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Organized labor has many responsibilities. One of those is ensuring that contractual agreements are complied with by the company. This doesn't always include health and safety. Unions rely heavily on the Occupational Safety and Health Administration (OSHA) and its standards; however, there is a need to go beyond these requirements. The Voluntary Protection Programs (VPP) allows for further growth by requiring Union participation.

The VPP program isn't just another government program. VPP sites must meet and are expected to exceed current OSHA regulations, enhancing worker safety and health. The program does not only target compliance issues; it takes a close look at already existing safety programs, making recommendations for enhancement and improvement. VPP requires meaningful employee involvement and employees often have a more critical eye regarding the actual hazards to which they are exposed on a daily basis.

Participation in the VPP process empowers Unions in the safety arena and enables opportunities for training for represented employees. When Unions work with OSHA in the VPP process, Union members are involved in developing, instituting and sustaining safety programs and policies.

For years, Unions utilized the resources available to them, which were limited and costly. There still remained a delay and reluctance on a company's part to adopt Union recommendations. If a company was compliant with OSHA standards, they did not see a need to go further. As VPP participants, we have always believed in going beyond mere compliance, because there are still incidents of worker injury and illness. Prior to VPP, ideas for safety improvement from workers may have fallen on deaf ears at times. Through VPP however, there are processes in place for these ideas to be discussed and in most cases implemented when justified, making work areas much safer for all employees. This process also allows employees to take ownership of the safety and health programs and gives them a stake in the success of VPP and their safety and health programs at their worksites.

Because some of the OSHA standards are outdated and have not kept up with technology, workplaces that are compliant can still have hazards and not fully protect the workers at the site. VPP sites focus on the hazard, regulated or unregulated and are expected to work cooperatively with their partners to address all hazards. They not only follow all OSHA regulations, but are expected to exceed them. A good example is the area of ergonomics. Although there is currently no OSHA ergonomic standard, VPP requires participating sites to address ergonomic issues.

At VPP sites, management leadership is a requirement and management takes a more proactive role to work toward better safety and health programs. There are avenues in place for hazards to be identified and for hourly worker and Union leadership concerns to be heard. VPP companies are more responsive to fixing the problems that arise.

Management at VPP sites must be willing to commit the resources necessary to alleviate hazards.

Many Unions struggle with uncontrolled hazards in the workplace due to a lack of adequate safety and health training. One of the reasons Unions make such a difference is that they ensure that their safety and health representatives are trained. VPP requires safety and health training for all employees, Union and management, to identify and control or eliminate workplace hazards. It also is common for VPP sites to have Union members who work full time in safety and health positions.

Over the past 15 years, efforts have been made in nearly every state to “reform” workers’ compensation. There are certainly many areas of the system that need reform. At least some of the current efforts in reforms have weakened workers’ protections and rights. Among commonly sought changes in the laws are (a) limiting the time workers can receive benefits (b) a reclassification of injuries as “non occupational”; (c) limiting the workers’ right to choose their own doctors instead of the employer’s doctor; and (d) some apparent use of inappropriate medical guidelines to decide whether and how much a worker is disabled. The best way to reduce workers’ compensation costs is to prevent injuries and illnesses at work. This can be done through effective health and safety programs that VPP requires that give workers and their Union representatives a meaningful role in the process and through.

If companies and its Unions are to secure safety and health together for American workers, we will need the continuing commitment of all parties, including OSHA, to move forward .As part of the path forward, OSHA’s most successful safety and health program must be funded and allowed to grow. VPP sites typically have 50% fewer workplace injuries than non VPP like sites. VPP sites also provide a model to and outreach for other sites to raise their programs up to meet or exceed the OSHA standards and protect American workers.

Increasing OSHA compliance staffing on OSHA staffing will help have a positive impact on safety and health in this country, but can not be the only tool. In a report issued in March 2005, the Government Accountability Office (GAO) noted that since OSHA can only inspect a small fraction of the Nations workplaces each year, voluntary strategies may provide important opportunities to extend the Agency’s influence. GAO concluded that OSHA’s voluntary compliance strategy shows promising results.”²

VPP requires having an initial onsite evaluation followed by re-approvals every three to five years. Also, VPP requires that a site conduct an annual, self evaluation for all the aspects of the site safety and health management system. This audit must be sent to the OSHA VPP manager, to assure that the company is complying with the process. Safety and health legislation takes time and changes can become bottlenecked in the political system. Workers need to be given a real voice in the workplace and real rights to participate in health and safety as part of a comprehensive safety program to identify and correct hazards. VPP requires this as part of the initial application submitted. VPP has an expectation set forth in the Policies and Procedures Manual that requires equal opportunity to achieve and go beyond safety and health standards.

VPP sites support the use of compliance when needed and help OSHA to free up OSHA resources. Through the use of the Special Government Employee (SGE) program,

² 2004 GAO Report (GAO-04-378 March 19, 2004) Titled Workplace Safety and Health: OSHA Voluntary Compliance Strategies Show Promising results, but Should be Evaluated Before They are Expanded.

OSHA resources are freed up to address compliance issues. The SGE program allows Union members to be trained and work with OSHA as a team members on VPP site inspections. The SGE program also allows Union team members the ability to view best safety and health practices at other sites and bring that knowledge back to improve safety and health at their own site.

VPP sites have more effective contractor management. VPP sites are usually stricter on contractor safety and health and manage their contractors accordingly. This provides a safer working environment for the Union floor employee and raises the safety and health expectations of the contractor employee.

By entering into the VPP process, doors are opened to improve safety and health at Union sites through networking and cooperative efforts between the Unions, the companies and OSHA. Networking allows Unions at VPP sites to help improve safety for Union brothers and sisters at other sites. Site should go beyond compliance to take advantage of opportunities available through OSHA's VPP program to improve safety and health across the country.

Workplace expectations should be developed as a joint venture, including safety and health programs, policies and procedures to promote VPP in a labor organization, involve them in the process and provide a forum for them to voice their concerns. Understanding the importance and requirement of employee involvement in VPP and the process for resolving safety and health issues under the VPP requirements is key to achieving safety and health success. The VPP process implements long term safety and health continuous improvement for Union work sites that effectively protect workers.

OSHA's other cooperative programs. Most of these alliances are between OSHA and employer groups with no requirements for Union participation. VPP goes beyond this by requiring that the Unions are involved in the process and support the VPP program from the start. Union safety and health committees have produced letters of declaration on worker involvement that state that "trade Union safety representatives, through their empowered role for purposes of consultation, often lead to higher levels of compliance and better health and safety performance than in non-trade Union systems."¹

Union employees give up none of their OSHA Act rights. All employee rights under the OSH Act are retained and in some ways enhanced. It is possible; due to resource issues OSHA could inspect workplaces under its jurisdiction once every 97 years. The VPP program requires having an initial onsite evaluation followed by re-approvals that occur every 3 to 5 years. Union members have people they can call for help at OSHA that they have developed relationship with and get answers and solutions to their questions. OSHA feels like a partner in improving safety at their site.

A VPP site is expected to meet or exceed all OSHA safety and health standards. Union members still retains their right to a file complaint with OSHA. OSHA will still investigate and the company must send back documentation of how the issue has been resolved to OSHA's satisfaction. VPP sites are OSHA's best safety and health sites and OSHA has put its reputation on the line. OSHA takes complaints at VPP sites very seriously and holds the company accountable. If there are multiple injuries or a fatality OSHA would still perform a compliance audit and hold the site responsible.

At this time, the federal government has placed great emphasis on the expansion of OSHA's enforcement program. A focus on enforcement is definitely needed, but not at

¹ Health Safety Executive Commission/ Peter Kirby/HSE/ Trade Union Trends 2003

the expense of OSHA's VPP programs. VPP must be funded. OSHA's VPP program impacts almost one million American workers directly and countless others through the mentoring and outreach performed by OSHA's VPP sites. To move forward in protecting America's workers, VPP is needed to provide leadership with all its partners, labor, management and OSHA, that can impact and improve safety and health for all American workers.