

# **Health and Safety at Work**

**An Anarcho-syndicalist approach**

Solidarity Federation

2000

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## About this pamphlet

This pamphlet is based on a course organised by North & East London Solidarity Federation called "Organising for Health and Safety" back in 1997. Part 1 introduces the idea of health, safety and welfare standards at work, and places them in the context of capitalism. Part 2 suggests ways of finding out about and taking up health and safety issues. Part 3 details some common problems and definitions, and Part 4 provides a case study from the Norwich and Norfolk Solidarity Federation, and introduces the idea of union support surgeries. Part 5 compares and contrasts modern trade unionism with anarcho-syndicalism as advocated by the Solidarity Federation, and argues for social revolution. Finally, there are appendices on tactics, basic rights and information of practical use.'

# 1. Introduction

Taking up health and safety issues at work can seem a daunting prospect. There appears to be a confusing mass of regulations, procedures and laws. Poor health and safety standards at work remain a major problem, and things are getting worse.

The Health and Safety Commission's Annual report for 1993/4 showed that 3,790 people were killed at work and nearly 29,000 suffered major injuries. It is estimated that a third of all ill-health is due to work. Ill-health is increasing with new technology, new chemicals and a general worsening in working conditions.

Health and safety can no longer be just seen as the domain of the industrial worker. The "new type" of worker now sits at a computer or answers the telephone all day, perhaps in the same space as hundreds of others. The health problems we face - limb disorders, eye strains, lack of fresh air, lack of space, lack of breaks - may appear different from traditional health and safety concerns but many are really no different to, and no less damaging than, those that workers in sweatshops have been facing since the beginning of the 19th Century.

Decent standards impose costs which the bosses want to avoid, but so can compensation awards and fines when things go badly wrong. For example, 25 years ago it was proposed to fill aircraft fuel tanks with nitrogen to prevent the build-up of petrol vapour which has recently been suspected as the cause of midair explosions, but it proved too costly. Conversely, the Health & Safety Executive recently ran adverts on TV urging bosses to save money by avoiding compensation payouts through keeping good standards. There is a contradiction here which can sometimes be exploited.

## What rights do we have?

To get to grips with Health and Safety, it is useful to know what the law says and how you can use it to your advantage. It's a bit of a minefield, but remember that whatever you have to wade through, your boss will have to as well. The best up-to-date and jargon-free sources of information are the Labour Research Department (LRD) guides (see Appendix 4 for LRD and other organizations).

It is also important, if possible, to keep track of new directives, regulations and legislation, which mainly come from the European Parliament (either directly or indirectly). LRD will cover this in their monthly magazine "Labour Research". Remember that you don't have to be an academic expert. Workers are the real experts about the work we do, and how safe it is. We can use research, technical information and the law, but ultimately, it is we who have the hands-on awareness of what is safe and what is not.

Common Law includes the Contract of Employment, and imposes duties and responsibilities on "master" and "servant". For example, an employee must obey all instructions or they can be dismissed, but the employer has a "duty of care" for employees. The employer may be sued if

they neglect this duty. Official unions will sponsor legal claims for compensation over breach of this contract, which is one of the few remaining reasons for membership. Compensation can be a powerful weapon of financial power, and a deterrent to breaches of the law. Risk Assessment works as a counter-measure to guard against compensation claims, which neatly sums up the purpose of Health & Safety Regulations, and of European Employment Laws.

Common Law is over-ridden by Statute Law on specific points covered by Acts of Parliament. More legislation means better rights. These have been introduced since the 1840s, beginning with the Factory Acts, and including such as the Offices, Shops and Railway Premises Act, leading up to the Health & Safety at Work Act 1974 (HASAWA). This Act sets out the broad general duty on employers to maintain places of work so they are safe and without risks to health. These laws are summarised in the Labour Research Department (LRD) guide to the Law at Work, and in the Health & Safety Executive Inspectors' guide.

European Community regulations come from the Single European Act 1986 (SEA), which established health, safety and welfare as an area where majority voting applied, without the power of veto. Hence the controversy over the Working Time Directive issued as a health and safety measure. SEA came into force on 1st January 1992, leading to the codification of the Health, Safety and Welfare Workplace Regulations 1992.

There can be National Interpretations of any Directive, and the UK government has tried to undermine the spirit of the regulations. SEA also introduced Employee Health & Safety representatives, appointed by the "employees" where there is no recognised trade union (the latter were already covered by the Regulations on Safety representatives and Safety Committees [SI 1977 No 500]). This is a means of bypassing unions in the same spirit as Works Councils (see the SolFed pamphlet "Out of the frying pan"), and they have no right to carry out inspections, only to be consulted. Where there is no union, "employee representation" is organised by the employer.

UK Law is voluntary, i.e. VDU operators "should" have a break every one or two hours, not they "must" have a 10-minute break in each hour. Once a Risk Assessment has been done, the employer can evade responsibility for any health problems, it is up to Safety reps to make sure they are complied with. Reps must be consulted over Risk Assessments and shown copies of them. Risk Assessments have to be done at least once every 5 years, or whenever there is a change in the working environment.

Risk Assessments break down like this: Hazard - water; Risk - Legionnaires' Disease; etc. Not preparing an assessment is technically a criminal offence. Safety reps should use their rights under the 1977 Regulations to inspect the workplace. and keep their own dated records in writing, as evidence.

Blatant fiddling by the bosses will draw the attention of the HSE Inspectors, who alone can enforce the law - you can't take out a private prosecution. They usually won't carry out thorough inspections due to cuts in their numbers and government pressure, so they only have time to issue Prohibition Orders or Improvement Orders.

Ignorance of the substances they're working with, and fear of victimisation prevent workers from taking a stand over hazards. Unions have their own agenda, and their corporate interests - protecting their funds - take precedence over workers' concerns. For example, asbestos was known as a hazard in 1896, and in 1906 an official government report, for which the TUC put in submissions, removed any doubts.

Nowadays, 3-4,000 people die of asbestos-related disease each year, compared with around 400 in accidents at work. The government, the factory inspectors, and the unions all failed to act

until the scandal broke in the 1960s and 1970s, when the London dockers observed its effects and banned it from the Docks. In Glasgow, the Clyde ship ladders examined workers' death certificates and noted the cause. All the action, research, etc. came from outside the official union structures.

In 1984 the Health and Safety Executive (HSE) printed thousands of awareness posters to be sent to building sites around the country, setting out the dangers of asbestos, with the message, "If you think a substance is asbestos, stop work". At the last minute, the campaign was axed after pressure from construction industry bosses. The HSE's excuse was "we believe the poster could be misleading". Over a decade later, the HSE now admit that tens of thousands more construction workers will die as a result of exposure.

In summary, the main requirements of the Management of Safety at Work Regulations (1992) are for employers to:

- carry out risk assessments;
- make and record arrangements for implementing the health and safety measures identified as necessary by the risk assessment;
- appoint competent people to help implement the health and safety arrangements;
- set up emergency procedures.
- provide understandable information and adequate training to workers;
- co-operate and co-ordinate health and safety with other employers sharing the same workplace.

## **Information and sources (see also Appendix 4)**

Health hazards, in particular, are not obvious, e.g. photocopier fumes are invisible. You need technical knowledge of the equipment and particularly of the chemicals they use. Leaflets are produced by the HSE, and can be picked up from the HSE Library. The London Hazards Centre is a publicly funded resource, its information line operates from 10a.m. - 4p.m., Monday-Thursday. Union reps. (or Centre members) can check a substance, and ask for further information. LHC publishes the Daily Hazard monthly, page 3 of which has a summary of an issue in each edition, and members get up to 10 copies free. There is also the Works Hazards Group at the "City Centre" (See Appendix 4 for contact details). They produced "The Office Workers' Survival Handbook: A guide to fighting health hazards in the office" (Craig and Phillips, 2nd edition, Women's Press 1991, ISBN 0 7043 4201 4 - out of print, but may be obtained from public libraries).

There is a guide for managers called "5 steps to Risk Assessment". Another source which is useful for the basics and has model agreements is "Health and safety at work: a trade union safety representative's handbook" (John Matthews, Pluto Press 1983, ISBN 0 949138 02 9 - out of print, but may be obtained from public libraries).

If a Safety rep is refused time off for training or inspections, the boss can be taken to an Industrial Tribunal (IT), which will cost them £1,500. Some private solicitors are more willing to take up health cases than the unions, on a no-win, no-fee basis. Employers are increasingly

passing the buck to supervisory employees, or even Safety reps to do the Assessments. If the bosses don't have the expertise to do the Assessments themselves, they should bring in outside agencies.



## 2. A collective approach

The conventional approach is to first collect information - get information from workers (use a questionnaire) - and then to carry out an inspection. Safety reps should hold a workplace meeting to discuss the information and what to do about it. At the meeting workers should elect a representative to take the issues up with the employer, and to meet with other Safety reps to co-ordinate activities and pool information and resources.

This approach can run into the problems raised in Part I in regard to "employee representatives" rather than "union" Safety reps. It also raises the question of paid time off for workers to have meetings, which would have to be locally negotiated where there is a recognised union, but otherwise would have to be held outside work and working hours, unless it was an "employee representative" meeting held by management. Also, whoever carries out the inspection and questionnaire is/are vulnerable to victimisation. Very rarely are "troublemakers" directly victimised if they are union reps in recognised workplaces, but any pretence can be used. The conventional approach assumes a recognised union and a co-operative employer, both of which are increasingly rare.

### No union, or as good as?

For non-unionised casual workforces, even basic standards of health and safety often seem like a utopian dream. This is no reason to do nothing. There can actually be advantages in starting from scratch. If there are no clear management-run structures to deal with health and safety, this makes things a lot clearer. If workers recognise right from the start that they can identify problems and that they alone can force change, there is the basis for using health and safety issues to build confidence. There is also less danger of management buying time through creating bureaucratic structures that actually change nothing for union members to get sucked into.

Whether you are in a recognised union or not, the first step for dealing with a health and safety issue is to establish what the problem is and how it is affecting workers. This can be done through a questionnaire, an inspection or "unofficial" documentation by means of a diary or record book, depending on your situation. You can get model questionnaires or suggested checklists for inspections from most unions. Or you can devise your own. Don't think that inspections have to be just going round ticking off a list on a clipboard. An inspection can consist of simply taking statements from each worker about a particular problem, and how it is affecting them.

The next step is to find out what your boss is supposed to be doing about it. Much information is available from free phone-lines, or sources will send you information (see Appendix 4). The LRD also has a list of local resources/hazard centres up and down the country. If workers still lack confidence to act together, you could put some information together and circulate a few copies anonymously. This will probably get people talking. The next step is to meet as a group. How and where this is done depends on the situation. You might have to just meet together with

some workers that you trust away from work... When there are enough of you to speak openly with other workers, they will get a bit more confidence to come forward and speak up themselves. Then you can start looking at what action to take.

## **In a unionised workplace**

If you are in a recognised union, in theory, you have a number of clear rights (see Appendix 3). However, if you are a rep doing your job properly, enforcing health and safety regulations to the letter - you can easily be victimised by management. The lack of any protection for workers other than Safety reps means that an "employee representative" is completely at the mercy of the employer. The whole structure of health and safety representation is top-down, where the rep is consulted by - and potentially under the thumb of - the boss. The fact that no other workers are protected legally makes it impossible and inadvisable to start pushing things unless you all act together. If you start rocking the boat and raising unpalatable truths about your workplace with management, they (and your union officials) could soon come down hard and stitch you up.

Despite this, be aware of your rights under the law and stick up for them. Some of these rights (detailed in the LRD publication "Health and Safety Law") set standards you can work towards. Like any other workplace issue, workers' strength is a basic requirement both to prevent victimisation of any reps and to push management to make improvements in specific areas. Reps should get an office, access to telephone and fax, time off with pay to attend union training courses, and use of a suitable room for meeting members.

## **Courses**

The best way to acquaint yourself with the main hazards and issues is to get on a trade union health and safety course. Most unions run these, although some are using management courses, and even the union courses are becoming orientated less towards workers' collective action and more towards meeting and colluding with management over any problems that workers raise. Despite this, it is a good way to meet other stewards or union reps, and also to find out about where you can get information. If you are in a union, you can get a list of courses from your branch office, and they will give you advice on the best way of approaching your employer to have time off. Under the Regulations, you should get paid for this.

## **Cutting through the jargon**

Health and safety problems are clearly union issues which are directly related to conditions of work. Despite the jargon and the plethora of health and safety structures, it is important to recognize that health and safety standards can only really be established through taking collective action against your boss.

Employers, Government and bodies like the HSE will always try and take health and safety issues and diffuse them into "non-conflict", educational approaches, perpetrating the "careless worker" myth, i.e. "if only workers would be more careful, there would not be as many accidents". And they will try and individualise problems, putting the onus on the workers to change rather than doing anything about the workplace. Over the past few years, trade unionists have

witnessed and documented the epidemic in occupational stress. The Labour Research Department (LRD) and UNISON, the public service workers' union, have published a booklet on Stress. The HSE have even been forced recently to bring out a glossy booklet on the subject. The main response of the HSE and employers to this publicity has been to recommend stress management measures such as counselling.

The problem with this approach is that it makes it the individual worker's responsibility. In reality, if you are suffering from stress, this is to do with conditions of work. You need to look at what you need to do collectively, as a group of workers, to change the workplace.

Another example is bosses' attitudes to dangerous chemicals. The Control of Substances Hazardous to Health (COSHH) Regulations, which came into force in 1989 cover every workplace where hazardous substances are used. Employers must carry out an assessment by a trained and "competent person". The HSE have produced guidance, and a step-by-step guide to COSHH Risk Assessment, available from HSE books (see Appendix 4). To control or prevent exposure to hazardous chemicals, employers must work through a hierarchy of measures:

- elimination of the hazard;
- substitution with a less hazardous substance;
- control measures such as exhaust ventilation; and
- protective clothing.

It's obvious that the only way to eliminate the risks from a hazardous substance is to stop using it. As the HSE say, "in all cases, prevention or adequate control of exposure should be achieved by means other than personal protective clothing, so far as is reasonably practicable". Like most other situations, how "practicable" this is depends on how much money your boss is prepared to spend on safety. In reality, instead of getting rid of asbestos, for instance, employers will try to control it, or make workers use protective equipment, which can often be flawed.

Whatever the problem, we should remember that health and safety is about making the workplace fit the worker, not vice versa. This is an important way of looking at things, not only because it is good old fashioned common sense, but it also clearly sets out the position of the boss as being fundamentally opposite, seeing the worker as part of the machinery of the workplace.

## **Reporting your boss**

Shopping your boss to one of the enforcement bodies should not be done lightly, especially if it can be traced back to you. If done carefully, it can be useful, particularly if you have no union recognition.

The main advantage of contacting these authorities is that they can be used to put the frighteners on your boss. Even if your boss gets wind that they have been contacted, it could force them to act on something through serving them with a Prohibition or Improvement Notice. However, although they can issue notices to your boss, and take them to court, their bark is worse than their bite. The HSE rarely have time to undertake inspections due to cuts in funding and the number of Inspectors. Fines and claims for damages - although possible - are few and far between.

It is estimated that at least 70% of workplace injuries are caused by employers' negligence, but only around 5% actually get compensation.

The Government-funded Health and Safety Executive and local Environmental Health Departments are responsible for enforcing most health and safety legislation in workplaces (fire safety laws are enforced by the local fire authority). The HSE area office or local environmental health department should be able to tell you who is responsible for enforcing health and safety law at your workplace. Environmental Health Officers (EHO's) deal with office, shop or warehouse-type premises in addition to leisure centres and places of entertainment. The HSE is divided into different Inspectorates dealing with different industrial sectors: factories, agriculture, mines, quarries, nuclear installations, explosives, railway safety and offshore installations..

## **Changing the way we work**

If bosses can get away with running unhealthy and unsafe workplaces, they will. They will only take health and safety seriously if it threatens their profits. That is why the structures of health and safety committees are deliberately set up to control workers' aspirations and needs in their workplace. As long as health and safety issues are seen to be being dealt with by committee meetings and management Risk Assessments, etc., workers will be kept quiet. The aura of "expertise" that surrounds the issues also protects them from being seriously challenged by workers.

Meanwhile, bosses are free to mould workers to fit the workplace, physically and mentally. If workers are killed or become ill in the process, then they can be dispensed with and there are plenty more to take their place. No amount of tinkering with legislation can change this. The Health and Safety Executive ultimately have little power and are a token attempt at curbing the worst excesses, nothing more.

Workers need to cut through the bureaucracy that has given the impression that to get anything done you have to go through the right channels. If you do this, you actually start to think seriously about how things could be done better and you realise that we can change things through action. If it is profits the boss is worried about losing, then why not hit them in the pocket a lot harder if they don't improve health and safety?

Health and safety issues challenge bosses' control of the workplace. Once you start looking critically at your own workplace, and how it could be changed to suit workers, it becomes clear that if we had control over where we work, and if we were running them for people's needs, then they would look very different. If we can enforce a safe working environment, we can then go on to question the right of bosses to be in control of our workplaces in the first place. Once you've won a small victory over health and safety, you gain a bit more confidence to change a bit more, and a bit more . . .

We don't need expertise, just access to the right legal and technical information, and confidence to push for the things we want.

Much of the Health and Safety Law - including the Single European Act - has actually been brought in to protect employers, and save them from large compensation claims from workers. The laws are not there for workers, but workers' action forced them to be brought in and. in conjunction with collective action, we can use them to our advantage.

The Solidarity Federation seeks to reclaim areas such as health and safety that have become the domain of experts and TUC bureaucrats who sit on management safety committees but change nothing while hundreds of workers are killed and thousands maimed every year. Until we start enforcing decent health and safety standards through direct action in the workplace, this horrific situation will continue.

### 3. Tackling health, safety & welfare

Safety is traditionally seen as accident risks. Annually there are between 300 and 500 fatal workplace accidents, and another 250,000 resulting in 3 or more days off work. The number of accidents is going down due to changes in the nature of work, and health risks are rising for the same reason. A third of all ill-health is due to work. The causes of increased ill-health are the use of Information Technology and new chemicals. There are usually about 50 substances used in a workplace which require assessment, and chemicals cause about a third of all ill-health at work.

Unlike accidents, health risks take time to become evident, as the effects are usually cumulative and delayed. The effects are chronic, rather than acute. Common examples are Repetitive Strain Injuries (RSI's), asbestos related diseases, and stress. Even government inspectors have been forced to recognise deafness as work-related. RSI's can disappear and the sufferer end up getting sacked.

An inspection will not reveal health problems, so use a questionnaire and make sure the questions will reveal the information you need. You require some technical knowledge and information. There are three areas to be covered for equipment and especially chemicals: use, byproducts, disposal. Some problems can come as a surprise, like the fact that it's not just building workers who are affected by asbestos, which causes 2-3 thousand deaths each year (officially).

Welfare falls somewhere between health and safety; it is easier to spot than health risks, but has longer term, hidden effects. Issues include lack of or poor facilities such as toilets, canteen, etc., as well as work hours, shift-working, leave, etc.

The bosses do not share workers' priority, which is a good standard of health, safety and welfare; this is secondary to cost. HSE Inspectors try to sell good health and safety standards to the bosses as an efficiency saving, through lower rates of sickness absence, and as insurance for damages claims.

The majority of inspectors are former managers who warn the employer that they are coming unless they are let down. They don't act on their own initiative, but have to deal with complaints, 95% of which they respond to within a week, although you can wait years for a proper inspection. They are more alert to health problems than managers. They report their findings, in writing, to the boss, and these have to be shown to union members, so you can find out the inspector's name, and ask for them by name in future cases (see Appendix 3 for a list of HSE offices).

Chemicals cause about 1 of every 9 of health problems affecting all areas of life - cot deaths, for example. Stress has increased astronomically in the last 5 years. In 1996, HSE issued guidance to employers that they should have written policies on stress, violence at work and related issues. These should involve proper training, adequate training and a degree of job satisfaction. RSI's are the fastest-growing category of long-term injuries. Employers are fond of saying they are all in the mind, but sufferers have won compensation cases for them.

Hours of work were held to be a health and safety, not a pay issue, by the European Court when challenged by the UK government over the EU Work Time Directive. The Directive sets a

standard of a maximum 48 hour week, on an average over 6 or 10 weeks. Exemptions include "self-employed" individuals, transport workers, health workers, etc. (most of the problem areas).

The last Government's consultation document put the onus on the employee to take the employer to an Industrial Tribunal if they fail to comply, and to prove that the law is being broken. If you are sacked for opposing non-compliance, you can take the boss to IT for failing to carry out a statutory duty. In some cases the intervention of an HSE Inspector has resulted in reinstatement.

To identify problems early on, you need occupational health records. They need to be under worker/union control. In the USA, where there is a growing problem of multi-chemical sensitivity, Occupational Health Records are kept by the unions. The Labour Party did propose this, but quietly dropped it before the 1997 General Election. HSE have suggested you should keep your own personal records. You might demand that parallel records are kept by your GPs.

## **Some health hazards:**

Below, we briefly detail common health and safety problems. We focus on emerging problems in the expanding service, care and office-based industries. Many health hazards are often not immediately obvious and some are actually invisible:

- Manual handling is a big problem in health and community care because of the need to lift people without the use of lifting gear. There were no regulations covering this activity until 1992. The employer has to do an Assessment and to "take all steps that are reasonably practicable to avoid an accident". The weakness is that this approach is accident-based, rather than cumulative, and that an accident has to happen before any changes can be made.
- Accidents also have to be reported. The government estimates 1 in 3 are; the unions say the figure is only 1 in 10. If an accident is not reported, and the employee is off work or transferred to light duties for more than 3 days, phone up an HSE Inspector as the employer has broken the law by not reporting it. Trauma and physical attacks, and verbal abuse leading to shock should also be reported, particularly as harassment and verbal abuse leave no physical traces. All public places are required to have a policy on violence at work.
- Bad design and poor maintenance in modern sealed workplaces with their artificial environments can be responsible for allergies, exhaustion, depression, asthma and other respiratory illness, eye problems and infections such as "humidifier fever".
- Conditions should include 400 cubic feet of space for each employee, the minimum temperature should be 16C, maximum 19-23C inside and outside. The Workplace Health, Safety and Welfare Regulations 1992 have superseded the Factories Acts and the Offices, Shops and Railway Premises Act, and introduced British Standard 7179. They cover areas like lighting, floors, toilets, drinking water and vessels, clear air, seating, fumes from heaters.
- Keyboard workers are suffering an epidemic in repetitive Strain Injuries (RSIs), a term grouping together a number of Work-Related Upper Limb Disorders (WRULDs). These currently affect 200,000 UK workers each year, many of whom are in constant pain and disabled, sometimes permanently. RSIs also affect manual workers in all kinds of repetitive

jobs - food, electronics, clothing, cars, packing, care work, cleaning, furniture and many other industries. Many workers realise the danger too late, and become disabled, possibly for life.

- Photocopiers and laser printers give off ozone which, if present in high enough concentrations, can cause health problems such as eye, nose and throat irritation, dermatitis, headaches, premature aging and possible reproductive and cancer hazards. The ever-increasing use of computers also subjects up to 10 million UK workers to a range of possible hazards - eye strains, RSI, skin problems, miscarriages, stressful work organisation.
- Occupational stress in areas such as office work, social work, care work, nursing, education, etc., is a widespread and growing problem. One cause is increasing casualisation of work in these areas with the added pressures this brings. The problems can often be found to be caused by staffing cuts, increased workload, long hours of work, and the pressures of caring for or supporting increasingly poor and deprived people with very few resources or services. These factors all lead to stress both in and out of work.
- As cuts bite and new, more hierarchical systems are imposed in workplaces, the tendency for managers to harass and bully workers becomes greater. Workplace bullying (99% of the time by managers) has also become a recognised workplace problem, leading to stress. Occupational stress can result in both health and behavioural problems: stomach and heart disease and a variety of psychological illnesses. It is related to rising accident rates, relationship problems, absenteeism and increased drug and alcohol use. The most extreme effect of stress is sudden death, i.e. people actually working themselves to death.
- These health problems, many of which have long been documented, are now being widely recognised as legitimate health and safety concerns. This is a start, but obviously some bosses still even deny the existence of major work-related health problems. Also, Government censorship of relevant research is all too evident. For example, in 1995 the Health Department suppressed a report it had commissioned from Manchester University. The report's findings included the warning that people who work a 48-hour week double their chance of heart attack. It is no coincidence that the Tory Government was contesting the Working Time Directive (which sought to impose a maximum 48 hour week) in the European Court at the time, on the grounds that it was nothing to do with health and safety.
- The level of sanctions against employers for injury is pitiful. Out of the 29,000 injuries and over 3,000 deaths of people at work in 1994, there were only 1,507 convictions under health and safety laws, and the average penalty was only £3,061.

### **Some examples:**



## **A) The care worker**

This case concerned a hostel for children and adolescents with learning difficulties. One member of staff was given the job of looking after a frequently violent resident by himself. The resident was in a separate flat because he had attacked others, and was cared for by staff on a rota basis. This involved the following risks:

- violence against staff;
- self-harm by resident;
- situations resulting in loss of blood or consciousness by staff or resident;
- need for two staff to perform restraint techniques;
- faulty personal alarm;
- isolation from other staff on different floor of building;
- confusion about appropriate response to a violent incident;

The following remedies are applicable:

- a viable policy on violence is an implied duty of the employer under Health & Safety legislation. Rotherham Council was prosecuted after social workers were attacked. The policy should have existed, and included the need for two staff to be involved in looking after the resident. The policy should have been clear enough to avoid staff confusion;
- there is a legal right for employees to leave an area where they are at risk;
- every violent incident is reportable and should go in the accident book;
- a qualified first aider should always be present.

## **B) RSI and related physical and environmental strains**

This case is the result of the "down-sizing" of the workforce and of space in the research library of a national newspaper. Conditions were cramped, and obstacles such as chairs and huge metal bins were everywhere. People had to sit in front of computer monitors (VDUs) all the time. The workstations were badly designed ergonomically, particularly for VDU use. There was a high incidence of physical strains, arthritis, etc. - possibly work-related.

A Risk Assessment needed to be done, and a leaflet on RSIs would have been useful counter to the myths, especially that workers should slow down under stress. The occupational health unit could come around and inspect workplaces.

A "Tackling Teno" pamphlet has been produced by the GMB about RSIs, and the Repetitive Strain Association produce a newsletter based in NUJ Head Office. Some journalists have won large amounts in compensation in relation to this. Employers have an obligation to pay for eye tests and also to pay for glasses, but you need a sympathetic optician. You can claim the first £50 towards a pair of glasses. The employer's optician must be fully qualified, but it is better to go to your own doctor - the works doctor is less likely to produce challenging prognoses.

### C) Walking off the job - workers' direct action gets results

This case illustrates some workers' response to management inaction when in breach of health & safety legislation and regulations. The law is often no help, as the enforcement agency (HSE) have been denied staff and resources over the years. They cannot afford to commit staff to many legal actions, so they concentrate on the more serious breaches. The courts have never been the friends of workers, and even *prima facie* good cases may not succeed. It is for this reason that workers' best defence against sickness, death and injury in the workplace is direct action - as long as everyone is solidly behind the action. The forms of direct action may vary, but all tend to concentrate management's mind wonderfully, especially when their profits and property are being affected. The usual outcome is that management can suddenly find the resources and time to address the health and safety concerns they have been resisting for so long. Their greed and hypocrisy is exposed and workers achieve a victory and gain greater confidence to assert their rights and demands in future.

"Ripoff Industries Ltd" have a factory where the workers complained constantly about the low temperatures, the lack of heating and poor ventilation. Despite their safety representatives taking up the matter and quoting breaches of the Workplace (Health, Safety and Welfare) Regulations 1992 and the Health & Safety at Work Act 1974 (s.2). Management ignored the workers. A few ineffective heaters were sometimes scattered about as a sop, but they made no impact on the overall temperature in the workplace. The reps tried to get the HSE involved, but could get no action there either. Accordingly, the workers at their union meeting discussed these issues and felt they were getting nowhere. There was a lot of anger. A "rank and file" activist suggested that, in the face of management's dismissive attitude, the workers should take action in their own defence. It was eventually agreed that on every occasion when it was too cold to work, the workers should remove themselves to the works canteen and should send their reps along to management to state quite clearly in writing:

*"The workers have removed themselves from cold working areas to the canteen. They remain at work and are ready, willing and able to recommence work when you, the management, comply fully with the Workplace (Health, Safety & Welfare) Regulations 1992 concerning proper heating and ventilation of the workplace."*

Threatened by loss of production and profits, management magically got their act together and provided proper heating and ventilation. The workers' confidence increased, making action easier in the future. Management started listening to the safety reps more and complying with other areas of health and safety law brought to their attention.

The above action, which could be used for other health & safety breaches, is not free from pitfalls . . .

1. The workforce must be solid in their own defence. If some are wavering, it will be easy for management to pick off people they perceive as "trouble-makers" and discipline and sack them. How to build that measure of solidarity must be carefully considered.
2. The law states (Trade union Reform & Employment Rights Act 1993) that workers may act in their own defence and refuse to work in an unsafe area or on an unsafe machine if there is serious risk of personal injury. It further states that workers asserting their health

and safety rights (and employment rights) may not be victimised or dismissed for doing so. If dismissed, it would be declared automatic unfair dismissal at an industrial tribunal. Management may however sack the whole workforce if they are exercising these rights and may be prepared to face unfair dismissal claims. This is especially probable where the workforce is semi- or unskilled and management can easily employ other workers on less pay from the dole queues. It is less likely with more skilled workers whom the management would not wish to lose. Management may claim the workers' action was industrial action without a proper ballot and hence they are entitled to sack the lot. Against this argument is their breach of health and safety law and of the 1993 Act. However, the courts are likely to say "two wrongs don't make a right", and the workers may not get compensation, or at best it will be derisory without regaining their jobs. Perhaps an occupation might overcome some of these problems.

3. Management may only address the immediate problems and then carry on as before, especially if they perceive that the first action was not fully supported.
4. You must be prepared for management's attempts to divide and rule and pick off individuals.

#### **D) Effective industrial action**

Today, working conditions, including health and safety, are the third most common cause of both balloting over, and taking, industrial action.

At the end of 1996, just over 100 workers at Glacier RPB in Glasgow occupied the engineering plant where they worked after the entire manual workforce was dismissed for refusing to carry out an instruction on flexible working. This followed the disciplining of a young worker who refused to operate two machines simultaneously, on the advice of shop stewards who believed the practice to be a serious risk to his safety. After a 55-day occupation, the sacked workers were unconditionally reinstated on nearly all their previous terms and conditions. An agreement with the company now means management should discuss any significant changes in the workplace and their implications for health and safety. Also, no worker should undertake a task outside his/her skill capability and without full training.

The occupation not only remained solid throughout the dispute, but was widely supported throughout the country. Despite the fact that the action was unofficial (and not legal), the company did not pursue the threat of court action against the workers or their union, as the workforce was able to remain solidly united in its implementation of direct action, and gave management no opportunity to replace them with a scab workforce by staying on the site, rather than walking off.

## 4. Norwich Solidarity Centre

The experience recounted below is specific to Norwich, but it illustrates the issues involved. There are problems to be dealt with as well as useful experiences.

### The background

Norwich Solidarity Centre was set up by the local group of the Direct Action Movement (DAM), now the Solidarity Federation. The opportunity was the vacuum left by the rightward swing of the Labour Party and the trade unions towards business unionism and the cheap provision of individual financial services.

NSC wanted to set its own agenda, to determine which issues were important and to address them. They set up an office and that took up most of their income at first. Then they identified which workplaces were un- or poorly-unionised, and sought to work with people, not for them. They built up a bank of information and resources; including affiliation to the Labour Research Department, subscription to Hazards magazine, Health & Safety Executive information, etc. They also established relationships with a sympathetic Health & Safety lecturer from a local college and a friendly lawyer. Once they had built up the resources, they had no-one coming to use them, so they had to be patient, consistent, and put out a lot of propaganda. They used a combination of posters, stickers and leaflets, mixed in with political campaigns. When giving out Industrial Network bulletins, a local, issue-specific insert was included. They used mailshots to union reps, and got involved in larger disputes too, notably around the closure of the large local Nestle factory, when they got a lot of publicity from the union putting out a letter denouncing them. As a result, there began to be a slow trickle of people. Some NSC members were familiar with the material, others were not, so they got some members to study the material, then to brief the rest of the group on how to use it. Briefing notes on dealing with enquiries were produced (see Appendix 2), which might seem a little prescriptive, but they give people an idea of how to handle enquiries.

The basic approach is not just to give people advice and let them go, but to point out that NSC is a membership organisation, and that they are invited to join. People aren't invited to the next general meeting because the business can be off-putting. First they are invited to an informal meeting with some members to address their issues, support their needs, etc. It is important to let them know NSC's limitations, and to invite their workmates along. Some people do just want to know about a specific point of employment law, however.

All contacts are logged in a book, which helps provide a picture of the type and number of enquiries coming in. NSC don't play down the political content of anarcho-syndicalism as they don't want to create a two-tier membership, and if they are not up front about it, there can be problems later. Not to do so would end up recreating the political/industrial split anarcho-syndicalism seeks to break down. Net membership has risen, and as a result they have developed

contacts in a number of workplaces who distribute the local bulletin. They don't offer representation at Industrial Tribunals (ITs), as they haven't considered themselves capable of it, and they don't want to let people down. This is one area where the existing reformist unions are still offering workers something, partly because it is a diversion from collective action. Also, people are mostly discouraged by the time involved in going for IT. However, the quality of representation at IT's is surprisingly poor, and it is possible to sit in on IT's and learn how they are conducted, and get experience of the legal arguments used around unfair dismissal, etc.

## **The case: Staffing Solutions**

As a result of doing the surgeries and of putting out propaganda, a bloke came in from WH Knight's vegetable packing plant, attracted by the anarcho-syndicalist stance. Workers were charged for ear-protectors, overalls and travel costs. Administrative costs were also deducted from wages twice, both at source and by the agency, Staffing Solutions. NSC researched the conditions and contract status of the workforce. They were nominally self-employed, but an employment contract was obtained by going for a job interview with Staffing Solutions and the wording contradicted this, referring to disciplinary procedures and including the phrase "as an employee of Staffing Solutions".

Research was carried out into both WH Knight and Staffing Solutions. The company reports were obtained from LRD. By law, protective equipment must be provided for employees free of charge. Charges for protective equipment were unheard of, but their legality hinged on the employee status of the workers. There is a multifactor test which can be carried out on contracts to determine the status, contained in Painter & Puttick ("Employment rights: a reference handbook", Pluto Press 1998 (1993), £19.99, ISBN 07453 13140). Factors include disciplinary procedures, payments, tax, etc. It is important not to get sucked into the legal process, but to rely on probability, backed up by pressure - there can never be definitive legal advice because it is up to a judge to make a ruling in law. Information on employment rights is also included in the SWAAP pack, which costs 40p, and is available in English, Spanish and Turkish.

Next the plant was leafleted with information about the illegal charges, and the fact that the workers were not really self-employed, but had employee status and rights. The legal approach was used to encourage people to get in touch and to organise. NSC also wrote to Staffing Solutions and to WH Knight, demanding that they end these practices and claiming to represent the workers. Unspecified legal actions and boycotts were also threatened. Staffing Solutions were unsure of how to respond to this and tried stalling, and tried to investigate NSC. WH Knight threatened legal action for trespass and libel. Both were obviously rattled, even though they claimed it was none of NSC's business. Staffing Solutions' no.2 phoned NSC with some flannel about legislation concerning taxation issues, then lapsed into verbal abuse about "lifestyles".

NSC checked out the legal waffle, then wrote again clarifying the workers' employee status. There was still only one worker involved, others had not been drawn in despite the enthusiastic response to the leafleting. There was no prospect of collective action, and the real position was weak. Seven weeks into the campaign the only worker who had come to NSC quit, provoking a dilemma. NSC decided to carry on, and carried out further pestering, coupled with a third letter to WH Knight. Staffing Solutions had passed the buck to the company, stating that they had been instructed in what to do by them. WH Knight requested a meeting with NSC, and promised to

drop the illegal charges, which they confirmed in writing, so a victory was won. Staffing Solutions was declared bankrupt. and came back with a new name - Personnel Recruitment - as a result of the bad publicity they got from the dispute.

## **The lessons**

This sector will always be hard to organise due to the high turnover - workers last on average a week. Staffing Solutions ran a bogus language school which was really a dormitory for Polish and Portuguese migrant workers. There has been a lot of contact with ex-workers telling horror stories, because the posters and NSC's reputation had spread a long way down the grapevine. There are discrepancies between the hours worked and the hours paid for, sacking for being pregnant, etc. Staffing Solutions also employs gangers, who are quick to reach for the baseball bats, and once threatened a vicar for a sermon. NSC managed to get adverts trying to recruit students thrown out at Norwich City College.

General lessons from the case are that, by maintaining a high profile, you will get people to come to you. You have to be there when people have a problem, and you will get out of it what you put in. Secondly, you will only get your political ideas across by gaining credibility for them through doing the practical work. Third, the Staffing Solutions case came out of the blue, so you will probably get stuff you didn't anticipate. You have to be prepared to deal with whatever you get, and you have to see it through to achieve the small victories, which gain credibility and maintain momentum.

## **The wider implications**

There is an increasing incidence of non-unionised, casual workforces. The existing unions are drawing in their horns, and there are dwindling numbers of activists organising. We have to consider whether the TUC-affiliated unions have some kind of birthright to be the sole representatives of the working class and to monopolise workers' organisation. The future of the labour movement belongs to those willing to do the organising. In most workplaces, minimum standards of health and safety are a utopian dream. This can provide a foundation for organising. Management make a significant profit margin by cutting health and safety costs. It is a key to politicising workers by introducing ideas of collective organisation. It has a great empowering potential, developing confidence and organisational skills, and clarifying the class war and building class consciousness.

With health and safety there is a danger of being sucked into legal grey areas. We have to use the law only to get what we want, not go too far and rely on getting the Health and Safety Executive and others in as fixers. The direct action approach is based on not getting "professionals" to do it for you. We shouldn't reject negotiation and go all out for strike action, but should use alternative forms of direct action both inside and outside the plant. Rather than walking out, it is better to sit in the canteen until the matter is resolved to your satisfaction, stating your willingness to resume work once that has happened. Don't just walk out and get locked out.

To do union support work you don't need to be experts, you don't need comprehensive legal works at nightmarish costs. Enquiries can be dealt with by drawing on the LRD, Hazards magazine, information from HSE. You need a general familiarity, not detailed expertise. Lack of written

contracts of employment are not a disadvantage, as they can be torn up by the boss, or they are short-term, so you're insecure even if you've got one. Support work is linked to what happens in their own workplaces, this is not a penance NSC are doing, it is in your own self-interest, the lessons can be more widely applied.

NSC were self-critical throughout the Staffing Solutions dispute. By sticking to general principles, NSC were able to steer through the legal waffle thrown at them by the bosses. It helped being an unknown quantity, as they could pose as being stronger than they were by postering more widely. WH Knight is a national franchise, so it was possible to poster other plants. NSC were tested out by Staffing Solutions' representatives at the meeting, but stonewalled. It is important to stick to the issues and not to get drawn into discussing yourselves. NSC used threats and divide-and-rule tactics against the company and the agency, and forced them to make the choices.

If you try and rely on legal remedies you can expect to be sacked, especially if you act on your own. You are always vulnerable to the sack if you are not all organised on the job and solid. Use timing to your advantage and act when your bargaining power is greatest - when it will hit the boss hardest in the pocket if they don't concede. There are no blueprints for successful action because there are too many different scenarios; what is needed is generally applicable principles.

Running a support surgery is not distinct from approaching things as fellow workers, or from your own workplace experiences - these are your best source of knowledge. The majority of workers are now in offices, particularly small offices, with situations like teamworking. It is very difficult to be militant or political in this environment, they are designed to hamper militancy. How do you introduce the idea of organisation and direct action? Anonymity is essential to some degree, but the issues remain as important as ever. We haven't got all the answers.

NSC's activities go beyond support surgeries and include strike support, video showings, health and safety courses, debates, socials; promoting Industrial Networks, and organising around social campaigns such as against the Job Seekers' Allowance, a shopping centre with chronic Sick Building Syndrome, etc.

## **5. Anarcho-syndicalism versus trade unionism**

The present day trade unions have evolved into capitalist financial and service institutions, offering the individual member cheap insurance, mortgages and even utilities like gas supply. They are dependent on their investments, especially their pension funds, and therefore the threat of sequestration of funds under the Tory-introduced anti-union laws has proved to be a potent weapon for the bosses.

The corporate interests of the unions are mainly financial, and the role of their officials is to protect those interests. It is the institutions that the trade unions have evolved into, not just "bureaucrats" which are the problem. Since they have a stake in capitalism, and their investments depend on its health, they promote class collaboration and bureaucratic mechanisms for dispute resolution, rather than relying on organised strength. The ideological shift effected by Thatcherism means that formal corporatism - the collaboration of state, employers and unions "in the interests of all classes" - is unlikely to be institutionalised. However, the commitment of the TUC to social democracy rather than class warfare, and of New Labour to Christian democracy (a social conscience inspired by Christianity), mean social peace is likely to be founded on something other than unrestrained boss dictatorship.

While European Works Councils are very much in the corporatist tradition, the TUC is wary of them as an alternative to collective bargaining. It has proposed legally-enforced union recognition, won by ballot not by organising and fighting, but, without shopfloor organisation, this is not very different from compulsory consultation through Works Councils.

For the TUC, this is not only a short-cut to membership growth, it also ensures the passivity of that membership, and subscription payments not disrupted by strikes. Since the TUC's other main demand of Labour was for an end to having to renew check-off every three years, the priority they give to subscription income is clear. Their faith in the minimum wage represents a further abandonment of organisation. While it benefits the very worst off, it is given by the government, not won by the workers. For the existing unions, defence of their corporate interests is about to maintaining membership in a low-wage economy, and little else.

### **Corporate interests and contradictions**

In the context of health and safety, union recognition will get your Safety reps the right to carry out inspections, but recognition-by-ballot leaves you with no organisation to enforce good standards. This is a recipe for the victimisation of Safety reps. This kind of paper unionism is not a new trend, however. It has been accelerated by the process of union mergers to compensate for declining membership, and to improve competitiveness in recruitment by joining forces to do single union recognition deals.



In 1989, NALGO was just beginning talks with NUPE, and subsequently also COHSE, about forming a public service super-union. In July of that year, its local government members went on national strike over pay and conditions. During the course of the dispute, workers gained a sense of their own power through picketing others out. Links and a certain degree of unity were also built with NUPE members and shop stewards through picket line contact.

This way of working was not on the agenda for what became UNISON, however. NALGO's leadership were surprised that the ballot was won, and felt threatened by rank-and-file-organised picketing. They introduced selective action by "key workers" on full take-home pay, demobilising the majority and establishing financial control over strikers. UNISON is not based on common action by white and blue collar workers in local government either. It is remote, bureaucratic, ineffective, and has hopelessly divided its members. There is a contradiction between such corporate institutions and the shop floor organisation of their members. Since the turn of the Century, there has been conflict between shop stewards and rank and file workers' organisation on the one hand, and national collective bargaining carried out by full-time officials on the other. The movement is not monolithic, there has always been conflict within it, and it has evolved this way, rather than being any inevitable "natural expression" of British working class traditions.

The modern labour movement is partly the product of the defeat of the advocates of direct action in the General Strike of 1926, which wrecked confidence in industrial action as a means of improving the workers' lot. This defeat placed the advocates of the ballot box as the sole hope for the workers firmly in control of the labour movement. Post-war shop stewards' organisation, usually geared to limited, bread and butter demands - in spite of the wishful thinking of the left - helped produce a new confidence in workers' power in the 1970s. However, when the miners were defeated in 1985 at the end of a watershed dispute for the labour movement, primarily because of the role of the TUC leaders in blocking solidarity from other workers, that confidence was similarly wiped out.

"New Realism" (and New Labour) is a product of these defeats, not a daring, "modern" way of finally convincing the bosses to treat workers well through sweet reason. It is the realisation that the corporate interests of the trade unions are better served by acting as personnel managers paid for by the managed, than by helping their members fight. Meanwhile, workers stay defeated, and the TUC wants to keep us that way.

## **Anarcho-syndicalism and the new reality**

Anarcho-syndicalists stand for the rank and file traditions of solidarity, direct democracy and workplace initiative. Morale in the working class is low due to a culture of defeat, and to the job insecurity that is being institutionalised through the prevalence of casualised, part-time, temporary, sessional and agency working. The big, unionised workplace is largely becoming a thing of the past in Britain; we have to adapt to the new realities, without compromising our principles.

Activists have become more and more isolated, and union membership has for many become an insurance policy for individuals, based on the passive deduction of subscriptions through check-off. As well as cheap personal finance, a trade union may represent you at an Industrial Tribunal, but is good for little else. Workplace organisation is created by the workers ourselves, not by the bureaucratic unions.

The reason we advocate acting and building structures independently of the existing unions is that, at present, they control our links with other organised workers, and strangle solidarity. Union organisation needs to be built from the workplace out, with links between workers in the same industry and locality made directly on a federalist basis, not controlled by Regional Officers.

The corporate unions also control the funds their members pay, which in pension funds are controlled by trustees, not the membership, so the idea that union funds are "our money" is not the reality. The unions' funds don't belong to us any more than British Gas did before it was privatised - tell Sid if he wants to own what he's paid for, he'll have to expropriate it! Strike funds have to be built up independently of the official unions, and hidden where they can't be seized by the state.

Presently, members of TUC-affiliated unions can get money and support (but rarely solidarity - so-called secondary action) from other unions. A union not affiliated to the TUC has a credibility gap to overcome. To get widespread support from other workers, we need a credible, public face. We can only gain this credibility through winning victories, however small. We have to learn to walk before we try to run.

We need ways of bringing together committed unionists isolated in their respective workplaces. The community-based campaign against the Poll Tax showed that it is possible to organise outside the workplace. An organisation which reflects the needs and consciousness of working class people can organise mass action without having a mass membership. The mood and culture of resistance built up in that campaign has dissipated, but it was there.

## **Unionism beyond the workplace**

The Solidarity Federation is organised both through Industrial Networks and Locals. Locals are groupings of all members in a defined area, either as individuals, or in workplace groups. They bring together working class people in all industries and none. Locals can be a focus for resistance. They can provide information, support, and solidarity; as well as ideas about organisation, tactics and political goals. They can also help to bridge the gap between the workplace and the wider community, preventing the isolation of workers in dispute. A public face for any dispute outside the immediate power of the boss is also essential where anonymity is required to prevent victimisation. They can facilitate the tactics of "open mouth", "good work" and "boycotts" (see Appendix 1).

Many individuals will not always work in a sector covered by a Network, and will need to affiliate to their Local and take the union with them from job to job. Trade unionism is based on a political/economic ideology composed of corporatism, social democracy and parliamentarianism. Trade unionists are committed to that ideology, in contrast to ordinary trade union members who are in the union for its practical benefits. Like trade unionism, anarcho-syndicalism is a matter of either political commitment or practical usefulness. By contrast to trade unionism, it is based on recognition of the existence of the class war, and of the need for social revolution and direct action. There is no political/economic split, so the union does not leave "politics" to any political party, but is a vehicle for workers to collectively act both politically and economically without intermediaries.

The Local is not a substitute for workplace organisation, but it is a necessary prerequisite. Isolated workplace unions will be crushed. If Local organisation has already been built, there is a

source of credibility and support in place before any dispute over the right to organise. At present, the Industrial Networks of Solidarity Federation affiliates are growing only slowly. This is partly because of the difficulty of trying to organise around concrete issues on a national level. A more likely, federalist approach of workplace unions growing from Locals and then Networking by Industry is needed.

## **Revolutionary organisation**

Anarcho-syndicalist workplace organisation is based on the idea of the Workers' Assembly, where all workers meet to make decisions and to decide upon, take and run action, even if only a minority may be in unions. These are based on participatory democracy, and are designed to build a culture of self-organisation and self-management among the working class. The aim is to create conditions of involvement, empowerment and trust among a workforce. Organisation and action are more immediately important than formal union membership.

Health and safety issues can set standards to fight for, around which all workers, union members or not, can agree. Standards can provide a useful basis for industrial action within the workplace, such as overtime bans, "go-slows" and "working to rule" (see Appendix 1). These all involve the enforcement of decent health, safety and welfare standards without walking out and running the risk of being locked out immediately. Attempted lock-outs, and the replacement of workers demanding decent conditions with scabs, can be prevented by occupations, which need local support outside the workplace to be effective.

All committees and delegates, such as workplace reps, are accountable to and recallable by them. This is an alternative to the top down approach. If workers are strong enough, they can elect Safety reps with the right to inspect, controlled by neither boss nor bureaucratic union. As well as organising more widely through the Workers' Assemblies, it is important that workers form workplace union branches to give a focus to the organisation.

The Workers' Assembly directly elects delegates as Safety reps and as spokespeople for any negotiations with the boss. Delegates can also be elected to local, regional and national Industrial Federations where these exist. Federalist organisation starts with the most basic workplace or local unit, which is sovereign over its affairs, and builds horizontally to support initiatives and co-ordinate actions. Horizontal organisation means that there is no "higher" level which makes decisions binding on the "lower" levels. All units agree to work together as equals. This prevents bureaucratic control of workers' organisations by building direct links under the control of the workers, rather than hierarchical committees under the control of officials.

Since anarcho-syndicalism is not simply industrial unionism, unions also federate with workers in other industries, and with the wider working class, locally, regionally and nationally. This enables the revolutionary union to respond to all attacks on the working class, and to put forward its own social agenda. This structure is flexible and can help break down barriers and support social diversity.

An example of what can be achieved is the CNT (Solidarity Federation's sister organisation) in Puerto Real in Spain. The fight against the closure of the towns' main source of employment - the shipyard - was won through a community-supported occupation, where the CNT's ideas won through in the Workers' Assembly. It built on this success to conduct a social struggle against the seizure of common land to build a golf course for the privileged. (See the SolFed pamphlet

"Anarcho-syndicalism in Puerto Real: From shipyard resistance to direct democracy and community control".)

## **Preparing for social revolution**

As well as being a fighting organisation, the revolutionary union is intended to be a pre-figurative organisation, whose way of working demonstrates that a different society is possible. It is an exercise in collective self-education in the structures and culture of a new society we want to bring about through social revolution. Short, fixed terms of office are designed to ensure the rotation of tasks and responsibilities, enabling all to learn the skills they need to empower people in a free society. They also combat bureaucratisation and the rise of "experts".

This process must happen in a supportive environment in order to work. The union's culture must be very different from that in the conventional left and the existing unions. Its culture must be based on the same principles as the society we want to create through social revolution, or that society can not be realised. Our methods of organisation and our tactics must be consistent with our goals. Methods which are authoritarian will only achieve authoritarian ends.

The society we want to create is based on workers' self-management of production, breaking down the most basic economic and social hierarchy in capitalist society - that of management over workers. Without parasite classes of managers and owners to support, it would be possible to organise production for need, not profit, and to end methods of production and "industries" which serve no socially-useful purpose, or which damage the environment by pollution and the use of finite resources.

The second cornerstone of a free society would be libertarian communism -from each according to their ability, to each according to their needs. To work this would require trust, honesty and the abolition of all institutions, such as the state and private property, which exist to maintain hierarchies and privileges. If these are to be completely abolished, rather than temporarily banished, they must be displaced and replaced by anti-hierarchical social organisation. We have to begin to establish such organisation as much as we can within this society. The more we can establish, the more we can roll back the boundaries of state and corporate control over our lives. Our fight is for practical gains in the present as stepping stones to revolution, and that is why we think it is so vital to organise as we would want to live.

This could not happen in the economic sphere without a complete social revolution. This means the evaluation of all social and economic activities which do not harm others as being equally valid. For example, women should be able to choose whether or not to have children, and whether to go out to work or to bring them up full-time themselves. Men who want to be carers should also have the same opportunities. Without the need to earn wages in order to live, it would be possible for all those who work as unacknowledged and unpaid carers in this society to achieve equality of status with those who go out to work in what is now the capitalist economy.

Support for such useful activities must also include the right not to be forced to do them, which would require, for example, the end of the private, nuclear family as the primary source of care, and also the erosion of gender roles. These changes could not be decreed, nor implemented without extensive preparation. It is important that we realise the revolutionary process is about changing social and economic relationships between people, and that it must begin with us. We can not put these off until "after the revolution" - without them, there will be no revolution.

Our vision of a social revolution is one which everyone who wants to be genuinely free should be able to embrace. To achieve this, we must organise and act now where we work and where we live to take as much control over our lives as we can, and to extend this and to challenge our exploitation and oppression by state and corporate power. Even something as apparently uncontroversial as basic health and safety standards can be a challenge to capitalism and will need real social change to establish. If we organise and fight in ways which advance our goals, even the most apparently "mundane" struggle can be revolutionary. And revolutionary organisation is more necessary and relevant now than ever before under capitalism.

# Appendix 1: Direct action tactics

Direct action is the best way to get what you want. What makes action "direct" is that you identify what you want and take it, or force the boss to give it to you. It is not putting pressure on the boss to negotiate, and then working with them to "solve common problems". By acting directly you are not dependent on the "expertise" of union officials or the "benevolence" of the boss. Your own organised strength is more empowering than a thousand training courses!

All industrial action carries risks. Even not doing parts of your job which are riot in your job description but which you do "out of goodwill" to make life easier can be considered a breach of your contract. In theory, you can be disciplined, have your pay stopped, or be sacked for taking action. What stops you being sacked is the fact that everyone taking the action has to be sacked, and if action is well supported, it is too disruptive for the boss to do this. Sometimes, however, the boss may want to sack everyone, and will use industrial action as an excuse. This is called a Lockout.

Contrary to popular myth the Tory-introduced anti-union laws do not make industrial action illegal. What they actually do is remove protection from damages claims from a union supporting industrial action, except where certain legal requirements have been met. Even if the legal requirements have been met, workers. can still be sacked for taking any form of industrial action as it is a breach of contract (so it's not these laws you have to worry about). If the legal requirements are not met, the union, any officials not disowning the action, and any individuals identified as organising the action can be sued for damages.

Any action you take must be widely backed and everyone must understand the need for the action and be prepared to stick out for what you want. This is your best defence against victimisation. Always take any decisions collectively, elect delegates to do any talking and give them a mandate to say what you all decide. Change your delegates regularly - this helps you run your own organisation and avoids anybody thinking they can make decisions or statements on you behalf. It is also wise to avoid anyone being identified as a "ringleader" who can be sued.

## Tactics on the job

There are a number of forms direct action can take, striking is the most obvious, but probably the least common (or useful). This is not a definitive list, creativity and innovation are the keys to successful direct action. Always take the action you know is best, when it will have maximum effect.

Go-slows are about slowing down the job and costing the boss money by forcing them to lose business (or maybe hire more workers). This is a generic term which covers aspects of "good work" and "working to rule". It can also be done by all workers simply slowing down the rate you work at. A high rate of work can be just as stressful and dangerous as long hours, so workers controlling the rate at which we work is a basic health and safety measure. Piece rates were devised to counter this tactic. which has been endemic in most types of work since the industrial

revolution. This is also known as "striking on the job", because you are effectively withdrawing your labour, but not actually stopping work. Another name for it is "sabotage" and it is guided by the philosophy of "a lousy day's work for a lousy day's pay". We doubt New Labour had this in mind when they coined the phrase "Fairness at work"! (Further reading; Geoff Brown's "Sabotage: a study in industrial conflict" Spokesman Books 1977 £10 ISBN 0 85124 158 1, is a wonderful history of workers' resistance to work.)

Working to rule is particularly relevant to health and safety issues, because following regulations to the letter is often necessary for safety reasons, as well as being highly disruptive. It is also difficult for the boss to argue against, and you have a measure of legal protection from victimisation for insisting on compliance with health and safety regulations. If management have to argue daily about regulations before anyone will start work, or can't get anyone to work at all without sorting a problem out, you will win eventually. You also have a legal right to a healthy and safe workplace. If there is an alternative workplace, you can report there without being unavailable for work, and you will disrupt the job without breaching your contract.

Another standard tactic is the boycott. This is particularly useful in health and safety terms. Boycotting a particular type or piece of equipment, chemical, work area, or task is the most direct way of getting a problem remedied. All it needs is understanding and agreement among the workers not to do or use the offending thing. The more closely targeted the boycott, the more difficult it is to counter, as the boss will lose everything you are doing if they retaliate.

Sick-ins involve using sick days instead of one-day strikes. Used either on a single day, or on a number of days rolling over a period, this can seriously disrupt the job. It can also be used to highlight any health problems. Many, if not most, bosses harass workers for taking sick leave. By everyone taking it during a period, and by linking it to a particular health and safety problem (e.g. long hours in periods of high demand), you can both protect against victimisation and hurt the boss. Otherwise sickness can lead to victimisation of individuals because of unhealthy working conditions.

Overtime bans expose staffing shortages and force the bosses to hire more workers or lose business, etc. This is also a way of reducing your working hours, countering a major health hazard, without the agreement of the boss. They are best used at times when there is the most work, or when working on the most lucrative contracts, or at times when there is a high risk of incurring penalty clauses in contracts.

Good work involves doing your job better than the boss intends. This means providing better service or better quality of work or product than has been budgeted for. Ordering or using more expensive, better quality materials hits profits. Better service is more time-consuming and slows down the job, either losing business or incurring penalty clauses in contracts, or forcing the boss to hire more workers, pushing up the wage-bill. Another way of giving a better service or product is not to charge for a day. Attempts to counter this tactic will expose the fact that profits depend on cheating clients or customers. It can also get customers on the side of the workers.

Open mouth is a bit like whistle-blowing. It involves telling customers or other interested people what really goes on at the job. For example, telling people about unhygienic conditions in catering or how poor quality materials are used to cheat the customer. Solidarity Federation Locals can help with this by giving out material where workers fear victimisation. Corruption, dishonesty and incompetence are part of the management of nearly all businesses and services, all workers will know what is unpalatable or scandalous about their own bosses.

## Strikes

Strikes are usually the weapon of last resort. This involves an open challenge to the authority of the boss, and because they have lost your services, they may try and dispense with you permanently by locking you out. They can sack you all, recruit scabs, selectively re-hire, or in some cases (such as sweatshops) take the opportunity to do a bunk to avoid accumulated debts. Successful strikes are well-timed, well-organised and over in a short period. An attritional strike, where each side tries to outlast the other, usually favours the boss.

It is best to start the strike by "downing tools" at work, or walking out from work. If there is a simple demand, and the boss is in, it may be best just to all stop work and send an elected spokesperson in to tell the boss there's a problem and the workers would like to speak to them about it. Although a single person doing the talking is best (and sticking to an agreed position), the more people who get to witness the talks the better. Not only are numbers intimidating, they are a safeguard against cowardice or treachery on the part of spokespeople.

If you walk out, hold a meeting at work to bring in any workers not already involved. Go and picket any other workplaces owned by the same boss, or with the same problems in the same business. A picket's objective should be to speak to other workers and to get a point across, not to intimidate. There is a moral force which deters people from crossing picket lines composed of their workmates, but be careful not to invalidate that moral force through anger. A worker who goes into work one day and joins the strike the next is better than a worker who is abused and will not join the strike as a result.

Also take time to visit suppliers and clients to talk to the workers there and to persuade them to boycott your workplace. It is always better to try and get into a workplace and speak to workers as a group than to just chip away at individuals. Meetings at the gates, or where groups of workers socialise, can also be useful. Stopping supplies of materials, stopping the post, maintenance workers, etc. can help you win quicker, although it is no substitute for a solid strike. This is all unlawful, but the law is toothless if you have no funds to sequestrate, and no "ringleaders" can be identified to sue. Rotating spokespeople, etc. will help prevent this and keep all the workers in control collectively.

The best way to prevent scabbing is to occupy. If considering occupation, plan carefully, you may be in for a longer stay than you anticipate, so make sure you have a rota and supply lines to last at least a month. This will give you time to plan further. Be careful to avoid any damage or other potential criminal offence which would allow the police to intervene. Unless they can find an excuse, they have no jurisdiction and can only act in support of officers of the court enforcing an eviction order against you.

Since a strike makes your industrial dispute public knowledge, you will come to the attention of the police, who will usually harass you in some way. This may start as just being picky about the size of gatherings, or about where pickets stand. It can get more serious, and no copper will refuse the chance of a fight unless the odds are hopeless. It is important neither to be intimidated by the police, who like to make the law up as they go along, nor to let them provoke you.

You may also find that you suddenly have "friends" you never knew you had. These may be spies for the police of the boss, but more likely they will be members of left wing groups. The latter are opportunists, although you shouldn't just take our word for it. Their aim is to sell newspapers, claim credit for your successes, and recruit some of you. While there is often no need to be rude to them, always make sure that you make decisions yourselves and don't get talked into anything



on the basis of what they will support. Make sure that you control any actions "in support" of you, and that anyone collecting money for you is trustworthy.

Finally, you may find that full-time union officials take a hitherto unknown interest in you. Their aim is to recruit members (if you aren't in their union already), and to control your dispute and push it in the direction they want. This usually means Industrial Tribunals, which take the focus away from your organisation and your collective strength, and place it on points of law and individual rights. If accepting this is the price of a union's support, it is not worth paying.

Not only is direct action the most effective way of getting what you want, using it has benefits other methods don't. It empowers you as a group of workers, and shows you ways of working together which are at odds with the hierarchies and competition of capitalist society. Even if you lose your dispute, you all gain something from the struggle.

## Appendix 2: Dealing with enquiries

The following is drawn from a set of guidelines compiled by North & East London Solidarity Federation. It indicates how enquiries and requests for support may be dealt with.

- Firstly, establish the fullest possible picture of the workplace (nature, size, conditions, etc.) and find out those issues that are most immediate. We may not have all the information at hand or at all. Avoid feeling pressurised into giving definitive or prescriptive advice. The ethos is *support* - helping people help themselves. We are NOT about "sorting out people's problems for them" but working with them.
- Discussing enquiries/queries with other members is very important.
- Do NOT encourage an enquirer to immediately attend your next SF meeting as this can alienate/disorientate the enquirer, which will help no-one.
- The enquiry should be chatted about informally by two or three members and the enquirer before it is brought to a meeting. This demonstrates and encourages the collective nature of the group. It also helps prevent the enquirer from feeling or being treated like a 'customer'.
- The enquirer should be encouraged to bring other workmates that are interested or supportive of the problem along to the next meeting.
- The enquirer must be made aware that building any workplace organisation is the task of the people directly involved and their workmates. Success depends on their own determination.
- Be clear about the potential scope of support. For example, we do not offer Industrial Tribunal representation.
- Enquirers may want specific information, e.g. on Industrial Law, or help in producing a leaflet. We must be prepared to respond positively but we should make it clear that membership is the basis of SolFed organisation.
- Detail the enquiry on the Pro-Forma (and attach additional sheets when necessary). This enables us to collect the necessary information to carry out basic casework.
- The political content of anarcho-syndicalism should never be played down - we don't want a "two-tier" membership. Offer people stuff to take away so that they can glean a better understanding in their own time, such as "An outline of our ideas about organisation" and information on the Solidarity Federation. Suggest other useful, accessible literature.
- The Solidarity Federation is NOT a "fix-it" organisation, but a facilitating and empowering body that can provide back-up in terms of resources, shared experience and be supportive of worker control.

## Appendix 3: Your rights at a glance

These are legal rights. Reps or workers cannot be lawfully victimised for exercising these rights. However, bosses may victimise Health and Safety reps and union activists using other issues, not health and safety activities. Whatever rights we have must be backed up and enforced by the workforce or they will be worthless.

1. Under your common law Contract of Employment, your employer has a Duty of Care for your health, safety and welfare. If you suffer ill health or have an accident, and you think you can prove negligence, you can take legal action to sue for compensation. Union members have health and safety reps, and the national unions' legal services may support legal action.
2. In criminal law, as well as maintaining a healthy and safe workplace, the employer is required to provide information, training and supervision for all employees, as far as is reasonably practical. This is part of the Health and Safety at Work Act of 1974 (HASAWA).
3. In addition, special information and training must be provided for employees, concerning Control Of Substances Hazardous to Health, manual handling, Display Screen Equipment (VDU's), asbestos, noise, protective clothing and equipment, work equipment, fire precautions and several others. Any general hazards of work must also be met by information, training and medical examination where there is a proven hazard.
4. You are entitled to be given information about any serious and imminent hazards of the workplace, beyond fire, including employers' procedure to deal with this. In the event of no management guidance, for example no one there to give it, you are entitled to evacuate to a place of safety without fear of victimisation.
5. In a unionised workplace, you should have a union Health and Safety rep, who may also be the shop steward, to take up your complaints on any health and safety issue. A union Health and Safety rep has a legal right:
  - to make general inspections every 3 months;
  - to investigate accidents and cases of ill health;
  - to examine statutory documents;
  - to contact government Health and Safety Inspectors.
6. Union Health and Safety reps must be consulted about:
  - any change at work affecting health and safety, including technological ones;
  - the provision of information and training for health and safety;

- the appointment of health and safety officers and emergency procedures officers. This is to be "in good time" - normally 3 months. These regulations provide substantial safeguards for health and safety, and can be supplemented by participating in health and safety committees.
7. A union Health and Safety rep can report hazards, preferably on the proper form, to the employer, and can follow these up, or make independent reports with the right of reply. Union Health and Safety reps can conduct surveys on stress, or exposure to hazardous substances, or lengthy VDU work or other injurious practices, to give some examples.

## Appendix 4: Resources

Health and Safety Executive (HSE)  
(HSE Infoline 0541 545500. <http://www.open.gov.uk/hse/hsehome.htm>)  
Government-funded body. Operating arm of the Health and Safety Commission, responsible for enforcing HASA WA and other health and safety regulations. HSE Inspectors are based at seven regional offices of its Field Operations Directorate. Also included in the regional offices is the Employment Medical Advisory Service (EMAS), which provides specialist advice to workers, unions, bosses, doctors and members of the public.

### **HSE Field Operations Directorate:**

#### Wales and West Region

Brunel House  
2 Fitzalan Road  
CARDIFF  
CF2 1SH  
Tel 01222 263000  
Fax 01222 263120

#### Home Counties Region

14 Cardiff Road  
LUTON  
LU1 1PP  
Tel 01582 444200  
Fax 01582 444320

#### London and South East Region

St Dunstons House  
201-211 Borough High Street  
LONDON  
SE1 1GZ 59  
Tel 020 7556 2100  
Fax 020 7556 2200

#### Midlands Region

McLaren Building  
35 Dale End  
BIRMINGHAM  
B4 7NP  
Tel 0121 607 6200  
Fax 0121 607 6349

Yorkshire and North East Region

Woodside House  
261 Low Lane  
Horsforth  
LEEDS  
LS18 5TW  
Tel 0113 283 4200  
Fax 0113 258 8029

North West Region

Quay House  
Quay Street  
MANCHESTER  
M3 3JB  
Tel 0161 952 8200  
Fax 0161 952 8222

Scotland

Belford House  
Belford Road  
EDINBURGH  
EH4 3UE  
Tel 0131 247 2000  
Fax 0131 247 2121

HSE also produce a range of educational leaflets, mainly geared towards employers. They have a free leaflet in English and five Asian languages - Hindi, Punjabi, Gujarati, Urdu, Bengali, explaining basic workplace health and safety rights for employees. Publications catalogues are available from HSE Books, and a fortnightly list of publications is available through the Internet or on 24 hour Autofax on 0839 060606.

**HSE Resources:**

HSE Library  
Rose Court  
2 Southwark Bridge  
LONDON  
SE1 9HS

HSE Books  
PO BOX 1999  
SUDBURY  
C010 6FS  
Tel 01787 881165  
Fax 01787 313995

HSE Information Centre  
Broad Lane  
SHEFFIELD  
S3 7HQ  
Tel 0114 289 2345  
Fax 0114 289 2333

Free leaflet line: 0114 289 2346 A useful resource for technical knowledge of equipment, chemicals, etc.

## **Other Resources**

The Health and Safety at Work Directory published annually by Croner Publications is a comprehensive directory of relevant organisations.

Hazards is a quarterly magazine aimed at Safety reps. It can be obtained from Hazards Publications, PO Box 199, Sheffield, S1 1FQ. Tel 0114 276 5695.

The Labour Research Department (LRD) is a vital source of information. It is a trade union based research organisation, sponsored and supported by TUC unions, and produces the monthly Labour Research magazine and regular pamphlets on health and safety, company profits, the law at work, European union developments, etc. It also has an enquiry service for affiliates (£38.90 for individuals or £61.15 for organisations). Write to them for free sample copies of regular publications: LRD, 78 Blackfriars Road, London, SE1 8HF. Tel 020 7928 3649.

The TUC Publications Department has published a wide range of health and safety publications, usually in manual or booklet form, including both general guides and those on specific topics such as RSI, health and safety standards and women's health risks at work: TUC Publications, Congress House, Great Russell Street, London, WC1B 3LS. Tel 020 7636 4030.

Building Worker Group is currently campaigning against deaths on building sites in London and the South East. Their strategy is to picket out sites where deaths have occurred. Write: c/o 2 Bitten Court, Lumbertubs, Northampton, NN3 8HH.

## **Regional & local organisations**

Bradford Occupational Health Project  
23 Harrogate Road BRADFORD BD2 3DY  
Tel 01274 626191

Bradford Resource Centre  
17-21 Chapel Street  
BRADFORD BD1 4PS  
Tel 01274 779003

City Centre Project  
Sophia House  
32-35 Featherstone Street  
LONDON EC1Y 8QX  
Tel 020 7608 1338

(Provides work hazards advice for office workers in London)

Greater Manchester Hazards Centre  
23 New Mount Street  
MANCHESTER M4 4DE  
Tel 0161 953 4037

Health and Safety Advice Centre  
Unit 2  
Argent Centre  
60 Frederick Street  
BIRMINGHAM B1 3HS  
Tel 0121 236 0801

Health Works in Newham  
Alice Billings House  
2-12 West Ham Lane  
LONDON E15 4SF  
Tel 020 8557 6161

Keighley Work Safe Project  
136 Malsis Road  
KEIGHLEY BD21 1RF  
Tel 01535 691264

Leeds Occupational Health Project  
88 North Street  
LEEDS LS2 7PN  
Tel 0113 294 8222

Liverpool Occupational Health Project  
National Bank Building  
24 Fenwick Street  
LIVERPOOL L2 7NE  
Tel 0151 236 6608

London Hazards Centre  
Interchange Studios  
Dalby Street  
LONDON NW5 3NQ  
Tel 020 7267 3387

Lothian TU & Community Resource Centre  
Basement, 26-28 Albany Street  
EDINBURGH EH1 3QH  
Tel 0131 556 7318

Sheffield Occupational Health Project  
Mudford Buildings  
37 Exchange Street  
SHEFFIELD S2 5TR  
Tel 0114 275 5760



Sheffield Area Trade Union Safety Committee (TUSC)  
Mudford Buildings  
37 Exchange Street  
SHEFFIELD S2 5TR  
Tel 0114 275 3834  
Trade Union Studies Info. Unit  
Mari House  
Old Town Hall  
GATESHEAD NE8 1HE  
Tel 0191 478 6611

The Anarchist Library  
Anti-Copyright



Solidarity Federation  
Health and Safety at Work  
An Anarcho-syndicalist approach  
2000

<http://www.solfed.org.uk/solfed/health-and-safety-at-work-an-anarcho-syndicalist-approach>

**[theanarchistlibrary.org](http://theanarchistlibrary.org)**