations, guide-lines and codes of practice accordingly, usually in response to new EC Directives[17]. Other minor changes to legislation have been made, such as the transfer of a greater proportion of enforcement and inspection to Local Authorities and away from the HSE inspectorate. Drake et al., (1983:119-122) have argued, however, that the post-HASAWA experience has involved something of a return to a concern with specific hazards and standards in the legal regulation of safety, within the framework of self-regulation and legal accountability. This development includes the Control of Substances Hazardous to Health (CoSHH) Regulations of 1989, which demand conformity with highly technical exposure and monitoring specifications in the control of chemicals and other materials. In addition, the CoSHH regulations require management to update and continuously monitor the passage of all substances through the workplace, and through each stage of the production process, with particular attention paid the potential hazards that might result from storage and handling procedures, and the consequences of breakdowns in safety systems. As will be seen, CoSHH has had an important effect on the British chemicals factory, reported in chapter 4; it represents a combination of an extension of the 1974 HASAWA, in placing overall responsibility for safety with management, with an extension of the requirement that management devise more long-term and analytical safety control systems in the workplace, particularly associated with the monitoring of chemicals and other substances as they pass through the plant and the production processes.

There has been no shortage of research into the way in which safety committees have operated since the introduction of the SRSC regulations, at least in terms of the numbers of workers covered by committees and representatives. There is strong evidence to

suggest that the regulations led to a sudden explosion in coverage, as (usually organised) employees took advantage of the new possibilities[18]. Attendance on TUC-approved stage 1 and 2 safety courses reached a peak between 1979-1980 and fell away somewhat thereafter. Recent figures show that there are now approximately 90000 trade union safety representatives in the UK, with 10000 consultative safety committees in operation and over 100 union representatives on health and safety advisory, technical and standards committees[19]. Walters (1990:10-11) says that since this initial expansion in incidence of safety representatives and committees, coverage had stabilised and decreased in many areas. The proportion of employees covered by each institution is strongly positively related to workplace size; between 1979 and 1987, only in workplaces with more than 250 employees did the proportion of workers with a safety representative increase. Over the same period, it was only in firms with over 500 employees that the proportion of workers covered by a safety committee increased.

The Conservative government has not attempted to dilute the system of union-nominated safety representatives in any direct way; however, the Offshore Installations (SRSC) Regulations of 1989, seeking to tighten the operation of health and safety in oil fields following the Piper Alpha disaster of 1988, include systems for electing safety representatives that do not depend on the single channel[20]. There exist trade union fears that this, combined with the menu system of implementation for European company law (see later), may in the long run threaten the single channel election of safety representatives in the UK.

This thesis is not about the relationship between the frequency of accidents and the practices of worker participation in safety regulation. However, it is worthwhile to make selective use of available data, in order to enrich the background to the study, and to give a clearer idea of shifts in accident frequency over the last 20 years or so. The main source

of statistical material on safety and accidents in the UK is the HSE, depending naturally on imperfect reporting procedures. The two questions which have preoccupied commentators in this area have been - *how have the HASAWA and the SRSC regulations affected safety and health?*, and *has safety been affected in any way by the fluctuating fortunes of the economy in the last decade?* (in particular given general political moves towards the deregulation of industry).

Nichols (1990), in particular, poses the question as to whether the self-regulatory nature of the Robens report and the HASAWA has proved adequate in facing up to the shifts in the balance of power between labour and capital in the 80s; i.e. has the Act been succesful in providing the framework for effective safety regulation at a time when unions have seen their negotiating power challenged and weakened? Despite the reduction in absolute numbers of fatal injuries since 1974[21], he finds that there was a definite increase in non-fatal injury rates, calculated per 1000 employees and using other standardising criteria, across virtually every industrial group, between 1981 and 1985[22]. He also argues from the statistical evidence, that a strong up-turn in labour intensity in the early 80s was positively correlated to an increase in the relative incidence of accidents over the same period (1990:30-31). The chemical industry has traditionally a higher incidence of fatal and non-fatal accidents than for manufacturing as a whole; in 1988/9, there were 2.5 fatalities per 100000 employees for the chemical industry compared with a figure of 1.8 per 100000 for manufacturing as a whole. A similar relationship exists for non-fatal major injuries[23], although the evidence suggests that whereas accidents per 100000 employees for manufacturing industry rose slightly for the period 1986/7 to 1988/9, the accident rate for the chemical industry improved somewhat.

This history of participation in health and safety, and the legislation underpinning it, illustrates the close relationship between safety regulation and collective bargaining in

the UK. This does not mean that unions prioritise safety considerations in general dealings with management. Indeed, Hepple (1983:407) argues that much of the impulse for new safety legislation in the 1970s came from a historical failure of unions to do so. The 1974 Act, and subsequent legislation, therefore are seen as a **floor of rights** protecting employees in workplaces without unions or with weak unions. The attacks on trade unions in the last decade only serve to highlight the importance of this floor in providing minimum protection. However, safety legislation still affords a privileged role for union representatives, despite the fact that the guiding principle from Robens onwards has been that safety is an issue to be **consulted** over rather than **bargained** over. As I argued in the previous chapter, consultation and bargaining are not mutually exclusive patterns of industrial relations. However, the emphasis on union-channel representation in the UK legislation indicates the acceptance on the part of legislators that consultation is not enough with some employers, and that the floor of rights is weakened unless some kind of statutory input on the part of worker representatives exists to counter the fact that management willingness to consult is not always guaranteed. This complexity and ambivalence in the varying roles that exist for consultation, negotiation and participation in UK safety legislation give an indication of the likely pressures that shop stewards and safety representatives might feel, particularly where both jobs are done by the same person, and this issue is raised again in each of the UK case studies. As mentioned in the last section of chapter 1, the tensions of union representation in safety are an important part of this thesis, particularly in the way that they affect the expression of collective safety interests.

(iii) Co-determination and safety regulation in Germany

The later development of German capitalism and the particular nature of state power in the late 19th Century are often reasons given for the differences in the development of industrial relations in Germany[24]. However, for the sake of space and for ease of comparison, the starting point here is the reconstruction of forms of legal regulation of industrial relations after the second world war, with trade unions arguably devastated by the experience of war and Nazi oppression[25]. More discrete and institutionally separate legislation has existed over the last century in Germany. For that reason, I shall discuss first the **workplace constitution**, the body of law governing the rights and obligations of worker representatives, going on to look at health and safety regulations. I will look at the major pieces of legislation dealing with co-determination in Germany, as well as going into some detail as to what co-determination actually means in the context of day-to-day relations between management, unions and worker representatives. Although material will be discussed relating to enterprise co-determination at supervisory board level, emphasis will be given to those aspects of labour law and practice which regulate workplace relations and the activities of *Betriebsräte* (works councils) in particular.

The original attempt to reconstruct a legislative system of industrial relations was targeted at the coal, iron and steel industries, strongly influenced by the interests of allied occupation administrations in seeking to dilute the potential collective strength of this industry for the German economy and for German re-armament. The *Mitbestimmungsgesetz* (*MitbG*) of 1951, usually referred to as the *Montan* regulations, provided for extensive forms of industrial democracy, including parity involvement at supervisory board level, the placing of a labour-director on the management board, and union involvement in the nomination of some of these representatives, for those companies in this sector with more than 1000 employees. The provisions were partially

extended to the rest of the private sector in the *Betriebsverfassungsgesetz* (*BetrVG*), or works constitution act, of 1952, which also applied to the coal, iron and steel industries already covered by the previous legislation. Under the 1952 Act, one-third representation at supervisory level was granted for all public limited companies with a minimum of 500 employees. These representatives were to be elected by, and from, all employees, and not through single channel nomination, in the case of the first two board places. Subsequent places were open to external representation, in practice full-time officials. The *BetrVG* (1952) also provided for "compulsory" works councils in all private sector firms employing six or more people, to be elected by all employees. The creation of a works council had, however, to be triggered by the workforce, and a central aim of the legislators was to exclude trade unions as the focus of workplace relations between employees and management. For Hyman, these legislative decisions can be seen:-

> ...as deliberate initiatives to displace potentially insurrectionary organs by the "safe" machinery of employee representation: formally detached from the trade unions, and denied the right to mobilise opposition to the employer. (Hyman,1989:203).

Thus, one of the key aspects of German labour law throughout the post-war period has been the separation of functions between unions (collective bargaining over pay, regional and national terms and conditions, strikes and their regulation) and the *Betriebsrat* (rights to information, consultation etc., no right to strike) - an issue which resurfaces as a central aspect of the two German case studies. Neal (1987:232-233) argues that the centralising policies of leading unions such as *IG Metall*, making the region and municipality the centre of organisation rather than the workplace, were a critical early reason why subsequent legislation sought to exclude unions from the workplace in this way. Indeed, the same argument could be used to explain why the *DGB* approach to industrial democracy during this period was more concerned with representation on supervisory boards than at the level of the workplace. Indeed, Markovits (1986:289-290)

shows how, for the union movement in Germany, the issue of industrial democracy was largely one based on campaigns for an extension to the provisions of the 1951 and 1952 Acts - particularly through the extension of parity co-determination for workers in sectors other than coal, iron and steel. The policy of seeking extensions to supervisory level co-determination was also the key campaigning theme for DGB unions in the 1950s and 1960s[26], somewhat at the expense of developments in workplace-level participation.

The 1960s in Germany also saw an increase in the number and length of strikes, comparable in some ways to the growth of unofficial action in the UK over the same period. In 1966, the coalition government ordered an enquiry into the system of co-determination then in place, under the chairmanship of Biedenkopf. Streeck (1984:398-399) details the broad findings of the committee, which found that participation was overwhelmingly successful in generating consent in industrial relations at the workplace, and this forms an important historical reference point for the understanding of the tension between **integrative** and **confrontational** rationales behind participation law in Germany (see case studies). Fears voiced by management over reduced efficiency and slower decision-making were rejected. Importantly, the laws had helped to place manpower and employment issues at the heart of managerial decision-making, through making unilateral action, and the refusal to consult with workers representatives, costly in terms of opposition and delay in implementation enforced by the works council.

The *BetrVG* was subsequently revised in 1972, involving an extension and deepening of involvement on the part of the works council[27]. This law increased the numbers of works councillors permitted, established stronger links between unions and works councils, gave the power of *Mitbestimmung* to the works council over a greater range of issues, gave legal backing for the *Gesamtbetriebsrat* (joint works council) for multi-establishment firms and removed obstacles to works councillors carrying out union

duties. In other words, it strengthened the formal ability of works councils to influence management, and it diluted somewhat the exclusion of trade unions from the workplace, whilst leaving the strict separation of powers between the two bodies intact.

The *Mitbestimmungsgesetz* (1976) amended the same law of 1952, and involved an extension of industrial democracy and co-determination. However, this law was strongly opposed by employers associations, both before and after it came on to the statute book, and many of its terms fell short of *DGB* demands for effective parity co-determination[28]. Parity representation at supervisory board level now applied to all companies with over 2000 employees, although one employee representative had to be chosen from middle management. The Biedenkopf commission had highlighted the unnecessary nature of an independent element in the structure of supervisory board, and it was omitted from the final version of the *MitbG* (1976). The illusory nature of the "parity" enshrined in this law, was further ensured by the casting vote of a chairman who always had to be elected from shareholder representatives.

The threshold of 2000 employees meant that by the late 1970s, 19.6% of German employees worked in firms covered by both the *MitbG* (1976) and the *BetrVG* (1972). This proportion has remained relatively stable in recent times, with the number of firms employing more than 2000 people having increased from 472 in 1978 to 522 in 1989[29]. In comparison, in the late 1970s, 43.9% of workers (working in firms with less than 500 employees) were only covered by the provisions of the *BetrVG* (1972) governing works council co-determination[30]. Moreover, there appears to be a consistency over time with respect to the proportion of elected works councillors being trade union members. In a survey of over 33000 companies in 1990, 76.3% of elected councillors were DGB union members (compared to 76.6% in 1987). Only 20.6% of works councillors were not members of any union federation[31].

Legislation on worker participation and involvement in the German public sector is very similar to that in the private sector at the level of the workplace (there is no direct equivalent of supervisory level co-determination in the public sector). The bulk of the *BetrVG* (1972) is reproduced in similar form in the *Bundespersonalvertretungsgesetz* (*BPersVG*) or Staff Representation Act, of 1974. The differences that do exist are usually concerned with the distinction between *Mitwirkung* (a right to consultation weaker than co-determination) and *Mitbestimmung*, and are complicated further by the distinctions in German labour law between *Arbeiter* (blue collar employees), *Angestellte* (white collar employees) and *Beamte* (state officials)[32]. The differences between public and private sector workplaces in the management of health and safety are discussed in the next section. With regard to the composition of *Personalräte* (public sector works councils), there appears to be highly variable incidence of union members on the councils, depending on the nature of the industry and the urban/rural divide. A survey of local authority works councils in 1977, in the region of Baden-Württemberg, showed that only 43% were union members, and only 37% members of the DGB union for the public sector, *ÖTV*[33].

It is necessary to go beyond a formal description of the major laws concerning co-determination and statutory forms of consultation and involvement. The rights to information and participation for German workers and their representatives are positive in nature. By this I mean they are written in law, and are not the subject of voluntary agreement, custom or practice. They form part of a written, complex and highly developed labour law code, and are designed specifically to create a system of workplace industrial relations based on cooperation and industrial peace[34].

...Comparatively speaking, legalism seems to be the essential feature...in
the industrial relations system of the FRG. (Conrad,1981:210)

This is a long way from the historically unwritten immunities protecting British trade

unions. Furthermore, the positive nature of these rights makes it necessary to identify in

more detail the key legal elements which make up the system of workplace participation.

What ultimate sanction do employee representatives have in order to guarantee these

rights with obstructive employers? These central issues then become a focus for the

empirical research, particularly in the way in which they relate to industrial relations in

general, and the informal world of workplace relations.

The ultimate recourse for a works council in either the public or the private sector, when

it considers that management has failed in fundamental terms to fulfil its obligations

under the law, is to go to the federal labour court, the *Bundesarbeitsgericht* (*BArbG*), or

its equivalent at regional or lower levels (*BetrVG*,para23(3); *BPersVG*,para71(1)).

Companies in the private sector can be fined a maximum of DM20000 under

*BetrVG*,para23(3) for breaches of basic obligations with regard to the rights of works

councils. It is very uncommon for disputes to reach this level; when they do it usually

involves test cases where anti-works council employers have attempted to obstruct some

or all of the provisions, or have tried to intervene in the process of works council

elections[35]. Evidence suggests that the labour courts are on the whole sympathetic to the

side of employee representatives in these cases[36]. The law makes it illegal for employers

to interfere with the process of election of works councils in any way (*BetrVG*,para20(1-

2); *BPersVG*,para24(1)), and have even ruled against the separation of business

departments designed purely to reduce constituent employment levels and thereby reduce

the numbers of works councillors permitted etc. This contrasts with the relative freedom

of employers in the UK to manipulate employment in this way (**Messenger** newspapers,

Wapping etc.).

The most important legislative prop to participation below recourse to labour courts is the *Einigungsstelle* (agreement position or arbitration). This exists in both the private (*BetrVG*,para76) and the public sectors (*BPersVG*,para71), and is the procedure followed in the case of continuous disagreements between the works council and management. It involves the establishment of a separate body, involving representatives from either side and a mutually agreed neutral chair. The decision of this body is final and binding, and refusal of either side to recognise and act upon the decision can invoke further recourse to the labour courts.

The laws describe fairly clearly which matters are subject to *Mitbestimmung* (*BetrVG*,para87(1-12); *BPersVG*,para75(1-3)) and, in the case of the public sector, which come under the weaker kind of joint decision-making *Mitwirkung* (*BPersVG*,para78(1)) as well as those which apply specially to *Beamte* (*BPersVG*,para76(1-2)). Included in the list of matters to involve co-determination in the strong sense are the organisation of work, working time and the length of the working day, methods of payment, the distribution of holidays, accident prevention etc. This general list of subjects which qualify for *Mitbestimmung* is supplemented in other areas (i.e. *BetrVG*,para91 on changes to working methods) and in other laws. This means that *Mitbestimmung* applies to health and safety narrowly defined, and to the range of issues broadly termed working conditions which, as I argued in the previous chapter, are central to the creation and regulation of hazards. The law in the public sector further grants works councils a period of time to respond to a management proposal which has been submitted to them; ten days, although this can be reduced to three days by management in exceptional circumstances (*BPersVG*,para69(2)). Similarly, the same paragraph states that the Einigungsstelle must reach its decision over a dispute within two months of being notified of the problem[37]. A similar protocol covering the process of *Mitbestimmung* in

the case of private sector works councils is contained in the individual provisions of the *BetrVG*.

A further important positive right associated with participation is the protection from victimisation for those who carry out the work of the works council (*BetrVG*,para78; *BPersVG*,para8). In both laws the victimisation of works councillors, as well as preferential treatment for them is clearly outlawed. Victimisation in this sense also includes obstruction of *berufliche Entwicklung* (professional development). In addition to these "positive" rights detailed above, the legislation also provides for extensive secondary and administrative support for works councils in carrying out their duties. In both the private and public sectors, the costs of elections (*BetrVG*,para20(3); *BPersVG*,para24(2)), the costs of the general running expenses of the council (where appropriate, *BetrVG*,para40; *BPersVG*,para44) and the administrative costs incurred by recourse to the *Einigungsstelle* (*BetrVG*,para76a; *BPersVG*,para71) are all borne by the employers.

The trade union has no legal rights in the workplace in Germany, by way of the strict separation of functions between regional wage negotiations between union and employer federations on the one hand, and the negotiation of workplace issues in a structured atmosphere of industrial peace between management and employee representatives on the other[38]. This, as we have seen, does not prevent the majority of works councillors being trade unionists, or representation on works councils being a primary goal of many trade unions as a way of gaining some influence at workplace level[39].

To pause for a moment, the object of the discussion here has been to outline the broad legislative framework within which worker participation operates in the FRG, to examine in more detail some of the key positive rights which distinguish legalistic forms of

industrial democracy, particularly at workplace level, from those which operate under voluntary agreements and ad hoc initiatives (i.e. in the UK) and to present elementary statistics which illustrate the extent of coverage that works councils possess in both the private and public sectors. To re-iterate, this thesis seeks to use cross national and cross sectoral research to inform an understanding of the various ambiguities and tensions in health and safety participation. To this end, the differing structures of participation, and the different kinds of legal framework in the countries forms a key comparative axis in this thesis, the other being the control of work, differential experiences of work pressure and managerial strategy in the public and private sectors.

The law on participation in Germany has implications for workplace management of health and safety. Like Britain, legislation to regulate working conditions in Germany was introduced as a response to the deprivation and poverty of the late 19th Century. Again, the focus was on specific problems, and specific groups of workers, leading to legislation for miners and seamen (both 1887) and for the protection of children (1903) and women (1908). However, analysis of German legal regulation of health and safety must focus on the dualism of *staatliches Recht* (state law) and *autonomes Recht* (autonomous or civil law). The first is legislation produced by the government periodically, which applies to all workers, and which is broadly concerned with absolute minimum standards or particular hazards and dangers, like asbestos for instance. Laws which have been produced in this way recently include the *Chemikaliengesetz* (chemicals law) of 1980, and the *Gefahrstoffverordnung* (hazardous substances regulations) of 1986.

However, a large body of law is also produced through a system of self-regulation; the *autonomes Recht*. The root of this law, for health and safety at the workplace is the *Reichsversicherungsordnung* (*RVO*), or Imperial Insurance Order of 1911, revised with important amendments in 1963. This law provides for two important features of health

and safety. Firstly, the *Unfallversicherungsträger*, or accident insurance bodies, which are organised by industry in the private sector (*Berufsgenossenschaften* (*BGs*)) and regionally in the public sector (*Gemeindeunfallversicherungsverbände* (*GUVV*)). Cities with population of more than 500,000 have the right to form an independent inspection agency of their own. All employers must be a member of one of these three bodies, which are managed and run by a strictly bipartite assembly and parliament of trade union and employer representatives. This is the principal way by which employers insure their employees against accidents at work, and employers in both sectors must be a fee-paying member of one of these organisations[40]. These subscriptions are, in a small number of BGs, partially refundable or surchargeable depending on the accident and general safety record of a member company over a period of time[41].

The *BGs* and *GUVVs* also perform two further central functions in health and safety. Firstly, they issue binding *Unfallverhütungsvorschriften* (*UVVs*), or accident prevention regulations, which have the status of law, and which address particular hazards and technologies, although there are also sets of general *UVVs* which set minimum standards of safety for the workplace as a whole, and place responsibility for safety with employers in much the same way as the HASAWA does in Britain. These *UVVs* are generated from within the umbrella bodies for the *BGs* and *GUVVs*, and are ratified individually. Membership of a *BG* or *GUVV* automatically brings an employer under the legal requirements of these regulations. Secondly, both the *BGs* and *GUVVs* take on a high proportion of inspection and enforcement functions of member firms and establishments. They work hand in hand with the *Gewerbe Aufsichtsamt* (*GA*), or state inspectorate, and have similar powers of enforcement, through the *technische Aufsichtsbeamten* (*TABs*), or technical inspectors. Although all employers must be a member of an insurance body, *UVVs* do not apply to *Beamte*, who are regulated by separate insurance arrangements.

However, in practice, the *UVVs* do get implemented as non-binding internal regulations and guidelines[42]. The period 1969-1979 saw a 60% increase in the number of *TABs*[43].

The second main provision of the *RVO* (1963), is that each employer should appoint an appropriate number of *Sicherheitsbeauftragten* (*SBAs*), or safety representatives (*RVO*,para719(2)), who then take on a watch-dog function with respect to workplace health and safety problems[44]. The law provides little guidance on the selection and responsibilities of the safety representatives, other than the need for experience on the part of these *SBAs* and a general requirement to support employers in the carrying out of accident prevention duties. The *Betriebsrat* has no rights to *Mitbestimmung* in the appointment of the *SBAs*. They are supposed to be a link between management and the workforce[45]. In addition, the *SBAs* take on the functions of representing workers on health and safety matters, in workplaces where there is no *Betriebsrat* or *Personalrat* (Diekershoff,1979:2). In the public sector, each *GUVV* produces separate laws on how the requirements of the *RVO* are to be implemented. For example, the *GUVVs* of Baden and Württemberg jointly produce *UVVs* which stipulate the numbers of *SBAs* required, the thresholds of numbers of employees requiring the employment of workplace doctors, as well as the number of hours to be worked by safety specialists for a given number of employees[46].

The law does make clear however, that the *SBAs* have no legal responsibility for accidents or poor safety practices; they are merely in an advisory position with regard to the observance of protective legislation. Indeed, the law stipulates that the delegation of general managerial responsibility for safety be done in a highly formalised manner with written contracts along a line of *Vorgesetzten* (superiors), usually line management, specifying the exact responsibilities involved in each position. Comparison between the role of German *SBAs* and safety representatives in the UK emerges in the fieldwork

chapters. A major empirical study of *Sicherheitsbeauftragten* was carried out by Diekershoff (1979), drawing on survey evidence from eight companies in both the private sector, and pseudo-public sector utilities. The study appeared to confirm a highly unorganised system of selection of *SBAs* with "..no criteria.." being most reported at over 50%, followed by "..length of service.." at 16% (Diekershoff,1979:35). Another important finding was that in the utilities, operating as autonomous firms funded by public money, there was a far higher incidence of *SBAs* also taking on the functions of *Vorgesetzten* as well (1979:19). This tends to support the research I carried out in the German public sector, and is further discussed in chapter 7.

In the field of statutory legislation, the main pillar of health and safety provision is the *Arbeitssicherheitsgesetz* (AsiG), or Health and Safety at Work Act of 1973. This applies directly to the private sector only, as it is up to regional *Länder* parliaments to pass public sector legislation, although the law does stipulate that employers in the public sector must make health and safety provisions of equal value (*AsiG*,para6)[47].

The three main provisions of this law are for *Fachkräfte* (safety specialists), *Betriebsärtze* (company doctors) and for an *Arbeitsschutzausschuß* (*ASA*) or health and safety committee. The *Fachkräfte*, previously optional, became a compulsory part of health and safety with this law. Their minimum working hours per year vary greatly between industries, as they are fixed by the respective *BGs* and *GUVVs* who use variable criteria such as workplace size, hazards involved in production etc. The tasks of the *Fachkraft* are specifically laid down in the *AsiG*, and centre on the function of compliance with *UVVs*, liaising with management on safety matters, and on relationships with bodies such as the *ASA* and the *Betriebsrat*. The *Fachkraft* should carry out his/her function solely according to safety criteria, and not with regard to the financial position of the company; thus, as with the *SBAs*, there is no direct legal responsibility on the

*Fachkraft* for accidents and poor safety, so long as he/she has discharged their advisory duties to the employers, who remain legally responsible. The law also stipulates that management can reject the advice of *Fachkräfte*, so long as written reasons are given for such refusal (*AsiG*,para8(3)). *Betriebsärtze* are employed in very similar ways, with required hours stipulated by the appropriate *BG* or *GUVV*. Like *Fachkräfte*, they can be employed full-time, but more usually are contracted in from local medical practices, or shared with other firms, in order to meet the necessary number of hours required to be worked in a year. *Fachkräfte* are often employed full-time by a company, with only a portion of time taken up by specifically safety functions[48].

The *ASA* is not a decision-making body; it is made up of representatives of management, the *Betriebsrat* and *SBAs*, includes the company doctor and safety specialist, and must be formed by the employer if the company also employs either a *Fachkraft* or a doctor (*AsiG*,para11). Additionally, specialists should be invited as and when appropriate (*AsiG*,para11). Failure to establish such a committee can lead to prosecution under *AsiG* (para12). The committee is given a number of duties such as the administration of training for *SBAs*, the investigation of accidents, the preparation of collective agreements over health and safety (where appropriate) and collection and distribution of accident statistics[49].

The law provides for only minor *Mitbestimmung* rights for the works council in the work of the *ASA*; in the number of representatives on the committee, and the processes for selecting them. The works council also jointly draws up the agenda for the sittings of the committee[50]. In this sense, the functioning of the *ASA* is very similar to that of the safety committees in Britain; however, although the committee has no decision-making powers:-

Der Betriebsrat kann die Initiative ergreifen und sein
Mitbestimmungsrecht geltend machen, wenn der Arbeitgeber die
Beschlüsse des Arbeitsschutzausschußes über zu treffende
Arbeitsschutzmassnahmen nicht durchführt. (Nitschki,1990:88)

[The *Betriebsrat* can grasp the initiative and invoke its co-determination
rights, if the employer does not carry out the appropriate health and safety
decisions of the health and safety committee]

This is a key aspect of the system of legal regulation of health and safety in Germany.
Institutions such as the safety committee, or safety representatives, whilst in isolation
possessing very similar powers to their UK counterparts, form part of a system of
participation and positive rights, centred on the more encompassing rights of a works
council, which has no precise equivalent within the voluntarist British system[51]. The
analysis of such systemic effects is a central part of the two German case studies.

*Mitbestimmung* rights exist for the management of health and safety in both the private
and public sectors (*BetrVG*,para87(7); *BPersVG*,para75(3)). In both of these cases, the
law specifies that this *Mitbestimmung* applies to matters involving the prevention of
accidents (*Unfallverhütung*), a term which narrows the field of health and safety, and one
which has been the subject of dispute in labour court cases. Recent court decisions have
favoured a strong reading of this *Mitbestimmung* right, extending it to include the right to
jointly determine the selection of SBAs, for example[52]. The *BPersVG* (para81(1-5)), and
the *BetrVG* (para89(1-5), both stipulate the range of measures, such as inspections and
new regulations; which the employer must involve and inform the works council about.
As is the case with British health and safety legislation, there have been relatively few
changes to the basic framework of protection since the acts of the 1970s, although the
legislature has similarly passed new laws dealing with specific hazards[53]. This is not
surprising given the European Community origin to much of recent health and safety
initiatives.

The previous paragraphs have attempted to give an overview of the central laws which govern participation in health and safety in Germany. In such a highly developed legal system, it is obviously impossible to detail every aspect of the system. By way of conclusion to this section, I would like to present a synopsis of secondary material, dealing with the statistical background to accidents and occupational health, for German industry as a whole as well as the sub-groups of chemicals manufacturing and the public sector. It must be said here, that direct comparison of fatal and non-fatal accidents is very difficult between the two countries, given that, amongst other things, road traffic accidents occurring on the way to work are also included in the German figures.

ILO figures (1988:1017,1023) show that occupational fatalities in Germany fell from 3089 to 2302 between 1983 and 1986. Taking a longer time period, there has also been a strong decline in reportable (3-day) accidents in private sector industry in Germany, from 102.5 per 1000 full-time workers in 1970 to 51.6 per 1000 in 1989[54]. Interestingly, the same figure for the chemical industry fell from 99.0 in 1970 to 36.0 in 1989[55], indicating that over this period the level of accidents in the chemical industry fell from roughly the national average to well below it. Occupational illness has been the major growth area for health and safety problems in the chemical industry. Whilst absolute numbers of new cases of occupational illness fell from 5613 to 3941 between 1980 and 1989, the figure for the chemical industry rose from 226 to 342 over the same period, the highest percentage increase for any industrial grouping[56]. Over the same period accident fatalities (excluding road traffic accidents) fell from 1807 to 1098 for industry as a whole, against a fall from 61 to 29 for the chemical industry[57]. The *BG Chemie* annual report shows how employment in the chemical industry is highly polarized between small and large firms. Whilst 4655 (47% of the total) companies employing less than 10 people account for only 1.6% of employees, the largest three companies (Hoechst, BASF and

Bayer) employ approximately 12% of employees[58]. Further, whilst accident rates per 1000 employees stood at 15 for the "big three" companies, it peaked at 59 per 1000 employees for firms employing between 50 and 99 people[59]. Figures collected by the umbrella organisation for public sector GUVVs do not break down figures between regions, although accidents (excluding road traffic) have consistently fallen in recent years, by a slight amount, in the public sector as a whole from 178467 in 1986 to 167905 in 1989[60]. In Baden-Württemberg, the GUVV produces accident statistics, showing an increase from 14595 to 15597 between 1986 and 1990[61]. Further statistics, particularly those related to the departments and workplaces where the research was carried out, are presented in each case study chapter when appropriate.

(iv) European legislation and the internal market.

This last section is included primarily as a context in which the legal position of the two countries can be located. The period from the mid-1980s onwards has seen a renaissance in the discussion of issues of European integration, particularly at the economic and financial levels. This has been accompanied by real, substantive changes in the structure and practice of the EC, inspired fundamentally by the Single European Act of 1987, which changed voting rules in some areas of policy in order to achieve more efficient and quick decision making throughout the business of the community.

These developments are centrally important to the future of industrial relations in member countries: the process of European integration is business-led and is essentially one concerned with economies of scale required in order to compete effectively with Japanese and US producers[62]. With the ever-increasing interdependence of nation-states upon multinational producers and employers, this process of expanding the economic

space under which European employers are to operate has come to require major re-structuring at the level of the political economy. The agenda for analysts of industrial relations is principally one set by the divergent processes of economic deregulation and liberalisation on the one hand, as against attempts by governments and democratic movements (including trade unions) to re-establish and construct a degree of regulation and social protection at the European level, as a replacement for existing national practices[63].

At the same time, the issue of the **social dimension** has attracted considerable attention, as trade unions at national and European level have attempted to develop a strategy on collective bargaining across national boundaries, and have attempted to develop stronger links with employers' bodies in order to achieve this (the **social dialogue**, Val Duchesse etc.). This process of establishing a social dialogue is also promoted by the Single European Act (Article 118b). There is insufficient space to develop these issues here; rather, I will look at recent developments in European legislation which are important in our considerations of industrial relations, worker participation and the regulation of health and safety. Indeed, European legislation is likely to become the key arena in which unions can hope to influence the management and regulation of health and safety in Europe in the future, as Brussels, despite difficulties over political union in the broad sense, comes to influence and initiate national protective legislation to a greater extent[64].

The EC has been active in the field of health and safety regulation for many years now. Both CoSHH in the UK, and its equivalent, the *Gefahrstoffverordnung* in Germany, have their roots in European initiatives in this sphere. The amendments made to the Treaty of Rome (1957) by the Single European Act specify that whereas decisions affecting "the rights and interests of employed persons" (Article 100a) still require unanimity in the Council of Ministers[65], those dealing with health and safety matters, as well as with the

working environment, require only a qualified majority (Article 118a). This has led to a series of new Directives which have health and safety as their central theme, including the "Framework Directive" (Directive 89/391/EEC - adopted 12/06 89) which involves general health and safety measures, and which requires very little legislative amendment in the UK. This Directive has also been instrumental in the production of several other "daughter" Directives: some of these have already been adopted, such as that on Personal protective equipment (Directive 89/656/EEC - adopted 30/11/89), on the use of work equipment (Directive 89/655/EEC - adopted 30/11/89), on minimum workplace requirements (Directive 89/654/EEC - adopted 30/11/89) and on VDU use (Directive 90/270/EEC - adopted 29/5/90)[66].

Several of the Directives produced in recent years include provisions for worker participation and involvement in the management of health and safety, particularly regarding the circulation of information, formal involvement of workers (eg. Article 7 of the Protective equipment Directive), rights to consultation (eg. Article 8(2) of the Minimum workplace requirements Directive) or the right to request a visit by the appropriate enforcement agency if employee representatives are not happy with safety measures in existence (eg. Article 6(2) of the Use of work equipment Directive). Many of these new laws are general rather than specific in nature, establishing responsibilities on the part of employers rather than prescribing definite practices.

A common theme linking this new body of European legislation on health and safety with proposed legislation on the harmonisation of company law and employee rights is that of "mutual recognition", which Streeck (1991:335-337) defines as a process of "negative integration" whereby the process of gradual harmonisation is achieved through the mutual recognition of standards, practices etc. of each member country in other states. Therefore, the EC does not, in many circumstances, regulate what practices must exist in

each country, but seeks to make sure that each country recognises the laws and standards of others, as far as this is possible. It is a process very similar to that of **subsidiarity**, whereby decisions are made at the lowest possible level of decision-making within the Community. The principle of subsidiarity, an important issue for the UK government in recent years, was included in the final wording of the Social Charter, signed at the Strasbourg summit in December 1989[67].

Streeck argues that the process of mutual recognition is critical to the wishes of international business in establishing an economic space where the advantages of broader production possibilities are not offset by the renegotiation of excessive labour regulation and protection. He argues that the success of mutual recognition in the shaping of European labour law, to be seen in the **menu-type** draft Directives on worker participation leaving a maximum amount of discretion in the hands of national parliaments in the implementation of the new laws, is partially responsible for the failure of positive integration-type legislation such as the Fifth Directive and Vredeling to pass through the Commission (Streeck,1991:342-343). This is a key reason why it is therefore most unlikely that the development of labour legislation at a European level will involve the integration of a comprehensive system of worker participation in health and safety, involving positive rights, at a level beyond that of established national practice. Thus, whilst Euro-led initiatives in health and safety can reasonably be expected to increase in importance, they will be grafted on to existing national arrangements for the general regulation of employment rather than generate a specifically new arena of legislative support for participation.

Schmitthoff (1977:6) charts the development of positive legislative proposals on worker participation through the EC in the 1970s. The **European Company Statute (ECS)** (from 1970 onwards), the **Fifth Directive** (from 1972) and the revised version of the ECS

(1975) all looked for the best formula for ensuring compulsory employee participation at supervisory board-level. Both of these draft proposals, in addition to those concerned with the availability of information to employees (Vredeling,1980)), have been resurrected at points in the last ten years, as the issue of European integration has reappeared at the centre of national and supra-national politics. Partially, however, because of the difficulty of such positive legislation, discussed above, and partly because of the problems of unanimity required in the area of the rights of employees, all of this legislation has either been temporarily shelved, or disappeared from the agenda altogether.

A new initiative proposed by the EC is a draft Directive on the **European Works Council** (amended in September 1991), which, like some health and safety legislation, originates in the 47-point Action Programme drawn up by the Commission in conjunction with the Social Charter in the autumn of 1989 (Hall,1990a:34). It is designed to make consultation and involvement in European multi-nationals compulsory, through the establishment of works councils in such companies. Gold et al,(1991) have analysed the possible implications of such a Directive, through a study of existing voluntary arrangements for European-wide consultation in 15 multi-nationals. They come to the conclusion, in line with the predominance of national practice in safety regulation, that existing national practice within the parent company is critical in shaping the nature and content of such experiments, and show how two models, broadly speaking **French** and **German**, appear to dominate the agenda in this area. Whilst consultation in French companies tended to involve joint committees combining management and worker representatives, the initiatives originating in German companies (including **Volkswagen, Mercedes-Benz** and **Allianz**) tended to involve the existing works councils (and unions), with only modest and informal support from employers. These findings would appear to suggest that European-wide experiments in participation do not necessarily involve an

organic growth in the power resources of employee representatives; rather, it could be argued that voluntarist forms of participation such as these must accommodate themselves with existing practice, and must often acquire their legitimacy by the very fact that they do not challenge existing arrangements for collective bargaining, dispute resolution etc. The authors of this study confirm such experiences in several of the companies mentioned. It is also important to recognise this distinction between legislative and voluntarist forms of participation in comparing involvement in Britain and Germany.

Further, the study appears to confirm the hypothesis of Streeck (1991:343-344), that European integration and deregulation are likely to help stimulate company-specific systems of industrial relations, as multinational firms tend to take on an importance greater than that of employers' federations in the European economy. With this in mind, experiments with participation can be seen as part of a process of internal company restructuring with the changes of the internal market uppermost. In this context, Hall et al., (1991:30) show how manager respondents saw the process of extension of the sphere of consultation as a positive channel for restructuring at a European level.

This chapter has extensively referenced the key aspects of legislation and established practice in both worker participation and health and safety in Britain and Germany in the last 45 years. It has also looked very briefly at official statistics on health and safety, accident rates nationally and by industry and on some trends in occupational illness, as well as empirical studies which have looked at worker participation. It has also discussed the relevance of a sphere of European influence over labour law, and health and safety legislation, and raised some of the broader issues surrounding European integration and labour regulation and deregulation.

Clearly, there is a good deal of divergence and convergence in the relevant history and experience of the UK and Germany. My research will attempt to analyse workplace practices in the light of these national and sectoral differences, whilst at the same time seeing problems of participation in the management of safety regulation as fundamentally central to industrial organisation. The next chapter discusses in more detail the research methods used in carrying out the fieldwork, and talks further about the methodology of cross-national and cross-sectoral comparison.

Notes.

1. See chapter 3 for details of the choice of the chemical industry for the purpose of carrying out the private sector case studies.

2. For an excellent overview of the history of forms and practices of participation in the UK and Germany see Lane (1989:226-239 and 241-243).

3. The lack of general "positive" legislation, for example on the length of the working day, on minimum standards, holidays etc. has obvious implications for working conditions and safety regulation. See, especially, Hendry,1989:9 and Hepple,1983:405-407. Protection was usually extended to the employment of women and children, indicating a faith in the role of local negotiation, for (unionised) men, in regulating working conditions.

4. These laws are commonly called the four "codes", and are the Mines and Quarries Act of 1954, the Agriculture Act of 1956, the Factories Act of 1961 and the Offices, Shops and Railway Premises Act of 1963.

5. The Bullock report was the culmination of an intensive debate within the labour movement concerning the pros and cons of statutory worker participation. Whilst the TUC, in its submissions to the Bullock committee, were enthusiastic about the need for legislation in this area, the policies of member unions were more diverse and sceptical. A composite motion at the 1974 TUC conference rejected the need for enforced worker participation in favour of an enhanced status for collective bargaining. The TUC, it is claimed, misjudged the mood of the trade union movement in promoting statutory participation (Edmonds,1977:4).

6. The Bullock Committee were confined in their remit to the discussion of industrial democracy at board level only. McCarthy (1988:6) argues that the importance of the European Community (EC) Draft Fifth Directive on employee involvement is important in this respect, and the Bullock Committee itself uses the German Mitbestimmungsgesetz of 1976 as a benchmark for the (arbitrary) choice of 2000 as the employment threshold (Bullock,1977:128-129).

7. Brown,1981, reported in MacInnes,1985:97-98.

8. The industrial democracy experiment at the Post Office was established along the lines of the Bullock majority recommendations.

9. Dawson et al.,(1988:12-13) suggest that the fall of the Conservative government in 1974, and the enactment of the Robens report by a Labour administration, help to explain the much stronger role for trade unions in the subsequent legislation. See also Nichols (1990:27).

10. The HSE has, it is argued, sought not to be involved in the enforcement of the SRSC regulation (Walters,1990:22). See also, IRRR(HSIB),No.184 (5 April 1991:8) on the wishes of trade unions to see the SRSC regulations more strictly enforced by the inspection agencies.

11. Drake et al.,(1983:199-201) argue that the safety representative is a function which partly exists to allow others (i.e. managers) to discharge their legal obligation (eg. under the HASAWA) to inform, consult and involve employees or their representatives.

12. IRRR(HSIB),No.184 (5 April 1991:2). Prosecutions are far more common in the UK than in Germany; with 2812 cases against only 177 in 1987.

13, Although the HSC includes parity representation for union nominees, the executive enforcement agency, the HSE, has a chair appointed by the Secretary of State, with consultation with unions on further appointments. This contrasts with the strict bipartite parity of the Berufsgenossenschaften (BGS) and Gemeindeunfallversicherungsverbände (GUVV) in Germany.

14. The Messenger Newspapers dispute centred on the de-recognition of the National Graphical Association (NGA) by a group of newspapers, each of which became a separate employer in the eyes of the 1982 EA, thus making concerted industrial action illegal. The 1982 Employment Act also included a far more rigid definition of a trade

dispute, now limited to workers' own employer, and directly concerning employment matters, thus outlawing political strikes and all forms of secondary and sympathy action.
15. The three main clauses of the Act ruled firstly on the compulsory carrying out of secret ballots for strike calls, including strict terms under which the call could be phrased and a compulsory warning to employees that striking is in possible breach of employment contract. Secondly, compulsory secret ballots were introduced for the election of union officials, and funds were made available from central government to finance the carrying out of these ballots; TUC policy has been opposed to taking advantage of such opportunities, although several unions have utilised the funds (Wedderburn,1986:81-82). Finally, ballots had also to be held for the payment of a political levy by a trade union, a move arguably designed to weaken the Labour Party through striking at a key source of its funding (Coates et al.,1986:100-106) The cumulative effect of the new legislation was seen clearly in the miners' strike of 1984-5; particularly regarding secondary action and the liability of the union in common law for damages resulting in an illegal dispute (Coates et al.,1986:90-95, Beynon,1985).
16. See for example, Batstone et al. (1986:pp45-47,pp60-64,pp69-78).
17. There is also strong union representation on these IACs.
18. Drake et al.,(1983:197) report that by January 1981, the AEU organised workers in 2436 establishments, with a total of 12080 safety representatives.
19. IRRR(HSIB),No.190 (4 October,1991:2)
20. IRRR(HSIB),No.184 (5 April 1991:8).
21. IRRR(HSIB),No.190 (4 October 1991:2).
22. Nichols (1990:17).
23. IRRR(HSIB),No.190 (4 October 1991:5).
24. Fox (1978:26-29).
25. The extent to which trade unionism survived the third Reich in Germany is the subject of some historical debate. Compare, for example, the differing comments of official *DGB* publications on the degree of damage done to German unions (*DGB*,1973:72, and *DGB*,1981:10). For Mandel (1980:104), the effects of Nazi oppression were deep and lasting:-"It is not difficult to locate the social and political secret behind this "success". The smashing of trade unions and all other workers' organisations, and the resultant atomization, intimidation and demorilization, condemned a whole generation of workers to loss of their capacity of self-defence."(original emphasis).
26. Markovits (1986:299) also shows how the importance of parity co-determination at supervisory board level for *DGB* unions was strongly related to the increasing centralisation of leading member unions such as *IG Metall* and *IG Chemie* and the importance of macro-political rationalisations of industrial democracy as a potentially genuine opportunity to challenge the power of capital.
27. In addition, there is regional variation in the implementation of the *BetrVG*. Each of the 11 (now 16) *Länder*, or regions, has its own equivalent of the federal *BPersVG*, a *LandesPersVG*, with only fairly minor variations in the extent of *Mitbestimmung* afforded to employee representatives across a range of issues.
28. See, for example, Spieker (1989:244-257) on employer opposition to the implementation of *Mitbestimmung* legislation.
29. See WSI Mitteilungen,7/1990,pp468-476.
30. Streeck (1984:404).
31. Die Mitbestimmung,3/91,pp221-222. In 1990, 23.5% of works councillors were women, and 4.6% foreign workers. This compares to figures of 20.5% and 4.5% respectively for the year 1987.
32. Seglow P. et al.,(1982:21-23) discuss the important differences between *Beamte* and the other employment categories, especially with regard to collective bargaining and the right to take industrial action, as well as showing how the difference has been eroded in practice in recent years.

33. Kübler, (1981:59). *Personalrat* elections alsotake place, as a rule, every four years (*BPersVG*,para27(1)).

34. Matters which are classified as part of the *Arbeitskampf* (labour struggle) are not allowed as part of the general process of joint decision-making. See, *BetrVG*,para74(2).

35. Nakielski (1987:712-721). A *DGB* survey suggested that at least 10% of firms had tried to interfere with the process of *Betriebsrat* elections.

36. Nakielski (1987:715). The labour courts generally have three members; a professional magistrate/judge, plus a representative of employers and of the trade unions. See also Gold et al.,(1990:39) on how labour court decisions in Germany have tended to reinforce the *Mitbestimmung* rights of employee representative bodies.

37. cf. the arguments of Streeck (1984:398-399), on how the potential for works councils to legally delay unfavourable decisions has led to a reorientation of management policy with regard to long-term planning and the development of an internal labour market).

38. The law also governs the rights of trade union officials and representatives, to time-off for example. For recent labour court decisions in favour of paid time-off for union business, see International Labour Review, Vol.130,1991,No.1, p108.

39. "West German industrial democracy - its so-called 'works constitution' - is now the main mechanism by which unions represent their members *vis-à-vis* employers." (Streeck,1991:319,my emphasis). This issue is very important to the research and resurfaces in the fieldwork chapters. German unions have been involved centrally in some recent developments in the creation of multinational works councils; for example at *Volkswagen* (Gold et al.,1991:30).

40. Membership rules for *BGs* in particular lead to interesting anomalies. If one shifts production methods fundamentally, one does not necessarily have to switch *BG* membership, meaning that some firms originally involved in wood-working in the last century still belong to the appropriate *BGs* even though working methods bear no further resemblance to wood-based technology.

41. *BG Chemie* operates this system of rebates; see chapter 6.

42. Grassl M. et al.,(1982:40-44).

43. ILO,1984:43.

44. I use the translation *safety representative*, despite strong differences between the position of *SBAs* and safety representatives in the UK context. In Germany, *SBAs* are selected by management, and do not have any mandate over the representation of specifically workers' interests in health and safety, although to cast them as management agents or representatives would also, I feel, be misleading.

45. Amtliche Mitteilungen der Bundesanstalt für Arbeitsschutz, January 1990,pp10-12.

46. "Allgemeine Verwalutngsvorschriften" des Landes *Baden-Württemberg*,15 Dezember 1983,para33.

47. This has been a confusing legal issue for employers in the public sector over the last 15 years or so. See Nitschki,1990:96.

48. For a full discussion of the ways in which work-hours of safety specialists and company doctors are calculated, see Nitschki,1990:pp32-33, pp16-17 respectively).

49. Nitschki,1990:87.

50. Nitschki,1990:88.

51. Gill (1990:4) emphasises how in the British context, so much of the agenda and pace of worker participation and involvement is set by management, with strong implications for how we view the processes involved.

52. Der Personalrat 3/89,pp65-67.

53. The main new piece of legislation in general employment matters is the *Beschäftigungsförderungsgesetz* (employment promotion act) of 1985, which sought to promote temporary employment through extensions to periods of justifiable temporary contracts etc. For a fuller discussion of comparable developments in temporary working, see Casey et al.,(1989:449-466).

54. "*Arbeitsunfallstatistik für die Praxis*",Hauptvorstand der gewerblichen Berufsgenossenschaften,1990:17.

55. "*ibid*",1990:19.

56. "*ibid*",1990:32.

57. "*ibid*",1990:34.

58. Jahresbericht, *BG Chemie*, 1989:16.

59. ibid, 1989:16.

60. Jahresbericht, Bundesverband der Unfallversicherungsträger der Öffentlichen Hand, 1989:50.

61. Verwaltungsbericht, Württemberg Gemeindeunfallversicherungsverband, 1990:43.

62. Labour Research Department,(1989:13).

63. Deakin et al.,1989:1-3.

64. I shall assume a good degree of knowledge on the part of the reader with respect to the functions and institutions of the European Community in decision-making.

65. Effectively meaning a lack of progress in many areas given the power of the (largely British) veto.

66. IRRR(HSIB),No.192 (6 December 1991:9-10). Many more Directives have been proposed and are likely to become European law in the next two or three years, including an eighth "daughter" Directive, concerning temporary worksites (including building sites), which seeks to increase supervision on construction sites employing more than 20 people or existing for over 30 days, a Directive which may require extensive amendment to UK health and safety legislation; see IRRR(HSIB),No.192 (6 December 1991:12).

67. Hall M (1990:6).

# Chapter 3.

Research methods.

(i) Defining the research problem

This thesis began with an interest both in forms and practices of worker participation on the one hand, and the development of the Single European Market (SEM) in the second half of the 1980s on the other. As has already been discussed in the previous chapter, a central dispute over the evolution and direction of the SEM, has been, broadly speaking, that concerning employment law harmonisation, the construction of a **social Europe** etc. This led me to an interest in statutory versus voluntarist participation schemes, and to the progress of European legislation such as the Fifth Directive, Vredeling and the European Company Statute. Lately, the proposed European Works Council Directive has taken up many of the themes included in the earlier attempts at legislation.

I was therefore determined, from the outset, to carry out cross-national research of some kind. Germany seemed to have four advantages as a choice for comparative research. Firstly, I had already carried out preliminary research into worker participation and the SEM as part of my Masters dissertation. Secondly, this had allowed me to establish some contacts in Germany, to develop a basic grasp of German etc., making access, and subsequent success at doctoral level more likely. Thirdly, and most importantly, Germany offered the opportunity to study the relationship between worker participation and other issues (trade unionism, interest representation etc.) in the context of a statutory framework of works constitution law, which stood in contrast to the tradition of voluntarism in the UK. Finally, existing studies of an Anglo-German nature (for example, Maitland,1983), as well as ones focusing on particular aspects of German industrial relations (eg. Koch,1978 in the case of shop steward organisation), provided the starting point in the construction of an effective research design at workplace level in the two countries.

The methodological problems of carrying out cross-national research in two very different legal and regulatory environments were great. Krieger raises the same issues:

> ...it is impossible to avoid certain difficulties with the precise comparison of contracts of employment and collective agreements, and also with the exact interpretation of the prevailing individual forms of participation. (Krieger,1991:6).

The next task therefore was to define a more manageable research project than merely looking at worker participation in broad terms. This led me to an extended interest in the diversity of spheres of participation, and to the commonalities between the legal regulation of health and safety in the two countries. I became interested in the way in which similar forms of safety regulation at workplace level in the two countries interacted with the divergent traditions of workplace labour regulation and industrial relations, and this led to the theoretical and practical development of **participation in health and safety management** as more of a discrete research area than either participation or health and safety[1]. Within this, I tried to specify the research objectives I would take into the fieldwork stage. Above all, I was keenly aware that health and safety is an emotive issue as well as being of more academic interest. At various stages of the research, questions concerning the efficacy of forms of participation in **reducing accidents** have been raised by myself and others. However, I have purposely avoided such questions, and those seeking to analyse the relationship between participation and demographic factors such as workplace size, union density etc; my interest is in the complex relationships that exist between worker representatives, managers, individuals and safety officers within differing participative frameworks, and in what they can tell us about the **processes of safety management**, as well as the bearing that they have on the collective expression of interests regarding safety and working conditions. Within this, the utility of concepts like cumulation and the floor of rights came to be of central consideration as the

research took shape. In addition, I felt that in-depth case study research would be the best method of achieving these research aims.

The choice of paired case studies in both the private and public sectors resulted from a desire to broaden the base of the research, and to maximise the benefits of the thesis in focusing more clearly on the general research issues outline in chapter 1. In particular, much of the literature dealing with health and safety regulation, the implications of production priorities for safety and hazards etc., was centred on the private sector, whilst classic studies of worker participation (in the UK context) focused on large state enterprises like the Post Office and British Steel (Batstone et al.,1983; and Brannen,1976 respectively). I argued in the opening chapter that the regulation of safety is inherently linked to the nature and policies of management in pursuing organisational goals. This raises the interesting question about how public ownership affects the way in which management strategy is devised and followed through, and how it also restructures the relationship between managers, workers and worker representatives with regard to the generation and prevention of hazards. Therefore, I thought it essential to look at the regulation of safety in public as well as private sector workplaces, in order to broaden our understanding of the differences and similarities in safety regulation.

However, one of the key problems that this thesis set out to address is the relationship between statutory forms of participation at workplace level, and the representation of workers' interests in health and safety regulation. In other words, how does a legally defined structure of involvement and rights to information consultation etc., affect the way in which worker representatives, trade unions and individuals seek to regulate safety. This forms the main Anglo-German focus of the study. Whilst safety participation institutions are similar between the two countries, they co-exist with very different systems of industrial relations, collective bargaining and union organisation. Given my central argument that safety management is inherently related

to these broader issues of the control, organisation and regulation of work, it became essential to see how these different regulatory frameworks served to structure the regulation of safety in different ways. Therefore, the two-by-two matrix of British and German/public and private sector workplaces was devised.

I chose the chemicals industry for the private sector studies for two reasons. Firstly, there was the likelihood that a relatively **vibrant** safety agenda would exist; recent legislation in both countries (CoSHH, *GefStoffV*, *Chemikaliengesetz*), and proposed legislation from the European Community (Major Industrial Hazards programme, for example), had pointed to an increased interest and activity in the problems of environmental and safety regulation in the growing European chemicals industry. Secondly, the inherent instability that characterises much of chemicals production made it more likely that participation structures in health and safety would therefore be well developed at workplace level. As with all research, a starting point has to be made somewhere, and for the above reasons the chemicals industry was chosen for the first case study.

The consideration of the sets of issues discussed in chapter 1 required that in-depth case studies be carried out, where intensive semi-structured interviews with key personnel involved in safety regulation would form the central focus. In other words, the structure of the research design, and the methods used, are closely interwoven with the **nature** of the considerations and issues that this thesis seeks to address. The key to understanding participation in health and safety is to analyse and un-pack the relationship between worker representatives and managers, within differing organisational, national and sectoral contexts. I would argue that this is true, no matter what workplace is being studies, and therefore, the systematic comparative analysis of workplace practices is the logical form that the research design of this thesis should take.

(ii) Searching for the workplaces; access, and the chronology of the research.

Access to Textchem resulted from a search for companies using a computer database[2]. Access was granted via a senior manager at the larger plant, and then following a short meeting with the plant manager at the smaller site. My research was spread over a period of 12 months, with several visits to the factory to conduct interviews. I spoke with all members of management concerned with health and safety functions, some of them more than once. I also spoke to the senior shop steward, and the local branch secretary of the TGWU, as well as other shop stewards and safety representatives from both the general and craft unions. I also interviewed supervisors and an operations manager in one of the businesses. I attended a meeting of the safety committee in the flake business and a CoSHH briefing given in the tow business. Finally, I attended a meeting of the technical safety committee (TSC), and interviewed the senior site engineer, and chair of the TSC.

With the German case studies, the search for access began with initial letters to trade union officials at the headquarters of *IG Chemie* and *ÖTV* in Hannover and Stuttgart respectively. The organisation of the research in Germany was constrained by the need to spend one intensive period of study there, although initial contacts were formed during a fact-finding (and language-learning) tour, a few months prior to the extended stay, and a week-long follow-up visit was also made possible. With *ÖTV*, I was granted a meeting with a *Personalrat* member for Department $G^3$, who then became my key informant. During the course of the research, I spoke with several members of the *Personalrat* of Department G, one member of the *Gesamtpersonalrat* (not an employee of Department G), two senior managers, two representatives of the regional safety enforcement body, three shop stewards, five safety representatives and a national union officer at union headquarters. Most contact, however, was with my key informant, in his position as senior safety representative, member of the safety

committee at council-level and as the member of the *Personalrat* in charge of safety issues within Department G.

In the case of the chemicals study in Germany, initial contact with a multinational corporation was established, with permission given to proceed with the research. This workplace was moderately well-matched with Textchem in terms of size and technology used, but management withdrew from the project on the eve of my period of study. I had to arrive without warning at the local branch of *IG Chemie* in the same region, and fortunately a local official was able to arrange a meeting for me at Prochem, where he had close contacts in the *Betriebsrat*. This late access meant that the research period was shorter, although I was able to carry out further interviews on the subsequent trip to Germany. It also meant that I had to settle for a workplace where technology, hazards, levels of automation etc., were all very different from Textchem, making systematic comparison more difficult - although the structure of health and safety participation was similar at both plants. During my visits, I spoke on several occasions to the vice-president of the works council (in charge of health and safety matters on behalf of the *Betriebsrat*) who was the most useful point for my information gathering. In addition, I interviewed a further member of the works council involved in health and safety issues, and the full-time *Fachkraft* (safety officer), who left the company shortly after the completion of my fieldwork. Management did not co-operate in the project beyond granting me formal access, even to the point of refusing to grant me a tour of the factory by a junior manager, on the grounds of shortage of time. My approval for the distribution of a questionnaire was also revoked at the last minute.

On return to England, I was able to select a public sector workplace quite closely matched to Department G. Here, initial access to the council came through a personal contact with a NALGO representative, who arranged meetings with managers in Department B. In the course of the research, I spoke to several managers in

Department B, some of them more than once, as well as representatives of the central safety unit of the council. I also spoke at length with one of the new Council Accredited Representatives (CARs) working in the education department and also in charge of health and safety for NUPE employees throughout the council. In addition I interviewed safety representatives in the department and attended safety committee meetings at three levels. I also had access to the minutes of previous meetings and to accident statistics for the council and for Department B. I was given initial permission for the circulation of a questionnaire, but time ran out waiting for various committees to approve the project.

As this resume indicates, the detailed study of perfectly matched workplaces was never the intention of this thesis. Sufficient similarities were achieved through workplace size, minimum levels of union organisation, and conformity with national practice in health and safety regulation, to allow for systematic analysis, with context-specific factors emerging as the fieldwork evolved.

The methods used in each workplace were the same. Semi-structured interviews with all of the people centrally involved in safety participation were followed up by repeat-interviews with key personnel, and informal contact (especially with union representatives at Textchem and Department G) maintained outside of working hours. The interview schedule was drawn up in each case with the central issues of the thesis in mind. Usually, interviews would start with questions concerning the various forms of participation in safety regulation (as well as other issues, if appropriate), and the problems they came up against. I would also focus specifically on safety problems, what respondents thought the key dangers were, changes to the management of safety over recent years, and recommendations that respondents might have with regard to the system of safety regulation. This would generally lead on to a more un-structured discussion about why accidents occur, what can be done about them, what the role of

management, unions, committees, individuals and representatives were in these process etc.

Access was granted to safety committee meetings, and to works council meetings, as well as to minutes of previous meetings, and records of accident frequency and distribution (see each case study for details). I also took advantage of auxiliary material relating to safety regulation at supra-workplace level, particularly involving the *Berufsgenossenschaften* and public sector equivalents in Germany. The guiding principle throughout the research can be summed up:-

> The key to successful research lies in combining a flexibility of response to changing circumstances with the maintenance of a coherent overall strategy. (Clark and Causer, in Allen and Skinner,1991:163).

During the course of the research at Textchem, I became aware that all of the people I was interviewing formed part of a community of representatives which marked them out from other workers and other managers, an issue discussed in more detail in chapter 4. This is where the idea for the distribution of the questionnaire came from, with the idea being to get an impression of shopfloor opinion on a range of safety-related themes[4]. Again, permission was readily given, and the questionnaire was distributed to all 564 hourly-paid employees on company records at the time. The poor return of 63 was partially the result of the fact that the period of distribution coincided with my stay in Germany, making it impossible for me to publicise the questionnaire independently of the personnel office, who merely left a ballot box in the doorway of the office. In Germany, my proposal for a questionnaire at each workplace was raised early in the period of study. Progress was unhindered at Department G, with 523 being distributed to *Arbeiter* during a later trip[5]. This was done through the *Personalrat*, with a much better return (108). Both German questionnaires were translated into Turkish on the advice of works councillors in the two workplaces, and the few of these that were returned are incorporated into the

general body of data for Department G. In addition, my contacts in Germany were able to review and correct the grammar, syntax and idioms of the German questionnaires, ensuring that the information gathered would not be distorted by inappropriate expressions and incorrect/clumsy formulation of questions and options etc.

At Prochem, as mentioned in chapter 5, permission for the questionnaire was granted, and they are still in the cupboard of the works council office, following a (familiar), dispute over their distribution. At Department B, a provisional questionnaire was circulated to union officials and managers, but the project ran out of time before successive committees could rubber stamp approval. I would emphasise here that the questionnaires were devised as an **adjunct** to the information gathered through the interviews in each case study, and are **not** intended as the central aspect of the fieldwork. I have used the information from the questionnaires as and when appropriate, as supporting information for the case study material.

In the first three case studies, a key informant was vital in making the research more focused and efficient. I did not have to waste time (and therefore good will) establishing from scratch who would be important to talk to, approaching them individually etc. At the fourth workplace, I had managed to refine the questions I wanted to ask with the benefit of the hindsight of three previous case studies, and felt able to approach managers and worker representatives semi-independently and without the need for a key informant.

(iii) Analysis and presentation

The case studies are presented in discrete chapters, rather than as issues-based chapters each considering information relating to each of the four workplaces, for two

reasons. Firstly, as has already been mentioned, the research design was not based on a **precise** match between the workplaces in the two countries[6]. This means that each case study is unique in the particular mix of technology, hazards etc. it possesses, making it easier to transmit information in a case by case fashion. The case studies have been presented in pairs; that is, rather than introduce them chronologically, I have written the two private sector studies together, followed by the two local authority studies. The reason for this is to maintain analytical clarity and consistency as the case study chapters develop, allowing the reader to move steadily through the. comparative issues raised. However, the benefits of this thesis lie not only in what they tell us about four isolated and individual workplaces. Some degree of systematic presentation of the analysis is necessary if the comparative and sectoral themes are to be brought out. The discussion at the end of chapter 1 raised the key theoretical and practical issues which guide the fieldwork in this thesis, and these three clusters of research questions have been used in the case study chapters to structure the presentation of the research. I was keen to avoid constructing boxes in the case study chapters that would be too rigid to accommodate all relevant research findings in the different workplace environments. Therefore, the three subsections of each chapter are concerned with the broad questions of work pressure, the floor of rights and participation, and issues of representation, categories flexible enough to structure all relevant material.

Secondly, the research process in a study like this is an iterative process. In other words, improvements in the fieldwork were made as and when problems and imperfections became apparent, requiring a re-think over, say, a particular issue, or an occurrence in the factories and workplaces concerned. An example of this is the somewhat post-hoc decision during the course of the research to circulate questionnaires, when the opinions of employees seemed to be needed in order to balance the views of a somewhat incestuous community of safety officer, shop stewards and safety representatives. Similarly, some issues which have become

central to the thesis have grown in importance, meaning that they could be dealt with more directly in the later studies. An example here is that of work pressure which did not feature directly in the initial series of questions with which I began semi-structured questionnaires at Textchem, but which were included in the questionnaire as part of questions concerning the efficacy of safety committees in solving problems requiring a financial commitment from the company. At Department G, Leistungsdruck become the central motif of interviews with workers, representatives and managers alike, necessitating a re-analysis of the Textchem material and the firmer integration of these issues into the research programmes of the subsequent two case studies.

Whilst the individual case study chapters are structured so as to systematically address the central themes of chapter 1, the concluding chapter attempts to take a broader approach. Also, some of the initial comparative themes which emerge in the case studies, and which are not straightforward representations of the public/private or British/German comparisons (i.e. the different experiences of the UK and German public sector over the last ten years, or the different ways in which investment and working conditions are related at the two private sector studies) are brought out in the final chapter. There, I return to the issue of cross-national comparison in the light of the results of research in the individual workplaces, and to the contribution that the research makes to our understanding of how public and private ownership affects processes and practices in the management of health and safety.

## Notes.

1. See chapter 1.
2. I specified a minimum number of employees, SIC codes etc., and then sent letters to around 14 companies in the Midlands and north of England.
3. G and B stand for Germany and Britain respectively in the public sector case studies; simply an unimaginative way of protecting identities. Textchem originates from the textiles-dominated use of chemical processes, and Prochem is short for "protective chemicals".
4. Copies of the questionnaire are re-printed in the appendix.
5. The decision to distribute questionnaires to blue-collar workers only was a functional one, in that 800 questionnaires would have too unwieldy to deliver and collect. Given that the number of *Arbeiter* in Department G were roughly similar to the number of hourly-paid employees at Textchem, it seemed logical to circulate the questionnaire to each of them, also avoiding methodological problems of selection and random sampling, which would have unnecessarily held up the interviews in Germany.
6. Although at the two workplaces where the questionnaire was not followed through, questions were included which sought to increase the possible measures of standardisation between the case studies, such as age profiles, union density indicators etc.

# Chapter 4.

Textchem; UK private sector chemicals.

(i) Introduction

Textchem is a wholly-owned subsidiary of a large British multinational (engaged in a wide range of productive activity, from the production of chemicals, chemical by-products and pharmaceuticals, to food processing and the manufacture of synthetic fibres), although it is a completely autonomous business in terms of financial control and managerial structure. This has followed successive moves within the parent company to devolve power and business responsibility from the centre to the subsidiary companies. In this thesis, all references to the "company", or "the firm" will therefore indicate Textchem as opposed to the parent multinational corporation.

Textchem has five plants in operation, employing a total of around 3300 people, the vast majority in two factories. The research carried out for this case study focuses on the arrangements for participation in the management of health and safety at a medium-sized production plant situated on the outskirts of a large English city. In addition to this, I also carried out some interviews at the largest of the four plants, at which Textchem has its headquarters, central administration, marketing and sales functions, and although this research was independent of my thesis and thus not centred on health and safety arrangements in particular, I draw upon the information gathered as and when appropriate[1]. In order not to confuse the two sites, I often refer to them simply as "smaller" or "larger". However, for reasons of access, and because of the fact that the institutions of involvement in health and safety are for the most part plant-based, the majority of the information gathered has been specific to the smaller of the two sites.

The problem of defining a unitary and homogenous workplace on which to focus the research is multiplied by the process of devolution taking place at Textchem. The smaller factory is split into four separate departments corresponding to four distinct production processes carried out in different sections of the site. As we shall discuss

in the next section, the progressive devolution of business authority and responsibility, and the increasingly autonomous status of each of the four businesses, are at the centre of major changes taking place at Textchem, changes with important implications for the organisation of health and safety. These changes are very much incomplete at the moment, and it is therefore important for the next section to sketch a picture of the organisation of production and employment at the plant prior to them taking place, so that a clearer understanding of the nature of work organisation and business structure at Textchem is possible. Section (ii) also includes detailed. information about production processes, the relative market position of the separate businesses, the structure of participation in health and safety and a brief look at the breakdown of accident and injury statistics for the company.

Section (iii) looks in more detail at the business plan, and the deep changes taking place at Textchem with this attempt to streamline decision-making, to restructure the company vertically, and to devolve the function of management from a site-wide to a business-specific basis. In particular, I look at the implications that these changes have for the management of health and safety at Textchem, as a retained site-wide safety system pulls against the drive for managerial autonomy in the separate businesses. The changes of the business plan allow us an opportunity to look at the way in which management constructs sets of priorities around production and safety goals. Furthermore, this process of change is acting as a catalyst for a re-examination within the company of a whole range of issues and established practices, including the functions and scope of worker representation, the future of centralised collective bargaining and the regulatory role of formal participation mechanisms. Importantly, the collective regulation of health and safety has been hampered by the secondary effects of the business plan, with clear consequences for the scope that workers have to complain about safety problems.

The issue of safety regulation is returned to in section (iv), which deals with two distinct but related sets of issues, linked by their roots in legislation, and which enable us to see how the floor of rights operates in a private sector workplace where formal participation in areas other than health and safety is non-existent. Firstly, I look at the impact of the CoSHH (Control of Substances Hazardous to Health) Regulations of 1989, and at how management have sought to implement them in a sterile environment of number-crunching over exposure limits in various parts of the factory. Secondly, I look at the (changing) role of the formal framework of safety. participation, and in particular the various safety committees, in regulating health and safety. The on-going changes inherent in the business plan, discussed in section (ii), form an important backdrop to the problems that employee representatives have in utilising their statutory rights to participation in joint safety committees. The importance of a management-only committee in the process of decision-making in the safety arena is also discussed.

Section (v) looks at worker representation in health and safety. The business plan, again, has been central in the progressive erosion of union influence at shopfloor level during, and prior to, the period of research. In this section, I will look more directly at the problems facing union and safety representatives at Textchem. In seeking to isolate safety regulation from formal participation mechanisms, combined with moves towards more direct channels of communication between managers and workers, employers are de-collectivising the process of safety regulation at Textchem. Section (v) looks at the response of trade union representatives to this process, and at the obstacles to a more dynamic mobilisation around safety issues that exist. I also point to the ways in which the presence of contract workers/firms affects our understanding of **policy communities** in safety regulation, and to illustrate the particular problems that the fragmented nature of these communities present for safety representation at Textchem. Whilst contract workers are seen as the main victims of poor safety

regulation by employees of the company, they also present representational problems as they cut across the mainstream forms of representation at the workplace.

The concluding section aims to draw together some of the disparate strands of analysis running through the chapter, and to further contextualise the research outcomes. I will argue that the business plan represents a key expression of change at Textchem, which draws in other organisational and structural practices in a re-evaluation of the nature of participation in health and safety management.

(ii) Background information

The root of all operations at Textchem is the production of cellulose **flake**, through the conversion of wood pulp and acetic anhydride, through complex chemical processes involving acetic acid, acetone, methylene chloride, sulphuric acid and solvents. The plant is therefore unusual for the chemical industry, in that its main production processes are not derived from oil refining, despite the use of petroleum-based substances such as acetone. In addition, the site is somewhere in the middle of the productive stream of the chemical industry, between the treatment of raw materials on the one hand and the manufacture of finished products on the other. At Textchem, five distinct operations take place on the one site, made up of the four separate businesses and an engineering/site services section, involving electricians, painters etc., which, for the most part, is still centrally organised.

The flake business is the largest of the four businesses in terms of capital expenditure, and takes the raw materials to produce cellulose flake, which is then distributed to the other three businesses. In the **tow** business, the flake goes through further chemical treatment processes, and is turned into filter tow, and then sold to other companies, at

home and abroad, for the manufacture of cigarette filters. This is a large and expanding export market, particularly in Europe and the Middle East[2].

The **yarns** business employs very similar technology to that used by tow, in producing filament yarns for the fashion industry. This business operates in a more stagnant market, as other synthetic materials come on to the market, and in the face of increased competition from producers in the USA and Italy, and cheaper synthetic yarn imports from Asia[3]. The tow and yarns businesses share a large central building. on the site and have historically shared equipment and machinery, as well as employees, in a co-ordinated personnel policy, although these practices have become something of a casualty of the changes over the last few years. The smallest business on site is the **plastics** business which converts the flake into a range of speciality plastics for use in tool handles, spectacle rims, etc. In addition to these four semi-autonomous businesses, there is a central engineering section which carries out large scale changes to machines, and other jobs either too large for the maintenance engineers working within each business, or requiring particular expertise or equipment.

Each of the businesses has its own managerial structure, and is responsible for its own budgeting, sales and purchasing, as well as other functions such as marketing. This process of devolution has been introduced as part of a business plan, introduced some two years prior to the period of research, which has sought to organise the four businesses vertically across the different sites, and to remove as many functions as possible from horizontal, site-wide management. Central to this case study is the fact that these changes are only in the process of taking place, creating a tension between existing patterns of representation and managerial authority, and the new targets of business autonomy. This creates an interesting interface between new and old ways of developing policy, and making key managerial decisions, an interface which I will claim in section (v) has also brought problems for union representatives as they seek

to find a role for themselves in this changing environment. Those functions retained on a site-wide basis are at present limited to the recruitment and training of staff (although business managers now have greater freedom to determine staffing levels within their domain), site fire and safety (although the implications of the business plan changes for the management of health and safety are important and are discussed later) and most collective bargaining issues. The site manager conceded that both his role, and those of the safety adviser, were largely becoming one of an advisory service to the (increasingly) separate businesses, as the vertical structure of decision-. making came to by-pass site management. These different impulses, on the one hand towards an **higher** profile for health and safety issues at the site (discussed later), and the increased interest in the institutions of participation and involvement, against the progressive decentralisation of business autonomy and the relative subordination of these forms of joint regulation to local managerial control within the separate businesses on the other, form the key framework in which this case study is located.

The factory was built between the wars and occupies a crowded site bordered by a canal, a main road and a residential area. The plant employs relatively outdated machinery; the processes involved in the production and treatment of cellulose flake are extremely corrosive to machinery, and the company is involved in a large-scale investment programme in a new production line for the flake business. This reflects an increased business optimism, expressed by many of the people interviewed during the research at the site, after a period of uncertainty during the recession of the early to mid 1980s. A programme of redundancies some years ago, coupled with the closure of a similar factory in Wales, has ensured, temporarily at least, the survival of the factory as a whole[4].

Not everyone shares an undiluted optimism regarding future investment and the long term prospects for the factory. The break-down of machinery at the site was an issue in the interviews I carried out, and investment in new machinery seen as essential for

the solution of both production (and therefore job security) problems, and health and safety problems. The company announced that the flake section at this site is likely to close in two and a half years, with employees being relocated into other businesses; similarly, union representatives were also sceptical about the prospects for some of the other businesses as well, and the safety officer acknowledged that the current programme of £10m of investment was around a third of what was needed to put production problems completely right at the site.

The safety agenda at Textchem is extremely diverse; not surprising, given the diversity of the tasks performed, and the diversity and range of chemicals processed and production processes utilised. The fire prevention officer at the site was keen to play down the potential for large-scale accidents at the plant, claiming that:-

> ...the mix of chemicals at this plant does not allow for a major
> bang,...the worst that could happen here would be that the local
> residents have their throats tickled by an explosion, toxic exposure and
> so on.

The safety adviser also emphasised the relatively innocuous nature of the chemistry employed at the factory, in comparison with mainstream chemical refining industries. Notwithstanding this confidence, however, there was an explosion in the flake department at the larger sister plant, shortly after the end of my period of research, which injured ten people, injuries which subsequent research showed to be almost solely to the ears, involving no burns[5].

The experience of this blast, and the attitudes towards danger that I encountered during interviews with safety officers, points us in different directions; whilst management at the larger plant claimed that the explosion had shown that both the safety procedures followed, and the machinery and materials used in that part of the factory, had prevented serious injury, it also highlights the inherently unstable nature of chemical-based production processes, even in this relatively innocuous

environment. For example, the factory has had several problems with compliance with CoSHH exposure limits, with respect to dust in the flake business; interviews with a safety representative showed how important this issue was, because this dust is not only a potential problem to health in itself, but compounded the dangers of explosion in that part of the plant[6]. Such a complicated background agenda is important in our considerations of the management of health and safety at the site[7]. Whilst there is the extreme outside chance of a major incident such as the one at the larger site, the dominant problems faced by employees on a day-to-day basis are. traditional manufacturing problems involving slips, trips, load carrying etc. on the one hand, and exposure to varying degrees of toxicity, splashes from pressure valves, unknown mixtures of substances in the air etc. on the other. We shall see in following sections that this tension between big dangers such as explosion, and everyday dangers, informs the way in which health and safety is managed, and the way in which management set the agenda for these issues.

This site of Textchem employs a total of 680 people, of whom 217 are non-manual in some respect, and 588 are men[8]. The only place where women are employed as operatives is in the spinning shops of the yarns business, with the rest being largely employed as cleaners and caterers. There is a brief discussion of the gendered division of labour with respect to the representation of workers interests in health and safety in the section (v)[9].

The payment structure in operation at the plant is fairly simple, with five managerial grades, supplemented with individually negotiated supplements in the case of four of them. For manual workers, there is a basic hourly-paid rate, with five skill differentials; in addition, there is a small departmental bonus system, a service increment, and a profit-related bonus measured by criteria of wastage and efficiency within the separate businesses. A key factor in the changes taking place at Textchem,

is the increase in importance of this bonus in the make-up of employees pay, as the criteria used vary between each business, and this will also be discussed later.

There is a virtual *de facto* closed shop at the site, supported by management through the encouragement of new employees to join the recognised union. There is a written recognition agreement embracing all unions on the site, including unions for lower and middle management, an agreement which also specifies grievance and disciplinary procedures. The operatives are organised by the TGWU, with the AEU. acting as an umbrella union for craft workers and engineers organised also in the EETPU and TASS[10]. Collective bargaining over a wide range of issues used to be carried out at national level between employers and the recognised unions, but virtually all bargaining over pay and conditions now takes place at site level. Agreement is reached first with the TGWU on behalf of process workers, with the deal generally being knocked-on to the craft unions[11]. Once again, this system is now seen as an obstacle, by some managers, to the full implementation of the business plan, and was perceived to be under threat by union and management representatives alike, during interviews at both sites of Textchem. There are 13 TGWU shop stewards, and 5 AEU stewards at the smaller plant, and there is a general consensus amongst people I spoke to that industrial relations at the site were very good, with the last proper strike taking place in 1968, and with only a brief overtime ban taking place in recent years[12].

Very few changes to working practices have taken place in the last few years, despite moves towards greater functional flexibility and a weakening of demarcation implicit in the business plan initiative (discussed in the next section). The last two years or so have seen the financial recovery of the company flatten out as the recession has deepened, although no compulsory redundancies have taken place, and the size of the workforce has remained stable since the mid 1980s. The company has begun to make increasing use of sub-contractors, particularly in construction and large-scale

maintenance work around the site, an issue which is returned to in a later section, when the issues of representation and heterogeneous interest communities with regard to health and safety are discussed.

Both the structure of health and safety participation at the site, and its emphasis in the regulation of safety, have changed somewhat in the last two or three years, in line with changes to the structure of business organisation brought in with the business plan, and with the relative buoyancy of the firm compared to the recessionary period of the early 1980s. The two major changes have been (i) the employment of a new full-time safety adviser to the plant in September 1989, with the previous safety manager left in sole charge of fire prevention and (ii) the resurrection of business safety committees (BSCs) following the decline in importance of the former site-wide safety committee in previous years.

The new safety officer was given most commonly as the reason for the improvement in health and safety, and for the increased profile of safety throughout the organisation[13]. Each business, as well as the central engineering section, now has a joint safety committee[14]. Either the safety adviser or the fire prevention officer always sits on these separate committees, the agendas for which are drawn up by managers in the separate businesses. Usually, employees are represented by two or three safety representatives, and sometimes a few shop stewards. The committees are non-decision making bodies and act as a talking shop for specific problems as and when they arise. Each meeting generally involves a report back on business raised at the previous meeting, with the nature of the discussion relatively low-key with much emphasis on particular problems such as hand-rails, loose stairs and the detailed discussion of certain incidents etc., rather than general discussions about management policy on health and safety, investment etc. The safety committees are supposed to meet every six to eight weeks, but the safety adviser said that in practice they met whenever there was a feeling that it was worthwhile. This has led to the emergence of

different patterns in the different businesses as they have each evolved and grown somewhat separate from each other, as well as a variable degree of interest and attendance by committee members.

A further committee is the technical safety committee (TSC), which consists of representatives of management only, including advisors *from other plants of* Textchem, and retired personnel. This committee exists primarily to discuss the safety implications of new investment, changes to the layout of the factory and production . processes etc. To the extent that such issues are central to the way in which the priorities of safety as against production and efficiency targets are produced and carried out, then it is right to consider this an important safety committee, although it is not a part of formal participative machinery. The role that the TSC plays in keeping important safety decisions outside of the framework for the participation of union and employee representatives will be discussed later. The site also employs a part-time occupational nurse, and shares a company doctor with other local employers. The training of employees, whether new recruits or existing workers, is organised by the centrally organised training department, including information on health and safety law, first aid facilities and emergency procedures.

The company has only relatively recently computerised the collection of data on accidents and injuries, and so comparable figures are only available for the last few years. There have been no fatal accidents at the site in the living memory of those interviewed, and the number of accidents involving serious injury has fluctuated between 1 and 2 per year since 1986. Over the period from 1986 to 1989, the number of accidents involving lost time of over three working days has increased from 14 per year to 29 per year. This makes the number of total reportable accidents (under the RIDDOR regulations) 43.92 per thousand employees, for 1989. Almost half (48.9%) of these injuries were to hands, with eye injuries, principally from releases of various liquids, gases, etc. from vessels at sampling points also being a problem. In addition, a

proportion of injuries are to the back, torso and feet as the result of slips, trips, falls etc. This increase, however, are offset by a general decline in the total number of accidents (i.e. not just those involving three or more days off work) over the last two years that I have figures for, from 514 in 1988 to 476 in 1989. This is accompanied by a fall in the total hours lost over the same period from 5184 to 3904, an apparently genuine decline in real terms, given that employment levels have stayed broadly the same, although such statistics should be treated with caution, as the reporting of accidents is subject to a high degree of variability, depending on whether workers feel . able to take time off from work for minor injuries.

Perhaps the most important development in the sphere of health and safety at Textchem has been the implementation of the CoSHH regulations. This legislation has had important implications for the factory, as the number of chemicals used, the dangers of exposure caused by the corrosive nature of the production processes, and the age of the plant combine to make the monitoring and control of chemicals usage difficult. A further problem is the relatively poor recording and monitoring procedures used prior to the new legislation, leaving the plant relatively unprepared according to one manager. The main problems in this respect relate to exposure levels of certain chemicals in parts of the plant, particularly acetone in the dope department, where the cellulose flake is prepared for spinning in the tow and yarns departments. Part of the attempt to comply with CoSHH has involved special CoSHH briefings which are two hour sessions, with overtime paid, held either directly before or after a shift. Attendance is voluntary, and the safety adviser said that interest varied greatly between the separate businesses. There are also general briefings, held approximately every two weeks in the separate businesses, where a range of issues, including production targets, the state of the market and health and safety can be discussed.

The right to three-monthly inspection by safety representatives is incorporated into a monthly inspection of a third of the plant, organised by the safety adviser, in order to

spread the load of work put onto the engineering section as faults are remedied. In addition to this framework of employee participation in health and safety regulation, the factory has a suggestion scheme, with financial rewards allocated on the basis of the usefulness and cost-savings of individual suggestions by a committee which has union representatives on it. The company also experimented with quality circles in the early 1980s, although they were short-lived. There are no formal consultation committees, or other forms of participation *via* worker representatives and trade union officials, in areas outside of health and safety.

Indeed, the business plan, and the increase in the financial autonomy of the businesses, has tended to reinforce a more individual notion of employee participation, by diluting the extent of consultation with unions and restricting the range and scope of issues where site-wide trade union involvement was the norm. Discussions with both managers and union convenors at the larger plant showed how there were long-term intentions to move to staff status for all employees, the removal of clocking-on, and the devolution of wage bargaining to the separate businesses, within the logic of the business plan. A key further aspect of the business devolution, and of the progressive **individualisation** of the employment relation, is the move towards business-specific collective bargaining arrangements, mentioned as a strong possibility in the future by management at the larger plant. Whilst the recent shift from national to plant-level bargaining was welcomed by all union representatives I spoke to, this issue seemed to be the one that brought out the strongest sentiment in union officials at both plants, one senior steward at the larger plant claiming that decentralisation of bargaining to individual business-level would never be tolerated. The senior steward at the smaller plant claimed that these changes had meant an extension of bureaucracy as decisions often now had to go through the larger sister plant, and that they would probably rob him of his job as a union representative, if collective bargaining was further decentralised and his position down-graded. There is very little by way of formal and informal involvement of union representatives at

Textchem, save for the minimum required in the area of health and safety by the SRSC regulations and for the annual round of wage bargaining carried out by senior stewards.


(iii) Management, pressure and the control of work


The business plan is the key to many changes taking place at Textchem, with respect to health and safety, and other issues. It was devised and introduced at the larger plant the spring of March 1988, although slightly earlier than this at the smaller site[15]. The two core elements of this plan are (i) the devolution of centres of power, responsibility and decision-making autonomy from the site to the separate businesses, and (ii) the introduction of QEP (quality, efficiency, production) bonuses for shopfloor workers. However, these key areas of change have had a series of knock-on effects in other areas of managerial strategy, with attempts to increase flexibility at many levels of the workforce, and the attempt to introduce new, and to devise more direct, methods of communication between management and employees (eg. the emphasis given to the new briefings which transmit information directly to employees rather than through representatives) being two of the more important. In addition, this very specific change to business structure and to decision-making is coupled with more long-term ideas about a move to staff status for all employees, the removal of clocking-on and designated parking areas for managers, individual job assessment including performance-related pay etc. However, it is the two core areas which are of most importance with regard to health and safety regulation.


The key driving force behind the changes is the devolution of decision-making, in an effort to allow management within each business to pursue policies more in line with their own needs, than those of the site as a whole. The most obvious outcome of this has been a change in the operating relationships between the businesses, with yarns

and tow now buying cellulose flake from the flake business (almost) as if they were distinct operators on the open market[16]. This decentralisation is mirrored, to some extent, in the possession of plant and machinery on the site, with the business plan emphasising the need for separate businesses to be responsible for purchasing repair etc. An example concerns the trucks that used to be shared by the tow and yarns departments, and which are now very much more seen as the property of one or the other, and thereby less easily borrowed. A similar result of the business plan is that there is also now a smaller central engineering section at the smaller site of Textchem, . with many engineers now attached to individual businesses as part of this devolution.

The implications of this decentralisation for the regulation of health and safety are clear, and examples of problems that had arisen were mentioned by union representatives in the course of the research. Some of the flat-back trucks used to move large drums of cellulose solutions etc., in the tow department are old and unreliable, with one safety representative arguing that this was the most important safety problem in that part of the factory - the dangers to feet and backs being heightened by the need to push them around[17]. A worker had gone to use a truck from the yarns department, when there was a shortage in his own department, only to be told by a manager that that particular truck belonged to the yarns department, proceeding to lock it away to prevent it going to another area of the factory. These changes, and this new approach in general, have further implications for the management of health and safety at Textchem. One safety representative at the smaller site complained that the separation of the businesses had already led to problems in the expression of safety grievances by individual workers. He cited the example of when a blockage on one side of a large spinning apparatus made it difficult for him to operate his side, thereby necessitating hazardous alterations to his machine. The other side of the machine was part of the tow department and he was employed by yarns, and when he complained to a supervisor on the opposite side, he was told that it was nothing to do with him.

The QEP bonuses are also a central part of the business plan; they are an attempt to reflect changes in managerial decision-making patterns, by building in a business-specific element in pay determination at all of Textchem's manufacturing plants. This, the logic goes, will give a critical stimulus to progress in convincing business-level managers of both the desire and the necessity of devising business specific personnel and employment policies, remuneration and bonus payment strategies etc[18].

The bonuses are calculated using complex criteria, rising to a maximum of 15% of basic pay. Importantly, the criteria used for determining QEP rates are also different in each business; in yarns, the central indicator is yarn **utilisation**, the proportion of yarn **made** turned into yarn **sold**. Other indicators such as market share and market penetration also help make up the QEP bonus in yarns. In the flake business, QEP bonuses are calculated more on the basis of output and production targets, than on quality or sales. Thus, whilst workers in the yarns business have a potentially significant part of their wages determined by criteria of quality, they are provided with cellulose flake by workers whose bonus is calculated by criteria other than quality, leading to recrimination between businesses regarding quality of raw materials. A further confusing and dividing factor is that engineers still employed centrally have retained a bonus averaged over the other four businesses, even though some of them may spend several months within a single business on a particular project.

At the larger sister plant, bonuses for workers in the tow business have been running at the ceiling of 15% for some time, whilst the yarns bonus has been non-existent for several months, reflecting the relative market position of the two businesses, and intensifying fears over the future of yarns production. This has led to a perception of the QEP system as unfair by workers at the other factory, and to concern on the part of union representatives, that the bonuses will lead to further decentralisation,

snowball fashion, and a reduction in the scope for joint regulation on a site-wide basis[19].

The relationship between the generation of hazards and the pressure of work is particularly complex at Textchem. Managerial policy has been to deregulate payment systems, as part of a policy of devolution which seeks to make management decision-making more responsive to the market situations of the four distinct production operations, and the problems involved are clear. However, whilst the changes themselves have threatened the previous mode of collective bonus payment (thereby mirroring the safety impact of some of the business plan changes), there has been no direct attempt to increase productivity through amendments to the payment system. The links between the pressure of work on the one hand, and the payment system on the other, are provided by the profit of that business and various other indicators such as waste. There has been no attempt to introduce piece-work, or to reduce staffing levels in a productivity drive that would effectively increase work pressure.

The feeling from shop stewards was that the business plan involves organisational restructuring which, despite making radical changes to the system of representation and safety regulation at Textchem, do not intensify work pressure in any direct sense. Indeed, the opposite was the case - that the business plan, whilst partially de-regulating and de-collectivising safety regulation, was also part of the new managerial approach of making safety a high profile issue, and being seen to devote more time and energy to it. The relative buoyancy of the company, coupled with managerial optimism over the business plan, led to several claims by the safety adviser concerning the benefits that the recent changes had had, directly or indirectly, for safety at the smaller site. He claimed that his job involved working "...for neither management nor unions, but for safety." He pointed to the fact that in such a capital intensive industry, investment in new machinery and in maintenance services would always be major factors in establishing safe working conditions, in that new

technology and updated machinery and working practices went hand in hand with improved working conditions, and in that these changes usually took workers away from hazards in the workplace[20]. This common idea, that improved safety was dependent on new investment in machinery and production equipment, rather than safety-specific changes, was reinforced by safety representatives and shop stewards. Indeed, a senior manager recognised that the changes of the business plan were not driven primarily by productivity requirements and the need for increased efficiency. This perhaps helps to explain why the business plan is broadly welcomed by most . union representatives, despite the inherent dangers of the decentralisation of collective bargaining etc.

Indeed, the new system of QEP bonuses is designed to stimulate business-specific calculations of profit and wastage etc., rather than to stimulate efficiency itself, and is therefore directed at managers as much as workers. The safety officer went further:-

> ...the division of the businesses now means that they are not competing
> for resources in a central services pool,...they are more responsible for
> their own safety management, particularly through having to organise
> their own engineering functions to a greater extent.

This, it was claimed by the safety adviser, meant that safety policy and investment decisions had to be tied more closely to the management of the separate businesses, thus bringing such decisions closer to the hazards themselves, and allowing swifter action, independent of the bureaucracy formally associated with central engineering services.

Of course, the decentralisation of safety regulation does not mean that fundamental decisions about where to spend money, and about what priority is to be given to those aspects of safety regulation which represent a cost to the company and which cannot be incorporated into production-centred technological investment, can be avoided. Indeed, at Textchem, safety regulation appears in practice (i.e. in terms of everyday

issues and their regulation) to have followed the contours of the business plan in being decentralised despite formal retention of site-wide safety functions. Similarly, I am not suggesting that competitive pressures do not affect how workers work at Textchem, and how they control hazards.

Rather, it appears that the capital intensive nature of production at Textchem (notwithstanding differences between the businesses) allows management and worker representatives to see safety as more tied in with the business success of the company . than might be the case in other working environments. In other words, investment in new machinery has a double function. Primarily, it is a managerial strategy designed at maximising profits as the company pulls out of a difficult financial period. But it is **also** of central importance in addressing some of the main safety problems, particularly those where the company has problems complying with CoSHH exposure limits.

At Textchem in particular, the tension between safety and profit has a different quality to it in the different businesses, with investment being a most critical element in safe working conditions in the flake department. As a corollary of this, some managers stressed that safety in a chemicals processing environment is more a question of the proper functioning of systems and safeguards than about the daily pressure on workers, a somewhat controversial issue dealt with more directly in the next section.

Notwithstanding the common perception that investment was the way to a safer and healthier working environment, individual workers still felt the pressure of having to "make do" in imperfect circumstances, with associated health hazards to work around. A shop steward gave the example of a worker who had been disciplined for not implementing a standard operating procedure (SOP). The union looked into the case and found that the job had been made more dangerous by the introduction of new

production processes *downstream*, and that the SOP was now redundant in that the safety problems of his job had now changed. The senior shop steward for the TGWU said:-

> ...workers in this place are doing their best to keep production going with old machinery in some parts of the factory,...Sometimes this means they have to be a **bit clever** and ignore the SOP in order to keep things ticking over.

The quote above illustrates a particular importance that **job control** has in safety regulation[21]. At Textchem, especially in the flake department, job control is relatively high, and a production manager claimed that despite the complexities of chemistry involved, and the small margin of error in chemicals production systems, individual workers had their own way of preparing production batches, as if they were secret recipes with varying amounts of various substances added or taken away by personal preference. Therefore, beyond the world of formal safety systems, and official safety policies, workers have to operate machinery that is imperfect and often outdated. This presents problems, both in terms of the dangers that might arise and in terms of the disciplinary procedures that may be invoked when workers try to address the problems. Clearly, the unity of interests between workers and employers over the need for investment is an incomplete representation of the relationship between workers and their safety within productive systems. But it also shows how control over work is an important element in the struggle of workers to stay safe, to be "a bit clever". An individual worker is confronted with a range of possible options when manipulating machinery or production processes within a more complex system that might present safety problems outside of his/her direct control. The ability to shift and change and adjust working methods is a necessary part of the job of attempting to control for hazards that might be "imported" from other parts of the production process, and this gives us a clue as to how convenient it is for managers and worker representatives alike to push blame for accidents onto workers who have neglected official (and therefore somewhat inflexibly defined) safety policies and procedures.

Similar issues exist concerning the issue of quality control and customer satisfaction. The site manager claimed that many of the problems of the business in the early 80s sprang from an output-centred philosophy which paid little attention to quality and the needs of the customer, although other managers were more sceptical about the extent to which recent changes involved this shift to quality-centred production, claiming that it often involved more rhetoric than reality. The works manager at the smaller site gave three examples of where production-led investment decisions had had important beneficial effects with respect to both quality control, and health and safety, reinforcing arguments that in capital intensive industry, investment for production can be more easily perceived as also investment for safety at one and the same time. Firstly, a new production line in the flake business, built to increase capacity and reliability, will bring the company into line on exposure limits under CoSHH. Secondly, a large-scale ergonomic re-organisation of the process of charge-feeding will remove workers from proximity to the vessels as they will eventually be fed automatically. Thirdly, investment is planned for a new closed-system filter in the spinning departments of the tow and yarns businesses, which will end the need for process workers to enter the vessels for cleaning purposes, exposing themselves to high concentrations of acetone. The level of expenditure on these projects, as well as on measures required for compliance with the CoSHH regulations, inform a widely-held opinion that the company now takes safety more seriously. It appears also that the company has found it possible to attach improvements in safety to investment decisions made under entirely different criteria. This is not to suggest that investment on its own absolves management from political decisions over resources and safety costs more generally. In particular, the experience at Textchem raises the question as to how likely it is that this ability to make safety an "ally" of production goals (i.e. to unite union representatives interests in establishing safe working conditions with managements desire to invest in new production lines and equipment), is dependent on the financial upturn the company has experienced.

The changes of the business plan are all-pervasive at Textchem. The next section addresses the impact that the increased autonomy for the businesses has begun to have in undermining the central policing function of the TSC, as individual managers choose not to seek approval for modifications to production processes and/or machinery, with implications for the regulation of safety. The changes discussed in this section represent a decentralisation of business and managerial control as well as of employment status and systems of representation, although it must be stressed that whilst business autonomy in some areas (eg. purchasing of flake by other businesses) is well established, more far-reaching changes, such as the decentralisation of collective bargaining, are yet to be realised, and indeed may never actually take place.

One of the problems of the business plan is the environment of change and the disruption to existing patterns of representation, which has an impact on the previously "stable" function of union representation, (discussed further in section (v)). For example, the senior shop steward said that recently, an operative and supervisor had both been shut in a lift for over five hours. He, however, had only heard this indirectly through a conversation when in that particular business, emphasising, he argued, the difficulties inherent in his attempts to use his representative position to influence a **collective** approach to health and safety, as well as the implications that full business devolution will come to have for this collective regulation.

These may be somewhat anecdotal examples, but they do illustrate the potential problems that may develop as businesses become increasingly responsible for their own affairs, and as the current framework for participation of employee representatives becomes redundant and ineffective in articulating collective and site-wide safety issues. Another example of the relationship between production goals and safety, within a changing atmosphere of business autonomy, is the explosion at the larger plant mentioned earlier. The blast caused the entire factory to be closed for

three days in order to make the place "safe", and to shut-down operating systems etc. Management was then left with the decision of which parts of the plant to priorities for re-opening; in the end, the tow business was chosen, leaving the other departments closed for a further few days, the decision being based on the contribution that tow makes to the general profitability of the company. This caused further resentment amongst yarns employees, ensuring that the QEP bonus remained low for that business, and further fuelling calls for a return to the "collectivised" payment of bonuses. It also points to the problems of the business plan itself, in attempting to create separate businesses, on sites where geographical location, and a large degree of interdependence of equipment, site services, safety etc. worked towards horizontal organisation. It further demonstrates the way that decisions about safety are intrinsically related to those concerning production priorities.

Evidence also exists that this process of de-collectivisation involves not just the formal changes of the business plan. The safety adviser at the smaller site said that he increasingly by-passes union representatives in dealing with problems relating to health and safety on the shopfloor. The union representatives at the same plant claimed that there had been an actual decrease in consultation between themselves and management over safety, an example being where the men had organised for workers to go on a ten-day safety course organised by the local TUC, only for management to say that they had already organised a five-day course in conjunction with the larger plant, and the TGWU nationally. There is insufficient room here to discuss the further implications of the business plan for industrial relations and the ability/desire of union officials to obstruct the force of the management changes. However, those changes that have already taken place under the auspices of the business plan indicate something of the importance of managerial control, corporate strategy and prerogative for the structure and practice of participation in health and safety. They show the strong role that business structure and strategy play in framing the processes and content of decision-making, in the management and regulation of

safety. They also show how fragmentation of decision-making over production-centred goals has a knock-on effect in de-collectivising safety regulation. The next section looks at the relevance of the formal floor of rights at Textchem. The development of the business plan at Textchem shows how the particular form that safety regulation takes (in this case, particularly the extent of centralisation of joint regulatory functions) is important in determining the level influence that worker representatives have.

In essence, the business plan is not an attempt to improve efficiency, cut costs or de-recognise union representation. It is certainly not driven by a desire to break up plant-wide safety representation and the influence of shop stewards, although these are clearly some of the by-products of the process. Rather, it is an attempt to re-focus the policy goals of **management** at business- rather than site-level, although the secondary effects on safety regulation and representation are clear. The examples of change to safety regulation given in this section further show that the process of negotiation and decision-making concerning safety as against other production priorities is a complex one.

At Textchem, a period where management have attempted to de-collectivise health and safety participation, alongside other matters, and where the relative strength of influence of trade union representatives has decreased as this collective space has been squeezed, has also been one where investment has increased, where management have given a higher profile to safety as such, and where this is reflected in an almost universal feeling that things "...are getting better". The next section goes on to look at the formal structure of participation in safety management, and at how, within the context of the business plan changes, legislation over safety issues is implemented at Textchem.

(iv) Statutory participation, safety regulation and the floor of rights

There is an overwhelming feeling amongst almost all of the people I interviewed that health and safety issues are taken more seriously now, and given greater priority by management, than in previous years, with an improvement in the financial position of the firm often given as the main reason for this. Many of those who have been employed at Textchem for a number of years mentioned a general apathy to health and safety matters on the part of management and employers alike in the past.

These feelings are expressed in a similar fashion in the questionnaire returns, regarding the question of improvements in health and safety at Textchem in recent years.

| Changes to safety in recent years? | | | |
|---|---|---|---|
| Response: | No. | % | cum. % |
| Much Improved | 20 | 31.7 | 31.7 |
| Improved | 34 | 54.0 | 85.7 |
| The same | 7 | 11.1 | 96.8 |
| Worse | 1 | 1.6 | 98.4 |
| Much Worse | 0 | 0.0 | 98.4 |
| No response | 1 | 1.6 | 100.0 |

As we can see, over 85% of respondents claim to have seen some degree of improvement in health and safety. I have already mentioned that the employment of a new full-time, high profile, safety adviser, as well as the subsequent resurrection of moribund safety committees are important in this respect. Union representatives also claimed that there was a direct relationship between the degree to which management are now taking safety matters more seriously, and the financial situation of the company; i.e. there is simply more money around to spend on health and safety measures. However, many people, particularly but not exclusively on the employee representative "side", also claimed that legislation, and especially the new CoSHH

regulations, have also been instrumental in this change of attitude by the company. Indeed, an operations manager candidly agreed:-

> ...although the company are generally good on safety here,...in reality nothing would be done about health and safety, without the compulsion of legislation.

Similarly, the TGWU senior steward saw health and safety legislation as a key way in which unions could gain influence in the company, in the face of an environment hostile to trade unionism *per se*. Whilst new regulations concerning noise control, dust levels and hard hat protection were all cited as important, it was CoSHH which appeared to be uppermost in safety considerations[22].

The relatively recent introduction of CoSHH means that the company are still in the process of making the great number of assessments necessary at the very start of the procedures of compliance[23]. However, various measures to deal with high exposure levels have been introduced in key parts of the factory, and the issues of exposure, exclusion and the personal protection of workers are very much on the safety agenda. The safety adviser admitted that the company has been slow to comply with CoSHH, and that its impact has been deep in challenging the existing safety management system. Although the regulations require management to consult with employees at each stage of the substance monitoring process, the input of trade unions at this site of Textchem has been negligible, according to both safety representatives and the production manager of the flake business. The reason given by the safety adviser was the complex, technical nature of compliance with CoSHH, and the lack of such knowledge on the part of shopfloor employees.

It would be misleading to claim that the impact of the CoSHH regulations on health and safety serves only the interests of workers in a simple sense, despite the importance attached to legislation by union representatives at Textchem. It became

clear in my discussions with managers, that CoSHH was very much welcomed at the factory, not only in helping to **professionalise** the health and safety system in operation, but also in helping to standardise and objectify the management of health and safety; for example, the tow business operations manager claimed:-

> since CoSHH it has been much more difficult for workers to dress-up grievances of various kinds as involving health and safety,...i.e. by refusing to do certain tasks on spurious safety grounds, as had happened previously.

The safety adviser made a similar claim, that the last year or so had seen a fall-away in these "artificial" safety grievances being used as a mask for other issues, although he did cite a dispute with a group of men working at the gate-house over regrading of reception duties[24]. This had led to a dispute over payments for holiday shifts, and two of the men leaving the factory at the end of the shift, even though replacements were late, causing potential safety hazards in the intervening time. The safety adviser also said that this disagreement had led to two employees refusing tasks on spurious safety grounds, although this was the exception rather than the rule.

Worker representatives also pointed to the law as a problem as well as an area where workers enjoyed a good degree of protection. The senior steward said:-

> ...mind you, the worst people for us are the environmental people [i.e. environmental health officers from the local authority, HSE inspectors etc.]. If we had to put everything right that they say, then we would soon be out of business. They have no idea that we have to try and keep this place going, and the jobs with it.

The general impact of CoSHH, however, has been to tighten the measurement of hazards, and remove uncertainty and the scope for bargaining and disputes over safety from everyday employee relations. This was reinforced through further interviews. Almost all of those interviewed also said that health and safety matters were kept entirely separate from bargaining over pay and conditions, with almost all of them

claiming that this was a good thing. Questionnaire responses suggested that the picture was more mixed, raising the question of whether shop stewards and managers centrally involved in safety regulation maintained a different definition of what bargaining constitutes[25].

| To what extent do safety issues get wrapped up in other issues such as pay and conditions? | | | |
|---|---|---|---|
| Response | No. | % | cum. % |
| V Much | 3 | 4.8 | 4.8 |
| To some extent | 16 | 25.4 | 30.2 |
| Rarely | 17 | 27.0 | 57.2 |
| Never | 8 | 12.7 | 69.9 |
| Unknown | 17 | 27.0 | 96.9 |
| No response | 2 | 3.2 | 100.0 |

The above discussion would suggest that, in part at least, compliance with the CoSHH regulations at Textchem has become an end in itself which allows managers to deal with this aspect of safety in a unilateral and routine way, without consultation with trade union officials or safety representatives, and reinforced by a concentration on safety issues as essentially a range of technical solutions to unproblematically identified technical problems. The legislation itself does not have a causal role in this; managers still choose to implement CoSHH within the framework of existing safety regulation. However, the concentration on exposure limits in the regulations seems to offer management the **possibility** of isolating compliance from the dynamics of participation. Who needs to participate when safety is just about getting the exposure readings below a certain level? Health and safety has almost come to be equated with compliance with the law, and with the achievement of exposure targets, maybe in an attempt to remove any form, or expression, of conflict over the safety priorities that are set, and the decision-making process involved.

The clearest example of this is the minimal role that the joint safety committees play in driving CoSHH as opposed to being informed about it. Management enthusiasm for the CoSHH regulations enables a diversion from any challenge from safety or union representatives, in that the achievement of specific measurable targets is taken as a common objective and not subject to dispute. In other words, the safety agenda has become dominated by measurement and exposure levels at the site, at least partially through the way in which management have approached compliance with the CoSHH regulations. There is every possibility that once assessments are complete, a similar process will take place with the use of personal protective equipment, with little scope for a critique by employee representatives, of the very decisions which generate the dangers in the first place.

Such feelings emerge in comments on a number of questionnaires. An electrician working for central services says:

> The company's image is one that values safety! But in reality does very little outside of complying with the law.

This sentiment conforms to the comments of both managers and union representatives, mentioned above, on the fact that much of the improvement in health and safety was down to the compulsion of legislation and statutory requirements. These feelings, however, exist within a framework of opinion, commonly held view amongst union and safety representatives, as well as operatives, that the company is now taking safety more seriously than in the past, as mentioned earlier.

| How seriously does the firm take safety? | | | |
|---|---|---|---|
| Response | No. | % | cum. % |
| Extreme Seriously | 10 | 16.4 | 16.4 |
| Very Seriously | 17 | 27.9 | 44.3 |
| Quite Seriously | 23 | 37.6 | 81.9 |
| Not Very Seriously | 7 | 11.5 | 93.4 |
| Not At All Seriously | 2 | 3.3 | 96.7 |
| Not Known | 2 | 3.3 | 100.0 |

The fact that CoSHH is used in such a way as to exclude rather than engender more effective participation is only partially a result of the nature of the legislation itself, which admittedly concentrates on number-crunching compliance with exposure limits, as well as on the professionalisation of the whole operational safety system and the importance of responsibility for safety within line management. The legislation is also clear in demanding full consultation and involvement of employee representatives, as a springboard to more effective participation. In practice, legislation is utilised in a more complex way in everyday safety regulation. Union representatives complained that in some cases the company was hiding behind the safety legislation, in over-using temporary workers, as a kind of numerical flexibility, on the grounds that extended probationary periods were necessary for safety reasons. The second half of this section looks further at what management at Textchem does to both reinforce a technical discourse in the resolution of safety problems, and to neutralise the potential that exists for effective participation of employee representatives.

The discussions so far have attempted to show how management are attempting to use the CoSHH regulations to insulate this important aspect of the health and safety agenda from the potential expression of conflict by employee representatives *via* the institutions of participation - i.e. business safety committees. In other words, through claiming that the legislation is a universal, and externally legitimate, set of targets for safety policy to be geared towards, and therefore something that should unite the efforts and interests of management and employees alike, management are attempting

to isolate health and safety from broader issues around the distribution of power and decision-making, from the **relations of dominance**, as it were. This is an important issue, as I have already argued in previous chapters that this link between relations of dominance on the one hand, and choices over safety and production considerations on the other, are a crucial element in the management of health and safety. Later in this chapter, I will discuss the difficulties that union representatives have in shaping a coherent response to this problem. However, I want first to discuss in more detail the way in which management at this site choose to isolate and control the regulation and monitoring of health and safety in this way.

One of the key bodies in the regulation of health and safety is the management-only technical safety committee (TSC). The main role of this site-wide body is to meet once a month, and to review the safety implications of new investment, amendments to working and production processes, alterations to machinery and equipment etc. The function of the TSC is to look at detailed modification (mod) proposals, and to take a broader view of the safety problems that might be involved, although the senior site engineer has the power to veto the need for matters to be taken to the TSC where he feels that this would be inappropriate, usually where a duplication of the original detailed proposals might occur. Many of the mods are produced within the separate businesses, and are usually "production-led" according to the senior engineer, thereby giving the TSC something of a policing and advisory role in relation to the changes that the individual businesses would like to see. The TSC, however, must give approval for mods before they take place, thus giving it more power and influence than the separate business safety committees, although the changes to the business structure on the site, and the shift to greater autonomy for the businesses (mentioned earlier), has confused this relationship somewhat. The senior engineer said that whilst most managers recognised that mods must have TSC approval before work could go ahead, not all managers observed this process.

The senior engineer, who also chairs and co-ordinates the work of the TSC, said that although it had always existed, it had been revamped just prior to the appointment of the safety adviser and the resurrection of the safety committees, and now had a very important role in safety matters. The justification for this body not involving employee representatives was given by the senior engineer as one of technical competence, saying that:-

> The committee would simply go over the heads of workers...

Similarly, the senior engineer argued that the capital-intensive nature of the industry means that safety problems are defined more by the nature of complex operating systems, often involving built-in automatic safety procedures, with human, ergonomic issues being less important. This relates to my comments on the general safety agenda at Textchem mentioned earlier, and represents a somewhat false separation between technical safety problems, and those more generally associated with the labour process, and with the control of work, such as fatigue, double shifts etc. The false nature of this dichotomy was further recognised by managers who contributed to the TSC meeting that I attended, where the importance of the skills and competences of shopfloor workers was constantly raised as being a critical part of ensuring the safe **technical** operation of production processes. This represents the reverse of the logic of the argument above; that technical safety systems can limit the impact of individuals of the prevention of hazards. Furthermore, one senior adviser from the larger plant said that one of the main problems with safety at this site was the lack of know-how on the part of employees, and a lack of experience amongst middle managers. He said:-

> ...at the end of the day, you need to employ competent people who know the bloody plant and can work safely.

A similar view was expressed by the senior engineer:-

Sometimes, too much technology is a problem,...

In other words, technological solutions to safety problems can cause further problems in their own right if the operatives lack the necessary expertise to work within the new advanced system, or if understaffing is a problem. The operations manager of the tow business made it clear that safety problems in his business were related to production targets and the need to reduce unit labour costs, in particularly concerning workers doing double shifts when manpower is short.

Furthermore, it was argued in the opening chapter that a management-centred approach to safety problems, involving a use of risk analysis driven solely by managers, ignores critically the fact that it is workers who shoulder a disproportionately high degree of burden with workplace hazards[26]. This problem is reproduced at Textchem with respect to management approaches to CoSHH, and the fetishism of measurement mentioned above. An operative in the yarns business exemplifies the feeling that concentration on CoSHH measurements ignores the more basic reality of workplace problems:-

> I believe that if Textchem should sort out a more effective cooling system in the spinning mills, it would make life a lot easier and healthier, creating a lot more alertness;...for heat causes drowsiness and drowsiness causes accidents. What a pleasure it will be if you come into work on a hot blistery summers day to a nice cool environment of work...

This quote illustrates just how "simple" a matter safe working conditions can be for individual workers, even in a capital-intensive plant such as Textchem. Safety representatives also expressed concern that whilst the concentration of technical know-how within the TSC, and management more generally, was fine for the solution of some problems, there was an overall lack of joint regulation in the co-ordination in

health and safety across the site, made worse by the winding up of the old central safety committee in favour of those in the individual businesses, discussed in the previous section. The site nurse also felt that the end of the central safety committee meant that her job of health promotion was weakened as businesses looked after more of their own affairs, and ran training courses she was unaware of, using first-aid equipment, for example, she was unaware even existed. Importantly, the senior union representatives I spoke to at Textchem were unaware even of the existence of the TSC.

The TSC meeting I attended also included a difficult and detailed discussion about safety valves that could be built into the new charge-feeding[27] system in the preparation of a cellulose solution, and the implications that any number of failures could have for containing exposure and gas emissions. At several points in the discussion, the need for the operative to be aware of safety procedure, and importantly, not to leave the new apparatus for extended periods was raised, indicating again this separation of technical solutions from health and safety more broadly conceived to be false and misleading. Similarly, at one point, members of the TSC argued that it was always difficult for decisions regarding modifications to machinery to be taken, because there was little guarantee that money would be spent, at other levels of management, in implementing their recommendations. This not only points to the importance of managerial decision-making in safety regulation, even if managers at Textchem see this arena in purely technical terms; it also reinforces the contention that management cannot be seen as a homogenous body in the regulation of safety and health. The business plan has already shifted the emphasis in the relationship between management in the separate departments, as they have to compete over price and quality with other producers, and negotiate over the internal supply of the three other businesses by the flake department.

As we have seen, management at Textchem have introduced the new CoSHH regulations in a way which attempts to insulate the health and safety agenda from conflict over the allocation of resources and priorities, concentrating instead on compliance with exposure limits. This enables a privileged role for management specialists, through the separate discussions of the TSC and through the "ownership" of CoSHH as a management-driven initiative, in regulating health and safety at the site. This is reflected in the institutional arrangements for the regulation of health and safety, with the relatively powerful TSC making decisions over safety (albeit imperfectly given the considerations above) at the expense of the relatively toothless business safety committees. This separation of functions between the two forums of safety regulation, however, does not appear to be an important issue for union and safety representatives I spoke to. Responses varied from complete ignorance of the existence of the TSC, to a positive recognition, similar to the views of the site engineer himself, of it as typical of a new importance given to safety by management, but never a query over the necessity of employee participation, in some form, on this **higher**, and more important (in decision-making terms) safety regulation committee. Again, this raises questions about the response of worker representatives to the de-collectivisation of safety regulation, which will be discussed in section (v).

This separation of functions between the TSC and the joint safety committees was partially disputed by the senior engineer. He argued that there existed a continuum of safety problems, ranging from a one-off major accident with disastrous potential effects (a kind of accident that other managers described as beyond the potential for a plant such as this), to routine safety problems involving a large number of minor injuries. He said that there is an overlap between the functions of the two committees, although because of the nature of technical knowledge possessed by specialists on the TSC, there is bound to be some separation.

This tension, between the discussion of minor (but regular) problems at BSC level, and major investment-related and CoSHH-related problems at TSC levels runs through the framework of participation in health and safety at Textchem. It is reflected in a clear way by the following table, which analyses the questionnaire responses:-

| How effective are BSCs in solving these problems?[28] | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | those caused by individuals or the company | | | those needing changes to working methods or layout but costing little | | | those expensive to put right | | |
| Resp. | No. | % | cum% | No. | % | cum% | No. | % | cum% |
| V/Good | 3 | 4.9 | 4.9 | 4 | 6.6 | 6.6 | 1 | 1.6 | 1.6 |
| Good | 28 | 45.9 | **50.8** | 29 | 47.5 | **54.1** | 15 | 25.4 | **27.1** |
| Bad | 13 | 21.3 | 72.1 | 10 | 16.4 | 70.5 | 16 | 27.1 | 54.2 |
| V/Bad | 2 | 3.3 | 75.4 | 3 | 4.9 | 75.4 | 13 | 22.0 | 76.2 |
| D/Know | 15 | 24.6 | 100.0 | 15 | 24.6 | 100.0 | 14 | 23.8 | 100.0 |
| Miss. | 2 | | | 2 | | | 4 | | |

Clearly, whereas over half of respondents say the safety committees as at least "good" at solving problems other than those involving large scale cost and investment by the company, this figure drops to just over a quarter when expense is required (i.e. the figures underlined).

It is my argument that the institutions of participation in health and safety (primarily the business safety committees, and the rights of safety representatives to inspection etc.) are separated from the location where management concentrate attention to safety matters, where a meeting is convened more often (the business safety committees meeting only every six weeks or so[29]), and where the decisions made are much more likely to carry more weight. The business safety committees are left with relatively minor details (handrails, machine guards etc.) as well as with issues specific

to individual businesses. The necessary choices of priority over spending on safety and production are at the heart of the way in which relations of dominance are expressed in safety regulation. At Textchem, the TSC is the central body where these decisions are regulated; conversely, the limitation of participation to the BSCs means that these fundamental decisions cannot be challenged in a participative forum. This situation is reinforced both by two other procedures. Firstly, the fact that the changes required under the CoSHH regulations are generally incorporated into the work of the TSC (in discussions of the best way to use the range of protective measures available etc.), rather than the business safety committees; and secondly, through a certain manipulation, by management, of the participation of employees or their representatives, at least in those situations where I was present.

The degree to which this manipulation constitutes a specific strategy on the part of management is questionable; it is probable that the structural limitations imposed by the nature of the CoSHH regulations, and the indirect influence of the business plan in diluting the potential impact of participation mechanisms, are likely factors. However, the problem can be illustrated with examples from a CoSHH briefing in the tow business, attended by a relatively small number of shopfloor employees. Several clear grievances were expressed by these workers concerning the state of repair in some roofing sections with old asbestos pipe insulation. Similar complaints about asbestos as a safety hazard neglected by management were made in questionnaire responses, although management representatives at the briefing attempted to defuse the issue through claiming that "it was not the dangerous type of asbestos", and through promising further investigation before getting back to delivering information about CoSHH assessments. Privately, another member of management admitted that it was impossible to be clear about the hazards of certain kinds of asbestos.

Similarly, part of this briefing included a short video on the need for employees to respect labelling and classification of packaging, particularly those labelled as toxic and dangerous. Later in the session, one employee said:-

> delivery drivers regularly bounce their drums, containing substances labelled as harmful, from the back of their lorries.

The safety adviser once again said that he would investigate, but also said that many manufacturers put these labels on drums containing harmless substances, just to be "...on the safe side...", thereby contradicting the message of the video, and seemingly undermining the value of trying to get employees to adhere **strictly** to the regulations of safety in handling and transporting products.

These accounts reinforce the argument that management are not simply **shunted along** a path of safety regulation determined by other strategies (eg. the business plan), by the details of CoSHH or by the nature of the hazards involved. At a basic level at least, they seem to choose to isolate representative participation in health and safety from the location at which genuine decision-making over safety matters goes on. Management enjoy a certain hegemony through the possession of technical knowledge and through management specialists sitting on the TSC[30]. They also show that within such participation, managers tend to deflect rather than address criticism from shopfloor workers. Thus, whilst much is made of the new-found importance attached to health and safety by the firm, and the enhanced profile of the business safety committees, the content of that participation (i.e. the potential for the expression of problems, grievances and opposition to management priorities over safety) is manipulated by management, in defence of participation more as a form. In other words, whilst participation is important, genuine complaints are less so, either because operatives lack technical knowledge on the one hand, or are "bad personnel choices" (as one operative who I witnessed complaining about a spillage in the flake business was described later by the safety adviser) on the other[31].

The next section looks at the response of union officials to the changes inherent in the business plan, and the difficulties that union and safety representatives have in challenging these tendencies towards de-collectivisation, the **colonisation** of technical solutions to safety by management, and the relative toothlessness of the business safety committees.

(v) Representation; the role of trade union and the collectivisation of health and safety

It was argued in the opening chapter, that it is problematic to think of the health and safety interests of workers as being simply opposed to those of management, even if the generic contradiction between the pursuit of profit and the creation of safe working conditions is accepted. I argued further that unions, and other employee representatives, play a necessarily difficult role in pursuing safety issues on behalf of members whose interest are potentially diverse and contradictory in nature themselves, and that management too must be viewed in a heterogeneous way with respect to its handling of health and safety issues. I have already cited several examples of the difficulties that union representatives in particular have at Textchem with respect to participation in decision-making and information regarding safety and other matters, particularly during the period of business plan changes. In addition, I have pointed to proactive ways in which management control both the regulation of technical safety problems, and the manipulation (intentional or otherwise) of forms of worker participation. This section looks more closely at the union response, and at the role of worker representatives, in the management of health and safety at Textchem.

The union representatives I spoke to at Textchem found themselves in a difficult situation with respect to health and safety issues, as well as their general dealings with management on other matters. A starting point for these men was complaints about

the general apathy that workers exhibit, and the low priority that employees generally gave to safety above other issues such as pay and conditions. This meant that they were very often unsure of the support they had from their members when taking complaints about safety and accidents to various levels of management; the senior steward was angry that he received such little support from his shopfloor members for his campaigning work in this area, whereas he was severely criticised by workers sometimes for not taking a harder line with management. He said that he had often felt stupid when he had fought for certain improvements regarding safety only for workers to either ignore the new arrangements, or to refuse to wear new clothing etc. He also described many employees as selfish in this respect, claiming that there was a simple lack of solidarity at shopfloor level in the factory.

The senior steward cited several examples where direct intervention on his part had won concessions from management with regard to health and safety matters, generally through advocacy on behalf of injured employees, as well as on issues other than health and safety related. A man who had broken his glasses on a wire left by some contractors requested that the company paid for replacements. Apparently, this was normal practice "in the olden days", but this time the company would only pay half. The senior steward took further action and won full compensation, despite being told by the union that it was too small a claim to waste money on should the company have wished to fight it. Sometimes, however, the union representatives would fight for a group of workers on a particular issue, only to find that the workers would either abuse or ignore protective measures won. As an example, a worker tore his trousers which belonged to him after contractors had not returned clean overalls on time. The company wanted again to reimburse half the cost, but the senior steward stood firm and managed to get a full payment. He was then angry when the man claimed for £45, even though the trousers cost less than half this, claiming that this selfishness had compromised the stand that he had taken on behalf of the worker. In addition, it then came to light that the accident had been caused by another worker who had twisted a

bit of wire through a machine guard that had come loose, instead of contacting his supervisor to get the fault repaired. To the union representatives, their members expect them to just stick up for them on every matter, whether they are right or wrong, simply because they pay their union dues; they fail to see their own responsibility for things like safety, and the above examples support them in this. In this respect, the union representatives seem to have to **manufacture** a collective agenda on safety and health from the disparate experiences of individuals and sectional interests of small groups confronting particular problems. The stewards embody many of the complexities and contradictions in trying to pressurise managers to maintain safe working conditions in the face of market competition, the general need to keep production going, and in the face of non-solidaristic responses from individual workers.

Furthermore, the union representatives were far from universally critical of management, particularly in the area of health and safety. They said that the ignorance and apathy of the workforce were also important. The senior steward said:-

> ...with hand on heart, the workforce are more to blame than management...

This represents an important assertion; a central aim of this thesis is to understand how safety can be utilised in a collective manner by unions, in challenging managerial hegemony of decision-making and production control. If the steward is correct in saying that workers are more to blame than management (i.e. that it is the actions of management in promoting safety that workers ignore), then the scope for trade unions in mobilising around safety is intrinsically limited. However, he also said that the competing pressures of production and safety, also had an effect on the behaviour of shopfloor workers, claiming that often workers took short cuts in order to keep the line going, or to avoid a stoppage of some sort. The example, mentioned earlier, of the man disciplined on safety grounds for ignoring a certain SOP, when in fact he was

trying to solve some of the problems that the SOP created for actually carrying out his job, is illustrative of this. Clearly then, individual worker negligence is complicated term, and must be seen within the context of production pressures and managerial domination of the safety agenda. The union representatives were in agreement with the safety adviser that shopfloor workers ought to go to their supervisors and line managers about safety matters, rather than leave things till they get worse, and then bring in the safety officer or union officials, illustrating the fact that management per se can be seen as an ally, or as a resource, for union representatives trying to improve working conditions, rather than just as the "enemy".

In my discussions with the union representatives, a complex set of paradoxes between trying to pursue safety issues on behalf of workers, trying to police workers who were often less than interested in safety, and performing a balancing act between trying to protect employees' interests whilst trying to ensure the survival of the plant emerged. As mentioned earlier, the senior steward argued that the "environmental people" (the environmental health department of the local council), and the health and safety inspectorate were sometimes "our" worst enemy, in that they had little idea of the fact that the factory needed to stay open and jobs needed to be protected. He said further:-

> ...if the letter of the law [regarding environmental and safety controls] was applied, the place would simply be shut down.

This is clearly the truth; worker representatives therefore have an ambiguous position with respect to legal regulations and improved legislation, saying on the one hand that this was crucially important in the improvements of recent years, and on the other hoping that the regulations did not threaten jobs.

All of this suggests that it is difficult to draw out simple representative interest constituencies with respect to health and safety at Textchem. By this I mean that the work of union and safety representatives **routinely** involves a balancing act between

sets of competing pressures. If safety and profit are fundamentally at odds in a broad sense, as I have argued that they are, then the articulation of this conflict is anything but straightforward and linear at the point of production. Drawing out the processes which filter this fundamental relationship is to also expand our understanding of the relationship between safety management, and the politics of production in general.

At Textchem, the comments of both managers and union representatives centrally involved in safety management, suggest that these people form a separate community, in some sense, with health and safety as a key theme separating them from colleagues. Both of these groups acknowledged the role that each other play in promoting good health and safety, and looked outside of this group, to individual workers who ignored safety procedures, and to other managers (and management functions) who didn't take safety seriously enough etc., for people to blame for poor safety. This community cuts across the divide that exists between unions and management with regard to many of the changes that have taken place (especially the business plan) in recent years. On several occasions, the union referred to themselves and management as "us" (the environmental people, after all, were described as our worst enemy) to the exclusion of other groups, and of individual workers, reinforcing their perception of their role more as one of policing workers (or helping to police them) rather than of the representation of their interests contra management[32].

An example is the issue of contract workers. Throughout many of my interviews, contract workers were identified as a key cause of safety problems at Textchem, covering a number of different jobs and potential hazards[33]. The problems arose from the fact that these workers did not know the safety and emergency procedures at the plant, and were not aware of the totality of hazards involved (i.e. a comprehensive hands-on knowledge about the dynamics of the plant and how problems in some areas might lead to dangers in other areas etc.), to the extent that full-time employees were. Interestingly, contract workers were also recognised to be one of the main victims of

poorer safety conditions, given the more precarious (and non-unionised) nature of their employment, and by the fact that they were generally called in to do work that was more hazardous anyway. The safety adviser and the senior engineer had recently introduced a new system of contract monitoring, involving detailed discussions not only of price and job specification, but also the safety implications that the work would involve and written descriptions by the contract firms of how they would overcome them.

This problem of interest disaggregation and representation is also illustrated through consideration of the gendered division of labour at Textchem. There is no room for a full discussion here[34], but one example shows how the male union representatives seemed to view the health issues of female workers in a different light from more general issues[35]. A group of women in a different department were refusing to move the **fran** bars holding the finished yarn, on the grounds that they were too heavy to move when a woman was pregnant. He was very sympathetic, and demanded that management allow pregnant women not to move them, although the stewards claimed that when men and women, pregnant or not, at other sites and in other parts of the factory, were able to move them, it was difficult to make out a special case for these women. Management conceded that women could ask for help from work colleagues if the bars were too heavy, and the steward then took up the issue of whether the same output of work could be expected in these situations. The steward then gave an account of how he had been in the relevant department towards the end of a shift and had seen the women, including the pregnant ones, shifting the bars "...in no time...". He came to the conclusion that the issue of safety during pregnancy had become a front for idleness, and made for a special example in reinforcing his negative view of his members in terms of their selfishness, and their approach to his job.

These examples are diverse and problematical in themselves, as they raise many questions about male domination of representative functions in the workplace.

However, they are illustrative in that they represent a key difficulty in our understanding of the articulation of collective health and safety interests by union representatives such as shop stewards. They point to the various disaggregative factors working against a collective articulation of safety interests. They indicate the fine line between representation and mobilisation of workers on the one hand, and the joint regulation of labour, with the help of management, on the other. When the specific issues governing these relationships are filtered through the prejudices and personal outlooks of the representatives (both management and employee) involved, then we can very quickly lose sight of the real issues involved. In other words, the exact nature of original grievances is lost as it passes through the distorting filters of those holding representative positions.

This difficulties of representation mentioned in this section are coupled with a general weakness in the power of the senior stewards, engendered by the changes of the business plan, the devolution of decision-making and the progress towards less centralised collective bargaining. The effects of these are cumulative and act as a gradual erosion of the function of collective representation, making life more difficult for the union representatives I spoke to[36]. The degree of this distortion and representative filtering, is difficult to pin-down in research of this kind; however, the representative problems which the stewards at Textchem experience are clearly important. At Textchem, management are forging ahead with a programme of change that has mixed benefits for traditional modes of representation. It is not unreasonable to conclude that when management are pushing forward changes which are likely to threaten collective regulation of employment conditions, and when stewards clearly lack a groundswell of support for their work from shopfloor workers, then the importance that participation in health and safety has for the legitimacy of union representatives (as well as the notion of union representation itself) must be considered in itself in addition to the importance that such participation has for management[37].

(vi) Conclusions.

This is a short concluding section to the discussions of this chapter. I do not intend to regurgitate previous comments and analyses; rather, I want to extend the discussion and make some broader remarks concerning the structure and content of participation in health and safety at Textchem.

**Change** is more significant in itself at Textchem, than at each of the other three case studies. A period of radical internally-driven change marks out this case study; the depth of the changes involved are important above and beyond the component parts of the business plan. This business plan has been at the centre of a reorganisation with widespread effects in the structure of management and in opening up new channels of communication between management and employees. The important thing to note here, is the determining influence that these changes have had with respect to the whole direction in which collective regulation of health and safety is heading. Whilst management are praised by stewards and employees alike for their new positive attitude to health and safety issues, management are pursuing a policy which directly and indirectly threatens the place of union representatives within a framework of participation, and the influence that unions at the plant can expect to have in the future. It further de-collectivises safety regulation as the move towards vertical business organisation develops.

This is reinforced by a relative incoherence in the approach of the trade unions in the plant towards both health and safety and other matters; they are caught between attempting to mobilise workers against the most excessive implications of the business plan (for decentralised collective bargaining, individualised employment contracts, performance related pay, business specific QEP bonuses, as well as the

segmented and compartmentalised treatment of health and safety through CoSHH and the TSC etc.), and an alliance with certain managerial initiatives which potentially enhances the status of union representatives, and perceptions of the influence that they have. This situation is repeated at many different levels, and with respect to different issues. At the larger plant, the move to direct communication between managers and workers has been welcomed by shop stewards, who say that this is what they have wanted for many years.

This takes us back to the arguments of Cressey et al (1985:169) concerning the nature of managerial hegemony over the framework in which participation operates. Management at Textchem, as we have seen, are far from hostile to trade unionism in the factory. However, they have been able to squeeze the influence that trade unions have, through their retention of managerial initiative in the guise of the business plan, and, in the case of health and safety, through the "ownership" of the introduction of CoSHH and the colonisation of decision-making through the TSC. It is important in this respect that the business plan has nothing specific to address to safety regulation, leaving it as a site-wide (managerial) function, whilst indirectly forcing business managers to resurrect BSCs as site-wide issues concentrate in the TSC. This particular constellation of developments has the greatest potential importance for future developments. Managerial prerogative is the key to the business plan; not in confrontation with strong plant-based trade unionism, but in conflict with horizontal business organisation which supposedly does not allow for good decision-making within the separate departments. However, what we have seen is that this prerogative has a momentum which could herald qualitatively new relationships between health and safety management and the participation of employee representatives.

The key for trade unions at Textchem must lie in finding some new role as representatives of employees in health and safety matters, rather than as enforcers of a health and safety agenda which is seen as solely management-led. I mentioned earlier

that union absence from TSC-level participation was not questioned by the representatives I spoke to. In the light of the discussions in the rest of the chapter, this is not surprising. It is understandable that union representatives should see management in a positive light, when their own bargaining power, and status-levels in the workplace, are so low. A strong management is better in the provision of good health and safety than nothing at all. The division of labour, the persistent prejudices of union representatives concerning sections of the workforce (eg. women), and the continual atmosphere of pessimism over the long-term future of the smaller site are unfortunately all factors which will serve to limit the realisation of a new form of collective representation, with respect to health and safety and other issues.

Notes.

1. I refer here to research I carried out with Paul Marginson and Stephanie Tailby for *IRES Lombardia.*
2. Where awareness of the use of cigarette filters is growing, according to the personnel manager.
3. The senior steward of the TGWU said that the future of the yarns business is the least secure, and said that it is quite conceivable that the tow business, with its increasing market share and profitability, would come to replace yarns entirely at the plant in the future. He also commented that it is becoming increasingly untenable for his members to be part of the textile group of the union given this situation.
4. Whilst I was given open access to meetings and to key people in the health and safety framework, senior managers were reluctant to give away what they considered to be sensitive, and thereby more precise, company financial details.
5. Derby Evening Telegraph, Monday 14 January 1991, p1. I carried out interviews with managers and union representatives at the larger plant after my main research period at the smaller site was complete.
6. The CoSHH regulations came into effect in January 1989; see chapter 2 for fuller discussion of their importance.
7. It is also more diverse and dynamic than at the other three workplaces studies. The role that the technological means of production, and the inherent properties of raw materials and production processes plays in defining the scope and nature of involvement in the management of safety is not the direct focus of this study. I have argued that the management of health and safety involves essentially political issues and that the technological properties cannot determine in any direct sense the way in which actors in the workplace choose to regulate working conditions. Rather, the role that material factors play is discussed in each case study chapter as background information to the actual politics of health and safety participation.
8. The larger sister plant employs a total of around 2200 people, including those working in the sales, administration, marketing, research and development sections etc. which are largely centralised there.
9. I am aware that issues of the gendered division of labour, of the differential impact that work can have on the health needs of men and women, as well as analytical problems of analysing worker representation in safety matters (whether through formal participation mechanisms or through the union channel) of women by men, are not tackled head-on by this research. These issues do arise when I discuss problems of representation in some of the case studies, and are discussed in this highly specific context.
10. The research took place prior to the merger of the AEU and EETPU to form the AEEU.
11. The company is, according to the site manager, a "non-conforming" member of the Chemical Industries Association, which does negotiate minimum national wages.
12. The works manager at the smaller site said:- "industrial relations within [the parent multinational] company are generally regarded as good. Within that, Textchem is seen as having a particularly good reputation, and again within that, this plant has a good reputation for industrial relations."
13. He was also my key informant for the course of the research, organising interviews and coordinating my time at Textchem.
14. These committees are constituted broadly in line with the recommendations of the SRSC Regulations of 1977.
15. Much of the material on the changes involved in the business plan came from interviews with senior shop stewards and management at the larger plant, where general employee relations, and not health and safety, were the basis on which access was negotiated.
16. By "almost", I mean that company subsidies for flake produced on-site have been largely removed, thereby creating competition between the flake business and the

small number of other producers (theoretically including flake departments at other sites of Textchem), and putting the three other businesses in negotiation with the flake business over cost, quality, delivery specifications etc. Towards the end of the research, the company announced an intention to close the flake department at the smaller site, claiming that the new market for flake had made it impossible to carry the hidden costs that used to be associated with the internal market between the businesses.

17. One of the serious accidents in the time prior to the research, involved a man breaking his thigh after being crushed up against a wall by one of these trucks.

18. According to some managers, they are also an attempt to buy increases in functional flexibility amongst the workforce. The yarns operations manager at the larger site paraphrased the response of senior shop stewards to the business plan at that site: "...well, if we are giving up our right to be obstructive, then we want to get paid for doing it."

19. Operatives at the larger site had voted in 1989 for acceptance of the business plan (no such vote was ever taken at the smaller site of Textchem), but discrepancies between bonus rates now paid to employees working equally hard in different businesses, have led to calls for a return to an averaged bonus system across the site.

20. In other words, it is argued by some managers that new technology generally relies on a greater degree of automation, on computer-driven production processes etc. thereby enhancing working conditions by default, by separating workers from the central physical production processes. Importantly, the place where this supposed "unification" of business and safety interests takes shape is the management-only technical safety committee (TSC); the role the TSC plays in the management of safety is discussed in the next section.

21. An importance reflected in different ways in each of the case studies.

22. Despite attendance at CoSHH briefings being voluntary (with pay), the safety manager said that there had been a good response generally. Almost two-thirds of questionnaire respondents reported that they had attended CoSHH sessions.

23. The regulations force employers to make comprehensive assessments of hazards, of the properties of chemicals and substances brought into the factory, the precise dangers of the production process etc. For Textchem, this whole process of assessment is a major task given the lack of a systematic control mechanism beforehand, and given the sheer number of substances used.

24. They had held a ballot over Christmas bonuses, one of the few bargaining issues still determined at national level between the TGWU and chemicals employers.

25. cf. Beaumont,1980.

26. See Moore,1991:11.

27. Originally mentioned in section (iii).

28. Percentages are "valid", calculated from the total of definite responses for each question and disallowing missing values. This is why 13 responses represents 22.0% in the third question, and only 21.3% in the first. Some rounding of figures has taken place in the questionnaire tables, in order for totals to reach 100%.

29. Although the frequency of meetings does vary between businesses.

30. See Grant et al,1988.

31. This tends to support the view put forward by Ramsay (1985:58-60) that, in the UK context at least, management are usually more interested in generating legitimacy out of participation, than in allowing such a forum to challenge their prerogative over decision-making, and also by Cressey et al,(1985:169) and discussed in the first chapter.

32. This central problematical position for worker representatives, in having to represent workers on the one hand and police them on the other emerged to a degree in each of the four case studies.

33. Although contractors were rarely cited as being to blame for individual accidents in the questionnaire responses.

34. I recognise that the issues raised by considering the gendered division of both labour and interest representation are large and controversial areas, which this thesis does not pretend to give justice to. The example used is indicative of the problems

that safety representatives and stewards have in constructing a collective approach to safety regulation.

35. Both managers and union representatives made comments regarding the natural physical suitability of women to the work carried out at Textchem. Reasons given included the extra manual dexterity of women, and the fact that their smoother hands did not cut the fine yarn.

36. This is reproduced in spheres other than health and safety. The company has been operating a successful share option scheme for 5 years or so, enabling workers to invest up to £35 per week in company shares. The senior steward claimed that this had further weakened his position in bargaining with management, because wage claims could be countered with the fact that so many workers were ploughing so much back into this scheme.

37. Indeed, I felt, somewhat subjectively, that at times the union representatives tried to use me to justify their interest and activism in health and safety, blowing their trumpet and citing me as an expert from the local university. In addition, senior stewards candidly said that the non-financial support given to the union by Textchem was invaluable, and that without it (free photocopying, office space, unofficially accepted use of phones for union business etc.) the local branch probably would not exist.

# Chapter 5

Prochem; German private sector chemicals.

(i) Introduction.

Prochem is a Swiss-owned multinational company, with three production centres in the Federal Republic of Germany, the largest of which is the central focus of this case study. In addition, Prochem has a number of subsidiary companies, operating both in Germany and abroad, which do not engage in production, but act as retail and distribution outlets for the finished goods made elsewhere. The company manufactures and prepares a number of chemical compounds, largely for the construction industry. These include a range of rust protections, anti-corrosion treatments, industrial floor coverings and chemical applications designed to extend the life-span of steel, zinc, concrete etc., principally in bridges and large scale industrial installations. Some Prochem products are available for the domestic market, but the vast majority of sales are to the professional building and construction trades.

This chapter attempts to analyse the participation of employee representatives in the regulation and management of health and safety issues at Prochem. For a variety of reasons, including the kind of access I was granted and given the minimal role that supra-workplace level institutions of participation (such as the *Gesamtbetriebsrat*[1]) play in the formal management of health and safety, the unit of study for this chapter is just one of Prochem's production sites on the outskirts of a large German city, and hereafter, all references to the "company", "firm", "management" etc. concern this site rather than the company as a whole. I was given access to Prochem via a local representative of *IG Chemie*, the German chemical workers' union. This access was agreed very much at the last minute, after another German firm withdrew participation from my project. I was therefore able to speak in depth to only a few people at Prochem, mainly members of the works council, during my short stay there. This means that the information gathered is something of a snapshot of the existing safety regulation and participation practices at Prochem, and it does not deal with

long-running issues or trends in safety management, industrial relations etc., although I have remained in touch with my key informant subsequently.

In common with the other case studies, I shall attempt to structure this chapter in order to deal with the questions raised at the end of chapter 1. The next section begins by giving a brief description of production and working methods, followed by detailed background information to the case study, such as the structure of employment and participation. The section ends with a brief analysis of accidents statistics over the last few years at Prochem, gathered from available material. Thereafter, this chapter contains three sections.

Section (iii) deals with the issue of managerial strategy at Prochem and its impact on safety regulation, and aspects of job control. As in the other case studies, these issues are central to our understanding of participation mechanisms and formal relations between management and worker representatives, and form the framework of this chapter in a similar way. At Prochem, financial considerations and attempts by management to cut unit labour costs in a period of more intense competition and a squeeze on profits are very much to the fore, unlike at Textchem[2]. This role that financial margins appear to play in dictating managerial policy is a key to understanding how participation in health and safety is carried on on a day-to-day basis, or at least to understanding the context in which employee representatives operate.

Section (iv), goes on to look at the way in which *Mitbestimmung* and the broader system of participation operate in practice. At Prochem, statutory participation does not co-exist with "good" industrial relations, or the high degree of **informalism** that we saw at Textchem. Notwithstanding the relative lack of material available for Prochem, and the shorter research-time spent there, this allows us to make a direct contrast between a workplace where *Mitbestimmung* is apparently unimportant

(Department G, see chapter 7) and, here, where it is highly relevant in the contested relationship that exists between management and the *Betriebsrat*. Indeed, the impact of a floor of rights in safety participation, and our understanding of the notion of cumulation in the mutually reinforcing role that the dual channel of representation plays, are ideally examined in a workplace where industrial relations are poor and where rights are contested. This contestation applies as much to the role of the works council in general work regulation matters that could be said to affect workplace hazards indirectly, as to direct health and safety issues themselves, and again illuminates our appreciation of the meaning and nature of the floor of rights. This section then goes on to look further at the role of key individuals in health and safety at Prochem[3], seeing the specificity of participation in safety management as depending to a large extent on the nature and make-up of this personnel matrix.

Section (v) considers again the relationship between the works council and the trade union in interest representation at workplace level. Despite the lack of additional questionnaire information, as well as of management contribution to the project, it is instructive to re-examine the issue of cumulation in the context of private sector manufacturing in Germany. We will see in chapter 7 how the dual channel of works council and trade union representation operates within a broader context of statutory participation on the one hand and highly specific workplace conditions (public sector managerial policies being decisive) on the other. At Prochem, many such contextual factors could not be more different from those in existence in Department G. The general recalcitrance of management in all matters, including health and safety management (discussed in section (iii)) throws the onus on to these institutions of worker representation to co-operate to mount a more effective challenge to management; in other words, I would argue that the formal provisions of *Mitbestimmung* and *Mitwirkung* legislation take on a greater significance, when mutually recognised goodwill between managers and the works council does not exist.

Once again, the chapter ends with a brief concluding section, which attempts to draw together the specific and interdependent contextual factors structuring and informing participation in health and safety regulation at this site of Prochem.

(ii) Background information

As mentioned previously, the company mixes and prepares other ready-made substances and chemicals[4], and is, for the most part, not in the business of chemicals manufacture itself. This has obvious implications for the specific set of hazards and health problems that are likely to make their way to safety regulation agendas. The *Fachkraft* at Prochem said that there were no very dangerous chemicals on site, some having been removed from the products and working methods with the onset of new legislation concerning environmental control of products. At the time of the research, the only serious danger to workers' health, according to the *Fachkraft*, arising from hazardous substances was the use of solvent-based cleaning agents in parts of the production area, although as I shall argue later, this does not mean that safety issues are not seen in a more critical way, and as more important in general, by worker representatives[5].

The company has made an operating profit continuously for the last few years, although Prochem is suffering from a similarly recessionary environment to that at Textchem, and according to respondents, profits have been hit somewhat in the two years prior to the research. At the time of my visits to the plant, the site employed a total of 610 people, including all levels of managerial employees. There are 160 *Arbeiter* (blue-collar workers), of which only 19 are women[6], and there are 337 *Angestellte* (white-collar employees), of which 113 are women[7]. In addition, there are 21 *Auszubildende* (apprentices) working on the site, and 7 temporary workers.

Furthermore, some 17 employees are registered as handicapped and 65 are foreign workers, almost all of them blue-collar workers. The figure of 610 total employees is slightly down on employment levels in the months before the research, although they have remained broadly the same over recent years.

However, this picture hides the progressive reduction in numbers employed in production areas in an attempt to reduce labour costs. One member of the *Betriebsrat* claimed that whilst staffing levels in these areas had fallen by around 10% in the last year or so, output had increased by a similar amount. These changes form the background to the conflict that exists between the *Betriebsrat* and management over staffing levels and their effect on safety standards, discussed in later sections, and contrasts with the stability in employment in each of the other case studies, allowing us to focus on the role and effects of cost cutting managerial drives on various aspects of the safety regulation system.

The increase in employment in other areas, countering cut-backs in staffing levels in key production areas, has taken place *via* the purchase of another company by Prochem, and the subsequent reorganisation of managerial and administrative functions, resulting in further concentration of these higher managerial positions at this site of the company. Indeed, this reorganisation originally pushed total employment above 600 and thereby gave the *Betriebsrat* a second full-time official, a benefit the members of the works' council, as we shall see, were afraid of losing if further rationalisation in production areas took place. So far, the firm has avoided compulsory redundancies and have reduced employment by natural wastage and scaling down recruitment.

The majority of working procedures at Prochem involve the mixing and preparation of a range of products from a wide variety of chemicals and other products brought into the factory ready made. The main production units on the site are two large two-

tiered warehouses, with extensive pipework and feeder tubes connecting vessels on the ground floor with storage vats on the floor above. The system operates to a large extent through gravity, with workers employed mainly on the ground floor, mixing particular compounds through manipulation of this system of pipes and feeders. The job of many of the *Arbeiter* in this part of the factory is to follow a set of instructions for a particular mix of raw materials, and to supervise the filling of the vessels, checking for texture, temperature, colour etc. against prepared charts and "recipes". Here the main safety problems, as mentioned above, are not the explosive or toxic nature of the mixtures and raw materials used, but those of contact with eyes or skin through splashes and spillages in the filling of the vessels, as well as dangers to feet, back fingers and hands in the lifting and general manipulation of heavy vessels.

The other main area of employment is the packing department where tins and drums are sealed, stored and moved to labelling and distribution departments. Here, the main safety hazard is the danger of injury to fingers (in the operation of intricate machinery which must seal the lids of an assortment of can sizes in various batch sizes) as well as injuries to the back and feet resulting from lifting and manoeuvering of cans and trays in this area. In total, there were 21 reportable accidents in 1990, compared with 15 in the previous twelve months. None of the accidents were serious or fatal. The vice-president of the *Betriebsrat* claimed that the main reason for this was the fact that production did not involve pressurised systems, and a low degree of automation[8], and that a feature of this arrangement was the likelihood that the safety problems are similar to those one would find in a light engineering factory.

The factory operates a two-shift system, with no continuous production and no night-shift. Part of the reason for this is a recently introduced management strategy to increase flexibility in production and to enhance customer satisfaction by expanding the range of products prepared, and in targeting an increasingly specialised market for its products. This has led to increasingly small batch-sizes (thereby making night-shift

working prohibitively expensive in a time when labour costs are being squeezed), and more rapid turn-round in production runs and "recipes"[9]. As part of this attempt to cut staffing costs in a relatively labour-intensive environment, management at Prochem have made much more use of contract firms in recent years. This has taken place at an even greater rate than at Textchem, and has involved the closure of the in-house painting department, as well as the loss of other services such as cleaning and catering. Engineering and maintenance staffing levels have also been reduced.

The factory is organised by *IG Chemie* (German chemical workers' union), although *DAG (Deutsche Angestellte Gewerkschaft)* do have a small number of members in the white-collar areas. Union density figures were given verbally, and were said to be quite low, especially in the areas employing *Angestellte* (as low as 10-15% maximum according to one member of the *Betriebsrat*). An estimate for the density of union membership amongst blue-collar workers was given as around 40-50%. All of the 11 members of the works council are also union members. Bargaining takes place largely at national and (in the case of pay determination) at regional level. Prochem is a member of the chemical industry employers' federation, and is thereby bound to the outcome of the bargaining commission for this region of Germany. The wage round had just begun at the time of the research, and *IG Chemie* began by calling for more negotiations to take place at national rather than regional level[10]. There has been no strike at this plant in recent memory. This high degree of centralisation in collective bargaining, as well as the formal rights given to works councils, is mentioned as important in the other German case study[11], and I return to it in the final chapter.

The involvement of worker representatives in decision-making at Prochem is governed to a great extent by the *BetrVG*. There is an elected *Betriebsrat* with 11 members, two of which are full-time. A fall in total employment below 600 would also mean a reduction in size of the *Betriebsrat* to 9. In addition, there is worker representation on the *Aufsichtsrat* (supervisory board)[12], although I was told by

members of the *Betriebsrat* that health and safety issues were virtually irrelevant to the work of the supervisory board. There is also a *Gesamtbetriebsrat* (joint works council) which has powers to regulate employment, and relations with management, on issues affecting the company as a whole, and the three production sites in particular[13]. Again, this *Gesamtbetriebsrat* was said to have no role in safety issues; whilst the absence of health and safety issues from these higher forums of worker participation is interesting in itself, it makes for a further concentration in this study on **workplace** health and safety regulation, as the research did not allow for a penetration of supra-plant level representative bodies[14].

The *Betriebsrat* at this plant meets about every three weeks (in company time), and apart from full sittings, it is split into around 7 sub-committees, which deal with distinct areas such as manpower policy, training and recruitment etc. These sub-committees then report back to the whole *Betriebsrat*[15], although I was told by the vice-president of the *Betriebsrat* that the sub-committees have a good deal of autonomy in determining works council policy, with the full meeting existing usually to rubber stamp various sub-committee proposals, as and when they exist. There is also a sub-committee dealing specifically with health and safety regulation (the internal-*ASA*)[16], which devises *Betriebsrat* policy on health and safety, carries out routine surveys and collates accident frequency and distribution statistics[17]. I was unable to sit in on one of these meetings during my brief time at the factory, but minutes were made available which I utilise when necessary in this chapter.

There is one full-time *Fachkraft* employed by management to oversee the provision of safe and healthy working conditions throughout the factory[18]. He coordinates health monitoring and particular programmes of health promotion, as well as the input of safety considerations into the training of new workers. This training is carried out mainly by experienced employees, usually *SBAs*, who include safety information in the description of the job involved. There are 14 or so such *SBAs* at Prochem, and the

*Fachkraft* also acts as the *leitende* (leading) *SBA*, as well as the elected safety representative for handicapped workers[19].

Insurance legislation also compels private sector firms to subscribe to the relevant industry regulation body, which shares inspection and legislative functions with the state inspectorate. In the chemical industry the *Berufsgenossenschaft Chemie* (*BG Chemie*), operates a system of rebates for good accident performance (i.e. low accident rates, or improvements in overall safety records). Prochem obtained almost the maximum possible rebates within this system for several years, but recent rises in accidents in production areas have led to a reduction in the size of this rebate. In the year prior to the research, *BG Chemie* carried out a routine inspection of the factory, and were also involved in the dispute between the *Betriebsrat* and management over the construction and design of a new laboratory area, discussed later in this chapter.

The assessments required by law under the *GefStoffV*[20], are also carried out under the auspices of the *Fachkraft's* department, with no input at all from the *Betriebsrat* or employee representatives; the vice-president of the works council had virtually no knowledge of these regulations. However, the firm has also employed someone to deal with *GefStoffV* compliance in labelling and packaging. As already mentioned, the only part of the factory where exposure to chemicals, or the reaction of chemicals with each other leads to **serious** on-going safety concerns, according to the *Fachkraft* at least, is in the use of solvents in the vessel-cleaning area.

There is also an *Arbeitssicherheitsausschuß* (*ASA*), or safety committee for the site as a whole. Again, this is a non-decision-making body which brings together managers, the *Fachkraft*, *SBAs*, *Betriebsrat* members and the company doctor[21] etc. to discuss safety problems - this committee meets around every six weeks, or when necessary. It operates in a similar way to the Business safety committees at Textchem, in that it chases safety issues raised outside of the meeting (i.e. in day-to-day contact between

employees, supervisors, the *Betriebsrat* and management), and then proceeds on a report-back basis as issues are pursued. In this chapter, this *ASA* is not to be confused with the internal-*ASA* of the works council.

Finally, the *Fachkraft* also leads a quarterly meeting with the *Betriebsrat*, to look at much broader health and safety issues, and longer-term developments such as the implications of new investment or production layout, or any imminent legislative changes affecting the site. The function of these meetings overlaps, to an extent, with the information-exchange nature of the *ASA*, and both were cited as the central forums where the works council had formal contact with the *Fachkraft*.

Accident statistics are collected in a curious and seemingly non-systematic manner at Prochem. The figures I have for the years 1987-1990 inclusive are gathered for the period 1st January to whenever analysis took place, and this varied from year to year. I have therefore broken down accident frequency on a monthly basis. Reportable accidents (excluding accidents in transit to and from work) fell from an average of 2 per month for 1987, to 1.88 per month for the first seven months of 1989. In 1990, accidents were back up to 2 per month for the first 8 months. Over the same period, lost time fell from an average of 243.2 hours per month in 1987, to 140.6 per month in 1989, rising to 154.6 per month in 1990.

I argue later in this chapter, using primary evidence, that the pace of work has increased in production areas (i.e. affecting *Arbeiter* more than other groups), and that this is significant in assessing participation in safety regulation. In the light of these changes to the pace of work, I suspect that other factors, such as the pressure not to report minor accidents in an effort not to fall behind with individual work-loads, rather than improved safety regulation in itself help to explain this fall in lost time per month[22]. Further, no statistics were given to sittings of the *ASA*[23] concerning either lost-time per 1000 employees, or accidents per 1000 employees. The fluctuations in

accidents must be set against a steadily declining proportion of *Arbeiter* as against white-collar employees at Prochem. In view of the expansion of administrative employment as against production workers, one would expect a marked decline in accidents, instead of such a fluctuation and (recently) increase. Written comments in the minutes of *ASA* meetings also indicated that occupational illness was on the increase at Prochem (in line with national trends[24]), although specific figures and records of cases were not given. The next section returns to the issue of managerial strategy, the pressures of work and job control and autonomy at Prochem. Whilst later sections deal with the formal mechanisms of participation and co-determination, it is necessary to set these considerations against a background of conflict over staffing levels and the pace of work, which has developed over recent years at the factory.

(iii) Management, pressure and the control of work

At Prochem, as in each of the other case studies, the particular constellation of forces affecting the pace of work and the ability of workers or their representatives to challenge managerial strategy[25] is of central importance as a framework issue when looking more closely at participation and representation. The dominant discourse surrounding health and safety at Prochem, amongst all those I spoke to including the *Fachkraft* himself, was that reductions in staffing levels (in production areas relative to other parts of the firm) in a quest for a reduction in labour costs and improvements in productivity, were combining to put a greater stress on the workforce. Put simply, employees were having to work harder for the same amount of return; this can have been the only outcome of a situation where output is up, employment levels in blue-collar areas are down, and no extensive investment in changes to production techniques (i.e. automation) has taken place.

This issue of staffing levels has become the key problem-area between the *Betriebsrat* and management, with successive claims for increased recruitment having been made by the works council. According to my key informant, the *Betriebsrat* had found itself in a difficult situation with regard to staffing levels and safety regulation. The vice-president said:-

> ...I put a question mark over whether the safety of employees here is possible under this policy of cutting costs.

In other words, the conflict of interest between safety and profit had become very real and concrete in the last two years or so - more so than in any of the other three case studies. Other members of the *Betriebsrat*, however, said that both investment and increased competitiveness were essential, in securing the future of the plant as well as in improving safety standards. Instead, the company have reduced plans for new investment in the last year or so, and new investment that is taking place is generally directed at reducing staffing levels further, or at general increases in productivity such as in the case of faster loading machinery for the packaging departments[26]. Furthermore, the *Fachkraft* also supported strongly the views of the works council vice-president, regarding the safety implications of staffing reductions and increased workloads. He saw a direct link between this increase in the pace of work on the one hand, and in accident frequencies in *Arbeiter*-dominated areas on the other[27].

This situation has a qualitative effect on the management of safety, and on the forms and nature of interest representation taking place at the firm. The difficulty for the works council can be illustrated by two distinct sentiments, which were expressed by works council members. On the one hand, good working conditions depended on market stability and the long-term profitability of the company, thus suggesting (grudging) support for the policy of reductions in unit labour costs. On the other hand, it was evident that such policies had had a direct influence on the pace of work, on the ability of workers to enforce safety regulations and to take safety seriously[28], and in

the generation of stress-related hazards and accidents, reflected in the recent proportional increase in accidents involving production workers. In this sense, the interests of workers regarding safety were seemingly in conflict with those of profit-centred managerial strategy, yet it was not immediately clear what the alternative was.

One safety problem actually made worse by technological change designed to increase production speed was mentioned in section (ii). Here, cans of prepared chemical compounds would be sent along a small conveyor belt and automatically capped (this had previously been done by hand). Now, the *Arbeiter* who supervises the machine has to keep it supplied with lids of the right size, and must act as trouble-shooter when jams or blockages occur. In particular, when the lids do not drop straight (and one-by-one) down a "gully"[29], the operative has to insert his/her hand and force the lid down manually, an action which has led to more injuries to fingers and hands, as the machine has a pre-set speed. The *Betriebsrat*, again, have called for the machine to be better adjusted so that jamming does not occur, and also for its speed setting to be lowered, but the vice-president reported to me that management has failed to act on its demands, although an emergency stop button close to that part of the machine has been fitted. This example shows that the issues of investment and re-organisation of working methods, bear a complex relationship to safety regulation and the prevention of hazards. Whilst works council members acknowledged the central importance of investment for improving safety standards, principally through reducing work pressure, the case above highlights that this relationship is not a simple one. The particular **quality** and purpose of investment, and the workplace environment it is introduced to, are important in understanding the impact that it may have on workplace hazards. The last chapter discusses these issues further, focusing in particular on the way in which degrees of labour intensiveness play in determining how conflict between safe working conditions and production/profit targets is expressed.

In general, however, this pattern of automation, leading to a relative loss of job control and autonomy in work tasks, is the exception rather than the rule at Prochem. As mentioned above, the company now prioritises small-batch production runs aimed at increasingly specialist markets for its products, thereby, if anything, enhancing the ability of *Arbeiter* in the production departments to maintain a degree of control over job tasks[30], within the limits set by chemical properties and the pre-set recipes[31], and notwithstanding the increased pressures they find themselves working under. The challenge to health and safety by changes in the labour process is made by a fairly simple increase in the pace of work caused by productivity drives, and a progressive under-staffing of the production departments. Working processes are becoming more dangerous not because of old machinery, or of a lack of training, but because individual workers are finding it harder to escape from ever-tighter production runs, and longer hours[32].

At Prochem, job autonomy remains fairly high in most areas (because of a combination of factors: the small batch-size, the high variance and turnover of orders, the low-levels of automation), yet the *Betriebsrat* appears not to be able to challenge managerial strategy, despite making several coherent appeals to management in terms of the need for increased investment which would take pressure off workers[33]. As will be seen in chapter 7, works councils in the public sector seem, on occasion, to be able to challenge managerial policy more effectively. The extent to which this difference in the power of the works councils in the public and private sector is a result of any qualitative difference in the nature of the employment relation is beyond the scope of this thesis. It does appear to be a real factor for those engaged in the representation of employees in health and safety; works council members at Prochem had a clear impression of private sector employers as being more crudely profit-driven than their public sector counterparts. At Prochem, the works council, whilst enjoying similar privileges and legal rights to its public sector counterpart, was less

able to challenge managerial drives for cost cutting, which would suggest that sectoral factors (for example, the existence of a tangible product market, the nature of the political context in which managers in the public sector operate) might play a key role as catalysts in the operation of formal participation, and in limiting the possibilities for worker representatives.

The following section looks at how formal participation in the management of health and safety (as well as more generally) is contested by management and the works council at Prochem. In the context of a generally poorer record on health, safety and accidents, and increasing pressures on individual workers through reductions in staffing levels in recent years, it is instructive to examine how such a framework of conflict between management and the *Betriebsrat* over the provisions of participation legislation force us to question the extent to which statutory protection can exist to support the power of employee representatives in employment regulation and safety issues **independent** of other factors, such as cooperative management, good economic circumstances and non-conflictual industrial relations generally.

(iv) Statutory participation, safety regulation and the floor of rights

The previous section introduced the issue of work pressure at Prochem, and looked at how cost cutting and increased work load has led to a different conceptualisation of the management of safety on the part of worker representatives. This section looks at the way in which *Mitbestimmung* operates in practice, and at the problems that exist for the *Betriebsrat* in particular in utilising legal provisions compelling management to inform and consult with them, on safety as well as more general matters.

Industrial relations in general (i.e. the relations between the *Betriebsrat* and management) were said to be poor by all respondents, but especially by my key

informant who took the lead in dealing with management. The conflict between the works council and management over staffing levels has had a knock-on effect in the area of safety regulation, introducing an element of conflict into previously consensual aspects of safety management, with the *Betriebsrat* now beginning to use part of the range of statutory rights it possesses to challenge what it sees as managerial obstruction. The *Betriebsrat*, via the internal-*ASA* invoked paragraph 88 of the *BetrVG*, in order to force management (according to a works council member) into making the monitoring of accidents part of the job of supervisors. Despite managerial opposition to the idea, mainly on the grounds of cost, in increasing the job tasks of supervisors, the *Betriebsrat* had, just prior to the research, concluded a *Vereinbarung* (agreement) with management over this accident monitoring function.

We saw in the last section that members of the works council consider the safety interests of workers as not being served by the dominant strategy of cost cutting at Prochem. However, it is not just issues directly relating to staffing levels that are the subject of contestation and conflict over *Mitbestimmung* and co-determination rights and practices. The company built a new two-storey laboratory block without showing the plans first to the *Betriebsrat*, in contravention of information-giving provisions of the *BetrVG*. In the end, one of the work-rooms internal to the building had no natural source of light (thereby breaking *BG Chemie* accident prevention regulations), and the building had to be partially demolished, and rebuilt in accordance with these regulations.

In this instance, the *Betriebsrat* made an appeal to the *TAB* (inspectorate arm of all *Berufsgenossenschaften*) of *BG Chemie*, and won the support of the inspectorate over the way that management had handled the new building work, in much the same way as the *Personalrat* in the refuse department in the next chapter used a combination of *Mitbestimmung* rights in health and safety, and *UVVs*, to force management to back down on rationalisation of refuse collections. For one member of the *Betriebsrat*, this

lack of willingness on the part of management to engage in the genuine participation of employee representatives was "...normal practice." Indeed, it appears from this that contesting the formal rights of worker representatives under *Mitbestimmung* goes on at Prochem outside of the necessity for management to defend efficiency and cost-cutting drives, as the case above illustrates. Rather, *Mitbestimmung* provisions seem to be there to be tested and fought over across the board, which is the opposite of what one would expect to happen if cumulation is a valid concept, where the costs associated with obstructive managerial behaviour are meant to stimulate consensual workplace industrial relations (eg. Streeck,1984:408-411).

Most *Betriebsrat* complaints regarding management contravention of the rules concerning involvement, information and prior consultation, focused on the refusal of management to take the works council into account, and to involve it in the early stages of planning for changes to working methods etc. These, of course, also included occasions where general employment issues were at stake as opposed to those specifically relating to health and safety. One such example featured a new piece of machinery that was introduced to the production areas. The law gives the works council the right to prior consultation, in so far as new machinery makes qualitative changes to the working environment, although the company simply went ahead with installation, and even by-passed the Betriebsrat in recruiting a new employee to supervise this particular piece of machinery. Examples such as these were commonplace in my interviews with employee representatives. In a sense, their content is less important than the quality of the day-to-day relationship between management and works council that they depict. My key informant summed up such a relationship thus:

> With management, you always have to push for what you want.[...],
> over every issue, we have to go to the border [*Grenze*] in order to get
> our rights.

This seems to be an entrenched pattern of behaviour by management, as a subsequent letter from the vice-president of the works council showed; I was informed in this later correspondence of cases where management had also refused to inform the works council of increases in overtime, a central issue in the attempt by management to reduce staffing levels and to increase production. Whilst the *Betriebsrat* has had some successes in getting more information from management, and in forcing agreements over accident monitoring (see earlier), it is also clearly the case that the works council at Prochem does not get everything it wants

The most common reason given by management for assorted refusals of information or consultation is that of economic secrecy. A secondary response commonly found, regarding safety matters raised by the *Betriebsrat*, was that changes could not be made because of a lack of financial resources. In these instances, where the *Betriebsrat* were coming up against a management determined to challenge statutory rights to information etc., the works council had often threatened to take matters to the labour courts although this had not actually occurred. Similarly, the bottom line of *Mitbestimmung* legislation, the *Einigungsstelle* (in effect, compulsory binding arbitration) had never been invoked, raising questions of the efficacy of some of the harder elements of participation in Germany, questions I return to in the concluding section.

Another essential point about this process of competition over *Mitbestimmung* and *Mitwirkung* rights for employee representatives is the high degree of formalism it implies. With all of these so-called "hard" elements of participation legislation (i.e. the *Einigungsstelle*, disputes over whether management has discharged its responsibilities over information and consultation etc.) there exists clearly defined procedures which participants can follow to seek redress. In the main, this involves written questions, and formal responses within a limited time period by management. In other words, if "good" industrial relations do not exist, then there are still formal

channels through which worker representatives can go in order to maximise utilisation of legal provisions. At Prochem, these procedures are followed relatively frequently (and threatened even more often), as points of contact between the *Betriebsrat* and management are few in number and, as we have seen, carried out in an atmosphere of conflict. The internal-*ASA*, via the full *Betriebsrat*[34], plays a key role in pursuing management for information and consultation.

An illuminating example of this high degree of formalism is one I learned of from minuted meetings a year prior to my time at Prochem concerned fire regulations. The internal-*ASA* carried out an inspection which came to the conclusion that the factory fire safety unit existed "only on paper", pointing to poor attendance at fire safety training, emergency evacuation practices. The report of the inspection, sent to management, included criticisms of the fact that fire/smoke alarms were being deactivated by workers in an area of the factory where diesel fumes were in the air and where many false alarms had occurred. The statement included the following passage:

> The responsibility for this situation, in our opinion, lies not with the
> fire unit, but with those responsible for putting production above the
> support of employees for the fire unit.

This report was also backed up by the *Fachkraft* who claimed in a letter to management that:-

> ...the deactivation of fire alarms in this way could cost lives given the
> delayed response time for local fire services,

pointing out also that routinely de-activating or re-routing fire alarms would also incur a higher premium on company insurance. The *Fachkraft* also spelt out changes that needed to be made, but by the end of the research, the *Betriebsrat* were still awaiting a response to this enquiry.

This example is a clear illustration of the difficult situation that employee representatives find themselves in regarding the desire for safer working *conditions* in relations with management, and in having to police workers at the sharp end, in the knowledge that when production priorities over-ride agreed systems of safety regulation (whether laid down in legislation or through local agreement), they do so in a way which allows management (and others) to see individual workers as negligent. It is clear from this example that at Prochem, the works council is keenly aware of this problem, and is doing much, in the form of a young newly elected works councillor (see later in this section), to challenge and pressurise a somewhat recalcitrant management. The modest success with which this is met once again raises questions of the efficacy of *Mitbestimmung* legislation for intervention in safety regulation by worker representatives in specific contexts; this will be returned to in the concluding section.

It is perhaps a little simplistic to characterise this relationship between management and the *Betriebsrat* at Prochem as conflictual; it is clearly in the interests of management to restrict the obstruction of works council demands for consultation, so as not to provoke it into more pro-active challenges, as recourse to the state inspectorate or the labour courts on a regular basis might no doubt engender.

The *Fachkraft* claimed that works council/management relations were:

> ...not without conflict, but in the end, a consensus is generally reached.

However, it is also the case that the structures of participation at Prochem, have **failed** to take the nature of the relationship between the *Betriebsrat* and management beyond a conflict of interests at what might be called a "frontier of control", as supporters of participation and of German *Mitbestimmung* in particular have claimed that they

do[35]. Management clearly devotes only as much energy to the rights of the works council as it must under law, and seems to see participation in itself as more of a threat to their prerogative than an opportunity in conflict resolution, and in enhancing their legitimacy, although this is a somewhat speculative assertion given lack of direct contact with key managers during my time at Prochem.

There was a clear feeling that there was only so far that the *Betriebsrat* could go in forcing management's hand on safety issues when the viability of the company was at stake in the medium if not the short-term, a sentiment also found amongst worker representatives at Textchem. This further helps to explain the limit to the scope of possible *Betriebsrat* action in the case of breaches of safety legislation, for example in the case of the fire alarms mentioned above. Of course, this problem is neither new, nor confined to a works council operating under statutory participation legislation. It may reasonably be called a "standard" problem for employee representatives of all kinds, although the economic pressures may be more explicit in the private sector, where the service offered by the organisation is deemed essential, and where the paymaster is unlikely to go bankrupt. It is important here, however, because it throws light on the nature of *Mitbestimmung* itself, and on the limits that can be placed on its scope by a management determined to defend prerogative and essentially to compete over the scope and quality of participation. At Prochem, such competition involves the narrow extent to which management are prepared to allow the formal rules of participation to generate a more meaningful, dynamic and "organic" consultative space[36] for the articulation of employee interests, in health and safety and more generally, beyond the letter of the law. Some of these issues resurface in the concluding section to this chapter, and in the final chapter of the thesis. The important thing here is that management are able to pursue relatively unhindered cost cutting strategies, with implications for the safety of work, despite the formal protection enjoyed by the works council.

A key issue for our study of participation in health and safety at Prochem is the particular role that individuals play, as well as the impact that a particular matrix of representation through central individuals has on the framework for safety participation. The power of individuals to dominate, or at least influence, the way that formal (i.e. collective) participation takes place, is a theme running through the fieldwork in all of the case studies. In chapter 1, I argued that the function of representation is critically more difficult for "labour" to sustain, compared with the internal "pseudo-unity" with which the pursuit of profit, and broader production-centred goals, is transformed into managerial strategy. Given management refusal to cooperate with my project, and also given that the works manager, personnel manager, and managing director are all posts which have seen changes of personnel within the year prior to my research, I shall concentrate on the individual contributions to safety management made by non-management functionaries. Whilst the problem of representation at a collective level, particularly in safety matters, is discussed in the next section, here I focus on two people at Prochem; the *Fachkraft*[37] and the vice-president of the works council.

The *Fachkraft* coordinates the work of the 14 other *SBAs*, and provides technical information to management about safety issues, in an advisory capacity, both in consideration of changes to working methods/changes in work organisation and the implications of new investment and machinery, and of training to new and existing workers. He is an employee of the company, and the *Betriebsrat* has *Mitbestimmung* rights over his appointment; management have the right to ignore his advice, as they are legally responsible for safety provisions.

The vice-president of the *Betriebsrat*[38] is the newly-elected full-time member of the works council. Many of the initiatives of the *Betriebsrat* originate with him, and he claims a special importance for health and safety in his work, partly because of the

delegation of functions to him, and partly because of a higher degree of personal motivation. He summed up his position within the works council:

> ...age is an important factor affecting how good the *Betriebsrat*
> is...other members of the council are uninterested in putting a lot of
> work into the running it, including the president...

He said that attendance at meetings by other members of the *Betriebsrat* was sometimes poor, especially if issues close to them were not being discussed, and claimed that many only stand for election in order to benefit from the time-off from work that membership of the works council sometimes brings.

There is a general lack of coherence in the responses of those I spoke to regarding the work of the *Fachkraft*; for example, I was referred to his office from the works council when I asked questions concerning the *GefStoffV* regulations and their impact. However, I was then told by the *Fachkraft* that "...I had come to the wrong place...", and that I should go to the packaging and labelling department. Similarly, it was interesting to note how these key actors perceived the role and functions of each other in the framework of participation in health and safety. The *Betriebsrat* members I spoke to had a fairly low opinion of the *Fachkraft*, saying that he was remote from the shopfloor, was not highly motivated and did not provide the kind of technical back-up they required to make their job more effective. On the other hand, the *Fachkraft* said that technical support to the *Betriebsrat* was the main function of his job, and he said that he identified more closely with the works council than with management, as he was an employee of the firm.

Furthermore, the *Fachkraft* said that the working relationship, both between the *Betriebsrat* and himself, and between the *Betriebsrat* and management, were "good", notwithstanding his earlier comments about conflict and consensus. He said that the *Betriebsrat* was effective in that it was the only body which could actually force

management to take account of safety. At each of the other case studies, in different ways, trust between worker representatives and managers was moderately high, resulting in a certain degree of consensus as to how participation could be organised and maintained on a day-to-day basis. At Prochem, the conflict that exists between management and the *Betriebsrat* makes a great difference to this coherence in the views of different parties.

At the same time, the *Fachkraft* argued that his own position as safety officer lacked teeth in this respect, given its advisory status. The vice-president, however, said that it was himself and not the council as a whole, which had begun to make progress, and **to be seen** to make progress, on health and safety concerns in the previous year. He said that the contact and relations between the *Fachkraft* and the *Betriebsrat* on a formal level were both modest, given the lack of commitment of both the safety officer and the president of the works council to the jobs they were supposed to do. Similarly, there were substantive differences of opinion over specific issues, such as the wearing of protective clothing. The *Fachkraft* said that there were no problems in this area, with little or no abuse of regulations. The vice-president said that refusal to wear equipment provided was one of the key problems in the production areas, a problem made worse by the increased work pressure in recent months, as workers cut corners to save on time[39].

As mentioned before, there are difficulties in assessing the roles and contributions of individuals in an organisational setting, and over health and safety issues, where inherently collective matters are also played out in participative (and therefore collective) forums. Such analysis at the level of individuals and their perceptions of each other could carry on indefinitely, and it is particularly difficult to establish any kind of causality with respect to the power of individuals, not least given imperfections in research methodology that has to take at face value what people say about each other. It is instructive, however, to look at the way this level of discourse

operates at a tangent to formal mechanisms of participation and employment regulation. I argued in the opening to this chapter that at Prochem, the participation of employee representatives in decision-making was characterised by a lack of informalism that is present in each of the other case studies. This does not mean that a personal, informal layer of communication does not exist between works council members, management and the *Fachkraft*. Rather, there appears to be a singular lack of **cement** linking the work of the people charged with managing health and safety. They are sceptical about the commitment of each other, and, in the case of the vice-president, find themselves working in isolation in an attempt to raise safety awareness. Such a situation can have benefits, in by-passing clumsy and moribund participative organs. However, at Prochem, such individual commitment seems to operate in a vacuum, with no strong role for a *Betriebsrat* which constantly runs up against a brick wall of management uninterest.

At Prochem, the lack of coherence between the work of key individuals is clear and tends to reinforce the "negativity" of participation discussed in other parts of this section. There is a lack of extensive contact at a personal level, and the lack of overlap between employers and employees reinforces a marked horizontal segmentation (in contrast to the long employment "ladder" seen in Department G; see chapter 7)[40]. The dual aspect of *Mitbestimmung* is important here; on the one hand, co-determination represents a floor of rights for organised labour, and I have at times called these hard elements of the works constitution. On the other hand, *Mitbestimmung* is wrapped in obligations to industrial peace, workplace harmony, and a common interest in non-conflictual problem-resolution. After all, the translation for *Betriebsrat* is **works council** and not **workers' council**, emphasising the common ground of workplace-level interest in the success of the firm. At Prochem, relatively clear horizontal interest communities exist (compared to the other case studies at least), in health and safety and other areas. The central pillar of this horizontal differentiation is the managerial policy of cutting unit labour costs, and the perceived

negative effects on health, safety and work pressure that it involves. This allows us to test the impact of participation on industrial relations; my research at the site would suggest that co-determination does not facilitate smoother industrial relations, and that disputes over issues such as staffing levels, new investments etc. become transformed into secondary disputes over the extent and scope of *Mitbestimmung* itself. There is very little agreement over labour regulation and safety involvement practices. A key argument of the cumulation thesis is that formal, statutory rights to information, involvement, consultation etc., establish a framework for the procedural resolution of conflict that is too costly for employers to obstruct. Therefore, workplace disagreement over particular issues (manpower strategies and their impact on safety, for example) can take place without threatening the procedural and structural matrix of participation. This case study suggests that this is not necessarily the case, and that conflict over substantive issues can lead to a dysfunctioning of the system of participation itself.

This focus on the particular function that individuals fulfil is not unique to this case study, but it does have a greater emphasis than elsewhere. The responsibility for this must lie partially in the limited access I was able to negotiate, and my subsequent reliance on key informants to a greater extent than at any of the other three studies. However, the relationship between formal and informal channels of communication between management and employee representatives is important, particularly in this context where formal channels are subject to conflict and obstruction on an everyday basis.

The next section follows from this analysis of individual contributions to safety regulation and industrial relations, by looking at problems of representation, and health and safety regulation, at a collective level, mainly through a focus on the relationship between the works council and the main trade union, *IG Chemie.*

(v) Representation; the role of trade unions and the collectivisation of health and safety

The nature of the dual channel of worker representation in Germany has been well-documented, particularly in terms of the degree to which works councils can be seen as the workplace arm of the trade union movement. The implications of arguments for cumulation, as introduced in other chapters, are that this relationship is necessarily cooperative, and that each channel thrives on the representative legitimacy of the other, in a symbiotic way. I have argued elsewhere that this is a highly simplistic approach to the relationship between channels of representation, and that each case must be unpacked within a broader organisational context.

At Prochem, as we have already seen, union density is around 40-50% for manual workers, slightly above what is considered to be the national average. However, this must be set against low white-collar union density, which reportedly falls to as low as 10%. However, all of those sitting on the *Betriebsrat* are *IG Chemie* members, and the works council, chiefly through the activities of the vice-president, is used to promote union membership through the dissemination of information and recruitment papers. The union, it must be recalled, is the main body responsible for the training of workers, and works council members in particular, in the legal dimension to participation and safety issues, although the formal role of the union in workplace health and safety is negligible[41]. However, in terms of the composition of the *Betriebsrat*, in terms of the good contacts that exist between it and the local branch of the union[42], and in terms of the high profile that recruitment and union business has for key members of the works council, then Prochem may be considered a strong case of "back-door" trade unionism whereby the union, formally excluded from power and influence on the shopfloor, is actually active through its "possession" of the *Betriebsrat* and its powerful role in controlling nominations for works council

elections. If these were the only considerations, the union and the *Betriebsrat* might well be seen as essentially one and the same thing[43].

However, this tells us very little. To read off union influence from domination of the works council is mis-leading, as we need to enquire about the **concrete** ways in which real influence might be exercised by the union, whether or not directly involving safety issues. In this respect, the union appears to be virtually without influence at Prochem, although an assessment of the degree to which management took the potential strength of the union seriously is impossible given non-cooperation with the project. Low union density (when *Arbeiter* and *Angestellte* are both considered) is to be contrasted to an extremely high participation in works council elections (between 80-95% according to different respondents) and a feeling from works council members that the works council is seen as an important body by employees[44]. Of course, popular support for the works council at shopfloor level does not necessarily mean that the union is weakened into the bargain. However, this apparently high level of support for the works council from shopfloor workers, reflected in high levels of participation in elections by employees, seems to suggest that the exclusion of the union from the workplace, a cornerstone of the original post-war legislation, has been successful at this plant. To put it another way, the formal exclusion of the union from workplace safety regulation means that one has to look for evidence of the union utilising the *Mitbestimmung* regulations to establish a more dynamic relationship with the works council. At Prochem, no such evidence exists, and the relationship between the two bodies resembles *Entkoppelung* rather than *Verschmelzung* (Schmidt and Trinczek (1991:182-188); see discussion of these terms in chapter 1). This is reinforced by the high degree of centralisation in collective bargaining, and the ultra-centralist role that *IG Chemie*, according to some authors[45] has carved out for itself in the last twenty years.

Much hinges here on how we perceive union influence, and what exactly a "union-friendly" works council might behave like. Is it simply the case that organised labour at Prochem is weak, and that it does not really matter whether we look at the works council as a separate body or as the *de facto* workplace trade union, because this weakness in ability to deal with management is the paramount factor involved? I have some sympathy with this line of argument, especially given that the *Betriebsrat* has been vocal in articulating to management the safety problems that have arisen in the period of staff reductions that has taken place. In other words, they have pursued safety as an issue of collective representation, and have linked such issues to managerial staffing policy in a very direct and coherent manner.

Every member of the *Betriebsrat* is automatically a *Vertrauensmann* and the automatic nature of this relationship suggests that it is the works council that tries to inject legitimacy into the role of the shop steward through the credibility that the works council has as a representative institution. It is hard to imagine a major role for *Vertrauensleute* operating totally independent of the works council in monitoring wage agreements and working conditions, given low union density and activism. Indeed, one member of the works council said that the power and influence of *Vertrauensleute* had fallen away in recent years. The relevance of these issues is the way that they reflect on the relationship between the union and the works council, and on the legitimacy of each body in the representation of interests. Cumulation implies a transference of influence and legitimacy which the research from Prochem would suggest to be over-stated in the extreme. The legitimacy of the works council still derives from its focus on workplace representational issues and on its elected status. The union derives its legitimacy at a higher level (of collective bargaining in particular), and the overlap between the two appears minimal.

Given the further difficulties that shop stewards have in mobilising a specific union response to safety management, even in workplaces with stronger organisation, then

the potential for this campaigning role for the workplace-level union at Prochem can be expressed as modest in the extreme. A leading role for the union in the representation of safety interests, may only be possible in cases where the union is seen as an alternative to the *Betriebsrat*, rather than as one and the same thing; for instance, where the works council is seen as neglecting safety issues, or where *Vertrauensleute* have a strong and independent voice. If this is the case, then arguments of cumulation are centrally flawed in underestimating the conflict and competition that can exist between both channels of representation[46].

In the light of experiences at Prochem, it appears that the main initiative in the union/works council relationship lies squarely with the latter, and its ability to mobilise for the union, on the back of the legal provisions it enjoys. The union at Prochem is almost entirely dependent on the recruiting and informing activities of the vice-president of the works council, and we have already seen in the previous section the obstacles that prevent the growth of effective representation from such an isolated position.

(vi) Conclusions

The health and safety agenda at Prochem is relatively dormant, given the peripheral use of major chemicals in production, and the generally routine operations of filling, mixing etc. The production departments make up a minority of the total employed at the site, and the rest of the employees are split into maintenance, research and development, packaging, storage, administration etc. Above all, this makes direct comparison with arrangements at Textchem difficult, as too many differences exist in the fundamental nature of production and work organisation.

As with the other studies, the nature of managerial policy with regard to work pressure, cost cutting etc., is of central importance in the regulation of working conditions. At Prochem, more than in the other studies, safety and profit are seen fairly clearly as disparate goals by worker representatives, although the actual relationship between financial investment and improved working conditions is more complex than would at first appear, as the impact of some programmes of investment on hazards at Prochem illustrates. Moreover, the atmosphere of industrial relations is poor, and the *Mitbestimmung* rights afforded the *Betriebsrat* by law, are subject to intense and continual pressure and resistance from management. Furthermore, the key individuals responsible for the regulation of safety, work somewhat in isolation with a modest degree of cooperation and mutual trust, within the works council as well as between the works council and managers. The union plays a peripheral role in industrial relations at workplace level, and is even less important in health and safety matters.

An explanation for this last point has already been suggested - that the *Betriebsrat* has taken on a campaigning role with regard to the safety implications of reduced staffing levels, and is seen, according to works council members, as an important and legitimate body by most employees. Indeed, the poor industrial relations environment, and especially severe disagreements between workers and managers over staffing levels and the pace of work, seem to have crystalised the issues regarding interest articulation and safety regulation. In other words, workers' interests, save for a vague notion of long term investment and viability, seem to be diametrically opposed to those of management, generating a form of horizontal segmentation not easily reconciled with the vertical, and integrative logic of some aspects of *Mitbestimmung* legislation. The dual nature of *Mitbestimmung*, and its relationship to varying workplace environments, are discussed in the final chapter. The rubric of safety participation - in particular the company *ASA* - appears to lack credibility in the eyes

of worker representatives, a feeling evident to some degree in the other case studies too.

Yet it is not all gloom; the *Betriebsrat* has already had successes with respect to forcing management into providing more information and consultation, and has won safety concessions from management *via* the industry accident prevention agency. In a situation where management reluctance to play by the spirit of the law is unlikely to diminish, these successes cannot be underestimated. In addition, out of the four workplaces, Prochem exhibited least problems in the fragmentation and disaggregation of interests on the part of workers - despite the existence of the fundamental problem of balancing pursuing management for safety protection against the need to maintain competitiveness - leaving the works council relatively free to articulate the central issue of staffing levels as the cornerstone of a "big" campaign against management policy. Notwithstanding this, a prominent picture to be drawn from participation at Prochem is one of an inability of the works council to break out of the inertia generated by a defence of managerial prerogative. The role of management in being able to restrict what seem like straightforward legal rights is striking. The problem for supporters of statutory participation here, is that the hard elements of *Mitbestimmung* (the *Einigungsstelle* etc.) appear to be not so easy to use, even in a workplace environment where they are most needed, and where most members of the *Betriebsrat* are fully aware of the rights that exist. In this workplace as much as elsewhere, there is an interest in maintaining acceptable working relationships between management and employee representatives, and going to the labour courts is not the first option that works council members consider. At Prochem, the sanction of calling in health and safety inspectors is part of the constant rhetorical battle with management to inform and consult, yet it is a sanction that has been used once in the recent past. The only irony is that, from the evidence of the two German case studies, the effective working of *Mitbestimmung* seems to "depend" on managerial good will, at least as much as it caters for managerial intransigence,

although this can be overplayed, as the prospect of employee representation **without** the *BetrVG* at Prochem would illustrate. Certainly, everyday practices of worker involvement at Department G (see chapter 7) are very different from at Prochem, with the attitude and policy of management towards the rights of works councillors seemingly of the highest importance in distinguishing the workplaces.

Finally, this case study was carried out in a very limited time span, leading, amongst other things, to a relative lack of depth with regard to substantive issues, and an inability to look at the development of relationships and safety issues over a longer period. I have learned since the end of the research, that more younger workers have been elected to the works council, and that there is a renewed optimism in the role and influence that the *Betriebsrat* might be able to play. The vice-president writes:

> ...through the election of more young people, the work of the
> *Betriebsrat* has taken on an altogether different quality. It stands up for
> its rights, and is now prepared, if necessary, to defend these rights
> through labour courts procedures.

The acid test will be in whether the works council can build upon successes, and continue to articulate specific employee interests with respect to hazards and safety regulation, and to build and strengthen a mobilising role in this respect.

This concluding section has attempted to draw together some of the more disparate themes emerging from this complex case study. Such a context-specific analysis is crucial in expanding our understanding of what participation and *Mitbestimmung* actually mean in the regulation of safety and other matters on the shopfloor. The final chapter looks more globally at the threads running through the case studies, and at the various axes of differentiation with which we can organise and analyse the fieldwork.

Notes.

1. See chapter 2 for details of the framework of statutory participation as a whole.
2. At Textchem, the changes of the business plan were intended primarily to make the whole process of management more responsive.
3. See, for example, Dawson (1988) on the importance of key individuals in safety regulation
4. There are well over a hundred different preparations mixed and marketed by Prochem.
5. The main law affecting these changes at Prochem arise from the *Bundeimmissionsschutzgesetz (BImSchG)* of 1990. This legislation was also responsible for the construction of a new waste disposal unit on the site at the time of the research.
6. As with other chapters, the gendered breakdown of employment figures is included to give a fuller picture of the nature of the workplace studies. Direct analysis of the sexual division of labour, male-dominated representative structures etc. are beyond the scope of the thesis.
7. See chapter 2 for an explanation of German employment categories.
8. The assumption made by the *Betriebsrat* member here is that highly automated systems can reduce contact between workers and hazardous substances, breakdowns in the functioning of the system as a whole can have more catastrophic consequences in terms of injury and the numbers of workers it affects. Low automation, he argued, means low risk of serious injury, but increased risk of back strain, feet injuries etc., in the labour-intensive work.
9. And in this sense the plant resembles the "multi-purpose" chemicals plant studied by Batstone et. al. (1987:39-45).
10. See Markovits (1986); *IG Chemie* has built a reputation in the post-war period for centralism, and as a moderate union - popular with conservative administrations, and lagging behind unions such as *IG Metall* in developing strong shop floor representation. There has also been conflict between these two unions over membership and recruitment in recent years (Der Spiegel,21/8/89,pp76-77).
11. In the same way as progressive moves away from centralised bargaining in the two British case studies is important for workplace-level developments (see chapters 4 and 6).
12. See chapter 2 for details on supervisory board-level representation laid down under the *Mitbestimmungsgesetz* of 1976.
13. The *Gesamtbetriebsrat* meets alternately at the three factories, but is administered from this site of Prochem. Several of the *Betriebsrat* members at this site are also members of the *Gesamtbetriebsrat* for Prochem as a whole.
14. In addition to safety playing a minimal role in these higher levels of participation, I was also informed by members of the *Betriebsrat* at Prochem that the *Gesamtbetriebsrat* was also weak in co-ordinating the work of the three separate works councils on general employment issues.
15. In this sense, practice is different to the organisation of the *Personalrat* in Department G, where individuals take responsibility for separate areas of works council involvement.
16. At the time of the research, efforts were being made to merge the health and safety sub-committee with the environmental sub-committee - further evidence that at Prochem, safety considerations and changes to working methods are heavily wrapped up in new Federal environment laws governing emissions and waste products, particularly affecting the chemical industry.
17. A further sub-committee deals with the office environment in which the large administration, sales, marketing etc. sections work. I was told that office safety issues (VDUs, stress, ergonomics etc.) also informed the work of this sub-committee.
18. Again, see chapter 2 for the legal antecedents to the employment of safety specialists, particularly *AsiG*.

19. The selection of *SBAs* is a managerial prerogative, although they have no legal responsibility for safety at the workplace. They are required under the *RVO* (1963); see chapter 2 for details. Brief comparisons between the selection and the role of *SBAs* and their safety representative counterparts in the UK are also made in chapter 2.

20. Regulations comparable to the CoSHH regulations in the UK; see chapter 2.

21. The company employs a part-time doctor (with hours prescribed by law in consideration of numbers employed and hazards involved), with a special surgery on Thursday mornings. In addition, a surgery is held by a part-time nurse every morning, and there are four named first-aiders amongst the workforce.

22. I would further suspect that insecurity over redundancy (although no compulsory redundancies have been made at Prochem), and the increased workload falling on individual workers, has meant that the time off taken following accidents has been squeezed.

23. I obtained accident distribution statistics via the minutes of *ASA* meetings.

24. See health and safety material available on a nationwide, industry-specific basis in chapter 2.

25. Or government driven strategy in the case of Department B (see chapter 6).

26. The other major area of investment in recent years has been the new *Entsorgung* (waste disposal) department, necessary under Federal environmental regulations.

27. This situation is accentuated by the problems both of recruitment (particularly for skilled positions) and of labour turnover, which was also said to have increased sharply. An example of such a problem just prior to the research was the employment of a number of people from the former *DDR*, many of whom left after a short time, "...because of the demands of the job and the pace of work compared with experiences in the old communist system...", according to the safety officer.

28. cf. my earlier comments about the case of the fire alarms being deactivated in a part of the plant.

29. An analogy would be when a chocolate bar gets stuck in an automatic vending machine and fails to fall to the tray at the bottom.

30. This is not the same as a definite increase in job discretion and autonomy itself, which does not appear to form the basis of any of the company's employment and personnel policies.

31. The recipes often involve comparisons with colour charts, leading, according to a *Betriebsrat* member, to a high degree of personal variation in the methods used to arrive at the end products. This is similar to the comments of the safety officer at Textchem, who emphasised the extent to which individuals took control of a particular batch and had their own slight variations on what, on the surface, appeared to be fully standardised operating procedures (Textchem, of course, being a more highly integrated, and automated, production unit, certainly within the flake department).

32. c.f. the moves by management to introduce more compulsory overtime without the consent of the works council, mentioned later in this chapter.

33. This state of affairs means that the burden of financial difficulty, in terms of a more hazardous working environment, has fallen on employees in a very direct way, reinforcing the comments of Moore (1991:11), discussed in chapter 1. This would also support the argument that there is a counter-cyclical relationship between financial success of a firm and the generation of hazards and accidents. For a fuller discussion, see Nichols (1989: 538-540).

34. The internal safety committee has no *Mitbestimmung* rights as a sub-committee of the works council, so formally everything has to be approved by a full sitting of the *Betriebsrat*.

35. See for example, Poole,1986 and Streeck,1984.

36. A term used by MacInnes (1985).

37. This *Fachkraft* left Prochem shortly after the completion of the research.

38. My key informant.

39. On a tour of the factory, my key informant had to pull several workers up on regulations over clothing and protective equipment. My presence on the tour could obviously have had an effect on his decision to do this.

40. And in marked contrast also to the arguments of Fox (1978) who characterised German social stratification as essentially vertical in nature.

41. The works council had recently organised a seminar run by a member of *IG Chemie's* national executive in *Hannover*, although from my research, this appeared to be the only input from the union in health and safety affairs outside of participation on training courses for *Betriebsrat* members.

42. Through which access to the company was negotiated.

43. A section of the (redundant) questionnaire was directed at finding out just how *Arbeiter* distinguished between the two bodies.

44. There was even a high turnout in the pre-works council election to determine whether all sections of the workforce would participate in the same election, or whether separate elections would be held for the two employment groups (*Arbeiter* and *Angestellte*). This ended in a "yes" vote for everyone participating in the same election, reinforcing the perception of the works council as a unitary representative body, perhaps supplanting the need to strengthen "horizontal" trade union representation (again, see Fox,1978) at Prochem.

45. Markovits: 1975, for example.

46. An interesting and recent incidence of conflict between the workplace-level union organisation and the national union in the German chemical industry is recounted in Der Spiegel (8/8/1988,p80). The union expelled 11 members of a shop stewards committee after it put forward its own list of nominations for supervisory board election, in contravention of union rules. The disagreement between the two levels of union organisation focused on the perceived leniency with which the national union had treated negotiations over workplace safety and the 35-hour week. In subsequent elections the split resulted in *DAG* nominations winning out over *IG Chemie* favoured candidates. This example, whilst not directly affecting the works council, does indicate the caution with which we must approach the assumption that *Mitbestimmung* leads to a coherence in the strategy of unions at different levels. It also lends support to the argument of Markovits (see above) concerning the reputation of *IG Chemie* for centralisation.

# Chapter 6

Department B; a British local authority.

(i) Introduction

This chapter looks at participation in health and safety in the local authority of a medium-sized industrial city in England. It is unusual in comparison with the other case studies in that interviews with management rather than trade union representatives have been at the centre of the research. The main reason for this has been the refusal of the TGWU trade union official in Department B to speak with me[1], leaving it to management to arrange ad hoc meetings with safety representatives at departmental level. I did, however, speak at length with the senior NUPE official in the council, with whom I was able to discuss participation and health and safety from a council-wide perspective.

Department B is a City Engineers Department, similar in many ways to the department studied in the German public sector study. It is responsible for roads (construction and repair), sewers, street lighting etc., and up until a year before the research had also carried out refuse collection, now transferred to a different department. The similarities with Department G do not end there. As with the German study, there is no simple unitary workplace to focus on, and therefore participation in health and safety regulation takes place at distinct locales, separated both horizontally and vertically from other departments and the different levels at which a large local authority operates. Therefore, this chapter addresses key issues in health and safety involvement at both departmental and council-wide level as appropriate, and as will emerge, the character of participation varies greatly between the levels involved[2].

However, there are also important differences between the two public sector workplaces. The background of changes to public sector employment in the last decade is more evident than in the case of Department G, and the German local authority as a whole. As in that study, a comprehensive analysis of public sector politics is beyond the scope of this chapter. However, the introduction of measures by

the government designed to stimulate private-sector type competition into public sector employment (externally through privatisation, and internally through compulsory competitive tendering, or CCT, legislation[3]) overshadows the research in this authority. The degree to which CCT[4] has been introduced with enthusiasm or opposition from management, as well as the changes both in work pressure-related safety problems, and in the relationship between management and workers itself, form cornerstones of the subsequent analysis. Of course, the following sections of the chapter will deal with these issues more directly, but it is important to place the whole case study in this context of a re-negotiation of public sector employment.

Section (iii) looks at CCT and the changes that have occurred directly and indirectly because of it. In particular, I look at the way in which perceptions of the relationship between safety hazards and CCT have evolved in recent years. This involves the particular position that unions and various levels of management have found themselves in regarding the process of competition for tenders, and the changes to everyday employment relations between the two parties. This section then goes on to look at how job control has been affected by the introduction of CCT, and at the extent to which the **logic** of increased accidents resulting from the new-found competition can be challenged through the retention of job autonomy by workers in public sector jobs. In other words, how have workers and their representatives sought to obstruct the rationality behind CCT, and with what success.

Section (iv) goes on to look at the structure of representative participation in health and safety, primarily at departmental level, but also across the council. This involves a focus on the role of the two departmental-level safety committees, and at the joint safety committee at council-level, as well as at the role of safety representatives in the day-to-day regulation of safety. This follows very much from the previous section; if managers and unions have found a renewed impetus for cooperation given the need to work closely on the winning and everyday maintenance of in-house tenders, then how

has this affected mutual expectations and perspectives regarding safety? What emerges is a complex and ambiguous network of perceptions of (and between) managers, the labour-controlled council, union officials, safety representatives, workers and the government. What also emerges is that formal participation mechanisms operate in less of a zero-sum way at departmental level. The reasons for this are grouped into two; on the one hand, CCT has acted to unify the perceived interests of managers and workers in utilising safety regulation as a way of keeping contracts in-house. On the other hand, the stronger source of union influence is at council rather than departmental-level, resting on long-standing industrial relations machinery and grievance resolution procedures.

This issue of union influence in both health and safety issues, and more generally, forms the central focus of section (v). Union influence in the authority seems to be quite high, far higher than in the private sector case studies and also higher than in Department G. This influence is most visible in the control of health and safety at council-level, and this, in turn, affects our understanding of participation as a distinct sphere of employee relations. In this local authority, the role of elected members, and of political-level sub-committees, are important in the support that they give to unions in defending jobs, and opposing CCT. This section also re-examines the obstacles to the collective representation of workers in safety issues, chiefly through the comments of safety representatives and trade union officials.

The final section seeks to bring together the different strands of the case study, and to re-emphasise the specific context in which the management of safety takes place - i.e. under the changes introduced by CCT, the organisational restructuring, the indirect strategy of management to filter CCT in particular ways, and the determination of the council to resist the worst excesses, as they see it, of government legislation.

(ii) Background information

Department B carries out road building programmes, repairs to existing road surfaces, maintains street lighting, traffic control systems etc., as well as numerous ancillary transport co-ordination and planning functions. It has the largest capital expenditure programme of all the council departments, because of the cost of road construction and maintenance, although employs less people than education and building services.

A total of 778 people were employed in Department B at the time of the research, with an average of 767 for 1990 as a whole[5]. Apart from management and administration, plus a small staff for the local airport, employment is distributed about evenly between **commercial services** and **technical services**. The first of these are those which by law must be subject to competitive tender, and a recent restructuring placed them all under the same executive umbrella, whether contracts were subsequently won by external firms or kept in-house.

There is a high degree of devolution of managerial autonomy in matters such as recruitment and training etc. with support from the centralised personnel and administration (P+A) department, and within the constraints of council policy on equal opportunities[6], and ethnic monitoring. Middle management (section heads, as they were referred to) were responsible for these issues, including overall staffing levels and annual expenditure. This autonomy extends to the drawing up of tenders, and the submission of an annual business plan, including labour needs, capital expenditure, intended profit margin etc., which is submitted to the council, after consultation with senior management, for rubber stamping at the political level. From April 1993 onwards, new legislation[7] will force the council to radically restructure manual work departments further, extending the process of organisational change carried out in recent years. Therefore, Department B is dissimilar to its German counterpart in that it has no large fixed-site workplaces equivalent to the water

treatment centres at Department G (see next chapter). Most workers are based at two depots in the city, but spend the greater part of the working day spread over hundreds of sites around the city.

Manual workers in the department are organised solely by the TGWU, with membership of virtually 100%, according to a senior manager, who said that section heads in practice encouraged new workers to join the union. White-collar sections are organised by NALGO, with a more uneven spread of membership. Indeed, some shop steward and safety representative positions remain unfilled in administration sections with TGWU representatives taking over the job. The structure and procedures of representation have never been the subject of a written agreement at departmental level, although a senior manager described industrial relations as being governed by a well-established grievance resolution procedure, discussed again in section (v). At the time of the research, however, the structure of representation was being re-negotiated, in an attempt to prevent issues going too quickly to the highest level, according to a manager. These changes involve the injection of a layer of CARs (council-accredited representatives) and DARs (departmental-accredited representatives) between shop stewards and the full-time official of each union. These changes to the structure of representation are not uncontested, however; an issue taken up in the last section[8]. In practice the (disputed) role of the DAR within Department B has been taken on by the senior TGWU steward, and the election of these union representatives remains by show of hands, with a management veto available in theory, but not in practice according to a senior manager. Managers also said that the system of grievance resolution worked well:-

> ...you have to go a long way to get a bad decision.

This process of specifying the system of representation was not finalised at the time of the research. A more recent interview with a manager revealed that the system was now "up and running" despite some opposition from individual union officials. On the

whole, industrial relations were described as good; the assistant city engineer said he could never remember an official strike in Department B, and that the "very occasional walk out, was as bad as it ever got,...".

Responsibility for safety is delegated through line management, via written specifications, from chief executive down to individual workers, of the safety elements of particular jobs, and the responsibilities for safety that come with positions of supervision. The assistant city engineer is the departmental manager in charge of safety. The most commonly perceived hazards of working in Department B are those associated with road-working on the one hand, and canal and sewer maintenance on the other, depending on who the interview was with. Therefore, working at heights, trench working, road safety, uses of electric equipment etc. were common responses. The hazards involved in the various tasks carried out are, in the main, very similar to those found in Department G. CoSHH has been introduced relatively smoothly over the last couple of years, grafted onto a substance monitoring system in existence since the 1970s. Problems have been met in the sheer number of substances used throughout the council[9], and in the decentralised purchasing systems, and the growth in small work units, and contract firms, increasing the extent of independent product use at the disparate sites. There was a comprehensive safety inspection carried out by the HSE just after the main period of research which managers claimed had met with a completely clean bill of health, including in areas of safety management systems as well as on technical and ergonomic grounds.

Also at the level of the council, there is a central safety unit (CSU), formed in response to the HASAWA in the 1970s[10], and this has expanded ever since. It now has eight full-time safety officers, split into two teams which each take on both departmental and functional (i.e. asbestos, CoSHH, noise etc.) tasks[11]. The CSU also provides advice to individual departments and acts as a consultancy for particular problems. Approved codes of practice[12] (COPs), mainly in implementing new safety

regulations, also originate with the CSU, and are passed after consultation with section heads and union representatives. The CSU also discharges its safety function through the recommendation of safety committee constitutions for individual departments, who can then choose whether to use them[13].

There are three levels at which safety committees are convened. At departmental level there is a management safety committee (MSC), which is made up of section heads and senior managers only. It is essentially a pre-meeting at which managers try to pre-empt the issues likely to be raised at the meeting of the operational safety committee (OSC) which is a joint body[14], and which meets a week or so after the MSC. Both meetings take place at roughly six-weekly intervals[15]. The assistant city engineer said that safety representatives had also asked for a pre-meeting, but that this had been refused on the grounds that they already had time-off for monthly meetings, at which issues and positions could be clarified (see later discussion about the function of pre-meetings in section (iv)). Such time-off arrangements are subject to a written agreement, signed originally in 1978 between the council, NUPE and the EETPU, and subsequently by all of the unions throughout the council. This agreement has been partially revised through the re-negotiation of representation (DARs and CARs etc.) but remains essentially intact. The joint safety committee (JSC) takes place at council-level with delegates from each of the OSCs, and with an additional co-opted member for each trade union. This makes the committee union-dominated[16]. Managers from individual departments are only co-opted on the committee when particular issues relating to individual departments were on the agenda. Neither the OSC nor the JSC are decision-making bodies[17], with a manager always as chair (with a union representative always the vice-chair, following the 1978 agreement) and the committee tries to find consensus and unanimity on issues. In practice, the safety committees merely act as an expression of union/safety representative opinion, without impinging on managerial prerogative directly. The emphasis on management devolution running through strategic decision-making in the council applies also to

the working of the safety committees. The efficacy of formal participation mechanisms is returned to in section (iv) as well.

In Department B there are around 12 safety representatives, giving a ratio to employees of 1:65. I was told that generally there was a low turnover in safety representatives, with very little competition for the position[18]. The continual restructuring going on in and between council departments makes for a constant shift in the numbers of safety representatives, and the departments they work in. The TGWU in Department B applied the policy that shop stewards should automatically become safety representatives, although the reverse does not have to apply. One or two safety representatives are not shop stewards. This has caused problems for management, partly given the numbers of safety representatives taking advantage of time-off for training, inspection duties etc., and partly because of confusion over the different jobs involved.

Accident frequency rates have decreased modestly at both departmental and council-level in recent years, although this trend has been reversed for 1991, at council-level at least. The absolute total of accidents fell from 2185 in 1987 to 1624 in 1990, for the council as a whole. This figure increased to 1952 in 1991. In the same three individual years, major accidents fell from 21 to 18 and then rose to 25, plus the first fatality for a number of years. In 1991, 55000 hours were lost through accidents. The progressive fall in the lost-time accident rate (number of total hours lost by accidents divided by the average number of employees), from 2.96 to 2.42 between 1987 and 1990 has halted with an increase to 2.55 in 1991.[19] In Department B, accident rates have fallen in a similar fashion. In the last two five-month periods for which figures from Department B are available, the absolute number of accidents fell from 45 to 38, lost-time accidents from 16 to 11 and lost days from 169 to 87, with a fairly high degree of monthly variation to be allowed for. Senior managers and safety

representatives alike were keen to emphasise this fall in accident rates[20], as part of a general perception that safety is "tight" and improving.

The reporting of accidents is always a complex and ambiguous process; it is also potentially sensitive in certain situations. A year or so before the research, the bonus system in Department B was changed. Previously, the department did not pay bonuses to workers on sick leave, unless self-certification was accompanied by an official accident report. Now, an averaged bonus is paid to workers on sick leave irrespective of whether an accident is registered. This led a senior manager to claim that at least part of the recent fall in absolute numbers of accidents was attributable to this "take up of slack" in the reporting patterns. This makes us cautious about taking the improvements in safety performance at face value. Similarly, the figure of 2.42 given as the lost-time accident rate in 1990 was based on a figure of 19218 employed in the council as a whole. The minutes of a management safety committee meeting showed that some managers are concerned that this was an over-estimate since the prevailing trend between 1987 and 1989 was downwards (19456 to 17330). If such concerns are justified, then the figure of 2.42 may be a considerable under-estimate.

Towards the end of the research, union representatives on safety committees were calling for the breakdown of accident statistics by whether the job areas had been subject to tendering or not, and more accurately by the nature of injuries incurred in accidents. This follows both union and management comments that CCT has caused an increase in hazards in some areas, especially involving injuries based on a repetitive work burden, stress-related illness, back pain etc.[21] The next section looks more particularly at the impact that CCT has had on work organisation, safety problems and the changing relationships that exist between managers, employees and unions.

(iii) Management, pressure and the control of work

As described in the opening section, the key framework issue for industrial relations, participation and health and safety in Department B is the introduction of competitive tendering for services carried out. This is an extremely complex field. For the purposes of this chapter, the main focus is on the extent to which the **ideological** impulse behind CCT has translated into substantive changes in aspects of employment, and in organisational relationships[22]. Again, a precise exegesis of the ideology and practice of government legislation in the public sector is beyond the scope of this thesis. I characterise such an ideology in simple terms, as an attempt to inject competition, modelled on an ideal-type borrowed from the private sector, into public sector employment[23], a competition between service delivery units in both sectors in the tendering of contracts, stimulating price competition etc. For us, this broad statement divides into two areas, which are treated separately in this chapter.

Firstly, I look at how the processes of competitive tendering have changed perceptions of employee-management relationships, as well as at the role that managers have played in obscuring/filtering the implementation of CCT. Following from this, I look at how CCT, and the intervention of managers in its application, has changed perceptions of hazards and working practices, both in Department B and in other departments of the council. The section ends by drawing together the disparate effects that CCT implementation has had. In the conclusion, an attempt to understand the processes involved in an organisational response to CCT is made, in the context of issues discussed in other sections.

The assistant city engineer put CCT implementation in the following terms:-

> It is the job of local authorities to defend working conditions,...there are plenty of firms in the private sector who will force conditions down, simply in an attempt to compete on price.

He was keen to stress that this defence of working conditions in this local authority was done strictly in accordance with the letter of the law[24], and that no collusion took place between employers charged with the tendering of contracts. Rather, he emphasised that the council is merely seeking to implement a policy, which was to:-

> use its own employees wherever possible,....much in the same way that a University seeks to employ its own lecturers.

He claimed that in Department B, no contract had been lost to the private sector:-

> ...apart from those which the department wanted to lose anyway,...

and no money has been wasted, at a managerial level, on trying unsuccessfully to win contracts in-house. The ways in which the policy of employing in-house labour is carried out is indicative of the particular power that middle and senior management have in filtering the impact of CCT to suit organisational needs. The council has drawn up a register of approved contract firms, many of whom win contracts on a regular basis, and exclude others from consideration. I asked on what criteria such exclusion was made. The assistant city engineer said that the scale of work involved was used to filter out some (smaller) firms, and economic viability is used as a criterion, particularly when long-term contracts are involved, and where a department cannot risk a firm pulling out through bankruptcy. Of course, the obverse of this is that in-house tenders have the built-in advantage of economic permanence. Further screening takes place over ethnic monitoring and the monitoring of equal opportunity practices of firms seeking to win contracts.

A council safety officer said that another key area where CCT is subject to managerial discretion is approved codes of practice (COPs). Highly detailed COPs exist for most areas of manual work in the council, with many existing primarily with regard to safety, where existing job training is insufficient to maintain safety standards or

eliminate risks. An example he gave was the numerous jobs in maintaining roofs in the building services department, jobs subject to CCT legislation. A COP in this area made full scaffolding, including horizontal platform rigging etc., compulsory. Thereafter, compliance with approved COPs is made a condition of acceptance for tenders, this time using safety as an indirect way of advantaging in-house contract bids. This process necessarily cuts across the ability of small firms to compete on cost, whilst having a positive effect on safety regulation. Similarly, contractors were monitored at the tendering stage for other indices of good safety provision, such as a written safety policy (which had to correspond to the safety policy of the council in certain respects); at the time of the research, the CSU was striving to raise the profile of this safety monitoring of contract firms further.

It was also clear in several interviews that the process of negotiation in the implementation of CCT had a distinctly political flavour to it[25]. The assistant city engineer made several references to the political colour of the council, and to the importance of its socialist principles in defending working conditions. The safety officer said that this council had learned a lot from other local authorities ("not just the likes of Liverpool"), in retaining local discretion without illegality or direct confrontation. Similarly, the senior NUPE representative said despite the over-zealous nature of some Labour councillors' receipt of CCT and other legislation, the Labour majority on the council was vitally important in opposing the worst effects of competitive procedures. These frank comments by senior managers closely involved in the details of CCT, coupled with the success-rate of in-house tenders (particularly in important core areas such as refuse collection, street maintenance) would suggest that CCT legislation has failed - but this is too simplistic an approach. We need to examine whether this competition has changed practices and relations within direct labour organisations (DLOs) where contracts have been retained.

All of those interviewed pointed to a mixed degree of success for Conservative legislation although for some, the future did not look so assured. The safety officer said:-

> Not wanting to be political or anything,....if they [the Conservatives] win for the fourth time, then I think you will not have seen the start of changes in the public sector.

Employment levels in Department B have remained unchanged in recent years, when changes brought about by departmental and council restructuring are discounted. All major contracts have been retained, and managers seem to use contract firms in much the same way as managers in the other three case studies do, for large-scale projects where in-house experience or resources are limited, or for marginal activities or services where managers are keen to shed them anyway, and where clear savings can be made without affecting sensitive issues such as core employment levels. One of the key changes brought about by compliance with CCT legislation has been a re-shaping of the relationship between managers and employees, almost in common opposition to the legislation itself. Both managers and employee representatives said that there was now a much closer relationship between themselves, as the **new reality** of having to compete for jobs with the private sector came into play. This perception of management and workers as having a joint set of interests in defending jobs in the public sector is not a simple outcome of Conservative legislation. However, during the research, it became apparent that representatives of both "sides" spoke in similar terms of tightening up on costs, and that they considered this a relatively new development. This common approach was seen with respect to safety regulation also. For example, at a meeting of the joint safety committee, a senior manager from the Personnel and Administration (P+A) department said:-

> the new legislation [on health and safety from the EC], on supervision ratios, is obviously **good for us**, as it means we can use it as a way of keeping staffing levels up in some departments.(my emphasis).

Furthermore, changes have occurred in the organisation of work, although the extent of change is contested by those interviewed. If we go back to the quote some pages ago, the assistant city engineer talks of a defence of working conditions. There is an implied logic here that CCT potentially involves dilution of standards, speed-up of work, corner-cutting in safety regulation etc. He agreed with the general logic of this argument, but also pointed to the ways in which the nature of the work involved, served to obstruct the full application of a pseudo-market logic in public sector employment. These ranged from the highly specific content of certain jobs to the fact that there was a statutory requirement to provide services that simply couldn't be sacrificed if uneconomic.

Safety representatives were consistent in their claims that work had definitely got appreciably harder in recent years, and that workers now had to deal with reduced job security and the need to defend jobs through keeping costs down[26]. Further, this change was greeted positively by the safety representatives, who said that in the past, workers didn't really have to work that hard at all. One of them said:-

> My grandad and father worked here,...it was almost a job for life, and
> when I started I thought my kids and grand-kids would be able to do
> the same, but its all changed. Mind you, its not such a bad thing,...now,
> you just have to do a full day's work. The full day's work is now more
> the rule than the exception.

Having to tender for contracts has brought some attempts at increased workloads, such as when managers increased the number of houses on each refuse collection round some years before the research was carried out. However, there were further obstacles to cost cutting on jobs carried out by Department B. One shop steward and safety representative said:-

> In this department, most jobs involve transport to and from sites all
> over the city,...it is hard to speed those jobs up unless you ask a driver
> to deliberately break the speed limit.

Similarly,

> two years ago they [management] decided to reduced the timing of the
> bin rounds,...this led to rubbish strewn around the place, and they had
> to send a back-up team to clear up the mess, so that it cost more in the
> long-run.

It is not just aspects of the jobs themselves which seem to obstruct the injection of competitive practices. This example of the poorly carried out bin round is not simply a question of the task of refuse collection but of how workers respond to it. Workers are pro-active in retaining discretion and autonomy in the carrying out of tasks, (particularly when a contract has been won and is safe for the next year), and increases in the level of refuse spilled or left is a possible indicator of this[27]. Such discretion is arguably less easily shaken in a public sector setting. The example above is indicative of how a statutory requirement to ensure refuse collection, coupled with an ability to fight off private sector competition in the tendering process, gives workers a good deal of autonomy and "freedom" to dictate the pace of work. However, it cannot be assumed that workers go on from this to take jobs easy and to protect their own health.

A middle manager in Department B said that a COP had been approved stating that workers must carry no more than two bin bags in front of them, wearing protective gloves, so as to avoid the hazards of glass, metal, syringes etc., around the neck and back area. He said that despite the fact that the workers were not on piece rates, and despite this strict COP, some workers still handled six bags at a time, slung around the back, in an attempt to finish the round and go home. This resulted in more injuries, including a worker receiving a small amount of insulin and having to go to hospital. This raises the interesting prospect that a high degree of job control and autonomy, may give workers an ability to dictate (partially at least) the pace of work with somewhat paradoxical results for accidents and safety. The real picture is, of course, more involved than this, as the pressure to work hard (and dangerously) to

finish a job may have many causes, not least the drudgery of collecting refuse. Of course, this allows managers to point the finger of blame at individual ignorance and the flouting of regulations as much in Department B as in the other case studies. One middle manager claimed that "...80-85% of accidents are down to individual negligence."

Common to the other case studies was the experience of worker representatives also blaming workers for accidents in Department B. Safety representatives saw a large part of their job as involving the policing of individual workers, rather than positive representation of workers **against** managers. Managers also saw this degree of job control, coupled with the possession of skills in certain areas, as the main difficulty confronted in the implementation of CoSHH. A section head in Department B said:-

> ...try telling a bloke who has been tarmacing for twenty years what the CoSHH assessments are and that the way he does his job has to change.

A safety representative said that he had had to undergo re-training on his job working a crane. He said that this was unnecessary as he had been working on it for 8 years without any certificate or formal qualification, and that he knew as much, if not more, about how to use it than any potential trainer. The increasing regulation of safety through CoSHH, and through the introduction of a permit to work system in some areas of Department B, therefore confronts established practice and job control in a complex way. In particular, at a "global" level within this case study, union and managers hold the similar view that it is competitive tendering, with pressures on job times, staffing levels etc., that represents the main problem for safety regulation.

In Department B, the safety representatives claimed that the savings necessary to reduce costs and to ensure competitiveness against external tenders, had been made through the taking up of slack in the working day, mentioned above, and through a

certain amount of rationalisation, such as in the purchasing policy[28]. In commonly agreeing that work was now harder, the safety representatives were confirming that CCT legislation, whilst failing to take important contracts into the private sector and to the lowest bidder, has changed the atmosphere and pressure of work within the council. This has occurred in a partial and uneven way, and it has had a differential impact across the council. The senior NUPE representative said that there had been considerable extra work pressure imposed on cleaners in the education department. There, although the contract had been retained by the existing workforce, his members were now:-

> ...simply having to do more work, in the same or even less time than before.

This has lead to an increase in the incidence of repetitive strain injury (RSI), as the diameter of the polishers used on buffing machines had been increased from 9"-12" to around 16"-18", making the machines heavier, involving much more vibration and requiring greater strength. In addition, fewer cleaners meant that the buffing machines had to be used for longer periods by each cleaner. This represents a clear link between the need to reduce costs to compete with tenders from private sector firms on the one hand, and an increase in accidents and ill-health on the other. Similarly, whilst pointing to a generally positive trend in the reduction of accidents in Department B, the assistant city engineer said that CCT had indirectly led to an increase in the general pace of work, and to problems caused by stress and repetitive tasks, such as backache etc. (see section on accident statistics above). A representative for the CSU also suggested a link between the poorer safety figures for 1991, and the long-term effects of CCT, during a meeting of the JSC.

Therefore, it would seem inappropriate to talk in simple terms of the impact of CCT on employee relations and on safety regulation in Department B and the council. Perhaps most obviously, CCT represents a set of changes within an already complex

framework of public sector employment. The safety officer said that the reasons for this **imperfect** implementation of competitive processes lay in the nature of the public sector itself:-

> In my last job,...[safety officer in the car industry], people were very much driven by the track; here, once a contract has been won, there is still truth in the idea that work pressure is less.

One could always speculate as to how competitive mechanisms could be made to work more effectively in local authorities. The sentiments of managers, however, would appear to suggest that the lack of a **genuinely** external, and therefore competitive, product market provides a resilient obstacle. This is not just an academic matter; the way in which management choose to manage, and the pressure that management decisions puts on workers, is of central importance to the whole study.

In Department B, workers are having to work harder, and in some cases this appears to be reflected in increased rates for accidents and/or physical stress-related injury. However, the reasons for this are not simple to define. A further factor mentioned by some managers and a safety representative was the payment system. Agreement was reached in national negotiations two years or so before the research, to remove the ceiling on bonus payments, at the request of union representatives[29]. A safety representative said that this had led to workers working longer and faster in order to take advantage of bonuses. In the past, reportedly, the end of the working day would involve a natural slow-down as the bonus ceiling was reached. This is not to argue that choice of bonus system may not, in other circumstances, be a part of the whole process of competition for contracts as local managers seek to link bonuses to productivity, or to the retention of skilled workers etc. However, in this instance, it is **national** bargaining which regulates bonus schemes, involving in this case the apparent increase in the pace of work without necessarily the reduction of costs being an intention, and with the trade union directly involved in pursuing the removal of

bonus ceilings. This also further muddies the waters surrounding the supposed natural role of unions in protecting working conditions, although a broader analysis of wage trends in public sector manual work is needed before jumping to conclusions, so that the background to this change in bonus payment policy at national level could be better understood.

To sum up here, CCT has been, at best, partially successfully in modelling public sector employment on private sector price competition. Managers seem to have a relatively wide berth in the tendering process, and in drawing up criteria which seem, directly or indirectly, to advantage DLOs. Furthermore, the impact of CCT has been uneven - with some groups of workers affected more than others, and with workers retaining a high degree of autonomy and job control in Department B. Whilst the bonus system is commonly blamed for the increase in the pace of work more than CCT is, changes in the payment of bonuses whilst an employee is sick in Department B are also argued to have reduced reported accidents in recent years. In an instance from another department, the issue of contractors was raised in much the same way as at Textchem. A contract firm was used for some building work in the education department. For workers already employed there, the safety implications did not lie in the threat that the use of contractors made to their own jobs (thereby, as the logic implies, forcing them to work harder and less safely), but the fact that the contract workers were endangering themselves by using ordinary drills in pouring rain. Again, established COPs for council workers meant that the local supervisor should have sent the contract firm home, insisting on them using the right equipment on their return to the job. In practice, the pressure to finish the job meant that council employees made their safer machinery available to the other workers. The world is more complex than the simple price competition of CCT supposes. This section has looked in some detail at the impact of CCT on employee relations, on the hazard agenda that exists for workers, and on more subtle aspects of organisational practice. The next section looks to locate this amorphous set of relationships and changes within the council and

Department B, and returns to safety regulation in the context of formal participation mechanisms.

(iv) Statutory participation, safety regulation and the floor of rights

This section is about the formal mechanisms for the regulation of health and safety in Department B and in the council as a whole. As mentioned earlier there are two departmental safety committees (one joint and one management-only pre-meeting), and a joint safety committee, where individual departmental managers are only co-opted where necessary, and with a 17-strong standing union representation. In addition, there are some 11-12 safety representatives in Department B, with rights to time-off, inspections, training etc., as well as attendance at all OSC meetings in the department. The main argument in this section is that formal participation plays a somewhat marginal role in the regulation of safety, apart from as a forum of information exchange and as a general sounding board for the expression of formal and informal opinions by representatives of both sides. An important background to this is the fact that in recent years, employers and workers have come to emphasise common interests in the defence of jobs (and whole departments), discussed in the previous section. I am not arguing here that formal participation mechanisms such as safety committees necessarily operate in a zero-sum way as a point of conflict between managers and union representatives (with the implication that the "new reality" of cooperation in opposition to some aspects of CCT renders them unimportant). Rather, in this local authority, the expression and resolution of conflict between managers and unions over safety and other matters (still an important aspect of industrial relations) tends to by-pass institutions such as safety committees. I would like to discuss four areas, given as reasons by those interviewed, for the weakness of formal participation. The section ends with an evaluation of what this means for our understanding of a floor of rights in safety regulation.

Firstly, managers in most interviews were keen to stress the process of devolution of decision-making that has taken place in the last few years. From what I have said in the previous section, I would argue that this devolution has gone hand-in-hand with the introduction of CCT, and of tighter financial control and more fragmented budgeting to accompany it. The business plans mentioned in an earlier section are prepared by middle managers in Department B , and a senior manager there said that his veto, and those of executives above him, was in practice never used. Management have gone further, however, in a more pro-active way, to mirror this devolution in grievance resolution and safety participation. The main complaint of the senior NUPE representative was that the JSC was almost a pointless exercise, in that not only was it not a decision-making body, but that:-

> ...members of the P+A department are often to be seen whispering over an issue - ...They do this to find out what departmental management have ruled on a certain issue. They will then very rarely go against this at JSC.

Similarly, whilst the notion of a management pre-meeting is not unusual amongst the case studies, the way in which it operates is, in that it is used as a screening device so that a united front can be presented to joint safety committees, further down the line. Towards the end of the research, a new procedure was devised for the JSC involving an agenda meeting a week beforehand, designed to make the full JSC shorter and more to the point. Also, pre-meetings exist for management (the P+A representatives) and unions just prior to the JSC. I attended managerial pre-meetings at both departmental and council level. On several issues, the pre-meeting involved constructing a particular approach to take at JSC, on issues ranging from high visibility clothing (see later) to disputes over British Standards application, and the viability of health screening for hearing loss in new recruits. At the JSC pre-meeting, the issue of devolution of grievance resolution was expressed forcibly. A group of workers had gone to the HSE inspectors over noise regulation problems in a

department (not Department B), without taking the issue up with management (or their own safety representatives) first. In this respect the JSC is to be distinguished from the TSC (technical safety committee) at Textchem, in that it is not a powerful body from which worker representation is excluded, but more a procedural arrangement for management consistency, mirrored in the union pre-meeting.

The fact that the safety committees operate in this way reinforces the culture of managerial devolution in that pre-meetings of managers anticipate opposition, and seek to **shore up** internal management divisions. Such internal divisions were apparent at MSC level. Several managers put forward arguments against council rulings on high visibility clothing and orange overalls, and the MSC was very similar to the OSC in that managers were essentially trying to sell official council policy on safety regulation, only this time to each other rather than to workers. As mentioned, one such issue was audio-metric testing, a screening programme to identify hearing problems in new workers, thereby reducing spurious claims for compensation once workers had been in Department B for some time, making it popular with some managers. The council had a policy opposing audio-metric testing, running against departmental management's wishes, and the issue remained unresolved throughout the research.

The pressure of devolution on the problem-solving capacity of safety committees applied at departmental as well as council level. At an OSC meeting, a safety representative complained about safety problems that had arisen with the use of a particular kind of caravan at the main depot, his main complaint being that they should never have been chosen in the first place. The chair of the meeting (a manager) swiftly squashed the issue, and ensuing argument, by pointing to the previous minutes which told the safety representative and the section head to discuss and resolve it, which clearly hadn't happened.

Whilst it is likely that this process of devolution reduces the power and influence that can be wielded by both representatives of management and employees at council level, this does not in itself explain why the process has not been accompanied by an increase in importance for departmental level participation (i.e. the OSC)[30]. The logic of devolution, indeed, would point to a relative enhancement of departmental control over safety regulation.

However, a second set of forces exist to restrict the scope and importance of formal participation mechanisms - the highly integrated role of formal industrial relations machinery in the council and, to a lesser extent, in Department B. The role of trade unions is discussed in more detail in the next section. I introduce it here to illustrate how the strong tradition of employer/union relations is the more commonly used channel for the representation of employee interests in safety issues, somewhat outside of the structure of representation gathered under the SRSC (1978) regulations (safety committees etc.). Despite the written agreement signed by management and all organising unions in 1978, the expression of health and safety grievances generally follows the contours of the unwritten informal grievance resolution procedure between shop stewards and managers. This is not surprising given that safety representatives are also shop stewards (on the whole) and given the perceived weaknesses in the OSC/JSC framework of involvement[31]. Such weakness helps the shop steward function to predominate over the safety representative one, in the eyes of participants.

On several issues, including above all the one on orange overalls and high-visibility clothing (discussed in the next section), I was told by managers that:-

> ...things have gone beyond consultation [i.e. beyond the formal participation of safety committees which had been the place where the problems had been originally aired.]...and into the IR arena.

Indeed, both OSC and JSC discussions of contentious issues were shortened by the chair, on the pretext that it was not for the committee to discuss things that had gone into the jurisdiction of formal industrial relations procedures. This provides us with the opposite trend to that of managerial devolution; i.e. that the expression of grievances and safety interests has, in the recent past, led to issues moving quickly out of Department B and to council-level representation. Thus, whilst management are seeking to take decisions at the lowest possible level (with the support of some safety representatives), union influence remains concentrated at higher levels in the organisation[32]. This situation is likely to be challenged by the restructuring of representation, filling the supposed gap between shop-floor grievances and the full-time official/branch secretary/local representative etc. In simple terms, however, the OSC and JSC are not **just** seen as ineffective channels for safety regulation by union representatives, but as less effective than the union itself. This important distinction has a bearing on our understanding of a floor of rights, to which I shall return.

The third factor in accounting for the weakness of formal participation is the diversity of employment groups, the differences in approach between the trade unions[33], and the general difficulty of trying to fit such diversity into a simple structure of participation. At the JSC meeting I attended, representatives of OSCs in the education department[34], complained of two things. On the one hand, education-related safety issues were not finding their way on to the agenda of the JSC, mainly because not all unions were represented at the agenda meeting a week or so before each meeting, and the unwillingness of management to discuss things outside of the formal agenda, pursuing the policy of devolution of issues to section (i.e. school) level. On the other hand, the lack of DARs in many schools (because of a lack of willingness for people to take the job on) meant that the new system of representation by-passed many sections of the workforce, with members of the union side at JSC claiming that details of meetings had not been circulated to everyone involved etc. In both of these areas, there was a feeling that safety participation was dominated by manual unions and

large, well-organised departments, thereby depriving the JSC of an embracing legitimacy. This antipathy towards the manual unions was reciprocated in my discussions with the NUPE representative, who said that:-

> ...in education, health and safety starts at 9am and stops at 3.30pm. All
> tiers of management were essentially teachers, or teacher-centred, and
> neither they nor the school teachers often stop to think about the
> cleaning of classrooms, the safety of buildings etc...

This may seem a fairly minor point, in that competition, conflict and differences of strategy exist to some degree in virtually all multi-unionised workplaces. It is important here as a further contributory factor in undermining the channel of formal participation (under the guise of the 1978 written agreement) in safety regulation, coupled with the highly diverse and varying nature of the jobs done by the 19000 or so council employees. It also raises the question of the contribution that industrial unionism in Germany makes to forms of interest representation in health and safety, discussed in the next chapter.

Finally, another reason for the ambivalent nature of formal participation in safety at departmental level is the role of safety representatives. Managers were on the whole unhappy about many of the qualities of safety representatives in Department B, and of the job that they do. This encompassed a range of issues. On the whole, managers thought that there were too many safety representatives, that this took up too much time as they all had to be invited to OSC meetings, and all (theoretically) had rights to quarterly inspections and the other aspects of the 1978 agreement etc. This was accompanied by a feeling that they lacked the degree of technical know-how to make an effective contribution to safety regulation. On the other hand, managers also berated representatives for not taking up those rights that existed, and complained that so few attended OSC meetings or attended inspections etc. In addition, some managers said that certain individual safety representatives were "bad pennies", and that they abused their function in **safety** regulation to take up more general causes

with management. In general, the opposition of managers to the safety representative function as well as safety representatives can be grouped into two. Firstly, the maintenance of such a large body of safety representatives in Department B, as well as of a large union presence at JSC meetings, was a bureaucratic cost, irrespective of whether the rights were taken up in a more dynamic manner. At an OSC meeting, management were trying to emphasise the new policy on union representation (CARs/DARs etc.). A safety representative complained that it was up to the union how it elected stewards and safety representatives. A section head responded:-

> ...that's all well and good,...we can have as many safety reps as you like, but I will see you in the dole queue.

Secondly, some managers said that shop stewards confused the role of safety regulation, making life more difficult than easy for management in driving safety issues home to workers. The assistant city engineer said:-

> ...I think safety reps could be more supportive of what management are trying to do. Of course, it is up to the union to try and improve safety and working conditions by challenging management, but you try disciplining a union member over safety and you soon have the steward in here complaining.

Many of these experiences are not unique to Department B or this authority. The other case studies include similar difficulties experienced in the task of taking on representative functions in health and safety. What is important though is the context in which the perceived weakness of formal participation is situated, and the complex relationship between the factors highlighted. For instance, whilst managers complain that safety representatives confuse general bargaining and negotiation issues with the distinct sphere of contributing to safe working conditions, they also stress that issues cannot be settled in formal participation mechanisms when the formal industrial relations machinery has been invoked. As a whole, safety representation as a distinct sphere of influence outside of industrial relations (i.e. relations between unions and

management) is not easily identified in this case study. Whenever discussing safety representatives at OSC and JSC meetings, managers unfailingly refer to them as "...the union side..." with seemingly no prompting from the representatives themselves.

In essence, there is a dual tradition of statutory safety participation in Britain. On the one hand it has been to lever a **space**, insulated from the politics of industrial relations, in which management and workers' representatives can consult about issues which they have a mutual interest in resolving. On the other hand, rights to inspection, training, representation etc. serve to guarantee a floor of rights which can supposedly survive managerial conflict with unions over other issues, and union weakness at the hands of managers in general[35]. The situation in Department B, and the council as a whole, is that the legislation has failed, to an extent, in its function of making safety an issue outside of industrial relations. Important issues quickly go beyond JSC jurisdiction, and managers complain about safety representatives confusing their representative role, and individual workers of using safety as a lever in other disputes. However, this does not mean that managerial prerogative is unchallenged, just that formal participation, for several reasons, is not seen as a genuinely viable channel for this challenge to be made. The issue for the researcher, however, is to uncover a more illustrative understanding of the floor of rights. When workplace representatives have established independent mechanisms and procedures for the expression of interests in health and safety, then is the floor of rights redundant, has it performed its essential function, or is it still vital if hidden as a tool for the expression of such interests? In general these questions can only be answered over time, as the ebb and flow of union influence contra management develops. In Department B these questions cannot be answered without a direct analysis of the position of trade unions themselves, rather than as adjuncts to formal participation, and to the whole process of CCT implementation. Trade unions are the focus of the next section.

(v) Representation: the role of trade unions and the collectivisation of health and safety.

I have suggested in previous sections that in a variety of ways, unions are fairly influential in this local authority. They have the assistance of some managers in seeking to advantage in-house labour whenever possible, even though this has led to speed-up in some areas. The unions also have a vital input in the preparation of COPs (important in themselves as a device for screening competition from private contractors), through the automatic submission of proposals to safety representatives on OSCs for consultation and approval. The unions make good use of both the 1978 agreement to time-off, inspection and participation at various levels of safety committee, and of established but unwritten grievance resolution procedures from supervisor level to independent arbitration on a regional basis[36]. Crucial in this maintenance of a high level of power and influence is the new identity of interests between unions and management in the new atmosphere of competition, even though sacrifices have had to be made in the speed of work. Yet, there is also conflict between union and management, particularly at council level.

I have already mentioned that some managers are unhappy about the structure of representation, and the relatively free role that unions have in organising safety participation and representation. About two years ago, the council decided to reform the system of representation in order to establish some control over union activities. They decided to introduce full-time officials for each union (two each for the larger unions), and a full-time representative for each department. Towards the end of the research, the assistant city engineer said that the system was up and running, and had been agreed by unions, apart from one or two maverick individuals who did not like the new system.

The senior NUPE representative (now CAR) said that the system had been introduced with far more important motives in mind, and with more opposition than management were prepared to concede. The reorganisation began with the process of financial devolution, part of the more fragmented budgeting necessary with CCT. This led to conflict in the education department because the ERA (Education Reform Act) of 1988 specified that sums of money must be made available for teachers to carry on **public functions** (trade union duties). This meant that departments had to specify sums of money to be used to subsidise time-off and training facilities for teachers. This led him to ask what proportion of the £90000 in this authority would be made available for support staff unions (his area of representation), and he was told that none would be. This led to a good deal of internal conflict both between unions and between management and union representatives, and forced management to specify the time-off rights for all unions in the council[37]. To him, the CAR/DAR system is intended to control union activities, and he gave the example of a manager in his department telling him to give over his diary every week so that the manager could decide when and where the time-off could be granted. To the union representative, this was a gross infringement on union freedom of organisation, and claimed that conflict over the implementation of the new system is endemic rather than an individual matter, as a manager had put it. All of the unions have refused to comply with the rules of the CAR/DAR system, apart from the TGWU, who (he claimed) have a senior official who has simply bowed down to management over it[38].

In a sense, this dispute over who controls the system of representation brings us back to questions raised in section (iii), about the nature of management in the public sector, and the particular relationships that are generated between public sector unions and management. Clearly, conflict is a part of the daily contact between unions and managers, particularly at council level, although the issue of time-off and formalised representation is the most explicit expression of this conflict.

A problem that appears to be particularly prominent in this case study is of inconsistency and division between levels of management[39]. It has been discussed in the context of financial pressures in the implementation of CCT, in terms of the different levels at which safety regulation takes place, and also with respect to the persistent need for consistency and a unified approach in dealings with unions at safety committees. When placed in the context of relatively strong union organisation, high membership density in many areas, well-established grievance resolution procedures, and a common desire to stave off the worst effects of CCT legislation, we are left with a complex analytical minefield.

A year or so before the research, the council decided that the usual maroon overalls would be replaced by orange overalls on the grounds of safety. This generated severe opposition from workers in several departments who claimed, with support mainly from the senior steward (DAR) in Department B, that not only were the new overalls less safe (in that they got dirty and lost their reflective properties) but that it was less convenient to wear the bright clothing to and from work. This view received some support from (particularly middle) management. One section head said that he was told to implement the new policy (i.e. to discipline workers for not wearing the new overalls) but turned back on council management saying that he was not prepared to put his foremen in the position of sacking workers when genuine grievances were at stake. The issue moved very quickly beyond the formal safety committees, and at the end of the research was still undecided, although a working solution was reached. Management decided that workers could wear the old overalls but that from a certain date only orange ones would be issued as replacements, leaving the old ones to "die out" as they became worn out. Similarly, new workers had the obligation to wear the new overalls written into their contracts, with threats of disciplinary action also included. Managers in Department B have also made it clear to the HSE that any accidents resulting from non-adherence to the new regulations are beyond their responsibility.

This example is a genuine case of union representatives taking safety issues to management on a collective basis[40]. No manager claimed that the dispute was masking other issues as a negotiating device, and everyone involved agreed in interviews that the compulsory additional tabards (strap-on reflective bands) required by law was adhered to by most workers, and that disciplinary action taken against recalcitrant employees in **this** area was not opposed by union officials. The case also shows the ability of the workplace union to impinge on managerial prerogative, as two back-downs by council management over the compulsory wearing of the overalls indicate.

Yet union representatives also found themselves in difficult positions with regard to safety, similar to those in the other case studies. The senior NUPE representative in the education department said that he had been alerted about an accident involving a support staff member at a school. A drain in the school yard had had the grill removed, and after a period of heavy rain, had overflowed so that the opening of the drain could not be seen underneath the murky water. She had fallen into the drain, broken her leg, had several weeks off work and submitted an accident report form, leading to an investigation. He asked her who had been responsible for removing the grill, and was told that she didn't know, as it had "...been like that for at least a couple of years." He claimed that cases like these made the union's job very difficult, as it only served to reinforce managerial perceptions that individuals were responsible for accidents, through negligence or, in this case, short-sightedness and apathy towards safe working practices.

Clearly, the same sorts of obstacles to the collectivisation of health and safety exist here as in other case studies. In this local authority, however, unions have retained a degree of influence which has made opposition to management on safety grounds possible. This is not simply a question of what the union has done in isolation. Rather,

the particular context of forces acting on representation and safety management is responsible, from the political colour of the council, to common opposition to some aspects of CCT legislation. The difference in degree and nature of this union influence when compared with the other case studies is taken up again in the final chapter.

(vi) Conclusions

The last decade has seen great changes in the management of local authorities, as the government has attempted to introduce private-sector type competition. The relative success or failure of this policy in achieving financial savings has been discussed by other authors[41]. In Department B, the legislation concerning CCT has had an important impact, in increasing awareness of competition for jobs, and seemingly in increasing the amount of work that workers have to do. However, this has not been achieved without an evolution of the relationship between managers and worker representatives, as the interests of both groups come together in the survival of departments and the winning of contracts. This process, as I have argued, highlights the ability of managers to "cipher" the terms of competitive legislation, and, importantly, to foster a new, co-operative relationship with workers, in utilising safety standards to advantage in-house bids.

This does not mean that the ideological rationale behind CCT has failed, as the increased workload for many workers in the council, (although less so in Department B), illustrates. Some workers, and especially those in peripheral employment areas such as cleaning, have clearly seen employment hazards increase with the pressures of the working day. However, in Department B, the conversion of cost-cutting initiatives into changes in working practices have come up against the twin obstacles

of "the nature of the job" (or some of the jobs at least), and the pro-active ability of workers to dictate a working pace beyond the direct control of managers.

The new spirit of co-operation between managers and workers on a daily basis, has not, of course, eradicated the notion of conflict itself, and I have given several examples of such conflict. Most importantly, management seem to be trying to re-negotiate the entire system of representation itself, against the wishes of many union representatives. Formal participation mechanisms are seen as relatively weak in the resolution of safety problems, although their function as a medium for the exchange of information, and for testing the waters on controversial issues cannot be underestimated. The two other key reasons why formal participation is not used by unions in an attempt to force the hand of management on safety are (i) the pursuit of a policy of devolution by management throughout the council (itself closely related to decentralised budgeting and financial control resulting from CCT etc.) and (ii) the existence of an established industrial relations procedural agreement which ensures that issues very often leave the consultation arena of the safety committees, and which consolidates the power and influence of trade unions at an extra-departmental level in the council.

Notes.

1. Even physically running away from my approaches to him after council safety committee meetings.
2. In particular, some of the material on health and safety regulation and job control, was generated from interviews with Department B managers and workers, whose experience was mainly in refuse collection services, which by the time of the research had been transferred to another council department. This does not reduce the validity of the material however.
3. For a fuller account of broader government policy towards the public sector and public corporations, see Ferner,1989.
4. I use CCT as a catch-all shorthand both for the wide variety of measures introduced into local authority employment by the government since 1980, and in the narrow sense of the specific services that local authorities have had to put out to tender, and which DLOs (direct labour organisations) have had to compete for themselves.
5. The average is used for the purposes of accident frequency statistics, presented later.
6. Requiring all jobs that cannot be filled by internal transfer to be advertised externally.
7. This legislation is an extension to CCT legislation, in that it requires councils to establish a different managerial structure for those awarding tenders, separate from the departments who compete for them, presumably trying to stop local management from preferring in-house tenders on criteria other than economic efficiency and cost.
8. The union representatives I spoke to saw the CAR and DAR system as involving an attempt by management to control time-off rights for stewards etc. The union translation for CAR is the "corporate-representative".
9. Like in the German local authority, CoSHH monitoring and implementation has taken place at council level.
10. Previously, there was a lone safety officer, and a separate safety officer for building services.
11. So virtually an identical structure of council-level safety regulation to that in the other public sector case study.
12. See the next section for discussion of how COPs are used as a screening device in the CCT procedure.
13. Most of them simple accept the format recommended by the CSU.
14. The safety committee convened in accordance with the SRSC regulations of 1978.
15. Other departments have different lengths of time between safety committee meetings, depending "..on the nature of the hazards.." according to the safety officer for the council. Most departments operate a dual MSC/OSC system, however.
16. At the meeting I attended, there were roughly ten union representatives, two councillors, a member of the CSU, and two members of the P+A committee. There would be around 17 or 18 employee representatives at each committee meeting if every union and each OSC sent representatives.
17. With a heavily union-dominated JSC, it would be surprising if this committee was given a driving role in determining management and council policy in safety and "overspill" areas.
18. Safety representative positions in the white-collar sections often remained unfilled. In the administration block in the centre of town, no-one was willing to take on the job, leaving a manager in the uncomfortable position of discharging the functions.
19. The high-point for this particular rate was 3.86, reportedly from some years ago.
20. Apparently, these figures for Department B form part of a trend covering a number of years. My main source of accident statistics was my contact in the CSU, so more longitudinal figures are only really available for the council and not Department B. In any case, the many organisational changes and restructuring that has taken place, including critically the loss of refuse collection to the building services

department, makes year-on year comparison of accident rates solely within Department B somewhat redundant.

21. It must not be assumed that other accidents are, in fact down. The increase in major accidents from 21 to 25 in the year 1991 is more likely to be "above" the vagaries of the bonus payment system and the inaccuracies of reporting procedures.

22. Framing the question concerning the impact of CCT in this way allows us to compare not only the public and private sectors in Britain, but the public sectors in the two countries.

23. This involves two highly stereotyped models. On the one hand, the private sector is seen as a sphere of "perfect competition", with concrete financial pressure on labour costs. On the other hand, the injection of competition is made in what is seen as a "moribund" public sector, rife with restrictive practices, over-staffing, a monopolistic attitude to service delivery etc., which force up costs to the local "tax" payer.

24. This strong response came after I suggested that opposition to the spirit of CCT was an unspoken managerial strategy in both the council and Department B. After April 1993, new legislation will attempt to break this power of departmental management to deviate from the spirit of CCT-related legislation.

25. Partly owing to the sensitivity of their position as senior managers, and partly, perhaps, owing to my position as the researcher, many such comments were put very circumspectly on occasion, with disclaimers and requests that this was "...off the record..." or "...between you and me..." etc.

26. This experience could not be further from that at the German public sector workplace; see next chapter.

27. Although the reasons given at the time, that too many houses were involved, may well also be true.

28. Including a more careful purchasing system, reducing stockpiles of equipment, buying in bulk when prices were right, shopping around for cheaper materials (whilst still abiding by British Standards and other specifications).

29. According to a senior manager in Department B, but not verified from union sources.

30. Remember that the relative lack of influence of the four business safety committees at Textchem did not stop managers, union officials and safety representatives from seeing them as nevertheless very important and part of the new high-profile role for safety in broad terms.

31. In response to interview questions about the reasons for the "improvement" in accident frequency rates, formal involvement was accorded low priority by both workers' representatives and managers. A new permit to work system in Department B was given as a reason. A section head said "...now, part of the permit to work system is that a worker must consult with the utilities [electricity, gas, water companies etc.] over plans and drawings before sinking a trench or digging into the ground. In the past, we had blokes blowing themselves up (sic) by going straight through electricity cables by the roadside." For this manager participation was a minor element in safety regulation. He complained that there were too many people having time off to attend safety meetings, but that:- "...you have to do it that way, to give them a feeling of being involved."

32. This distinction is, I would argue, replicated in the discussion over CCT and work pressure. Whilst senior managers have been able to implement CCT in a "union-friendly" way, pressure has still increased on the shop floor.

33. The main difference at council level is the degree to which the different unions oppose the introduction of the CAR/DAR system, discussed in the next section.

34. The structure of safety committee in education had changed prior to the research, leaving a three-tiered structure of departmental participation, each sending delegates to the JSC.

35. The irony being that it is only really a floor of rights for unionised workers; see chapter 2.

36. Disputes that cannot be settled at departmental level (nor through the OSC and JSC if the issues are safety-related) go to an independent group of councillors, with

no investment and prior interests in that department, for non-binding arbitration. At this stage recommendations for arbitrators are drawn up by management, and unions can oppose these, as they have done in recent years, on the basis of repetitive decisions going against the union side. With no agreement reached at this level, the dispute goes to a "provisional council", which is made up of regional union officials and councillors from other local authorities. This is the highest level that is prescribed, and in practice, disputes are usually solved much before the provisional council stage.

37. NUPE, NALGO, and the TGWU each have two CARs, with one each for the EETPU and the GMWU.

38. Lending credibility to the view of the senior manager in Department B that opposition to the new system has been slight, given that only the TGWU organise manual workers in that department. The non-participation of the senior steward in Department B made it impossible for me to pursue opposition to the renegotiation of union rights at Departmental level, although I was told that the senior steward opposed the conciliatory approach of the CAR for the TGWU.

39. Although conflict over the Business and Plan and the vertical restructuring at Textchem involved similar conflict between management.

40. Of course, it is not simply a case of management cutting corners on safety, but of implementing a new safety regulation in the genuine belief that it was for the best, and coming into conflict with workers over this.

41. See, for example, Hartley (1990).

# Chapter 7

Department G; a German local authority.

(i) Introduction.

Department G is a direct labour organisation, with a permanent workforce of just over a thousand people, and is a part of the city council of a large German city. It corresponds roughly to the city engineer's department seen in many British local authorities[1], and the tasks it performs on behalf of the council are extremely diverse and heterogeneous. This chapter focuses on the regulation and management of health and safety within Department G, on the way in which *Mitbestimmung* co-exists with the structures of industrial unionism and the specificities of public sector employment, and on the complex relationships that exist between the *Personalrat* (staff/works' council), *Dienstellenleitung* (management), union representatives, and *Fachkräfte* (safety specialists) in the execution of safety functions and responsibilities.

As with the other case studies, an initial task has been to decide on the unit of study for the purposes of writing up the research. Given the position of Department G within a large city council, and given other limitations, for example to access, and the fragmented nature of employment within the Department, it is necessary that we look also at the statutory framework governing participation in health and safety at a **council-wide** level. This involves looking at the broader structure of decision-making within the council, as well as the interface that exists between involvement in the management of health and safety at departmental and council levels, and at the importance of these decision-making structures at the broader level for our understanding of participation more generally within Department G. It is impossible to consider Department G as a unitary workplace, given the degree of practical and geographical separation between different tasks, units etc. Rather, the department consists of a number of isolated centres, where general safety issues (protective clothing, the pace of work etc.) mix with highly workplace-specific working conditions and hazard agendas, within a system where worker participation (*via*

elected representatives and trade unions) in safety regulation is highly centralised and insensitive to such diversity.

The next section therefore looks briefly at the structures and practices of participation, employment, representation and health and safety regulation at the level of the council as a whole. Following from this, the section introduces similar themes with respect to Department G, and looks more closely at participation in health and safety at this lower level. Included here is a brief look at the accident statistics of recent years, the nature of the hazards involved in much of the work, and the various structural, institutional arrangements that exist for the management of health and safety in Department G and in the council. As a result, there will be a degree of overlap with material produced in other chapters, as this chapter seeks to **apply** the analysis of formal institutions of participation and safety regulation, more directly and relevantly to the context of this workplace.

The sections thereafter attempt to deal with the issues raised at the end of chapter 1; i.e. the groups of research questions and issues drawn out of the literature review and theoretical considerations of that chapter. A central argument of previous chapters has been that the regulation of health and safety issues is inherently a question of the management of resources, people, working practices, technology etc. Section (iii) looks at the extent to which our understanding of participation within Department G is affected by the **perceived** nature of both public sector employment and managerial strategy in Germany[2]. In this context, the research shows an important factor influencing not only perceptions of health and safety regulation, but also attitudes to employment conditions more generally, to be that of relatively modest *Leistungsdruck* (performance/work pressure). This emerged constantly as a theme underpinning attitudes and perceptions of workers and managers alike to public, as opposed to private, sector employment - and forms a central pillar of this chapter, in much the

same way as the business plan did at Textchem, as staffing reductions did at Prochem and, importantly, the introduction of CCT did in the UK public sector study.

In the case of Department G, the close relationship between participation and involvement in general employment issues *via* the *Personalrat* on the one hand, and the framework for participation in health and safety itself on the other, is such that questions dealing with the impact of legislation on health and safety, and the importance of statutory mechanisms for participation can be dealt with as two sides of the same coin, in section (iv). This section also re-examines the idea of a floor of rights in the context of highly **regulated** workplace employment relations, and the strong statutory grounding for forms of worker participation.

Section (v) goes on to look at the issue of the collective expression of safety issues through worker representatives, and at the impact that the structure of management has in this respect. In the German context, of course, this involves looking at a key issue of the thesis; the dichotomy between interest representation *via* the *Personalrat* on the one hand, and workplace trade unionism on the other, particularly with respect to safety issues. Part of the same discussion is also a consideration of the key position of certain individuals in the representative **matrix** within Department G; in particular, attention is given to the structure of trade union membership and representation at departmental level, and at the way in which it acts **vertically** rather than **horizontally** in the expression of interests, in contrast to the multi-unionism and fragmented interest representation in the British local authority study. The chapter ends with a small concluding section, drawing together some of the themes emerging in the general discussion.

(ii) Background information

The city council employs a total of around 16000 people. As one would expect, the areas of employment are extremely diverse. Six thousand of the council's employees work in various hospitals, making this clearly the largest single group of workers[3]. Of the 16000 employees, roughly 4000 are *Arbeiter*, 7000 are *Angestellte* and 5000 are *Beamte*, making manual workers the smallest single occupational category within the direct labour force of the council[4]. The council has an elected leader, in this case from the conservative *CDU* party, who co-ordinates the work of the different departments (*Ämte*), each controlled by a deputy mayor. In this council, there are 40 or so such departments, with the majority involving small departments of around 50-100 employees. Aside from the hospitals, the largest two departments are those in charge of street cleaning and refuse disposal and Department G

There exist well established mechanisms for the participation of employee representatives at the level of the council as a whole. The main participative organ is the *Gesamtpersonalrat* (joint works council) or *GPR*, established in accordance with the *Bundespersonalvertretungsgesetz* of 1974 (*BPersVG*)[5]. This body is equivalent to the *Gesamtbetriebsrat* found in private sector concerns, except that rights to information and consultation are slightly weaker in certain areas[6]. This *GPR* is made up of employee representatives only (who are also *Personalrat* members in their respective *Ämte*), and they are elected indirectly from the works councils of the different departments, although members of management are often invited to sittings of the *GPR*, to exchange information or to take part in discussions[7]. The *GPR* discusses issues of concern at the level of the council, and involving the whole workforce, particularly in the area of personnel policy, and the implementation of *Vereinbarungen* (collective agreements). It does not act as a higher body for the resolution of disputes and intractable problems at lower, departmental, levels[8]. There is therefore a potentially important separation of functions between participative

mechanisms at different levels, an issue that will be discussed later. The *GPR* has three full-time members, in accordance with the regulations specified in the *BPersVG*.

Health and safety regulation at the level of the council has three main components. Firstly, all *Arbeiter* and *Angestellte* are insured through the *Reichsversicherungsordnung* (Amendment) (*RVO*) of 1963, which ensures compulsory membership of an appropriate insurance and safety enforcement agency[9]. In the public sector, these bodies are organised on a regional basis, and are run by equal numbers of employer and trade union representatives, with the power to pass new safety regulations and to police member organisations, in much the same way as the HSE does in the UK.

Secondly, there is an *Arbeitsschutzausschuß* (*ASA*), or safety committee, at the level of the council, made up of representatives of management, employees (i.e. *Personalrat* members), as well as technical experts and safety representatives[10]. In this council, there are three places on the *ASA* for workers' representatives; in the past there were two, but they argued successfully that each of the three employment categories (*Arbeiter*, *Angestellte* and *Beamte*) should have their own representative on the committee. It is important to note here that the *ASA* is explicitly not a decision-making body; the law has a complex system of laying down specific legal responsibility for safe working conditions, involving line management and *Vorgesetzter* (superiors[11]), and the advisory nature of the *ASA* seeks to ensure that this legal responsibility is not compromised. The system of allocating managerial responsibility for safety is highly formalised both within Department G and the council as a whole, with specific procedures for separating the levels at which different managers take on very specific functions; this system is governed by federal legislation, and is particularly important when investigations take place, and when the relevant insurance agency seeks to locate blame for accidents within the decision-making structure. The *ASA* does, however, have a strong role in carrying out

investigations in specific safety matters, and in putting pressure on management to take action. An important outcome of my discussions with employee representatives was the complaint that such a channel did not exist at departmental level, an issue discussed later in this chapter.

Finally, the council has a centralised safety section, which monitors safety at a general level, looks at the safety implications of new technology, investment etc. The law lays down the number of hours that should be worked by safety specialists (*Fachkräfte*), depending on numbers employed and the hazards involved. This council should employ the equivalent of 12 and a half full-time *Fachkräfte*, but at the time of research only had 8 in office, reflecting a general difficulty of recruitment in the public sector. Each *Fachkraft* takes responsibility for a specific technical area, and in addition, the 8 are grouped under three umbrella technical areas[12]. The central safety unit had had particular problems in employing a *Fachkraft* to deal with chemicals substances, principally to comply with the *Gefahrstoffverordnung* (*GefStoffV*), or Hazardous Substances regulations, of 1986, although someone was employed during the course of the research. This office carries out all of the assessments of hazardous substances required under the new law, with very little monitoring input from departmental level. Despite this, the leading *Fachkraft* claimed that a close working relationship existed between his office and the *GPR*.

Department G, as I have said, is very similar to a city engineers department within UK local authorities. It has a full-time direct workforce of 500 *Arbeiter* (of which 15 are women)[13], 360 *Angestellte* (of which 80 are women), and 140 *Beamte* (also 15 women), plus about 50 apprentices and trainees; around 150 of the thousand or so employees are foreign workers. The department carries out an extremely wide variety of tasks, and is subdivided into around 20 or so units, each dealing with specific operations which are geographically separated from each other, and spread around the city.

The title of the department translates as **deep/underground construction office**, and indeed a typical unit takes on a specific task with relation to the road tunnels, rail tunnels, street trams, public escalators etc. that cover the city, and this is reflected in the kinds of injuries encountered (see accident distribution statistics later). Many of these smaller units employ as few as 10 or 20 people, working on highly specialised maintenance and engineering functions. However, the three large units employing in total the majority of Department G's workforce are a) general construction work (including tunnels and rail tracks), b) the construction, as well as maintenance and repair, of the system of sewers in the city, and c) the running of four water treatment centres on the outskirts of the city. This represents a slightly different workplace structure than in the UK counterpart, where there was two depots from which workers then travelled to different sites around the city, with no equivalent to the fixed employment sites of the water treatment centres.

In both the sewer repair unit, and the water treatment centres, the main dangers associated with normal working conditions were identified as the build-up of gas vapour and gas concentrations, explosions as well as increased fears about discarded needles and the risk of HIV contamination. One of the key health and safety reference points for most people I spoke to was an explosion which took place in 1979, and which killed four people, two contractors and two permanent *Arbeiter* from Department G. This accident is seen by the majority of people I interviewed in Department G as the point at which health and safety started to improve, at which safety issues began to be taken more seriously, and as an impulse for new investment designed at improving working practices, particularly during routine sewer inspections. Indeed, the responses to my questionnaire indicated a general feeling that health and safety has improved somewhat in recent years.

| How has safety changed in recent years?[14] | | | |
|---|---|---|---|
| Response | No. | % | cum.% |
| Much better | 17 | 16.0 | 16.0 |
| Better | 42 | 39.6 | 55.6 |
| The same | 27 | 25.5 | 81.1 |
| Worse | 2 | 1.9 | 83.0 |
| Much worse | 2 | 1.9 | 84.9 |
| No idea | 16 | 15.1 | 100.0 |
| Total | 106 | 100.0 | 100.0 |

This shows that only four out of 103 respondents feel that safety has to some extent got worse in recent years, with over half claiming at least some improvement. The most serious accident in recent years involved a bad leg injury to a worker in the construction of a crane which led to an investigation and to new internal regulations. The importance of the 1979 accident represents a key problem for those attempting to manage health and safety in the workplace, the fact that accidents rarely form part of the daily agenda of issues to be resolved, and that it is only accidents themselves which make concrete the theory and practice of safety management. They are "invisible" until they happen (even in workplaces where dangers are known), often involving a renewed attempt to tighten up on safety and to introduce new internal regulations. This is an issue returned to in the final chapter. As can be imagined, the geographical and institutional separation of workers and workplaces within Department G is important in considering the ways in which safety is managed. Such a diversity of tasks, and therefore of perceived hazards, raises the question of the effectiveness of structures for participation in, and regulation of, health and safety, which are highly centralised both at departmental and council levels. This will also be discussed later.

Employment levels in Department G have remained broadly stable over the last decade. There have also been no radical changes to the organisation of work, or to working methods over this period, according to both managerial and union

representatives. This situation may well change over the next few years, according to my key informant, as the federal government plans an increased role for the private sector in local government employment, moves towards which are already under way in other *Länder*[15]. Employment levels in department G are determined at the political level (i.e. through a sub-committee of elected members of the council), through annual applications from the departmental personnel office *via* the council personnel office[16]. A recent council ruling means that departments with more than 5% of positions remaining unfilled are not awarded extra money for new recruitment purposes. At the time of the research, Department G had less than 50 places unfilled, although the justification for the ruling, that departments should place a high priority on filling vacancies before requiring extra funding, highlights a further problem relating to public sector employment in Germany - the failure of public service pay to compete with that of those employed in the private sector[17]. Department G employs contract workers, usually on specialist construction work, although there has been no real increase in the amount of work put out to contractors in recent years.

Technical change has taken place at a steady rate, and the driving force behind the changes that have taken place has been the need for the Department to comply with new legislation controlling emissions, particularly from the water treatment and incineration centres, as well as the requirements of the *GefStoffV* (see chapter 2). These laws were partially responsible for the purchasing of new camera systems for the remote examination of sewers and pipes.

The structures of participation in health and safety, and other issues more generally, in Department G dovetail closely with those existing at the level of the city council. The *Personalrat* consists of thirteen worker representatives, made up of 7 *Angestellte*, 4 *Arbeiter* and 2 *Beamte*. One of the thirteen is a woman, none are foreign workers, and there are two full-time members of the *Personalrat*. The rights to consultation, information and co-determination (whether *Mitbestimmung* or *Mitwirkung*) are laid

down by law, and include personnel matters, recruitment, manning levels, overtime, etc.[18]. There is also an *Einigungsstelle* (grievance procedure) which governs disagreements between management and worker representatives.

The section of the *BPersVG* dealing with health and safety issues requires the employer to "...work with the *Personalrat*, and to make changes to work organisation known to worker representatives...", in order for potential safety issues to be discussed in advance. This ambiguity has led to several inconclusive legal battles[19] as to the precise rights of a *Personalrat* in safety matters, although there is definitely no right of employee representatives to stop production or work in response to a perceived hazard. In addition, independent pieces of legislation over safety issues, such as the *GefStoffV*, also contain clauses which reinforce the participation of works councils in both the public and private sectors. In the public sector in Germany, there is no equivalent to the supervisory board level participation that exists in large private concerns.

There are also around twenty-five *Sicherheitsbeauftragte* (*SBA*), or safety representatives, chosen by management from amongst all full-time workers, to help police safety regulations, monitor the use of protective equipment, alert management to safety problems etc.[20], plus a *leitende Sicherheitsbeauftragte* who co-ordinates their work[21]. Most of these *SBAs*, according to a manager, are also *Vorgesetzter* (i.e. people with responsibility for some specifically defined areas of safety within line management)[22]. The *SBAs* have a regular forum for the discussion of problems relating to their work. I think it valid to consider the *SBAs* as representatives of employees with regard to health and safety, even though they are chosen by management, and have no mandate for the representation of specifically workers' interests in dealings with managers. Many people I spoke to, especially at the large water treatment centre, claimed that *SBAs* were an important vehicle for the expression of grievances over safety, even if this causes problems in the co-ordination

of representation by the *Personalrat*. The general position of *SBAs* and *Vertrauensleute* in Department G is discussed further in section (v). *SBAs* are also involved in any inspections affecting local sites or workplaces.

Additionally, Department G carries out comprehensive safety inspections at least annually, and often more regularly. As mentioned above, there is no *ASA* at departmental level within the council. This means that virtually all formal participation in, and consultation over, health and safety issues takes place between the *Personalrat* and *Dienstellenleitung*. The law does not attempt to regulate either the contact between *Personalrat* and management or the content of their deliberations, presuming that this will be issue-driven, and that the will to engage with each other is there; the *Einigungsstelle* exists to prevent (essentially managerial) obstructions to effective consultation. In fact, relations between the *Personalrat* and management within Department G seem to be governed less by the letter of participation law, than by the close proximity of the offices of each body in the same building, and the close relationships that exist between the full-time members of the *Personalrat*, and individual members of management, many of whom also used to serve on the *Personalrat* prior to taking on managerial positions. This is discussed in section (iv). Indeed, the full-time members of the *Personalrat* appear to take on very similar functions (in terms of the general regulation of employment issues and of a routine day-to-day contact point between the workers and management), and occupy a similar role, to full-time senior stewards in large workplaces in the UK, although the comparison should not be stretched.

The main union for all workers in the council is the *ÖTV*, although a small number of employees are members of *DAG* and *DBB*, alternative union federations that organise only white-collar employees and *Beamte* respectively. Collective bargaining takes place at national and regional levels[23], leaving little autonomy for employers in wage determination, hours of work etc., at council and departmental level[24]. Management

within Department G, and the council, are members of the appropriate regional bargaining commission on the employers' side, but can only influence bargaining strategy, and are bound to the resultant deal agreed with $ÖTV^{25}$. This restriction on the scope that local managers have in negotiating remuneration is raised in the next section as a contributory factor in the perceived differences in private and public sector employment of those interviewed. The last few years have seen more protracted periods of wage bargaining between unions and employers in the public sector, and at the end of my research, warning strikes were taking place selectively in public services, not affecting Department $G^{26}$.

The high degree of centralism in collective bargaining over pay was mentioned several times during the research as being critical in reducing internal divisions and sectionalism amongst union members. Overall union density in Department G is 50%, a figure lower than the average for public sector employment in Germany[27] , but partly explained by the higher proportion of *Angestellte*, traditionally a less organised section of the workforce. According to union officials in the department, density amongst *Arbeiter* is around 65%, and this corresponds almost exactly to the proportion of questionnaire respondents who were also union members.

| Union member? | | |
| --- | --- | --- |
| | Number | % |
| Yes | 70 | 64.8 |
| No | 36 | 33.3 |
| No response | 2 | 1.9 |

Density for members of *Personalräte* across the council stands at about 90%.

Formally, the union is excluded from workplace health and safety regulation, which is left to the *Personalrat*. However, this is not the end of the matter; earlier chapters have argued that unions are inherently involved in health and safety given the importance of job control and production-led decisions in determining the nature of

the safety agenda and the generation and prevention of hazards. The problems associated with this exclusion of unions are discussed in section (v).

There are about 30 *Vertrauensleute* (shop stewards[28]) in Department G, whose functions are mainly limited to the implementation of union collective agreements, and who act as a grievance channel for wage-related issues. There is no law governing the rights and obligations of *Vertrauensleute*, and they are therefore external to the structure of participation in health and safety, in a formal sense at least. They have a twice yearly meeting which is well-attended, and, according to a respondent, safety issues do crop up as part of these meetings. In practice, the separation of functions between *Vertrauensleute* and *SBAs* means that the work of shop stewards is more isolated from health and safety issues than appears the case in Britain. An indication of the different role of stewards and safety representatives at the two workplaces where questionnaires were circulated is given in the table below.

| First contact for safety problem?[29] | | | | |
|---|---|---|---|---|
| | Dept G | | T'chem | |
| response: | No. | % | No. | % |
| Foreman | 56 | 51.9 | 20 | 31.7 |
| Safety rep. | 17 | 15.8 | 8 | 12.7 |
| Steward | 11 | 10.2 | 12 | 19.0 |
| Workers | 6 | 5.6 | 1 | 1.6 |
| Nobody | 4 | 3.7 | 1 | 1.6 |
| Head *SBA* | 3 | 2.8 | n/a | |
| Other | 3 | 2.8 | 0 | 0.0 |
| Safety off. | 2 | 1.8 | 1 | 1.6 |
| Managers | 2 | 1.8 | 19 | 30.2 |
| No response | 2 | 1.8 | 1 | 1.6 |
| *Personalrat* | 1 | 0.9 | n/a | |
| *GUVV* | 1 | 0.9 | n/a | |
| | 108 | 100.0 | 63 | 100.0 |

Obviously, it is difficult to draw concrete conclusions from samples of this size. However, the table does show three things. Firstly, most complaints about safety go to foremen (especially, but not exclusively in the German workplace)[30]. Secondly, stewards seem to be around half as likely to be approached about safety problems in Department G as in Textchem. This latter point was reinforced in the comments of those interviewed, and will be returned to as an important issue in section (v). Thirdly, the *Personalrat* is not a vehicle for grievance expression in health and safety, perhaps partly because it is so centralised and above the level of workplace problems.

Finally, there is also a *Personalversammlung* (staff assembly), which meets once a year, and allows the *Personalrat* to give information to employees, and for a union representative to give collective bargaining information. It is usual also for a member of management to address the assembly as well.

Statistics on accidents and injuries within Department G are recorded on behalf of the *Personalrat* by my key informant, jointly with the *Amtsleiter* (senior manager) of Department G. Reportable accidents (those involving at least three days off work) fell from 52 in 1984 to 36 in 1990, fluctuating slightly in between[31]. Of the accidents in 1990, 27 were minor injuries to arms, hands, feet and legs, and the distribution of injuries across the different workplaces within Department G showed that somewhat more accidents take place at the largest of the water treatment centres (ten), and in sewer maintenance (nine), with others evenly spread across the many other units.

This distribution may hide a higher proportion of injuries and accidents in the street working units, where work sites are **portable** and where reporting is more likely to underestimate real incidents. The questionnaire responses indicated that dangers associated with traffic and road-work were considered at least as common throughout the department as slips and trips at the water treatment centres. Thirty-three of the thirty-six reported accidents caused injury to *Arbeiter*. No serious accidents took

place in 1989 and 1990, and the works councillor responsible for the report claims that an extensive inspection of the workplace in 1989 had found "...no serious faults...", and claims also that improved instruction procedures, as well as on-the-job training, are the reasons behind these improvements.

This section has attempted to describe the institutional framework of participation within Department G, and the structures and practices of safety management. The subsequent sections each deal with a group of issues articulated at the end of chapter 1. The first of these looks more closely at the perceived nature of employment in the public sector via the experience of those working in Department G, and at the influence that styles of management can have on the control of work and the prevention of hazards.

(iii) Management, pressure and the control of work

The most common theme that emerged in the course of interviews with workers and managers alike in Department G, was the issue of *Leistungsdruck*, or "performance pressure". It is very much a "framework" issue in that it describes not only the nature of the employment relation, but also the impact on hazards, safety regulation and job control generally, in much the same way as the business plan at Textchem, and competitive tendering in the UK public sector case study (see chapter 7) do. Put simply, it is widely held that working in the public sector, whether as *Arbeiter*, *Angestellte* or managers, brings with it a set of accepted norms which qualitatively distinguish such work from similar occupations in the *gewerblichem Bereich* (private sector). Questionnaire responses show how such **perceptions** extend to *Arbeiter* in Department G.

| Is pressure greater, the same or less than in the private sector? |
|---|

```
Greater       ````` 8 (7.4%)
The same      ````````````````````````` 48 (44.4%)
Less          `````````````````````` 37 (34.3%)
No response   ````````` 15 (13.9%)
```

In interviews this feeling was expressed both by those who had worked in private firms in the past, and by those who had just been employed in the public sector. The simplest expression of this is that you "...simply don't have to work as hard...", in that management themselves are not under the same financial pressures and constraints as their private sector counterparts. The deputy manager of the largest water treatment centre also saw this absence of pressure as a key feature of work in the Department, and in the public sector as a whole. Further, such perceptions stretched from shop stewards and individual workers, through to the senior *Fachkraft* who said that:

> ... there is barely any financial pressure on the organisation of work in the public sector.

However, it goes beyond a question of how hard you have to work: this forms part of a more encompassing perception of the difference in the nature of the employment relation. A member of the *Personalrat* in Department G put it succinctly:

> ... wages are lower but job security is better,... it is as simple as that,..

Very similar sentiments were expressed in the vast majority of cases, although some *Vertrauensleute* were keen to point out that job security could hardly be higher than in the numerous world-famous manufacturing companies located in the city.

However, this perception of low-wage/high security employment feeds in to, and reflects upon, other aspects of work. In particular, respondents saw reduced *Leistungsdruck* as partially responsible for both the difficulty in recruiting younger workers, and in holding on to those that are employed (cf. earlier comments on

recently introduced strategies to improve labour retention through incremental loyalty bonuses in the face of competition from the private sector[32]). Similarly, it could be suggested that low levels of *Leistungsdruck* are generated and sustained by a lack of strict financial control, and market-led managerial strategies, in the public sector. If this is the case, then a key factor could well be the low level of discretion and autonomy that management in the public sector have in determining broad wages and conditions of workers[33]. In particular, the fact that negotiated pay spines for *Angestellte* often include clauses which guarantee promotion on the basis of additional educational qualifications, thereby denies management the range of further options in the flexibilisation of remuneration that private sector managers might expect. My key informant went into the intricacies and structures of the payment system and pointed to some severe problems that it caused for management and employees alike, for instance given bottle-necks that often appear in the pay spine of *Beamte* which often leaves them stranded on lower wages than some *Arbeiter* given long-term incumbents higher up their own ladder. If management were to seek to apply more competitive staffing strategies generally, then such structural and organisation centralisation would be a major obstacle to overcome[34].

It is of course beyond the scope of this research to engage with an Anglo-German comparison with regard to changes in public sector employment policy and industrial relations in the last decade[35], although I indicated in a previous section that in the opinion of my key informant, financial pressures, budget controls, and competition in the public sector hadn't changed noticeably in the last few years. He did say, however, that in his position as a technical manager in the *Elektro-Technik* unit of Department G, he was in charge of allocating jobs and of staffing levels, and that this function was task-based, explaining that he never tried to reduce the staffing levels in order to cut costs or meet financial targets and controls. Again, it is difficult to draw out the implications of this statement, and to verify it as representative of management in the German public sector *per se*. What is important here, is that this belief in the

qualitative difference in the nature of management in Department G, widely held as it

proved to be, structures the approach of key individuals to the broader problems lying

behind the management of health and safety. I have argued that safety regulation is

inherently a matter of the exercising of managerial power and authority, and of job

control; therefore, it is important to test the degree to which such a perception of work

pressure helps us to understand how safety management takes place, and how

representatives of employees see safety matters within a broader set of relationships

to management, and in relation to a particular style of management.

In this context, it is necessary to enquire as to the real and imagined effects that this

perception of *Leistungsdruck* has on both the existence of hazards, and on the

regulation and management of safety *per se*. Of course, in the absence of hard data on

work pressure between sectors in Germany, I have relied on the comments of those

interviewed, and on the questionnaire returns. These comments make for an

incomplete assessment of the effect of *Leistungsdruck* on hazards. On the one hand,

an overwhelming feeling amongst respondents was that reduced pressure makes for

safer working conditions, confirming questionnaire responses both to the issue of

*Leistungsdruck* and to the improvements in safety made in recent years. On the other,

reference was occasionally made to the general weakness of health and safety

provision in the public sector (no board level co-determination, no *ASA* at

departmental level, no system of *GUVV* rebates as is the case in parts of the private

sector[36], weaker *Mitbestimmung* rights, lower inspection rates for *GUVVs* than for

*BGs* in private industry), as well as the perceived weakness of public sector

workplace trade unionism as against the powerful shopfloor organisation of,

especially, *IG Metall* and *IG Chemie*. A typical response to the question of

*Leistungsdruck* influence on hazards would be that less formal protection is

compensated for by a management that is not interested in squeezing unit labour

costs, and who have the resources to provide the necessary equipment for personal

protection and the will to do so following the fatal accident 12 years before. The

perceived weakness of participation machinery (see next section), in health and safety as well as generally, is not given a high priority by those interviewed. One could conclude therefore, that the issue of reduced work pressure has a major role in generating this lack of a focus on the formal mechanisms of participation in managerial decision-making. In other words, when managers and the function of management are perceived in a positive light by worker representatives, and when workers do not feel under so much pressure to perform, then the importance of zero-sum aspects of *Mitbestimmung* may diminish. This argument resurfaces in the next section, when formal participation is examined.

Furthermore, if there is a concrete relationship between the nature of managerial policy formulation and decision-making, and the generation of hazards, then it is important to consider *Leistungsdruck* as also an issue in job autonomy and job control. If it is true that the different managerial strategies operating in Department G result in a perceived reduction in pressure, then this could be said to translate as an effective increase in job control on the part of workers, as management are less interested in developing forms of control over individual jobs and workers. In other words, we need to look at whether reduced *Leistungsdruck* is partially a **function** of the ability of employee representatives to make a genuine input into personnel policy, as well as its partial cause; i.e. as the formal provisions for worker participation get left behind, and begin to affect the nature of employee relations in an organic and dynamic way. Again, a comprehensive answer to such a contention is beyond the scope of this thesis, requiring as it does a different methodology and research design. What is instructive however, is the extent to which the institutions of co-determination (primarily the *Personalrat*) can influence the degree to which the workforce can retain influence and control over working methods, and the extent to which entrenched consultation procedures can be used to prevent those managerial initiatives which do seek to increase work pressure. This is the question of the transfer of rights from formal legislation to everyday practice, and is the central appeal of

statutory participation at a time when unions are generally on the defensive. In other words, we need to look not only at the "first-order" indications of the utility of *Mitbestimmung* (compulsory arbitration, use of labour courts etc.), but at the impact of participation in increasing influence over labour regulation, expressed through increased job control.

In this respect, a case from another department of the council is enlightening. Management in the refuse collection department attempted to increase the volume of refuse collected each week, through keeping staffing levels constant and increasing the size of each container collected. This move was opposed by worker representatives in that department, but the new system was introduced in any case. Subsequently, problems occurred with the tipping of the new bins into the back of refuse trucks on the many steep residential hills which make up the suburbs of the city - the weight of the bigger bins meant that the hydraulic system could not tip them beyond 90°. This then led to workers having to climb into the back of the trucks to manually remove the rubbish from the bins with shovels, in contravention of several *UVVs* and internal safety regulations. In this particular case, the *Personalrat* from that department was able successfully to campaign for the re-introduction of the older bins (and staffing levels) on the basis of the safety dangers that the new procedures had generated.

In cases such as this one, there are many factors at work in workforce representatives retaining a degree of influence over decisions of management relating to safety issues. In the complexity of everyday relations, the issue of whether the qualitative nature of management in the German public sector, leading to reduced work pressure leading to increased job control, is the prime mover is difficult to say exactly. For the researcher, it is difficult to separate the rhetorical and real importance of received notions of *Leistungsdruck* expressed by workers in Department G. What is clear however, is that it is not just a question of not having to work as hard; rather, of the degree to which

task-led managerial staffing policy, reinforced (as mentioned earlier) by a system of departmental funding for additional staff which is centralised at council level and which (so long as vacancies do not rise above 5%) does not pressurise departmental management from above, allows workforce representatives to at least partially dictate the safety agenda, at least at the level of job content and job autonomy.

Statutory forms of participation and involvement are important, as the case above highlights, in facilitating this retention of control over working methods and the pace of work. In this case study at least, it appears that this ability on the part of workforce representative bodies to have some genuine influence over control of the labour process itself is more important in the overall management of health and safety than the formal connections that exist between employee representatives and safety issues themselves *via* the *AsiG* and the *BetrVG*. This parallels the experience in the previous chapter where formal participation mechanisms were marginalised as a forum for the involvement of worker representatives in issues of job control and the regulation of work. It may well be difficult for the researcher to distinguish the rhetoric from the reality of *Leistungsdruck*, and even harder to determine the validity of assertions that less work pressure means a safer working environment (although common sense would suggest so). However, the critical importance of this notion of reduced work pressure lies in the way that it interacts with the opportunities for input into decision-making regarding fundamental issues of control of the labour process. This is reinforced by the seemingly non-competitive nature of management in the public sector, at least for the vast majority of those I spoke to, which in a sense, allows the *Personalrat* to dominate, or at least to lead, the personnel agenda.

*Leistungsdruck*, however, is not **simply** a matter of the nature of the decisions that are made being different in the public sector. It is also an issue of the structure of management, and the forms of "internal stratification", and "integration" which govern employment relations in Department G. These issues are discussed in section

(v). The next section goes on to look more closely at the role of formal participation mechanisms in the regulation of safety and other employment matters in Department G and the council.

(iv) Statutory participation, safety regulation and the floor of rights

Any study of worker participation must address the way in which statutory rights are used in practice by those institutions representing workers' interests. In other words, how does participation as a set of formal rights transfer to the day-to-day involvement and influence of employee representatives? We have already seen in the last section, how perceptions of *Leistungsdruck* are important in structuring the attitudes of worker representatives. The *Personalrat* did exert influence in Department G, and in other departments as the refuse example shows, although I also argued in the last section that co-operative managers, and a style of management which allows worker representatives to dictate some aspects of the safety agenda, were centrally important in this. This section looks more closely at the use of formal consultation and participation rights, and at how it affects our understanding of the floor of rights[37]. In the course of the research, these issues were raised frequently, both in response to my questions, and spontaneously by those interviewed.

Many of the people interviewed claimed that *Mitbestimmung* was not important for the day-to-day conduct of industrial relations in Department G. The principal reason for this is the very good relations that exist between the *Personalrat* and management. One senior manager said:-

> In this department, we don't do things so much by the book.
> Everything is more informal and relations are good.

This view was also held by the two full-time members of the *Personalrat*, who made the important claim that this close working relationship between them and management was **more significant** than the set of formal rights that existed for them as works councillors. This does not necessarily mean that we can conclude that *Mitbestimmung* is unimportant; rather, that it is viewed in a particular way by worker representatives, as a kind of "shadow" behind the concrete daily reality.

This is reflected in the fact that the two key rights granted to the *Personalrat* by law - the *Initiativerecht* demanding formal responses by management to particular initiatives, questions etc. put by the *Personalrat*, and the *Einigungsstelle* governing compulsory independent grievance resolution - have never been used within Department G (although the latter was recently threatened at council level by the *Gesamtpersonalrat* over the protracted delay in the employment of extra *Fachkräfte* needed to meet statutory requirements).

This led many respondents to claim that the **existence** of *Mitbestimmung* rights was good and important in itself, but that they did not form the central pillar of the way that the *Personalrat* dealt with management and *vice versa*. In a similar vein, many of the *Personalrat* members I spoke to had an excellent knowledge of the legislation governing *Mitbestimmung*, and of the rights granted to them as works council members, whilst simultaneously playing down the importance of the hard elements of such a system (those which enable a *Personalrat* to put pressure on a recalcitrant or obstructive management) in informing everyday involvement. This set of arguments seemed important in structuring the response of key *Personalrat* members to my questions about *Mitbestimmung*. In general, all of them found it very difficult to pin-point improvements that could be made in the law in this area. This was accompanied by a general feeling that it was more important for *Personalrat* members to improve the use that is made of rights to involvement etc. than to pursue extensions to the legal framework. In other words, the law is fine, but *Personalrat* members do not use it

effectively enough[38]. These general sentiments about the nature of participation are equally valid when we look at the regulation of **health and safety** within Department G. They are reflected in a general lack of a desire for stronger intervention rights by the *Personalrat* in health and safety issues; in response to questions concerning problems with the current operation of participation rights, it was usually the difficulties of motivating the workforce to participate themselves and to **engage** in health and safety regulation, and of making use of existing legislation which were raised, and not specific calls for, say, a right to stop dangerous work by employee representatives.

Two currents of opinion ran through the comments of those interviewed. On the one hand, there was a feeling that the system of *Mitbestimmung* either operates, or should operate, slightly differently with respect to health and safety issues, than is the case more generally. In particular, there was a definite sense that the *Personalrat* should not have to take the initiative in health and safety matters, given the overriding responsibility on the part of management to ensure safe working conditions. One *Personalrat* member claimed that:

> ...the health and safety system would not be working if it was left to the Personalrat to make initiatives in this way.

In this sense, participation is viewed by many employee representatives in Department G, in a **systemic** fashion; that is, that their role as representatives is to help to maintain an effective health and safety **system** (*Arbeitsschutzsystem*), rather than to represent purely the interests of workers against management in a zero-sum sense, and to be pro-active in safety regulation[39]. This represents a stark contrast to Prochem. There, the procedural rules governing participation itself were the subject of on-going conflict; at Department G, participation procedures are an established part of the labour regulation system, with some claiming that that is how things should stay. The function of the works council, according to one *Personalrat* member I spoke to,

is to enable information to be passed both ways between individual workers and managers, rather than to express the collective interests of workers as such. Such a position is reinforced by a perception, held by a number of works council members I spoke to, that in terms of the representation of workers interests generally as well as in health and safety, the *Personalrat* was a **half-way** point between management and employees. Moreover, questionnaire responses seem to indicate that whilst formally speaking (i.e. legally and institutionally) the *Personalrat* is **the** representative body for the expression of workers' interests at shopfloor level, this is not necessarily translated into a strong identification of interests between individual workers and the works council.

| Which body is most important for your interests generally? |
|---|

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PR              ＼＼＼＼＼＼＼＼＼＼＼＼ 18
Union           ＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼ 25
Management      ＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼＼ 48
None            ＼＼＼＼＼＼ 8
Other           ＼＼ 1
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This key distinction between the *Personalrat* as a vehicle for the formal expression of employees' grievances and interests, and as a contact point between employees and employers is critical in our understanding of the nature of participation, as it informs the tensions that exist within this system of participation.

On the other hand, there was a strong feeling that formal *Mitbestimmung* rights would remain partially effective (and changes to the law would remain unnecessary and irrelevant) until those in various representative positions (*Vertrauensleute*, *SBAs*, *Personalrat* members etc.) developed strategies for making more **dynamic** use of the existing framework of participation[40]. The respondents who held this view claimed that there was a lack of awareness of the role of the *Personalrat* in taking up individual grievances, thus creating a gap between it and those it represented (see table above). Similarly, a lack of co-ordination between the work of the union and the

*Personalrat* led to the feeling amongst some that *Mitbestimmung* practices were in some way isolated as a set of formal rights, and that there was scope for more extensive and imaginative use to be made of these provisions, particularly involving health and safety issues. Examples given included the lack of input by worker representatives into the pre-entry training of *Fachkräfte*, who often arrived with only the minimum awareness of the complex system of *UVVs* following their University education.

In addition to this perception of *Mitbestimmung* as at the same time both important in itself but redundant in governing day-to-day relations between the key institutions of interest representation inside the department, an important finding of the research was the degree of separation of functions between **competent** bodies, particularly with regard to health and safety management. I found the adherence to separation of functions laid down in legislation (often merely as guidelines or codes of practice) to be stronger in practice than I would have imagined to have been the case, given the comprehensive nature of the *Mitbestimmung* and *Mitwirkung* system, and to be unsupportive of the kinds of claims made by the theory of cumulation. Participation is not a homogenous activity in this workplace. As mentioned earlier, the *GPR* and the *Personalrat* observe a strict separation of issues. Those discussed at the highest level are rigidly limited to those which are seen to have an impact in every department. Issues important to each department generally get left at the lower of the two levels, with the individual *Personalrat*, and of course with no departmental *ASA* to take safety issues to. Participation should be seen as a multiplicity of practices and relationships which are traceable to different statutory and non-statutory origins, and which surface in different problem-areas without necessarily possessing a coherence and overview that cumulation-type arguments assume.

This separation also reappears in a later section looking at the issue of dual channel representation, whilst here it is most relevant with respect to the division of labour in

the management of health and safety. The distinction between safety issues which affected workers across the whole council (medical examinations, training of *Fachkräfte*, safety training provisions, constitution of the *ASA* and other bodies etc.), and those which were specific to single departments or a small number of departments, was important in determining the level at which consultation and co-determination over such issues would take place. This sounds straightforward enough, in that problems inevitably have a certain **appropriate** resolution-level dictated by the geography and severity of the hazard involved. However, this is not unproblematical; previous chapters have argued that hazards cannot be effectively compartmentalised in this piecemeal manner, and that more fundamental considerations (production priorities, management decision-making structures etc.) are necessary if a genuine assault on the problems is to take place[41]. In Department G, it seems that a central factor restricting a more dynamic use of involvement provisions in health and safety, is the over-bureaucratised and segmented treatment of issues on formal agendas and through formal channels. The *Personalrat* member in charge of safety issues said that safety was kept as a separate agenda item at full meetings of the council, and that attempts to consider safety within discussion of other issues on the agenda have been very limited. A more fundamental approach to health and safety management necessarily has implications for the quality of the participation that employee representatives engage in, in that an effective challenge to managerial hegemony in determining the safety agenda is made more difficult if dangers in the workplace are "boxed" and made to dovetail with the different tiers of management in this way.

*Mitbestimmung* cannot be reduced to a set of paragraphs in the *BPersVG* or *AsiG*. Its supporters (eg. Streeck, 1984) make claims about the cumulative effects that statutory involvement has on workplace representation, and about the transfer of influence between levels (for example, between national/regional bargaining and workplace information rights of works councils) and between representative bodies (works

council and union) that the institutionalisation of participation and rights to information generate. Employers, also, have at times used such arguments about the effects of cumulation in legal battles to limit the scope of *Mitbestimmung* legislation[42]. With respect to Department G, the more widespread separation of functions, representative institutions and levels at which safety and other problems are sought to be resolved, means that the regulation of safety grievances operates within a system which limits their expression to fairly rigidly demarcated channels. This is the essence of German union criticisms of participation and the main stimulus towards the attempted nurture of a shop stewards system in most unions. It also further strengthens the complaints of those interviewed about the lack of an *ASA* at departmental level within the council, meaning that safety issues are limited to a portion of the work of the *Personalrat*, making the transfer of influence (an aspect of cumulation discussed in previous chapters) between levels of representation very difficult.

The forces driving safety management into this apparent straight-jacket are not merely external to the *Personalrat* (i.e. resulting from the legislation itself). The *Personalrat* chooses to separate the function of health and safety regulation as one amongst its many tasks, leaving it largely to my key informant to prepare reports, make recommendation to the *Personalrat*, collect information and statistics on accidents and so on. His chief complaint in this respect was that:

> other members of the *Personalrat* see safety as less of a priority, given
> their central concern with other personnel issues such as wages,
> overtime etc.

The comparisons with managerial de-prioritisation of safety as against more mainstream management concerns are obvious. As we have seen, there is no attempt at an integration of safety issues **within** the general work of the *Personalrat*, and it is kept as a separate agenda item when the *Personalrat* sits. Such an isolation of health

and safety matters within the key institution of workplace employee representation cannot be over-emphasized, and it is instructive to compare such a process with the similar way in which management at Textchem choose to isolate participation in health and safety from other core decision-making structures (the TSC). The complaints of the *Personalrat* member in charge of safety issues mentioned above are mirrored by the problems that other members had in answering questions about health and safety at all. Both the president and vice-president had never heard of the *GefStoffV*, and *Vertrauensleute* generally found it impossible to articulate any kind of argument regarding their role as workplace representatives on the one hand, and issues of safety on the other. The separation of the union from safety seems to have been reproduced within the workplace.

I would argue that it is wrong to blame the structure of participation mechanisms for this rigid separation of functions; rather, they are indicative of more fundamental problems in safety regulation compared to other employment issues, discussed in the final chapter. The evidence here would suggest that highly regulated, statutory participation does not provide an easy cumulative answer to the problem of the bureaucratisation and de-politicisation of safety regulation.

On the whole, I found institutions and practices of worker participation, particularly with regard to safety issues, to be relatively distinct from one another, both in terms of content (isolation of health and safety matters from personnel issues generally by the *Personalrat*), and in terms of level of interest articulation. These two forms of separation, between the levels at which *Mitbestimmung* allows employee representatives to engage with the specific content of safety management, and the sub-delegation of safety matters within the *Personalrat*, help to explain the sense of dissatisfaction that the system of *Mitbestimmung* within Department G does not operate with more vigour and dynamism. Further, it raises the question of whether the statutory provision of consultation and rights to information, backed up by the

*Einigungsstelle* and recourse to the (often sympathetic) labour courts, the so-called floor of rights, would be much use at all if everyday relations between management and the *Personalrat* were not so good?

My conclusion is that *Mitbestimmung* is viewed, in this case study, in a variety of non-coherent ways by those worker representatives involved. It is rarely seen in a zero-sum way, as a set of powers to be used to force the hand of management in negotiations or to glean more and better information about proposed decisions etc. It is seen on the one hand as partially irrelevant to Department G given the good industrial relations that exist, and on the other as a system which works precisely because the *Personalrat* leaves management to do its job. Yet statutory involvement is still seen as a positive thing, even by management respondents who did point to the power and influence it gave to the *Personalrat*, even if a common response cited also the somewhat weaker provisions for participation in the public sector as a fault. Is it possible to discern a meaningful pattern to these responses from participants in the research? In a sense, an answer to this can only come in comparison with the other three case studies and an understanding of the highly specific context in which this one is set. In particular, the relative failure of the formal channels of participation to provide a coherent strategy of proactive safety mobilisation puts the workplace trade union in the spotlight. The next section goes on to look at the union, within a further set of factors that influence the nature of participation in Department G as well as the council as a whole, looking at the structures both of employee representation, and of management itself, which crisscross the organisational hierarchy.

(v) Representation; the role of trade unions and the collectivisation of health and safety

This section seeks to expand on the discussions of the previous two. I argue that an important catalyst for understanding participation in Department G, in health and

safety regulation and more generally, is the way in which representation operates. This section is about how the way in which representation is structured acts both to limit the effective participation of employee representatives, and to reinforce the separation of functions between *Personalrat* and union mentioned in an earlier section. The previous sections have pointed to the particular context in which participation in health and safety takes place. Correspondingly, the inability or unwillingness of the works council to establish a coherent strategy on safety raises the question of the union and its particular place in the representative matrix. Yet in this case study, management are also the subject of some discussion. Two things are at issue here; the role the union plays, in conjunction with the *Personalrat* primarily, in influencing the management of health and safety issues on the one hand, and the importance of a vertically organised managerial structure which mitigates against the expression of clear communities of interest between employees and employers on the other.

The formal role of German trade unions in health and safety matters is very limited. At supra-workplace level it is mainly restricted to parity involvement in the management of accident insurance bodies (*BGs* in the private sector and *GUVVs* in the public sector), where the main influence is in the drafting of new *UVVs* or accident prevention regulations that have the status of law. At workplace level, this role is one mainly of running education and training courses for members of *Personalräte*, as well as union members more generally. The key omission here is of any connection between the selection and training of *SBAs* and the work of the trade union, a connection enshrined in the SRSC Regulations of 1977 covering British workplaces. It is only to be expected that if the union plays no role in selecting or co-ordinating the work of these safety representatives, then it will play equally minimal a role in the training and **utilisation** of this form of representation. In other words, if the mandate for the job of safety representative is provided through management

selection, then there is little scope for unions to use this channel of representation as a way of seeking influence in safety matters at workplace level.

The isolation of the union from workplace safety issues, i.e. safety was never taken through union channels via the shop steward etc., was mentioned by most respondents. Furthermore, many people interviewed, including the vice-president of the Personalrat, claimed that such a modest direct role for the union in workplace health and safety was a good thing, and that union influence did not require strengthening[43]. This reflects the different jobs that SBAs and Vertrauensleute do on a day-to-day basis. Even interviewees who were both shop stewards and SBAs were keen to stress that the two aspects of their jobs did not interact in any way[44]. The essential role of the Vertrauensleute, reported by those interviewed, was the supervision of Tarifverträge (collective agreements), and issues like Eingruppierung (pay determination), overtime and the allocation of work, often in conjunction with the Personalrat who, as mentioned before, have Mitwirkung and Mitbestimmung rights in these areas. Only one Vertrauensmann said that his job as a shop steward should involve a greater involvement in safety issues. The issue here then, is that even if the details of participative legislation seem to lead to a compartmentalisation of health and safety management away from general "employee relations", workplace trade union representatives also seem to play a part in maintaining such a separation.

This all suggests that it is the strict separation of functions in the management of safety issues which is most characteristic of the working of the Mitbestimmung system, rather than an embracing overlap between the rights of works councillors, the collective bargaining recognition that trade unions have, and statutory regulation of safety management itself. In particular, the representation of workers in safety matters, as mentioned earlier, is highly centralised with no ASA or Fachkräfte at departmental level, and workplace safety representatives (SBAs) being selected and trained by management and external agencies[45]. Such a structure of representation

furthers the problems that unions have in establishing a representative function in safety matters at shopfloor level, and certainly deepens the dependence that unions have on works councils for their influence at workplace level. Discussions with *SBAs* and a *Personalrat* member employed at the largest water treatment centre supported the argument that formal participation *via* the *Personalrat* did not translate into an effective grievance expression from individual workers. They said that employees often saw the management-selected safety representatives as a part of management, and took complaints to them that were better suited to the official channel of representation (the *Personalrat*).

To pause for a moment; the key issue here is the processes by which safety is or is not collectivised in the articulation of interest representation. I have argued that the union must always come under the microscope in this respect, given the inherent link between job control, managerial policies and the prevention of accidents and the control of hazards. In the context of the German system of *Mitbestimmung*, the works council must also form part of this analysis, although the evidence here suggests that the impact of legislation which clearly prescribes a separation of functions between the dual channels of representation is to keep the union out of workplace affairs, and to limit the scope for an expansion in the way in which worker representation via the *Personalrat* can be used as a vehicle for the expression of a coherent critique of management policy on safety. This is true in both of the sectors studies, although the broader framework of managerial control and socio-economic pressure appears to play a vital role in how the safety interests of workers are articulated and represented. In Department G, this is reinforced by a general perception of union weakness; many shop stewards claimed that most union members were fairly uninterested, and that interest in union matters (represented in a low uptake of shop stewards positions) was poor, despite a higher than average union density amongst *Arbeiter*.

One union representative said:-

> ...it is a constant struggle to show *Arbeiter* that the union means
> anything; wage increases seem automatic and not to depend on being a
> union member..,

and shop stewards complained generally about the fact that many workers were free-riding, in taking the benefits of union membership without paying dues and getting involved. This is not unique to German trade unions, as examples of frustration directed by worker representatives against workers as individuals crop up in each case study; however, it does force us to re-examine the representative relationships that exist between the works council and the union.

What is at issue here? I have argued in previous chapters that the expression of safety interests on the part of workers is potentially always a collective issue, and that as representative bodies, trade unions must form part of this equation. In other words, if unions do not express collective safety concerns, then why not? What is stopping them, if anything? In Department G, the conditions for such an expression of collective safety interests are good, given co-operative management and given the framework of participative legislation. What obstructs this however, is the separation between the safety functions of the *Personalrat* at departmental level, and the *ASA* and *Fachkräfte* at council level on the one hand, and the demarcation between *Personalrat* and union as first order representative institutions in the workplace.

In the case of Department G, it is also an ambiguous relationship with the *Personalrat* that seems to obstruct a more campaigning role for the union. The union appears to find itself in the position of dependency on the resources and institutional advantages of the works council, and cannot lever a specific trade union approach to workplace health and safety matters (as opposed to national-level parity involvement) without strengthening this dependency. The lack of a clear notion of interest representation is

reflected in questionnaire responses to the question "who best represents you interests in safety?". This table can be compared to the one earlier in this chapter in response to a more general question concerning representation; it is clear that safety is not perceived by workers as an issue which either their elected workplace representatives, or their trade union, can/should mobilise around. Furthermore, there is no significant variation in responses to this question when union membership is controlled for, with union members, if anything, more likely to cite management as more representative of their interests in safety.

| Which body is most important for your interests in health and safety? |
|---|

```
PR        ` ` ` ` ` ` ` ` ` ` `  18
Union     ` ` ` ` ` ` ` `  14
M'ment    ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` `  64
None      ` ` ` `  7
Other     `  2
```

The role of the general nature of trade unionism in Germany is important here. In general terms, trade unions have been weaker at plant level than in centralised bargaining situations. This has, in turn, helped to develop strategies of interest representation which themselves are more centralised, articulated at regional and national levels, and engender a somewhat ambiguous relationship with the workplace and with representative functions at that level[46].

The issue here, as mentioned above, is the confused role for the *Personalrat* as on the one hand a mid-way between employees and management (in terms of day-to-day contact, and in terms of the information-flow function it performs) operating, on the other hand, within a system of *Mitbestimmung* which sees it, in a legal sense at least, as the representative of workers in dealings with management. Similarly. the relationship between the *Personalrat* and the union is somewhat difficult to simplify; obligations to industrial peace, and the secrecy of some information, mean that the *Personalrat* cannot simply act as a workplace trade union, and is restricted in the use

it can make of privileged access to consultation and involvement. In this sense, the apparatus of *Mitbestimmung* appears as much an obstacle to the expression of clear communities of interest, particularly in health and safety matters, as a set of opportunities. Furthermore, we need not assume that unions are always the **natural constituency** for the expression of safety grievances. I showed in section (iii) that there is a distinct perception of public sector management as being different to that in private industry. In this context, perhaps the union cannot expect to be the place that workers take safety matters to, when a strong and seemingly sympathetic management are first in line.

Also important in drawing out the specificity of the representation matrix is the particular structure of management itself within Department G and the council. In a sense, management in Department G are able to "invade" the sphere of employee representation, through the joint operation of two factors. One is highly centralised industrial unionism, which makes it commonplace for senior members of management to be trade union members. In this city council, such a membership ladder stretches as far as the conservative *Bürgermeister* himself. Several of the *Fachkräfte* were also members of *ÖTV*. In Britain, union membership also nominally extends to middle levels of management[47], although it would be highly unusual for management to be members of the TGWU or GMB, for example. The other reason may be more specific to this workplace, and concerns the location of several major representative and safety functions in one man (my key informant). Again, it would be unlikely that in the UK a manager would be at the same time an activist in the union which organises manual workers, and an elected workers representative in a consultation committee - as well as being a safety representative. This is what the structural parameters of *Mitbestimmung* and industrial unionism appear jointly to allow, although as we have seen, this does not automatically mean that the safety interests of workers are put at the centre of the works council agenda.

He spoke of the problems that such a situation caused, mainly in establishing priorities on the way he spent his time. However, being at the centre of the representative matrix also allowed him to do his job more effectively, and to be able to keep regular contact with so many other parts of the organisation. *Leistungsdruck* may also be a key factor at play here. The common perception that the function of management in the public sector involves less of a desire to cut labour costs and improve productivity, appears to generate legitimacy for his position at least, and possibly of management *vis à vis* health and safety generally[48].

It is also the case that this verticalism in interest representation (the ladder of union membership as well as the overlap between employers and workers, for example in the fact that virtually everyone is eligible for election to the *Personalrat*) helps to generate the crisis of (union) representation that some *Vertrauensleute* spoke of. It generates an ideology of involvement which certainly does not rest easily with a conflict model of industrial relations, but which instead enmeshes the institutions of participation at workplace level with the function of management itself[49], and makes it even more difficult for the union to convince the unconvinced that union membership would be productive and rewarding. This is summed up by the deputy manager of the largest water treatment centre[50]:-

> ...if we ask the opinions of the *leitende Sicherheitsbeauftragte* about, say, the safety implications of some construction work, then how does he speak to us? As a union member? As a *Personalrat* member? As a safety specialist?...

In conclusion, the structure of representation in Department G, and beyond, has an enabling effect on the way in which participation operates, and the patterns that develop in the management of health and safety. In particular, the vertical structure of union membership, coupled with an expansive notion of eligibility to stand as a Personalrat member, helps to stimulate a perception of management as being something very much short of "the enemy". Developments at national political level

may help to explain why workers and management in the public sector in Germany have been able to maintain these relatively cordial relations in a difficult era for the public services. What this shows us however, is that *Mitbestimmung* has a lot more to it than the letter of the law. Participation takes place within a network of existing (representative) relationships, and *modus operandi*, which give it a reality beyond the formalism of legislation. Such a situation offers limits and opportunities, as we have seen. In practical terms, the infuriatingly bureaucratic nature of the *Personalrat* appears to make effective campaigning over the safety interests of workers more difficult, through isolating safety within its own work in much the same way as management have sought to do at other workplaces. What is clear, however, is that, the strategic strength (relatively speaking) of trade unions at a societal level in Germany, does not translate into a necessarily spontaneous and cumulative relationship with the works council.

(vii) Conclusions

Participation in health and safety in Department G is illustrative of a range of complex issues regarding safety and working conditions, the nature of management and the dual channel representation of workers. Wider conclusions about the nature of participation in health and safety in a comparative setting are left to a final chapter. In this concluding section, I will attempt to draw together the various strands of argument outlined above.

An overriding necessity is to appreciate the specificity of participation and health and safety management in Department G (as elsewhere). In this department, a wholistic approach is necessary to understand the complex relationships that exist between participation, hazards, representation and employment in the public sector. Formal participation of worker representatives in the management of health and safety and

other issues takes place within good general relations with management. The cordial way in which the *Personalrat*, management, union, and worker representatives in general were spoken of by others indicates the importance of the **informal** over the **formal**, at first glance at least. The two key factors sustaining such a condition are a) the perception that management and employees alike are more active in pursuing safety issues since the fatal accident of 1979, and b) the agreed notion that the public sector involves a qualitatively better set of working relations between management and workers (and their representatives), resulting in a greater input of the *Personalrat* into control of the pace of work, and a management seemingly uninterested in challenging this input. This latter point appears to be particularly true when safety reasons govern *Personalrat* input.

Such a stable relationship between the institutions of representation lead most people to downplay the aspects of *Mitbestimmung* law, and health and safety law, which enable works councils to force the hand of management. This is not the same as saying that statutory participation generates industrial peace in a simple sense. As the next chapter shows, the absence of goodwill between management and workplace representatives can threaten the **systemic** and **integrative** effects that participation is claimed to have. This apparent "backseat" role for *Mitbestimmung* leads us to question the effects that it can be said to have, in conjunction with our other observations concerning representation and the structural role of trade unions, on employee relations, and on the management of health and safety. It would appear to pull in (at least) two directions. On the one hand, it gives the *Personalrat* a **genuine** opportunity to contribute to the generation of managerial policy in personnel matters. I have argued that this ability to lead the personnel agenda, coupled with the role that the law ambiguously gives the *Personalrat* in safety issues, makes for a similarly genuine influence on the safety *milieu*, and a significantly greater contribution to the management of safety on employees' terms, than do the hard provisions of the *Einigungsstelle*, the labour courts and the *Initiativerecht*.

On the other hand, there is little coherence and unity in the representation of workers' interests. The union, even in the relatively hospitable environment of the public sector, is still external to most considerations, and the separation between the representation of workers in wages, and in conditions (including workplace safety), is the most obvious expression of this. It is true that the union sees the *Personalrat* as the gateway to such representation, but such a situation is contingent. It serves to deepen the dependence of the union on the works' council, and does not give the union what might be called an "organic" voice in the workplace. A strong identification of the union with the works' council can also mean a confused role for the union at the mid-way point between workers and managers. This is made even more problematic in a situation where some of the rubric of *Mitbestimmung* makes it difficult to draw a clear line between employers and employees[51], and where industrial trade unionism, with an extended ladder of membership, mitigates against horizontal integration[52]. Yet we must not be too pessimistic with regard to these difficulties of interest representation. The geographical separation of workers does serve to make effective safety representation difficult for centralised bodies such as the *Personalrat*. However, the positive attitude of management to staffing levels (i.e. the absence of attempts to increase work intensity), and the structure of industrial unionism, both act as catalysts in preserving a degree of homogeneity and coherence in safety representation higher than in the other case studies.

The contextual environment in which participation takes place is vitally important, and the **perception** of management as being qualitatively different in the public sector seems to underpin much of Department G experience. The structure of the organisation may also play a role in drawing the parameters of the discussion above. Representative and participative mechanisms which are centralised in a large department, in which employees work largely in groups of less than ten and where empathy with safety problems in the sewers, incineration buildings etc. is at a

premium, are bound to exhibit a degree of difficulty in forging a coherent safety strategy. The degree to which we can generalise from this case study, whether to talk about participation in the public sector, or about German as against British forms of participation and safety management is taken up in the next chapter.

Notes.

1. And the department studied in the previous chapter.
2. There is insufficient room to comprehensively discuss changes in public sector employment in Germany over the last decade, particularly in comparison with the well-documented experience in the UK. For this case study, it is the perceptions of public sector employment by those involved which are critical.
3. Schools, colleges and universities come under the auspices of the *Ministerium für Kunst und Wissenschaft* (Department of Art and Science).
4. These categories roughly correspond to blue-collar workers, white-collar workers and public officials.
5. Implemented through the *Landespersonalvertretungsgesetz (LPersVG)* for this region of Germany.
6. Again, see chapter 2 for more details.
7. The *BPersVG* (paras 13-15 inclusive) specifies who can stand for election to a · *Personalrat*, and who cannot. In general, those who have control over personnel matters as a central part of their job are excluded from standing for election. Where such control is of a technical, or production-led nature, supervisors (*Meister, Techniker* etc.) are allowed to stand for election, as in the case of my key informant.
8. In contrast to the "vertical" functioning of the disputes settlement procedure in the British public sector workplace: see chapter 6.
9. *Beamte* are insured individually, and through separate sets of employment legislation.
10. The work of the *ASA* is not governed by law, and indeed such a committee is not compulsory as such in the public sector. The private sector legislation covering safety committees merely states that public sector employers should make at least the same provisions as exist in the private sector. In practice, the *Arbeitssicherheitsgesetz (AsiG)*, or Health and Safety at Work Act, is applied to the public sector as well.
11. Superior is a somewhat formal translation, arising from the origin of the word in civil and public service occupations (for example, see Weiss, M., 1992:339). In practice, "foreman" or "supervisor" can also be used as valid translations.
12. These groupings are *Bau* (building and construction), *Elektro* (electricity) and *Maschine* (engineering and maintenance), these corresponding to subject divisions in German universities and polytechnics.
13. In common with the other fieldwork chapters, the issues surrounding women's employment, representation of interests and health and safety are not treated in a direct and systematic manner. I break down employment by gender here to give a more complete picture of Department G and the people working in it.
14. Percentages here are "valid" in that they are given as a proportion of responses, excluding missing values.
15. Those attempts to introduce private sector labour market disciplines to the public sector in Germany that have taken place have not formed part of a political crusade by the government in the same was as in Britain. Indeed, *SPD* governed *Nordrhein-Westfalen* has been at the head of these developments.
16. The decision at council level is discretionary, and may result in a particular decision (i.e. "you can have x number of workers for such and such a department") or can involve general assent to departmental demands.
17. At the time of the research, roughly 700 positions, or 4.5% of the workforce, remain unfilled throughout the council.
18. The way in which *Mitwirkung* and *Mitbestimmung* are distinguished is discussed in chapter 2. It is important also to note the role of the labour courts in establishing precedents in cases where the procedures of participation are disputed by the parties involved. See, for example, Weiss, M, and Krieger, H. (1991:12).
19. A court decision was reached in the course of the research which emphasised that the *Personalrat* had *Mitbestimmung* (rather than the weaker *Mitwirkung*) rights in health and safety, although the contention fo such details through the courts on a

variety of issues is commonplace. For a fuller account see _Der Personalrat_, 3/89, pp65-67.

20. The differences and similarities in the roles of _Sicherheitsbeauftragte_ and their counterparts in the UK are discussed in chapter 2. The main difference is that in Germany these representatives are selected by management only, with no union input, as is normally the case in the UK.

21. My key informant was the _leitende SBA_, union activist, _Personalrat_ member and _ASA_ member wrapped into one.

22. This corresponds to existing research which has pointed to a higher incidence of _SBAs_ also being _Vorgesetzter_ in public and quasi-public sector bodies (Diekershoff,1979:19).

23. There are three pay spines, one each for the three employment categories. For _Arbeiter_, there is an 8 point scale (recently negotiated up from 7), with additional increments for service, qualifications and the job involved. The council has recently introduced higher service bonus rates, in an attempt to lose fewer workers to the private sector between the ages of 30-45. There is some shift work in the Department, necessary given the difficulties of maintaining rail tracks in the daytime. The majority of workers work a 38.5 hour week, and flexi-time operates for _Angestellte_ but not _Arbeiter_.

24. _ÖTV_ organises also in the private sector, with a growing proportion of members coming from the private transport sector, and from _Versorgerung_ companies, the pseudo-privatised utility companies. This means that a vast number of individual collective agreements are signed between _ÖTV_ and employers, covering the different areas of union organisation, different employment categories and regional variations.

25. Although as one of the largest departments in the largest council in the _Land_, then managers here would have more say than most in negotiations with _ÖTV_.

26. This process has strengthened since the research was carried out, and _ÖTV_ members were involved in extensive strikes, lasting two weeks, in the spring of 1991. For details, see the Financial Times 27/4/92 - 7/5/92 (inclusive).

27. See, for example, Jacobi and Müller-Jentsch,1990.

28. I use "shop steward" as a convenient, and by now traditional, translation for _Vertrauensleute_, although the two functions do not tally precisely. See Weiss, M. et al., (1992:336).

29. I emphasise that Textchem and Department G are such different workplaces, in different sectors of the economy, of different countries etc., that genuine statistical comparison is impossible. In particular, it is more likely that stewards are also safety representatives at Textchem, raising the problem that respondents had to choose between two labels for the same person.

30. It is reasonable to put "foreman" and "managers" together in this analysis, as the combined total is over half for each workplace, and the difference is probably one of definition in each workplace.

31. Of these, around 2-4 per year are _Wegeunfälle_, or injuries occurring in transit to work.

32. Age profiles for the two sets of questionnaire responses suggest that Textchem has a generally younger workforce than Department G, although distributions by length of service are similar at the two workplaces.

**Age of respondents:**

Textchem:

16-23 `````````` 7
24-31 `````````````````````````` 15
32-39 ````````````````` 11
40-47 `````````````````````` 13
48-55 ````````````````` 10
56-   ```````````` 7

Department G:

```
16-23 `````````````````````````` 14
24-31 ``````````````````````````````` 17
32-39 ````````````````````````````````` 18
40-47 `````````````````````````````````` 17
48-55 ```````````````````````````````````````` 22
56    ``````````````````````````````````` 20
```

33. See discussion of collective bargaining arrangements in the public sector in Germany in an earlier section.

34. Compare here the arguments of Streeck (1984:408-411) and (Hoff:1984) on how one of the key results of workplace *Mitbestimmung* and consultation has been the generation of internal labour markets, and the prioritisation of personnel issues and long-term staffing policy given the prohibitive costs associated with following alternative personnel strategies..

35. See Bailey,1989; Brown and Rowthorn,1990; Ferner,1989; Winchester,1989.

36. See chapter 2 for details of *Bonus und Malus* system of accident insurance.

37. Questions directly addressing the issue of *Mitbestimmung* and the possible need for changes to the participation legislation were omitted from the questionnaire, partially because of competition for space, but also because the functioning of *Mitbestimmung* is mainly an issue for representatives of managers and workers, who were the subject of interviews.

38. Notwithstanding the general belief that the protection of safety legislation in the public sector is weaker.

39. An important factor here may be the strict (in terms of legal and insurance legislation) system of line management responsibility for safety, which could be compromised by a more pro-active role for the *Personalrat* in safety matters.

40. I appreciate that because *SBAs* are selected by management with no input from the *Personalrat*, they cannot strictly be defined as worker representatives. However, in interviews, respondents mentioned them as a part of the solution to problem of ineffective use of *Mitbestimmung* rights.

41. See, Moore,1991.

42. For example, during the controversial drafting of the *Mitbestimmungsgesetz* of 1976, where German employers made a concerted effort to challenge the legality of parity co-determination in the Labour Courts, largely without success. See Streeck,1984.

43. It is important to mention the nature of the training courses organised at regional and national centres by the trade union education department of *ÖTV*, one of which I attended for a week. Very few of the participants were *SBAs*, with the majority being members of the *Personalrat* of different public sector workplaces. The content of the courses appeared to be targeted at the powers of the *Personalrat*, rather than in addressing particular health problems or particular groups of workers. This would seem to support the argument that the *Personalrat* has become the workplace "arm" of the trade union, in safety matters at least, although the different bases of legitimacy for the two bodies still makes us question the benefit that the term cumulation provides.

44. This is symptomatic of a broader problem of workplace representation for German trade unions. A main campaigning strategy for many unions in the 60s and 70s was to encourage the growth of shop stewards movements (often premised on the image of strong British workplace influence achieved through shop steward representation) in order to counter the increasing centralisation of union/employer relations (eg.Markovits:1986, Koch:1978).

45. The other centralising force in worker representation being industrial unionism.

46. British unions similarly have to tread a path between global and plant level strategies of representation, and in the area of health and safety different unions have

had different approaches to, say, the issue of whether shop stewards should be safety representatives as well.

47. See chapter 6 focusing on the British public sector department.

48. For a fuller account of the importance of key individuals in the management of safety within organisations, see Dawson et al,1988.

49. The importance of vertical segmentation in characterising, in general and historical terms, the structure of the German labour market is discussed by Fox,1978. The final chapter of this thesis addresses the problems that this dual nature of participation poses for works councils and unions.

50. Not a union member, but only because he hasn't yet had the time to join!

51. See, for example, Bulmer and Paterson, 1986.

52. See Fox, 1978.

# Chapter 8.

Summary and Conclusions.

(i) Axes of differentiation

This thesis has been centrally concerned with the participation of workers representatives in the regulation of safety at four workplaces. Above all, it has been a comparative study, with a research design that has allowed both cross-national and cross-sectoral comparisons to be made in an effective manner, and which has allowed me to weigh the different national, sectoral and institutional frameworks against what I consider to be fundamental tensions in the organisation of production and in the prevention of accidents. In the course of the research, I have addressed a wide and divergent range of issues concerning the generation and prevention of workplace hazards, the politics of participation, issues of difference in the nature of management in the public and private sectors, problems and ambiguities in the representation of workers' safety interests - within a cross-national comparative framework where similar formal arrangements for the regulation of safety combine with radically different forms of representation and participation at workplace level. There are two main tasks to this chapter. The first is to re-cap the main points which have emerged in the course of the four case studies, and for reasons of presentation, I have organised this under the same three sub-headings used in the fieldwork chapters. This allows the reader to review the broad research outcomes in a more systematic and comparative manner.

The second objective is to bring these disparate issues and arguments together, and to systematise the various conclusions reached in the course of the fieldwork chapters. This raises problems of presentation, given the complex lines of comparative analysis running through the thesis. Some conclusions are **universal** in that they are valid in each of the workplaces, albeit in different ways. Some conclusions are drawn from particular comparison between two workplaces; in particular, public sector experience in the two countries. These will be integrated into the discussion as and when necessary, as they do not represent the key comparative issues raised by the thesis,

and which structured the fieldwork chapters. However, the structure of the research does lead towards the presentation of these conclusions in a particular way. Issues surrounding the nature of managerial control, the particular pressures that workers face, and the ability of workers to control the pace and nature of work and thereby regulate hazards, are most profitably dealt with in a discussion of the differences between the private and public sectors, and this is the subject of section (iii). On the other hand, the discussion of statutory participation, formal involvement and the role of the **floor of rights** in the management of health and safety, are treated. as essentially cross-national issues, and are discussed in section (iv). The chapter ends with a section that discusses some of the key themes of chapter 1 in the light of the case studies and the other research conclusions. In particular, I return to the key issues of interest representation, cumulation, and the nature of the ambiguities and difficulties that representative bodies face in attempts to maintain a **collective** regulation of health and safety.

(ii) Summaries

a) Work pressure.

The business plan is the major source of change and restructuring of work relations at Textchem. The shift in organisational emphasis, from horizontal plant-wide business relationships to the creation of independent vertical businesses, has generated a process of de-collectivisation of work regulation, despite the fact that health and safety management functions remain organised on a site-wide basis. The impact of the business plan in further separating workers from one another on a daily basis, in fragmenting safety regulation and complaints procedures and in introducing unfair bonus systems are key issues at Textchem. This process of business devolution has not, however, been accompanied by explicit attempts to increase productivity, reduce

staffing levels etc., and the company was seen by most of the people I interviewed to be in relatively good economic health, despite long-term fears over the future of the flake business. The resurrection of safety committees, the high profile given to the new safety manager, and the perception that more money, time and effort is put into safety by management that in the past, all contribute to a degree of apparent consensus over the need for new investment in machinery, particularly involving corrosive processes. Indeed, both private sector case studies were characterised by the problems associated with investment and its bearing on working conditions and health and safety regulation, even though Textchem was doing much better financially than Prochem.

At Prochem, reductions in staffing levels have led to increases in work pressure, as both productivity and output have improved in recent years. This has had a negative impact on the frequency of accidents, particularly in production areas, as the examples from the case study show. In addition, the conflict over staffing levels has changed the tone of the relationship between the *Betriebsrat* and management. The safety of working conditions and the policies of management stand in greater contrast than in any of the other workplaces. However, management at Prochem have not attempted a radical re-structuring of the work relationship itself, when compared to the experience of Textchem. The nature of the work involved in filling and mixing compounds from set recipes still allows worker a relatively high degree of discretion and autonomy.

The case of *Leistungsdruck* in chapter 7 was the most clearly stated expression of the range of differences that are said to exist between private and public sector employment. In the eyes of virtually everyone interviewed in Department G, and large numbers of those returning questionnaires, work was less hard in the public sector. Furthermore, the nature of the employment relationship was seen as qualitatively different from that in private firms, with the absence of external markets

and the lack of a political will to introduce market mechanisms into the public sector given as key reasons for this.

In Department B, the feeling that work pressure was less than in the private sector was evident, but more muted and cautious than in Department B. In this workplace, the introduction of competitive tendering can be seen as the dominant issue for safety and work pressure issues. The importance of a lack of a genuine market environment was expressed in a similar manner when both workers and managers talked of the impact of Conservative legislation. CCT was said to have had uneven effects in relation to everyday work pressure (affecting different work groups and occupations differently) and job insecurity for workers, although the last decade had certainly seen large-scale changes in perceptions of this difference between public and private sector employment.

b) Participation.

The role of formal participative machinery at the four workplaces can be characterised differently. At Textchem, a process of **de-collectivisation** of labour and safety regulation is underway, driven by the business plan and its broader effects. Whilst safety committees have been given new life in recent years, this has been done under the auspices of the new vertical restructuring process, leaving the former site-wide mechanisms of safety *participation* redundant, despite safety officially being retained as a non-devolved management area. There are no other participation mechanisms in operation at Textchem.

At Prochem, formal participation is a matter of **conflict** between the works council and management. This is the case both when fundamental issues of cost and safety are

concerned, such as the problem of staffing levels, for example, **and** when no apparent reason for conflict exists, such as in the case of the construction of new buildings.

In Department B, formal statutory participation machinery, such as the safety committees, is **marginalised**. This has not occurred through a direct attack on, or obstruction of, these institutions, such as at Prochem, *nor through organisational* restructuring that have left them without a clearly defined role, as at Textchem. Indeed, the system of safety committee participation has been progressively strengthened over the last 15 years or so, with new layers of bureaucracy added recently (pre-meetings etc.). Rather, the reason for this marginalisation is the fact that formal institutions of participation operate within a well-established grievance resolution procedure, and broader regulatory system for the involvement of *trade union* representatives. In other words, participation forums such as safety committees lack importance because when serious disputes over safety crop up, they usually get taken away from committee jurisdiction and into the broader grievance resolution procedure.

In Department G, *Mitbestimmung* is seen by worker representatives almost as a **shadow** - i.e. it is important, but in the background, and everyday relations have superseded the **immediate** necessity for statutory protection. In a sense, this represents an *ideal-type* operation of a floor of rights, in that basic statutory provisions are often not seen to be relevant given the progressive extension and sophistication of forms of influence and involvement, as if they had been "left behind". However, I have also argued that the context of public sector employment may be critical in making sure that basic rights to participation are not the subject of conflict in the same way as they are at Prochem. This background role for formal participative machinery is similar to that in the other public sector study, the difference being the highly integrated role of *union* representation in the regulation of safety in the British local authority.

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c) Representation.

The critical problem for worker representation, in health and safety as well as other areas, is the heterogeneity of interests that workers have and express. Each of the case studies involve examples of this, and the difficulties it presents, particularly to shop stewards and works council members, in seeking to establish a collective approach to safety regulation and involvement, and in seeking to represent workers in a situation when the defence of jobs, and the pursuit of better working conditions in dealings with management, involves a delicate balancing act.

The problems for union representation at Textchem spring from the structural reorganisation of the business plan, and the trend towards more direct forms of communication between managers and workers. More long-term objectives are likely to accentuate this trend, leaving the union in the middle of changes it appears to have little control over. This state of affairs is illustrated by the area of safety regulation where the new high profile approach of management is contrasted to the minimal role that the union plays in campaigning on safety issues, although this is probably a function of the general weakness of union organisation at Textchem, rather than a particular problem in the area of safety that does not occur in general collective bargaining.

Prochem is characterised by a virtually non-existent role for *IG Chemie* in workplace safety issues, and a growing recognition that the *Betriebsrat* can play a vital role in challenging managerial policy through utilisation of safety legislation and the specific provisions for involvement and participation. The evidence from Prochem is also that the works council is a positive force for the promotion of union goals (particularly in terms of the recruitment of members, and in the dissemination of union-related

information), but that this falls far short of the mutually reciprocal and supportive relationship envisaged by proponents of **cumulation**. The separation of functions - with unions responsible for wage bargaining and the monitoring of wage agreements through the system of *Vertrauensleute*, and the *Betriebsrat* responsible for workplace issues such as staffing levels, overtime and health and safety regulation - is very strong at Prochem.

Unions are most influential at Department B, and particularly in the local authority of which the department is a part. Long-established grievance resolution and union recognition agreements have ensured a respected system of representation, which tends to get used for a wide variety of problems, including those essentially involving health and safety, and which has led to managerial attempts at renegotiation of the system of multi-union representation in the authority. The relationship between managers and unions at the level of the authority remain relatively cordial, and I have argued that part of the reason for this are the radical re-orientation that has taken place in response to the introduction of CCT, with the development of something of consensus between unions and managers (and councillors) that the defence of jobs, and the use of safety legislation as well, is of the highest priority.

In Department G, the main union, again, played virtually no role in workplace safety issues, with training courses for works council members being the main vehicle whereby they sought to contribute to safety regulation. The separation of functions between *Personalrat* and union in Department G was of a similar nature to that at Prochem. Questionnaire responses tended to see the union as less representative of workers' interests in safety than both management and the *Personalrat*. The works council appears to be on very co-operative terms with management, and I have argued that the vertical structure of management itself contributes to this lack of conflict, alongside other factors such as a government less concerned to revolutionise public sector employment. This does not mean that mobilisation and campaigning around

safety are necessarily more effective than at other workplaces, and the delegation of safety items within the work of the Personalrat to one individual, and the lack of imagination and integration of safety into other issues being reminiscent of strategies of de-collectivisation on the part of **management** at Textchem.

### (iii) The parameters of managerial strategy and the generation of hazards; sectoral divergence

Work pressure has been a consistent theme is this thesis, representing, as it does, a key set of problems in the involvement of worker representatives in safety regulation. It reflects on the nature of management and managerial strategy, on the way in which the financial environment surrounding the workplace impacts on production and working methods, on the scope of discretion for workers in the control of their jobs, and on the different political pressures that exist in public sectors characterised by very different governmental approaches over the last 15 years or so. It does not only tell us something about the differences between private and public sectors (although this is its main contribution to this thesis), but also of the relationship between forms of involvement and participation on the one hand, and the regulation of safety and hazards on the other.

An expression of the difference between the sectors is the degree to which safe working conditions were perceived to be in conflict with managerial goals, policies and strategies. The clearest example of this was the problem of under-staffing at Prochem, with worker representatives pointing to a definite link between this and a deterioration of working conditions. However, it would be too simple to say that the conflict between the pursuit of safety as against production goals is a part of private sector employment only. At Department B and the UK local authority, the new annual business plans have to contain an element of **profit**, although this does not appear to translate into a **fundamental** renegotiation of the use of labour, flexibilisation etc.,

other than in peripheral employment areas such as cleaning, where the political risks are perceived as less, and where union representation is less effective. Similarly, in the German public sector study, managers made specific reference to the fact that cost-benefit approaches played only a minor part in the way that they sought to utilise labour, devise staffing policies, distribute tasks etc. The reasons for this are complex, and range from the lack of a systematic attempt by the Federal government to restructure public sector employment, to a situation characterised by recruitment problems in the German public sector as a whole.

However, whilst the safety/profit theme was more apparent in the private than public sector studies, this hides important differences in the manifestation and expression of the problem. Safe working conditions are in conflict with the pursuit of profit in a complex way. The reason for this is that the pursuit of profit does not necessarily involve a one-dimensional strategy on the part of capital. Rather, the realisation of surplus value depends on the utilisation of the physical means of production, the use of labour power in maximising the return on capital investments as well as a range of other economic factors such as the extent of competition in product markets. Therefore, managers may choose a range of options in the pursuit of production-led goals, which can, in turn, have a variety of effects on hazards, work pressure and health and safety in general. Investment which seeks to speed production, and increase productivity, without increasing the amount of labour hired, is likely to have a negative impact on workers' health, through increasing the pressure that individual workers work under. On the other hand, investment which seeks to improve product quality, reliability etc. (eg. automated process machinery in the chemical industry), **may** result in the improvement of working conditions through removal of workers from materials and machinery[1], and **may** involve an increase in the discretion and job control that workers have, which, as I have argued, has an important bearing on the prevention of accidents. It does not necessarily involve an attempt to increase labour utilisation, or the intensification of work.

Whilst my conviction that, broadly speaking, safety and profit are conflicting organisational goals remains fundamentally intact, I would argue that the exclusivity involved can be highly variable, particularly when the issue is viewed subjectively by workers and their representatives. With the limited insight that only two private sector case studies can offer, my research would suggest that in workplaces where automation and capital investment is low, and where wage costs form a relatively high proportion of total costs, then safe working conditions and the goals of management are more likely to **be seen to collide**. The reason for this is that financial pressure on the firm is most likely to be expressed in a reduction of staffing levels, and the burden more likely to fall onto workers through increased pressure. This does not mean that capital intensive workplaces are safer, or that the conflict between safety and profit is not also fundamental to the work relation in those contexts. The **perceived** common interest of labour and capital, at workplace level at least, in forms of investment that will both enhance productivity and therefore job security, and improve working conditions, is a general feature of industrial organisations. It appears to be the case, though, that the conflict between safety and profit is more **explicit** when conflict focuses on labour costs and labour utilisation. The safety implications of investment are highly context-specific. At Prochem, investment directed at speeding up the process of packaging and canning has led to increased dangers to workers fingers and hands. At Textchem, recent investments in production lines for the flake department have greatly reduced exposure levels in that department.

The impact of managerial strategy is not only a question of work pressure, but also one of the degree to which the defence of prerogative, of the right to manage, is seen as being in conflict with forms and practices of participation. This is largely an issue of the forms of legislative protection that worker representatives have, and the impact that involvement has on the freedom of management to manage, discussed in the context of Anglo-German comparison in the next section. It is also a question of the

relations of dominance which safety regulation takes place within, and is therefore of importance to our discussion here of the nature of management and the **procedures** of safety regulation. The ability of managers to dictate the safety agenda was apparent, although to differing extents, in each of the four workplaces, with private sector managers, on the whole, having a greater degree of freedom than their public sector counterparts. This confirms Lane's argument that:-

> a successful implementation of the legal norms depends decisively on whether management is ready to permit worker influence on decision-making.(Lane,1989:233)

In particular, managers in the private sector seemed to have a greater degree of freedom in defining the generic approach to workplace safety regulation, as the widespread **secondary** effects of the business plan at Textchem, and the pursuit of cost cutting strategies at Prochem illustrate. In both of the private sector case studies, management were also very much in the driving seat in terms of the direction in which forms of safety regulation were heading, with worker representatives, on the whole, struggling to find coherent alternatives or challenges. This does not mean that private sector management is homogeneous in the way it seeks to regulate safety. The case studies show examples where management were internally divided with respect to safety policy (the different impact that the orange overalls policy had on different levels of management in Department B, for example). At Textchem, managers were seen as largely responsible for propping up an ailing workplace trade union structure, whereas managers at Prochem seem to have chosen a path of direct confrontation with the works council. A key problem lies in understanding the degree to which a common aim underlies these different strategies on the part of management. As mentioned before, the business plan changes at Textchem were **centrally** concerned with refining management decision-making and not with a confrontation with trade unions. At Prochem, management appeared to have dug themselves into the hole of continuous and inflexible opposition to the rights of the *Betriebsrat* to information

and consultation. In both cases, management have pursued policies which, in their opinion, most enables them to retain prerogative over decision-making. The structural position of management in organisations which operate in a genuinely competitive market is one which seems to provide a greater degree of managerial dominance in dictating the way in which worker representatives participate, and a desire to pursue policies which defend prerogative that does not feature strongly in the two public sector studies. Obstacles to the freedom of management to pursue goals that may be in conflict with the safety of workers seemed to arise out of the nature of public sector employment rather more than through the opportunities that legislation in safety participation gives to worker representatives.

To sum up then; work pressure is strongly related to accidents and poor safety. Such pressure, perhaps logically, is a function of managerial strategy and the economic context that the organisation finds itself in. Therefore, whilst cleaners in the UK local authority experienced a similar degree of work intensification to workers at Prochem, on the whole work pressure remained an issue which separated workers' and managers' *perceptions* of public from private sector employment, and the generation of hazards. Opposition to the intensification of work involves job control, and the extent to which workers or their representatives can have genuine influence over the organisation of work. My evidence suggests that sectoral issues are likely to play at least as big a part in informing this conflict over the control of work as the formal structure of participation and safety regulation in each country.

(iv) The marginalisation of formal participation

Statutory protection in the regulation of safety, and in participation generally, is a complex field. In the German context, there is the peace obligation in works constitution law on the one hand, involving restrictions on the use of information for

collective bargaining purposes by works councils, and the "hard" elements of *Mitbestimmung* on the other (the *Einigungsstelle*, in particular). Both German case studies show both the ambiguities and the importance of this dualism in participation law, with Prochem providing a test case for the efficacy of **harder** protective legislation, and Department G allowing an examination of the function of the **integrative** nature of the law alongside industrial unionism and public sector management structures and practices. In the UK, the double-edged impact of the introduction of CoSHH to Textchem is also an example of this complexity when analysing the impact of protective legislation on the regulation of health and safety, although worker representatives in each case study were keen to stress the vital importance of legislative protection in these matters. Once again, the key lies in the fact that legislative provisions, although compulsory in a general sense, still have to work on a day-to-day basis inside established systems of participation (or non-participation), representation etc., which vary between workplaces and across time. This is why cumulation, although originating in an interest in the specific nature of dual channel representation in Germany, is important in our considerations of the relationship between safety participation and single channel representation in the British context.

The four representations of the function of participation discussed in section (ii) of this chapter illustrate the complexities involved in analysing consultation and safety regulation in a cross-sectoral and cross-national perspective. In particular, it requires us to re-examine how the floor of rights operates in practice. The German case studies both highlight the reluctance of worker representatives to utilise the **hard** elements of *Mitbestimmung* law, the *Eingigungsstelle* in particular. I have already mentioned that co-determination law in Germany is built on the twin pillars of legal redress against employers, and obligations to workplace "peace". However, the case of Prochem shows how, even where management are obstructive of even the most basic of co-determination rights, legal redress through the letter of the law is not a common

outcome of disputes. This allows us to return to some of the themes of the opening chapter, and in particular, the peculiar nature of the **space** (see chapter 1) in which consultation and involvement operate is particularly relevant here[2]. Experience of each workplace shows that there is an irresistible desire, on the part of worker representatives in particular, to maintain acceptable relations with managers. The term **antagonistic cooperation** (MacInnes,1985:138) also seems highly appropriate to describe the relationship between the works council and management at Prochem. In other words, works councillors and managers strive to maintain a workable relations, in the midst of a general discourse of conflict and opposition. The **need** to achieve acceptable relations also seems to have primacy in instances where it seems that recourse to the law in a direct confrontation with management is the most likely outcome. It is too easy to overestimate the ease with which formal rights to legal redress are taken up by worker representatives. In my case studies the significance of the system of legal redress against recalcitrant management was expressed in terms of the rhetorical and knock-on effects that major *Bundes-* and *Länder*-level court decisions had for workplace politics. I am not arguing that this is ineffective: rather, the particular legislative framework in which industrial relations and safety regulation takes place is not a static, immovable force in determining the outcomes of various forms of conflict. Formal statutory mechanisms for participation extend the *options* that worker representatives have in challenges to management, but can count for little if, for a variety of other reasons, organised labour is weak at workplace level, as the Prochem study clearly shows. In this respect, the institutional framework inside which workplace industrial relations take place, and particularly structures of union representation and sectoral issues, play a key role in determining the nature and impact of the **floor of rights**.

However, this does not mean that the law fails in providing a floor of protection in safety regulation. Clearly, in each of the case studies formal participation and protection forms at least part of the overall strategy of worker representatives in

dealings with management. The case of the climb-down by management in the German local authority over refuse collection, and the ability of the *Betriebsrat* at Prochem to have a building partially demolished because of a combination of regulations governing sunlight, and the decision of management not to consult over design, are clear examples of this. But does this then enable us to talk of a qualitatively different impact on the part of statutory participation in Germany? Importantly, **extensions** to the floor of rights (i.e. the broader and dynamic utilisation of basic legislative protection) seem to be subject to factors other than the nature of the legislation itself, as the discussion of sectoral issues in the previous section indicates. This is equally true in both countries, despite the more integrated system of participation in Germany. Thus, whilst at Prochem, *Mitbestimmung* offered little genuine protection in terms of qualitative changes in the dominant managerial strategy of cost-cutting, in Department G the combination of workplace co-determination with a management allowed to manage without free market, or politically imposed, constraints appeared to involve the **evaporation** of the floor of rights in everyday perceptions. Indeed, the workplace where basic rights to participation and involvement seemed to generate a more comprehensive (though still limited) and coherent challenge to management on safety issues was Department B, in the case of industrial conflict over the unpopular (and arguably less safe) introduction of orange overalls.

At Textchem, safety regulation is essentially a management-driven phenomenon, despite the existence of business safety committees. Part of this is a result of the business plan which has decentralised and fragmented existing collective regulation, and part is the result of the conscious retention of control by management over technical and investment-centred safety decisions, through the TSC and the lack of genuine consultation over the implementation of CoSHH regulations. Yet this has coincided with a period of renewed interest in safety provision as a whole, and positive appraisal, from worker representatives, for management's commitment to

safety. Indeed, this apparent managerial commitment to safety at Textchem can be contrasted with the difficulty that the works council at Prochem has had, *Mitbestimmung* or no *Mitbestimmung*, in obstructing changes which have had a definite negative impact on workers' safety. Similar, though less extensive, patterns of de-collectivisation and decentralisation are evident at Department B, although industrial conflict has been mediated by political and economic necessities, and an alliance between managers and workers in the defence of jobs and departments. What appears to distinguish the two public sector studies is on the one hand the impact of CCT on perceptions of work pressure, and on the other, the visible role that the union plays in safety regulation. In Department B, the floor of rights is coupled with traditional and so far largely unchallenged patterns of union involvement; in Department G, the floor of rights is somewhat invisible owing to its success in establishing basic workplace consultation rights for the *Personalrat*, making the involvement that takes place more routine and bureaucratised as the **basic** building blocks of participation are not contested.

Herding (1972) argued that statutory participation in (West) Germany was weak, in comparison to the system of collective bargaining in the United States, in the retention of **shopfloor control** by workers, and in protecting the standard of working conditions (particularly regarding physical effort). My research is inconclusive in this respect, although no comparison with the USA has been made. At Prochem, statutory participation did not really enable worker representatives to obstruct managerial drives for cost cutting, efficiency etc., leading to increases in work pressure and accidents. In Department G, the *Personalrat* was more able to do so, although as I have indicated, the specific nature of public sector employment and other factors are of central importance in this. The failure of formal participation in safety regulation to insulate workers from the immediate conflict between good working conditions and profit is most apparent at Prochem. I have argued that in the private sector, the translation of this inherent conflict into concrete pressure on workers seems partially

dependent on the degree of labour intensiveness, and on the financial situation of the firm, although work pressure still exists as part of **drudgery** of everyday working life in the public as well as private sectors. The experience at Prochem is no doubt similar to that for workers in labour intensive public sector corporations, particularly where competition exists in the form of alternative products (the railways, for example), with increases in work pressure, overtime etc., having potentially tragic consequences. The diversity of organisation found in the public sector is important here, however, and in my public sector case studies the lack of an external market has reinforced perceptions of low *Leistungsdruck* in Germany, and helped limit the impact of competition legislation in the UK.

So how are we to judge the impact of formal safety participation, and statutory protection, when workplace- and sector-specific factors govern the parameters of safety regulation in this way? I would argue, as above, that the impact of statutory protection lies in the **options** that it can give to worker representatives when economic or political conditions change[3], and in the degree to which formal participation can enhance the ability of workers and their representatives to retain job control. I have argued that the control, by workers (either individually or through representative mechanisms) over the pace and nature of work is a central element in the prevention of accidents and the continual suppression of hazards[4]. In each of the case studies, the control of work and working methods has acted as a catalyst in the interplay between the generation and prevention of hazards on the one hand, and forms and practices of participation on the other. The success of the works council in the German public sector case study[5] in utilising accident prevention regulations to reverse managerial decisions about working methods is the clearest example of this. The *Personalrat* in this case was aided by a broader framework of managerial control less tight than at Prochem, qualitatively affecting the impact of formal participation and legal protection. The "success" of participation, if success is defined as the **translation into reality** of rights that exist only in a formal, statutory sense, is

contingent on the nature of the employment relationship, and on the effects of public as against private ownership on the thrust of managerial policy and strategy. This is not to argue that job control is an unproblematic term depicting **objective** features of particular occupations. Rather, the key to unlocking the relationship between safety regulation and the provisions and protections of a floor of rights, lies in understanding the effect that such participation has in facilitating the control of work by workers and, *vice versa*, in understanding the catalytic role that different manifestations of job control play in offering limits and opportunities in participation (eg. the importance of transport in obstructing the speed-up of jobs in Department B).

(v) The visibility of safety; fragmented communities.

The research has pointed to the many ways in which the construction of clear **communities** regarding safety regulation is obstructed and mediated, and the particular problems that unions and works councils have in pursuing these interests. At both Textchem and Prochem, **environmental legislation** has begun to play an increasingly important role in underpinning the direction of safety policy within the workplace, with direct implications for workers' health and safety[6]. The economic cost of such protection is not lost on workers representatives[7]. The cautious way in which safety provisions of this kind (i.e. involving a potential challenge to the competitive position of the company) have been received represents an extension of everyday problems in safety provision for individual workers. In other words, the potential conflict in the role of environmental protection for workers is reproduced in economic terms, with pressures on workers to balance safe working practices against the defence of jobs, a problem more apparent in the private sector where the free market acts as an external source of internal pressure.

Throughout the fieldwork, the heterogeneity of both management and workforce played a key role in this **disaggregation** of safety regulation. In Department B, section heads in charge of the daily implementation of contracts and business plans exhibited a much closer working relationship with worker representatives, than did senior managers more involved in the implementation of CCT and other policies at a higher level. Similarly, at Textchem, senior stewards claimed that the safety officer, and individual managers charged with essentially safety-related tasks, were different from other managers (i.e. those more concerned with financial and production matters) in that they formed part of a safety community distinct from others, whether workers or managers, and almost above the broad opposition between unions and management reflected in collective bargaining structures. The ability of formal channels of representation and involvement to allow diverse occupational experiences to be integrated with organisational safety policy forms an obvious counterpoint to this set of problems which serve to disaggregate joint/collective safety regulation.

However, problems of interest heterogeneity and disaggregation in the regulation of safety do not only involve relations between **groups** of managers or workers. At both private sector studies, individual workers, or groups of workers, were blamed for accidents or potential safety problems, when a closer look at the problem revealed an omnipresent compulsion on the workers involved to overcome problems in production by side-stepping formally agreed safety checks, or payment systems which encouraged greater work speeds. This not only illustrates the scepticism with which this individualisation of blame should be treated, blame emanating from workers' representatives as well as from managers. This also points to a problem for formal (statutory and non-statutory) channels of participation, in that they can also be perceived as being removed from everyday workplace experience, as union involvement in the production of COPs in Department B illustrates.

Furthermore, this is an issue for cross-national comparison. In both countries, forums and mechanisms for the involvement of worker representatives in safety regulation were cited as inappropriate for the expression of individual grievances about health and safety, as the small number of workers reporting, in the questionnaires, that they went to the union or the works council about safety problems, indicates. In the UK case studies, this problem manifested itself in the difficult relationships between permanent workers and contract workers, and in the local authority, in the differential efficacy with which the union and safety representatives have protected workers against the negative health impact of tendering. Multi-unionism also helps to differentiate between the experience of groups of workers. In Germany, the works constitution and industrial unionism reinforce a system of collective interest representation with less internal division and fragmentation. This does not necessarily make for a more **effective** system for the representation of individuals in safety. Works councils in the two German case studies still had problems in this, as the questionnaire responses from Department G show[8]. Rather, the relationship between individual and collective representation is different within structures of union organisation and workplace involvement and democracy which emphasise the common interests of employees at a relatively insular enterprise level (Germany), when compared with multi-unionism and a lack of a second channel of workplace representation (Britain). The fundamental tensions in the problem of management remain (see chapter 1), and the German case studies show how the integrative logic of *Mitbestimmung* is incompatible with the poor industrial relations atmosphere at Prochem, whilst the confrontational aspects of *Mitbestimmung* seem to be undermined by the vertical structure of management and representation in Department G. Formal involvement does not solve the inherent instability of the central management task; the negotiation and maintenance of consent from workers and the necessity to muddle through.

Following on from this, another important finding concerns the legitimacy that is attached to forms of worker participation. I argued in chapter 1 that participation, and particularly those forms which are management-initiated[9], inherently involve attempts to generate and maintain legitimacy for management's rights to manage (Ramsay,1985:58-60). My research has shown that forms and practices of participation can also have important consequences for the legitimacy of trade union representation in of the workplace, in the struggle to maximise perceptions of the union as being effective and worth getting involved in. At Textchem, those forms of joint participation in health and safety which remain after the changes of the business plan are as important in the efforts of safety representatives and shop stewards to get workers actively involved in their own safety, as they are to managers in fostering legitimacy for managerial prerogative. Similarly, union activists at Prochem depended on the legitimacy that an elected workplace body possesses, to make use of the office resources of the works council, to distribute literature, make attempts at recruitment, give information about wage rounds etc. In the German context, one could argue that this is the only viable strategy given the formal exclusion of the union from workplace negotiations, activities (in the British sense, at least) etc., although I have indicated in the case studies that the legitimacy and status that unions seek through domination (in terms of numbers) of workplace channels of representation is a useful characterisation of the works council/union relationship. In terms of our discussions in chapter 1, it is indicative of *Vershränkung* rather than *Verschmelzung* (Schmidt and Trinczek,1991:182-188)..

Whilst this is a comparative thesis, participation in health and safety has been used as a test case for the theory that both the union and the works council form part of an extensive, mutually reinforcing system of representation, a theory specifically relating to dual channel representation in the Federal Republic. Importantly, the various arguments which I brought together under the term **cumulation** in chapter 1, have been shown to be at best simplistic by my research in the two German studies[10].

Bean (1985:173) claims that the works council is partially dependent on the existence of trade union influence in the workplace, as a protection against the victimisation of works council members. This representation of the relationship between the union and the works council, and of the kinds of influence they can exert is rejected by the research I have carried out.

> ...the distinction between voluntary representation through trade unions
> and legally regulated representation through co-determination has
> become increasingly blurred since the 1950s. (Streeck,1984:405-406)

Streeck does offer disclaimers that these trends are most developed in the largest companies, and an examination of another aspect of cumulation - the relationship between workplace-level and enterprise-level participation - has not been addressed in this thesis. However, the above statement has some truth in my case studies, if one looks only at the fact that works council members are generally trade unionists, and that the union takes advantage of the priveleges that the works council has in pursuing its activities. However, this is different from an extension of influence through the mutually supportive relationship between the two channels. Particularly regarding health and safety regulation, the separation of functions between the union and the works council was fairly rigidly observed, with no attempt to utilise *Mitbestimmung* rights to launch a more comprehensive challenge to management over safety provisions in the workplace. It is interesting to note that the nearest example of cumulation noted in the case studies, was the way in which shopfloor-level safety problems and disputes in Department B, and the British local authority as a whole, very quickly involved industrial relations machinery at much higher levels in the council. This is to be contrasted strongly with the zealous way in which the demarcation between plant-level and supra-plant level safety regulation was regarded in both German case studies. Cumulation is therefore also relevant in highlighting how the structure of representation and the floor of rights interact in the British context.

Finally, the case study chapters have said relatively little about the consultation *versus* bargaining debate discussed in chapter 1. In each workplace, bargaining over health and safety seems to be very much the exception rather than the rule, although anecdotal examples pointed to instances where this might go on at an informal and implicit level, such as in the case of the gatemen at Textchem. In Department G, no mention of bargaining was made by respondents. At Prochem, bargaining can hardly be the best way to describe the process of conflict over the implementation of basic rights to information and consultation on the part of the works council. Again it was only in Department B, with the existence of an established, union-based, grievance resolution procedure, that there was a clear example of safety problems being taken directly into formal industrial relations negotiating machinery, particularly regarding the case of the orange overalls. What this tells us however, is not that consultation is a **better** way of regulating safety, but that "consultation or negotiation" is a redundant paradigm in analysing the regulation of safety. It pre-supposes that both options are available to the parties involved, and that negotiation is a stronger approach, with consultation necessary only when management refuse to negotiate[11].

A central argument of this thesis is that safety is inherently a **collective** issue, in its relations to fundamental decisions about the organisation of production and work. By implication, safety management is an issue for bodies which seek to represent workers' interests, and the struggles of unions and works councils to pursue safety issues have formed a key part of the case studies. I am aware that the emphasis in this thesis has been on the blocks that exist to the collectivisation of safety and health. The reason for this is that a vision which takes up the prospects for the **re-collectivisation** of safety is bound to remain somewhat speculative. A question mark remains over the ability of unions and works councils to campaign and mobilise collective interests around safety issues, although specific examples from the case studies should provide some optimism. In this respect, the discussion of the collectivisation of safety should

form part of a wider debate about the **visibility** of accidents (and poor health generally). At various points in the case studies, it was suggested that an inherent problem in attempts by worker representatives to challenge managerial hegemony in the regulation of safety, is the fact that critical aspects of safety control only manifest themselves after the event. In other words, safety can be an invisible agenda item, helping to explain why institutions of participation and representation found it difficult to integrate safety considerations with **visible** (or more traditionally mainstream) agenda items such as pay, bonuses, promotion, overtime etc. In many instances, this may be the result of a dereliction of duty on the part of management in failing to control known hazards, and the case studies have given examples of this. However, what pass for genuinely unforeseen accidents in the workplace, accidents which tend to then get blamed on individuals and individual neglect of safety systems, can also be seen as breakdowns in the received wisdom about particular jobs and hazards.

This can involve something of a lateral shift in the working environment (such as large quantities of rain in a school-yard) which challenge normal perceptions of the hazards presented (in this case by a hole in the ground). In these instances, such as the explosion from 1979 in Department G, an internal critique of safety regulation can ensue, which can reveal flaws in the ways in which knowledge of the job is translated into a more embracing and wholistic appreciation of the hazards that workers face in **abnormal** instances. Speculatively again, this might reveal a key role for unions and works councils in acting as the fulcrum for re-evaluations of safety management in the wake of particular incidents which temporarily place health and safety matters alongside the **visible** agenda. Unless such a role can be developed and extended, accidents and the like are likely to remain occurrences which reinforce a notion of individual responsibility for accidents, and help to place worker representatives in the position of policers/enforcers, as examples from the case studies show. I have found worker representatives to be keenly aware of the problems that various managerial

strategies have caused for some aspects of hazard prevention (the division of workers in the business plan at Textchem, the "speed-up" rationale behind investment at Prochem, etc.). However, the monitoring of **invisible** safety problems is an inherent problem in safety regulation, as the *raison d'être* for work is not to stay safe but to **produce, earn** etc., guiding principles which may be less crude in the public sector, but which still govern the working day for employees there. Moreover, it is a problem that cannot be solved by intricate safety systems which ignore the fact that hazards are the result of technological properties, business decision-making, the politics of. the workplace and the responses of workers (collectively or otherwise) to all three.

It is a problem which raises again the question of whether viable and coherent alternative strategies and **ideologies** can be constructed by workers and their representatives, which go beyond the formalities of participation in safety, and challenge the authority and hegemony of managers to set the parameters for safety control as a **reaction** to the problems caused by work. My research has shown something of the nature of the forces which act to de-collectivise this response to hazards on the part of worker representatives are many and various; resulting directly and indirectly from managerial strategies and from the multiplicity of forces and divisions (geographical, organisational, core/periphery etc.) isolating workers from each other. The re-collectivisation of safety regulation is a contingent problem, and the role that formal participation machinery plays in opening possibilities in this arena is strongly dependent on contextual factors, and in particular on the constraints on managers in disparate market situations.

## Notes.

1. Of course, it may involve the production of a new set of hazards and a different accident prevention agenda.
2. MacInnes (1985:106).
3. The impact of co-determination law on the ability of unions to retain influence at nation and regional levels is possibly very important here, as my thesis has not focused on the relationships between capital and labour at this level.
4. For a more detailed discussion see Kinnersley,1973:22-28.
5. Not the works council of Department G, but of the refuse department.
6. A recent example of the growing role of environmental control for occupational health and safety is the deployment of 30 environmental advisers, by 5 *DGB* affiliated unions, to co-ordinate the carrying out of environmental assessments with works councillors, to strengthen the function of union education about environmental control, and to support individual collective agreements between works councils and management. For details, see EIRR,220,May 1992,p6.
7. The impetus behind European-wide safety legislation is, of course, aimed at harmonising the impact of these costs, whilst opponents of such regulation point to the competitive edge that avoidance of such costs can bring.
8. Works councillors attending education courses at German union centres said that those paragraphs of the *BetrVG* of *BPersVG* dealing with individual grievances were the most under-used of the provisions of the works constitution law.
9. Corresponding, of course, more to the UK than the German system of industrial relations, although non-statutory forms of participation introduced in this way in German workplaces still present a valid case.
10. The German case studies support the thesis that the translation of formal rights into effective rights at workplace level is very uneven in German companies. For an excellent discussion of the literature on the patchy way in which *Mitbestimmung* is put into practice, see Lane (1989:232-239).
11. For a discussion of the flaws of these assumptions, see Beaumont,1980:19; Beaumont found that worker representatives were more likely to describe their relationship with management as involving **consultation** when management were less strong on defending their right to manage, prerogative etc.

1. What is your job?

2. Which business do you work in? (please tick one)

Flake ☐               Plastics ☐

Tow ☐                 Yarns ☐

3. What is your age? (please tick one)

16-23 yrs ☐
24-31 yrs ☐
32-39 yrs ☐
40-47 yrs ☐
48-55 yrs ☐
56-  yrs ☐

4. How long have you been at Little Heath? (please tick one)

0-2 yrs      ☐      3-5 yrs  ☐
6-8 yrs      ☐      9-11 yrs ☐
Over 11 yrs ☐

5. Are you  MALE/FEMALE     (please underline)

6. Are you a union member?  YES/NO

7. Are you a shop steward?  YES/NO  If 'no', have you ever been? YES/NO

8. Are you a safety rep.?   YES/NO  If 'no', have you ever been? YES/NO

9. Is there a safety committee for your business?  YES/NO

10. If so, how often does it meet? (please tick one)

Once a week                ☐        Once every three months ☐
Once every two weeks ☐              Don't Know              ☐
Once a month               ☐        Other (please specify)

11. What do you consider to be the main health and safety dangers of
    the work that you do? (please tick as many as you like)

Exposure to Chemicals ☐             Explosion   ☐
Fire                  ☐             Electricity ☐
Falling or Slipping   ☐             Noise       ☐
Asbestos              ☐             Dust        ☐
Other (please specify)

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12. How effective would you say the <u>Business Safety Committees</u> are in solving the following problems:

(a) Safety problems caused either by the company or individual employees? (please tick one)

Very Good   □

Good   □

Bad   □

Very Bad   □

Don't Know   □

(b) Safety problems which require a change to the layout of the factory, or to working practices, at little or no cost to the company? (please tick one)

Very Good   □

Good   □

Bad   □

Very Bad   □

Don't Know   □

(c) Safety problems which require a good deal of money to put right?

Very Good   □

Good   □

Bad   □

Very Bad   □

Don't Know   □

13. Who would you normally go to, if you had a problem, or a grievance about a health and safety matter? (please tick one)

| | | | |
|---|---|---|---|
| Your shop steward | □ | Your department manager | □ |
| The safety advisor | □ | Your convenor | □ |
| Your workmates | □ | Your supervisor | □ |
| Your safety rep. | □ | The personnel manager | □ |
| The nurse | □ | No one | □ |
| Other (please specify) | | | |

14. What kind of changes would you like to see in the area of health and safety at Little Heath?

15. To what extent do health and safety issues get wrapped up in other issues such as pay and conditions? (please tick one)

Very Much     ☐

To Some Extent ☐

Rarely     ☐

Never     ☐

Don't Know     ☐

16. How seriously do you think the company takes health and safety issues? (please tick one)

Extremely Seriously    ☐

Very Seriously    ☐

Quite Seriously    ☐

Not Very Seriously    ☐

Not At All Seriously ☐

Don't Know    ☐

17. How do you feel about changes to health and safety since you have been at Little Heath? (please tick one)

Health and Safety has very much improved    ☐

Health and Safety has improved    ☐

Health and Safety is just about the same    ☐

Health and Safety has got worse    ☐

Health and Safety has got very much worse ☐

Don't Know    ☐

18. Which of the following would best improve health and safety?
    (please tick one)

More and better laws                              ☐

Higher quality management                       . ☐

Stronger unions                                   ☐

Better safety training for workers                ☐

More frequent inspections                         ☐

The company spending more money on safety ☐

Other (please specify below)


19. Have you attended any safety courses run by the union?        YES/NO

20. Have you attended any safety courses run by the company?      YES/NO

21. Have you gone to any talks about CoSHH in your department?    YES/NO

22. How are you usually informed about health and safety matters?
    (please tick as many as you like)

By your departmental management through briefings, talks etc. ☐

By the training department, through the courses they run ☐

By the union, through the courses they run ☐

By your shop stewards ☐

By your safety reps. ☐

By newsletters and noticeboards ☐

By your supervisor ☐

By your workmates ☐

By the safety advisor ☐

By the nurse/surgery ☐

By other managers ☐

By no-one ☐

By someone else (please specify)

23. Generally, how healthy a place to work in is Little Heath? (please tick one)

Very Healthy ☐

Fairly Healthy ☐

Fairly Unhealthy ☐

Very Unhealthy ☐

Don't Know ☐

24. Some people blame the company for accidents, some blame the union, some blame individuals. In your opinion, who is more often to blame? (please tick one)

Usually the worker himself/herself ☐

Usually the company/management ☐

Usually contractors/contract workers ☐

Usually no one is to blame, they are just accidents ☐

No one is usually more to blame than anyone else ☐

Don't Know ☐

Someone/something else is to blame (please specify)

25. Do you want to say anything else about health and safety at Little Heath? Do you want to make any comments about this questionnaire? Please continue on a separate page if necessary; please remember that the questionnaire is comletely anonymous.

Fragebogen zum Arbeitsschutz beim Tiefbauamt der Stadt

(Bitte <u>keine</u> Namen angeben. Der Fragebogen wird vom Tiefbauamt nicht ausgewertet.)

1. Was sind Sie von Beruf, bzw, welchen Beruf üben Sie aus? _____

2. In welcher Abteilung arbeiten Sie? _____

3. Wie alt sind Sie?

16-23 ☐    40-47 ☐
24-31 ☐    48-55 ☐
32-39 ☐    56-  ☐

4. Wie lange sind Sie beim Tiefbauamt beschäftigt?

    0-2 Jahre        ☐      3-5 Jahre ☐

    6-8 Jahre        ☐      9-11 Jahre ☐

    mehr als 11 Jahre ☐

5. Sind Sie  MANN/FRAU?   (bitte unterstreichen)

6. Sind Sie Gewerkschaftsmitglied?       JA/<s>NEIN</s>    (bitte unterstreichen)

7. Sind Sie Vertrauensmann/frau?       <s>JA</s>/NEIN    (bitte unterstreichen)

8. Sind Sie Sicherheitsbeauftragte(r)?       <s>JA</s>/NEIN    (bitte unterstreichen)

9. Welches sind die <u>hauptsächlichen</u> Arbeitsschutzgefahren bei Ihrer Tätigkeit?

10. Wenn Sie ein Problem bezüglich Arbeitsschutz haben, mit wem sprechen Sie zuerst? (bitte nur eine Wahl)

| | | | |
|---|---|---|---|
| Vertrauensmann/frau | ☐ | Sicherheitsbeauftragten | ☐ |
| Vorgesetzter | ☐ | Dienstellenleitung | ☐ |
| Fachkraft für Arbeitssicherheit | ☐ | Personalrat | ☐ |
| leitend. Sicherheitsbeauftragten | ☐ | Ihren Mitarbeitern | ☐ |
| Niemand | ☐ | Berufsgenossenschaft | ☐ |
| Andere (bitte genau angeben) | ☐ | | |

11. Wie werden Sie normalerweise über Arbeitsschutzangelegenheiten informiert? (nur eine Wahl)

| | | | |
|---|---|---|---|
| vom Personalrat | ☐ | von Sicherheitsbeauftragten | ☐ |
| von der Fachkraft für Arbeitssicherheit | ☐ | • von Vorgesetzten | ☐ |
| von Vertrauensleuten | ☐ | von Niemandem | ☐ |
| von den Berufsgenossenschaften | ☐ | von der Gewerkschaft | ☐ |
| durch Rundschreiben/Schwarzes Brett | ☐ | von anderen Mitarbeitern | ☐ |
| von der Dienstellenleitung durch Anweisungen, Unterweisungen usw. | ☐ | | |
| von Anderen (bitte genau angeben) | ☐ | | |

12. Welche Einrichtung/Stelle ist am wichtigsten für Ihre Interessen:-

(a) im Bereich Arbeitsschutz?

Personalrat ☐
Gewerkschaft ☐
Dienstelle ☐
keine ☐
andere (bitte genau angeben) ☐

(b) im Bereich Arbeitslöhne?

Personalrat ☐
Gewerkschaft ☐
Dienstelle ☐
keine ☐
andere (bitte genau angeben) ☐

(c) insgesamt?

Personalrat ☐
Gewerkschaft ☐
Dienstelle ☐
keine ☐
andere (bitte genau angeben) ☐

13. Wie wirksam ist der Personalrat im Bereich Arbeitsschutz beim Tiefbauamt? (nur eine Wahl)

Sehr wirksam ☐

wenig wirksam ☐

kaum wirksam ☐

unwirksam ☐

keine Ahnung ☐

14. Wie beurteilen Sie die Unterschiede hinsichtlich Beschäftigung und Leistungsdruck zwischen gewerblicher Wirtschaft und öffentlichem Dienst? (nur eine Wahl)

sehr unterschiedlich ☐

unterschiedlich ☐

kein Unterschied ☐

keine Ahnung ☐

andere (bitte genau angeben) ☐

15. "Leistungsdruck im Öffentlichen Dienst ist

GROSSER, VERGLEICHBAR, WENIGER

als im gewerblichen Wirtschaft?" (nur eine Wahl; bitte unterstreichen)

16. Welche Veränderungen würden Sie für den Bereich Arbeitsschutz beim Tiefbauamt empfehlen?

17. Wie hat sich der Arbeitsschutz beim Tiefbauamt in den letzten Jahren verändert? (nur eine Wahl)

Arbeitsschutz ist jetzt viel besser ☐

Arbeitsschutz ist jetzt besser ☐

Kein Veränderung ☐

Arbeitsschutz ist jetzt schlechter ☐

Arbeitsschutz ist jetzt viel schlechter ☐

keine Ahnung ☐

18. Weitere persönliche Aussagen/Meinungen zum Arbeitsschutz beim
    Tiefbauamt:

Nach dem Ausfüllen bitte umgehend an den Personalrat beim Tiefbauamt
zurücksenden.

Vielen Dank für Ihre Mitarbeit

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Bibliography.

Allan, G. and Skinner, C. 1991. Handbook for research students in social sciences. London, New York, Falmer Press.

Angermaier, M., Schmitthenner, H., and Zwingmann B. 1991. *"Arbeit und Gesundheit in der gewerkschaftlichen Politik - Ansätze für eine Neuorientierung"*. WSI-Mitteilungen. 9/91, pp522-532.

Archer, K., Matschke, R., and Schobel, P. 1978. Industrial democracy: Ways forward in Britain and West Germany. London: Anglo-German Foundation.

Bach, S. 1989. *"Too high a price to pay? - a case study of competitive tendering of domestic services in the NHS"*. Warwick Papers in Industrial Relations. No.25, July 1989.

Bacow, L.S. 1980. Bargaining for job safety and health. Massachusettes Institute of Technology Press.

Bailey, R. 1989. *"Pay and industrial relations in the UK public sector"*. Labour 3(2), pp31-56, paper prepared for the Italian Association of Labour Economists conference: "Pay and productivity in the public sector; Italy in a comparative perspective", Cagliari, May 18-20, 1989.

Batstone, E., Terry, M., and Ferner, A. 1983. Unions on the board. Oxford, Blackwell.

***. 1984. Consent and efficiency; labour relations and management strategy in the state enterprise. Oxford, Blackwell.

Batstone, E., and Gourlay, S. 1986. Unions, unemployment and innovation. Oxford, Blackwell.

Batstone, E., Gourlay, S., Levie, H., and Moore, R. 1987. New technology and the process of labour regulation. Oxford, Clarendon Press.

Beaumont, P. 1980 *"The safety representative function: consultation or negotiation?"* Personnel Review 9(No.2), Spring.

Beaumont, P., Coyle, J., Leopold, J., and Schuller, T. 1982. *"The determinants of effective joint health and safety committees"* Research report, Centre for Research in Industrial Democracy and Participation, Glasgow University (CRIDP), May 1982.

Beaumont, P. 1983. Safety at work and the unions. London, Croom Helm.

Bean, R. 1985. Comparative industrial relations, London, Croom Helm.

Beisheim, M., von Eckardstein D., and Müller, M. 1991. *"Partizipative Organisationsformen und industrielle Beziehungen"* in Müller-Jentsch W., (ed) op cit., pp123-138.

Beynon, H. 1975. *"Controlling the line"*. in Barrett, B., Rhodes, E., and Beishon, J. (eds) Industrial relations and the wider society. London, Collier MacMillan/The Open University Press.

Beynon, H. 1985. Digging deeper; issues in the miners' strike. London, Verso.

Blackburn, R.M. and Mann, M. 1979. The working class in the labour market. Basingstoke, MacMillan,

Brannen, P. 1976. The worker directors. London, Hutchinson.

***. 1983. Authority and participation in industry. London, Batsford.

Briefs, U. 1989. "Co-determination in the Federal Republic of Germany - an appraisal of a secular experience" in Szell, G. et al. (eds), The state, trade unions and self-management. Berlin.

Brown, W., and Rowthorn, B. 1990. "A public services pay policy", Fabian Tract 542, November 1990.

Bullock, Lord. 1977 Report of the committee of inquiry on industrial democracy. HMSO, January 1977.

Casey, B. et al. 1989. "Temporary employment in Great Britain and the Federal Republic of Germany", International Labour Review, Vol.128, 1989, No.4, ILO.

Clegg, H.A. 1977. "The Bullock report and the European experience" in Industrial democracy: the implications of the Bullock report, Leicester University, 1977.

***. 1978. "Industrial democracy and trade union structure" in Industrial democracy: international views, SSRC, 1978.

***. 1979. The changing system of industrial relations in Great Britain, Oxford, Blackwell.

Coates, K., and Topham, T. 1977. The shop steward's guide to the Bullock report. Nottingham, Spokesman Books.

***. 1986. Trade unions and politics. Oxford, Blackwell.

Conrad, 1981. International handbook of industrial relations.

Cressey, P., and MacInnes, J. 1980. "Industrial democracy and theories of power and control in the workplace" Discussion Paper, No.3, CRIDP, October 1980.

Cressey, P., and Williams, R. 1990. "Participation in change; new technology and the role of employee involvement" European Foundation, Dublin.

Cressey, P., Eldridge, J., and MacInnes, J. 1985. 'Just managing': authority and democracy in industry. Open University Press.

Daniel, W. 1987. Workplace industrial relations and technical change. London, Pinter/PSI

Davies, A. 1986. Industrial relations and new technology. Beckenham, Croom Helm.

Dawson, S., Willman, P., Clinton, A., and Bamford, M. 1988. Safety at work: the limits of self-regulation. Cambridge, CUP.

Deakin, S. and Mückenberger, U. 1989 "From deregulation to a European floor of rights: labour law, flexibilisation and the European single market" Zeitschrift für Ausländisches und Internationales Arbeits und Sozialrecht, 1989.

DGB 1973. The German labour movement. Düsseldorf, DGB.

Dickens, L., and Townley, B., and Winchester, D. 1988. *"Tackling sex discrimination through collective bargaining"* Equal Opportunities Commission, Research Series, 1988.

Diekershoff, K.H. 1979. *Sicherheitsbeauftragte im Betrieb: Funktionalität und Wirksamkeit.* Dortmund, Bundesanstalt für Arbeitsschutz und Unfallforschung, Forschungsbericht Nr.202.

Diergarten, E. 1990. *"Für ein einheitliches, modernes, Personalrecht"* in *Mitbestimmung*, Hans-Böckler-Stiftung, January 1990, pp26-27.

Drake, C., and Wright, F. 1983. Law of health and safety at work: the new approach. London, Sweet and Maxwell.

Edmonds, J. 1977. *"The Bullock committee's report and collective bargaining"* in Industrial democracy: the implications of the Bullock report, Leicester University.

Edwards, P.K., and Scullion, H. 1982. The social organisation of industrial conflict: control and resistance at the workplace, SSRC.

Eldridge, J. 1982. *"Industrial democracy and the division of labour"* Discussion paper No.5, CRIDP, Glasgow University.

European Commission 1992. First report on the application of the community charter of the fundamental socail rights of workers. Commission of the EC, Luxembourg.

European Industrial Relations Review;
- No. 219, April 1992.
- No. 220, May 1992.
- No. 221, June 1992.

Ewing, K. 1991. The Employment Act 1990: A European perspective. London: Institute of Employment Rights.

Feldman, R. 1982. *Das Personalvertretungsrecht des Bundes und der Länder.* (PhD thesis), Gesamthochschule, Hagen.

Ferner, A. 1989. *"Ten years of Thatcherism; changing industrial relations in British public enterprises"* Warwick papers in industrial relations, No.27, November 1989.

Ferner, A. 1991. *"Changing public sector industrial relations in Europe"*, Warwick Papers in Industrial Relations, Number 37, October 1991.

Flanders, A. 1975. Management and unions: the theory and reform of industrial relations. London, Faber and Faber.

Fox, A. 1978. *"Corporatism and industrial democracy: the social origins of present forms and methods in Britain and Germany"* in Industrial democracy: international views. SSRC,pp1-54.

Fricke, E. 1990. *"Standards Gesetz - von der Unternehmenskultur bis zur regionalen Strukturpolitik"* in *Mitbestimmung*, Hans Böckler-Stiftung, February 1990, pp113-116.

Fröhlich, D. 1989. New information technology and participation in Europe; the potential for social dialogue. European Foundation, Dublin.

Gill, C. 1990. "Work, technology and participation; differentiation and commonalities in Europe", paper presented to the joint conference of CEDEFOP 'Work, employment and society', and the ESRC conference 'Work, employment and European society; convergence and integration', Bath University, September 6-8th 1990.

Glendon, et al., 1986. Bibliographical review of occupational accidents and diseases; a consolidated report, European Foundation, Dublin.

Globerson, 1970. "Spheres and levels of employee participation in organisations" in British Journal of Industrial Relations, Volume VIII, No.2, July 1970, pp252-262.

Gold, M., and Hall, M. 1990. Legal regulation and the practice of employee participation in the European Community, working paper EF/WP/90/41/EN, European Foundation, Dublin.

***. 1991. European-level information and consultation in multinational companies: an evaluation of practice, European Foundation, Dublin.

Gräbe, S. 1990. "Gewerkschaften im Abseits?", Soziale Sicherheit, 12/1990, pp380-386.

Grant, W., Paterson, W., and Whitston, C. 1988. Government and the chemical industry; a comparative study of Britain and West Germany. Oxford, Clarendon Press.

Grassl, M., and Sinks, V. 1982. Arbeitssicherheit und Unfallverhütung im Öffentlichen Dienst, Ecomed.

Grebing, H. 1966. History of the German labour movement; a survey. Munich.

Hall M. 1990. "Breaking the Impasse? 1992 and EEC labour law", Federation News, Vol.40, No.1, January 1990, General Federation of Trade Unions.

***. 1990a. "UK employment practices after the social charter", Personnel Management, March 1990.

***. 1992. "Legislating for employee participation: a case study of the European works councils directive", Warwick Papers in Industrial Relations, No.39, March 1992.

Haraszti, M. 1980 "Payment systems and productivity; piecework and looting", in Nichols, T. (ed), 1980., op cit., pp290-301.

Hartley, K. 1990. "Contracting-out in Britain; achievements and problems", in Richardson, J.(ed), Privatisation and deregulation in Canada and Britain - proceeedings of a Canada/UK colloquium, Gleneagles, Institute for research on public policy, 1990, pp177-198.

Hauss, F., Kühn, H., and Rosenbrock, R. 1981. "Betriebliche Arbeitsschutz als gesundheitspolitische Strategie? Ergebniße und Schlußfolgerungen aus einer empirischen Untersuchung", in Sozialpolitik und Produktionsprozeß, WSI-Studie zur Wirtschafts und Sozialforschung, Nr.40, Köln, 1981, pp83-116.

Hauss, F., and Rosenbrock, R. 1984. *"Occupational health and safety in the Federal Republic of Germany; a case study of co-determination and health politics"*, in International Journal of Health Services, Vol.14, Number 2, 1984.

Hendry, J. (QC) 1989. The Conservative employment laws: A national and international assessment. London: Institute of Employment Rights.

Hepple, B. 1983. *"Individual labour law"*, in Bain, G.S. (ed), Industrial relations in Britain. Oxford, Blackwell.

Hill, S. 1981. Competition and control at work. London, Heinemann.

Hoffman, R. 1968. *Rechtforstschritt durch gewerkschaftliche Gegenmacht.* Europäische Verlagsanstalt.

Hunter, L. 1991. *"Britain"* in Niland, J., and Clark, O. (eds), Agenda for change; an international analysis of industrial relations. Sydney, Allen and Unwin.

Hyman, R. 1989 The political economy of industrial relations. Basingstoke, Macmillan.

IDS European Report;
- No. 362, February 1992.
- No. 366, June    1992.
- No. 371, November 1992.

IDS, Public Finance Foundation, and KPMG Peat Marwick McLintock. 1990. *"Public sector pay - review of 1989; prospects for 1990"*, January 1990.

IDS Study - No. 510, July 1992.

*IG Druck und Papier.* 1974. *Arbeitssicherheit und Betriebsrat.* Hauptvorstand.

ILO. 1984. Report of the tri-partite mission on the effectiveness of labour inspection in the Federal Republic of Germany. Geneva, ILO.

***. 1988. Yearbook of labour statistics. Geneva, ILO.

Industrial Relations Review and Report (Health and Safety Information Bulletin) -
No.182, 8 February 1991
- No.184, 5 April 1991
- No.186, 7 June 1991
- No.188, 2 August 1991
- No.190, 4 October 1991
- No.192, 6 December 1991

Jacobi, O. 1989. *"Der Einfluß von gewerkschaftliche Organisationstrukturen auf die wirtschaftliche Entwicklung"*, in Gewerkschaftliche Monatshefte. No.1, 1989, pp42-50.

Jacobi, O. and Müller-Jentsch, W. 1990. *"West Germany; continuity and structural change"* in Baglioni, G., and Crouch, C. (eds) European industrial relations: the challenge of flexibility. London, Sage.

Jacobi, O., et al. 1991. *Die Mitbestimmung,* 3/91, pp184-189.

James, P., and Lewis, D. 1986. *"Health and safety at work"*, in Lewis, R. (ed) Labour law in Britian. Oxford, Blackwell, pp448-471.

Kinnersly, P. 1973. The hazards of work: how to fight them. Workers' handbook No.1, Pluto Press.

Koch, K. 1978. Trade union workshop representatives (*Gewerkschaftliche Vertrauensleute*) in the Federal Republic of Germany: an empirical study and a comparison with shop stewards in Great Britain. Anglo-German Foundation for the Study of Industrial Society.

Konstanty, R., and Zwingmann, B. 1989. *"Europäische Einigung und Gesundheitsschutz in der Arbeitsumwelt"*, in WSI-Mitteilungen. 10/89, pp558-566.

Koppelberg, S. 1989. *"Tri und Per im Visier"* in Der Gewerkschafter, 8/89, pp36-37.

Köstler, R. 1991. *"Ein schlechter Entwurf"*, in ****** 8/9/91. pp609-610.

Krieger, H. 1991. *"Participation of employees' representatives in the protection of health and safety of workers in Europe"*, unpublished paper.

Kübler, 1981 Der Einfluß des Personalrats, Boorberg.

LRD. 1989. *"Europe 1992: what it means to trade unionists"*, Labour Research, 1989, London, Labour Research Department.

***. 1991. *"A contract to kill"*, Labour Research, January 1991, pp17-18.

Laffin, M., and Young, K. 1990. Professionalism in local government. Harlow, Longman.

Lane, C. 1989. Management and labour in Europe. Aldershot, Edward Elgar Publishing.

Lansley, S., Goss, S., and Wolmar, C. 1989. Councils in conflict: the rise and fall of the municipal left. Basingstike, Macmillan.

Lanzavecchia, G., and Mazzonis, D. 1986. The impact of biotechnology on working conditions. European Foundation research report, Rome.

Levins, R. and Lewontin. 1985. The dialectical biologist. London, Harvard University Press.

Lewis, D. 1977. *"The health and safety at work Act 1974; new opportunities for worker participation"* paper presented to "Safety at work" conference, Oxford, SSRC, 1977, pp19-34.

Lewis R., 1983. *"Collective Labour Law"* in Bain G.S. (ed), 1983. Industrial Relations in Britain. Oxford, Blackwell, pp361-392.

Littler, C.R., and Salaman, G. 1984. Class at work: the desing, allocation and control of jobs. London, Batsford Academic.

MacInnes, J. 1985. *"Conjuring-up consultation; the role and extent of joint consultation in post-war private manufacturing"* in British Journal of Industrial Relations, XXIII, No.1, March 1985, pp93-113.

Maitland, I. 1983. The causes of industrial disorder: a comparison of a British and West German factory. Routledge.

Mandel, E. 1980. *"Labour and the state in Nazi Germany"* in Nichols, T. (ed) 1980. op cit. pp103-106.

Marchington, M. 1980. Responses to participation at work. Farnborough, Gower.

***. 1980a. *"Problems of participation at work"* in Personnel Review, Vol.9, No.3, Summer 1980.

Marchington, M., and Parker, P. 1988. *"Japanisation; a lack of chemical reaction"* in Industrial Relations Journal, Vol.19(4), pp272-285.

***. 1990. Changing patterns of employee relations. London, Harvester Wheatsheaf.

Markovits, A. 1986. The politics of the West German trade unions. Cambridge, CUP.

Marsden, D., and Thompson, M. ****. *"Flexibility agreements and their significance in the increase in productivity in British manufacturing since 1980"*, in Work, Employment and Society, Vol.4, No.1, pp83-104.

Marsh, A., Hackmann, M., and Miller, D. 1981. Workplace relations in the engineering industry in the UK and the Federal Republic of Germany. London, Anglo-German Foundation.

Marsh A., 1982. Employee relations policy and decision-making, London, Gower.

Martin, R., Fosh, P., Morris, H., Smith, P., and Undy, R. 1991. *"The decollectivisation of trade unions? Ballots and collective bargaining in the 1990s"* in Industrial Relations Journal, Autumn 1991, pp197-203.

McCardle, L., Hassard, J., Forrester, P., Proctor, S., and Rowlinson, M. 1991. *"The changing face of industrial democracy; evidence from the UK electronics industry"*, paper presented to the Employment Research Unit 1991 conference on "The future of employment relations; international comparisons in an age of uncertainty", 17th-18th September 1991, University of Cardiff.

McCarthy, W.E.J. (ed) 1972. Trade Unions. Harmondsworth: Penguin.

McCarthy, Lord. 1988. *"The future of industrial democracy"* Fabian Tract, 526,May 1988.

Millward, N. and Stevens, M. 1986. British workplace industrial relations 1980-1984. Aldershot, Gower.

Millward, N., Stevens, M., Smart, D. and Hawes, W.R. 1992. Workplace industrial relations in transition. Aldershot, Dartmouth.

Moore, R. 1991. The price of safety: the market, workers' rights and the law. Institute of Employment Rights, December 1991.

Müller-Jentsch, W., Schroder, G., Steinkühler, F., and Streeck, W. 1986. *"Individualinteressen und Organisationinteresse zusammenführen"*, in Gewerkschaftliche Monatshefte, 6/86, pp343-368.

Müller-Jentsch, W. (ed) 1991. *Konfliktpartnerschaft: Akteure und Institutionen der industriellen Beziehungen.* München, Rainer Hampp Verlag.

Nakielski, H. 1987. *"Schikanen, Drohungen, Kündigungen - Wie Unternehmer Betriebsratswahlen behindern"*, in <u>Gewerkschaftliche Monatshefte</u> No.12,1987,pp 712-721.

Neal, A. 1987. *"Co-determination in the Federal Republic of Germany: an external perspective from the United Kingdom"*, in <u>British Journal of Industrial Relations,</u> 25,pp227-245.

Nichols, T., and Armstrong, P. 1973. <u>"Safety or profit" - industrial accidents and the conventional wisdom</u>. Bristol, Falling Wall Press.

Nichols, T. 1975. *"The sociology of accidents and the social production of industrial injury"* in Esland, G., Salaman, G., and Speakman, G.A. (eds) <u>People and work</u>. Edinburgh, Holmes MacDougall/Open University Press, pp217-229.

Nichols, T. (ed) 1980. <u>Capital and labour: a Marxist primer</u>. London, Athlone/Fontana.

***. 1986. <u>The British worker question</u>, London, RKP.

***. 1989. *"The business cycle and industrial injuries in British manufacturing over a quarter of a century"* in <u>The Sociological Review,</u> 37(3), Keele University, pp538-550

***. 1990. *"Industrial safety in Britain and the 1974 Health and Safety at Work Act: the case of manufacturing"*, in <u>International Journal of the Sociology of Law,</u> 18, 1990, pp317-342.

Nichols, T., and O'Connel Davidson, J. 1990a. *"Privatisation and economism; an investigation amongst "producers" in two privatised public utilities in Britain"*, paper presented to Employment Research Unit conference "The future of employment relations; international comparisons in an age of uncertainty", 17th-18th September 1991, Cardiff University.

Nichols, T. 1991. *"Labour intensification, work injuries and the measurement of percentage utilisation of labour"*, in <u>British Journal of Industrial Relations,</u> 29, 4th December 1991, pp569-592.

Nitschki, J. 1990. *<u>Arbeitssicherheitsgesetz </u>(commentary), Arbeitskammer des Saarlandes*, Saarbrücken.

Ogden, S. 1981. *"Trade unions, industrial democracy and collective bargaining"*, in <u>Sociology,</u> Vol.16, No.4, November 1981.

Poole, M. 1986. <u>Towards a new industrial democracy</u>, London, RKP.

Ramsay, H. 1977. *"Cycles of control: worker participation in sociological and historical perspective"*, in <u>Sociology,</u> 11, 1977, pp481-506.

***. 1980. *"Phantom participation"; patterns of power and conflict"* in <u>Industrial Relations Journal,</u> July/August 1980, pp46-59.

***. 1985. *"What is participation for? A critical evaluation of "labour process" analyses of job reform"* in Knights, D. et al. (eds) <u>Job Redesign</u>. Aldershot, Gower, pp52-60.

\*\*\*. 1990. *"1992 - The year of the multinational? Corporate behaviour, industrial restructuring and labour in the single market"*, Warwick Papers in Industrial Relations, Number 35, November 1990.

Regini, M. 1990. *"Managerial policies of labour regulation in 1990s Europe; the prospects for consensus"*, consultative paper, October 1990.

Robinson, J.C. 1991. Toil and toxics: workplace struggles and political strategies for occupational health. Berkeley, University of California Press.

Robens, Lord. 1972. Report of the committee of enquiry on safety and health at work. London, HMSO.

Rueschemeyer, D. 1986. Power and the division of labour. Oxford, Polity Press.

Schmidt, R., and Trinczek, R. 1991. *"Duales System: Tarifliche und betrieblieche Interessenvertretung "* in Müller-Jentsch, W. (ed) op cit., pp167-199.

Saunders, R., and Wheeler, T. 1991. Handbook of safety management. London, Pitman.

Schmitthoff, C. 1977. *"The Bullock committee and the EEC"* in Industrial Democracy; the implications of the Bullock report. Leicester University, 1977.

Schregle, J. 1987. *"Workers' participation in the Federal Republic of Germany in an international perspective"* in International Labour Review, Vol.126, No.3, 1987.

Schülte, A., and Bieneck, H., 1988. *"Für mehr Prävention im Betrieb"* in Gesundheit am Arbeitsplatz; neue Techniken menschgerecht gestalten. Bundesministerium für Arbeit und Sozialordnung, Bonn, *Bundesarbeitsblatt*, 1988, pp6-19.

Seglow, P., Streeck, W., and Wallace, P. 1982. Rail unions in Britain and West Germany, Policy Studies Institute.

Seglow, P. 1991. *"Pay regulation of government employees in Germany"*, paper presented to the Employment Research Unit conference "The future of employment relations; international comparisons in an age of uncertainty", 17th-18th September 1991, Cardiff University

Sorge, A. 1976. *"The evolution of industrial democracy in the countries of the European Community"*, British Journal of Industrial Relations, 14, pp274-292.

Spieker, W. 1989. *"Struktureller Wandel und Unternehmensmitbestimmung - Der Streit um die Unternehmensmitbestimmung bei der Bühler AG 1958 bis 1988"* in WSI-Mitteilungen, 5/89, pp244-257.

Stefan, G. 1981. The German trade union federation. Düsseldorf, *DGB*.

Streeck, W. 1984. *"Co-determination: the fourth decade"* in Wilpert B. and Sorge A.(eds), International yearbook of organisational democracy, 1984, Vol.2, Chichester, Wiley, pp391-422.

\*\*\*. 1991. *"More uncertainties: German unions facing 1992"*, in Industrial Relations, Vol.30, No.3, 1991.

***. 1991a "Industrial relations in West Germany; agenda for change" in Niland, J., and Clarke, O. (eds) The changing agenda of industrial relations. Sydney, Allen and Unwin, pp53-89.

Thomason, G. 1991. "Employment relations in the British public sector" paper presented to the Employment Research Unit conference "The future of employment relations; international comparisons in an age of uncertainty", 17th-18th September 1991, Cardiff University.

Thompson, P. 1983. The nature of work: an introduction to debates on the labour process. Basingstoke, Macillan.

Walker, K.F. 1975. "Workers' participation in management; concepts and reality" in Barrett, B., Rhodes, E., and Beishon, J. (eds) Industrial relations and the wider society. London, Collier MacMillan/The Open University Press, pp434-458.

Walters, D. 1990. Worker participation in health and safety: a European comparison, Institute of Employment Rights.

Wedderburn, Lord. 1986. The worker and the law, Harmondsworth, Penguin.

Weiss, M., and Krieger, H. (eds) 1991. Die Arbeitsbeziehungen in der Bundesrepublik Deutschland. Luxembourg, European Foundation.

Weiss, M. (et al) 1992. European employment and industrial relations glossary: Germany. London, Sweet and Maxwell.

Williams, K. 1988. Industrial relations and the German model. Aldershot, Gower.

Winchester, D. 1989. "Pay, conflict and efficiency in the UK public sector" paper prepared for the Italian Association of Labour Economists conference: "Pay and productivity in the public sector; Italy in a comparative perspective", Cagliari, May 18-20, 1989.

Wright Bakke, E. 1946. Mutual survival. New York and London, Harper and Brothers.

Wright Mills, C. 1948. The new men of power; America's labor leaders. Ney York, Augustus M. Kelly.

Wood, S., and Peccei, R. 1990. "Preparation for 1992", paper presented to the joint conference of CEDEFOP 'Work, employment and society', and the ESRC conference 'Work, employment and European society; convergence and integration', Bath University, September 6-8th 1990.

Wynne, R. 1989. Workplace action for health: a selective review and a framework for analysis. European Foundation Report, November 1989, Dublin.


Author unspecified:

- 1989. "Stuttgart Wachszentrum von heute - eine Problemregion der 90er Jahre", in Der Gewerkschafter, 3/89, p16.

- Statistisches Taschenbuch 1990-1991, Baden-Württemberg.

- 1990. Amtliche Mitteilungen der Bundesanstalt für Arbeitsschutz, July 1991, pp10-12.

- 1991. *Amtliche Mitteilungen der Bundesanstalt für Arbeitsschutz*, July 1991, pp3-5.

- 1991. *"Mitbestimmungsunternehmen nach dem Stand vom 31. Dezember 1989"* in *WSI Mitteilungen*, 7/1991, pp468-476.

- 1991. *Die Mitbestimmung*, 3/91, pp221-222.