



Human Resource Management

Elixir Hum. Res. Mgmt. 37 (2011) 3871-3878

Elixir
ISSN: 2229-712X

Employee representation and Health and Safety

A line of occurrence for refining health and Safety act in small enterprises?

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ARTICLE INFO

Article history:

Received: 14 June 2011;

Received in revised form:

19 July 2011;

Accepted: 29 July 2011;

Keywords

Trade union,
Health and Safety,
Enterprises,
Factors,
Legislative provision.

ABSTRACT

In a previous related article the author described a trade union initiative to improve the health and safety performance of small enterprises in the agricultural sector through the introduction of a scheme for employee participation based on the appointment of a number of regional safety representatives (Walters, 1998). The article concluded that the scheme had achieved only limited success. The fundamental obstacles to its implementation were the aggressive attitudes of the employers' organisation and the embedded insularity and anti-collectivist culture of farmers. It suggested that many of its detailed findings in this respect, as well as those on the operation the scheme itself, would be relevant for the development of strategies on this form of representation for employees in small enterprises in other sectors of employment in the India. These points are taken up and further elaborated in the present article, which considers the possible role of schemes for regional representation in health and safety, as one means to improve health and safety management in small enterprises, and provides an analysis of the factors necessary to make them effective and support their development. The purpose of the present article is to explore their significance in the context of the development of forms of regional representation for employees in small enterprises. The article begins by reviewing the problem of health and safety in small enterprises, before considering the role of employee representation in improving health and safety organisation and the factors that make it effective. Its significance for small enterprises is explored with reference to the relevance of the existing legislative provisions and, more importantly, in the light of findings on the factors that promote or limit the effectiveness of the operation of employee representatives in small enterprises.

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Introduction

In a previous linked article the author described a trade union initiative to improve the health and safety performance of small enterprises in the agricultural sector through the introduction of a scheme for employee participation based on the appointment of a number of regional safety representatives (Walters, 1998). The article concluded that the scheme had achieved only limited success. The fundamental obstacles to its implementation were the hostile attitudes of the employers' organisation and the embedded insularity and anti-collectivist culture of farmers. However, it was pointed out that these features of farming were not necessarily typical of employment in small enterprises in general. It was argued that although the initiative was unlikely to succeed in agriculture as long as present attitudes and constraints remained in place, it nevertheless possessed strong potential for success if it were applied in other sectors of employment where employers were likely to be more co-operative.

In its review of the supports and constraints that acted upon the scheme, the article also drew on the experience of the more developed system for regional trade union representation in small enterprises in Sweden. It suggested that many of its detailed findings in this respect, as well as those on the operation the scheme itself, would be relevant for the development of strategies on this form of representation for employees in small enterprises in other sectors of employment in the UK. These

points are taken up and further elaborated in the present article, which considers the possible role of schemes for regional representation in health and safety, as one means to improve health and safety management in small enterprises, and provides an analysis of the factors necessary to make them effective and support their development.

Aside from the poor record of health and safety management in small enterprises, the other reason for considering the possible role of employee representation in the improvement of the health and safety of employees in these enterprises arises from the possible consequences of the implementation of the Health and Safety (Consultation of Employees) Regulations 1996. These Regulations represent an important watershed for the development and European integration of legislation on employee participation in health and safety.

The test of their significance will lie in how, and to what ends they are used by employers and trade unions at the workplace level. Their general limitations have been discussed elsewhere (James and Walters, 1997). The purpose of the present article is to explore their significance in the context of the development of forms of regional representation for employees in small enterprises.

The article begins by reviewing the problem of health and safety in small enterprises, before considering the role of employee representation in improving health and safety

organisation and the factors that make it effective. Its significance for small enterprises is explored with reference to the relevance of the existing legislative provisions and, more importantly, in the light of findings on the factors that promote or limit the effectiveness of the operation of employee representatives in small enterprises. These findings are essentially those reported in the previous article on roving safety representatives in agriculture (Walters, 1998), and those gleaned from the Swedish experience of regional representation (Frick, 1996; 1997).

The problem of small enterprises

Work in small enterprises is a significant feature of the economies of all European countries, where nearly one third of employees work in enterprises with fewer than ten employees (EUROSTAT, 1992), more than half the workforce are employed in enterprises with fewer than 100 employees in some countries and in others there are more than three quarters employed in such enterprises (Piotet, 1996). In addition, trends in the organisation of employment have led not only an increase in the numbers of small enterprises, but also a fragmentation of larger organisations into smaller units of employment, which bear a greater functional resemblance to small enterprises, than they do to the large enterprise represented by their parent organisations. This trend has been manifest in both private and public sector organisations. The degree of autonomy that devolution of managerial authority has created for these smaller units has not enhanced health and safety organisation. In the public sector, for example, where devolution has been accompanied by other pressures such as public expenditure cuts, massive shedding of staff, performance reviews, market testing and privatisation (Farnham and Horton, 1996), there are many documented cases where health and safety management has suffered a reduced priority (Walters, 1997a).

A variety of classifications have been proposed to describe ownership market context and employment relations of small enterprises (Keeble and Kelly, 1986; Rainnie, 1989; Scase, 1995). Research on small enterprises stresses their diversity of form and function and emphasises the conclusion that they are not simply mini-versions of large enterprises. Although generally trade union organisation is weaker in small enterprises than in larger ones, their diversity means that even this observation is not universally true, as the relatively strong trade union organisation still found, for example, in some high technology firms in the printing industry (Goss, 1991) and in manufacturing in some areas of Italy (Visser, 1996) testifies.

Empirical evidence suggests that health and safety performance of small enterprises is limited and a cause for concern. Industrial sectors with the highest accident rates are those in which employment in small enterprises predominates, such as construction and agriculture. Evidence from British manufacturing, a sector to which the Health and Safety Executive ascribes one of its highest risk ratings, shows that workplace size is a significant influence on trends in occupational injuries, with SMEs accounting for proportionally higher rates for major injuries than larger enterprises (Nichols, 1995). Other studies appear to discourage the extrapolation of these findings to small enterprises in general. For example, Hopkins and Palmer (1987) have postulated that there was a relationship between small establishment size and low recorded injury rates on the basis of data from Australian mining accidents. A number of American studies suggest that the relationship between size and safety is curvilinear, with middle-

sized enterprises being the most dangerous workplaces (Hamermesh and Rees, 1993). However, in a detailed treatment of these alternative views on the relationship between establishment size and injury, Nichols (1997) argues persuasively that they can be explained as the results of artifacts of the recording of injuries, which in turn are influenced by a variety of social and bureaucratic factors. He shows that as such, they do not contradict his own findings, which are a measure of safety and which indicate that there is a strong inverse relationship between workplace size and injury. Reasons for their poor health and safety management performance have been attributed to a variety of factors, such as:

- Limited resources;
- Limited knowledge of regulatory requirements;
- Poor awareness of the economic advantages of health and safety;
- Poor knowledge and understanding of safe working practices;
- Short term economic pressure and competition; and
- Inadequate enforcement and absence of preventive services (Frick, 1996).

Whatever the reasons or combination of reasons for poor safety performance, it is clear that they are neither inevitable or irresolvable consequences of enterprise size. However they do represent a significant challenge. Even where the economic case for health and safety can be proven, evidence indicates that here is still a major communication problem conveying the benefits of strong health and safety management to small enterprises (Ahonen, 1997).

Representative participation

Most analysts agree that worker participation is likely to be beneficial in improving the prevention of accidents and ill-health in all workplaces, including small enterprises. Employee representation is one form of worker participation that can be shown to provide tangible results in improving health and safety in industry as a whole, suggesting that initiatives that explore its use in small enterprises may be a positive development. Of the variables that have been shown to influence the effectiveness of employee representation in health and safety (Walters and Gourlay, 1990), it is trade union support and organisation which is most relevant to the present article, for although the effectiveness of representation is also influenced by legislation, regulatory strategies and the co-operation of managers, it is usually the proactive role of trade unions and their support which accounts for the operation of schemes to promote employee representation in small enterprises such as the roving representatives scheme in agriculture and the Swedish regional health and safety representative scheme.

Trade unions are in a position to lend support to the activities of employee representatives through the provision of training, information, advice and intervention from outside the workplace in ways that are not evident in the activities of other organisations. This is no less the case in health and safety than it is in any other aspect of industrial relations and working conditions. These principles therefore underpin the notion that there is a relationship between the role of trade unions and employee representation in health and safety, and that the question of effectiveness of safety representatives is related to the extent to which such representation can be said to be trade union representation. There are numerous studies which lend support to these assertions (Walters, 1996a). They provide evidence of the effectiveness of trade union health and safety representatives, both with regard to the perceptions of

employers, employees, employee representatives, regulatory agencies, as well as through objective measures such as the reduction in accident rates in workplaces with trade union supported health and safety representatives. For example, in a study of the relationship between the presence of trade union representation and occupational injuries, the author's state:

We find that joint consultative committees with all employee representatives appointed by unions, significantly reduce workplace injuries relative to those establishments where the management alone determine health and safety arrangements (Reilly *et al.*, 1995). The picture that is painted by these studies is that, with co-operation from enterprise management, effective employee representation in health and safety benefits from trade union support, both through employee organisation within the workplace and through support from trade unions outside the workplace providing information and training for representatives. This support is rarely available in any significant quantity from any source other than the trade unions. This is a very important point for the development of health and safety representation in small enterprises, and its implications for the proactive involvement by trade unions in the promotion of health and safety representation are considerable. However, virtually all the examples of effective systems for worker safety representation that have been studied occur in large workplaces.

Indeed, research has shown that workplace size is an influential determinant of the effectiveness of health and safety representation (Walters, 1996a). Researchers, policy makers and trade unions themselves are in agreement that there is a problem with extending effective representation to smaller workplaces, where trade unions are less organised and where there is only limited application or, in some cases, exclusion of the institutions of employee representation. Examples of successful worker participation in health and safety in such workplaces are rare. In the light of these wider research findings on representation in health and safety, there are a number of issues for small enterprises:

- What is the role of regulation in promoting representative participation in health and safety in small enterprises?
- To what extent can employee representation in health and safety make a useful contribution to the promotion of preventive health and safety in small enterprises, where so many of the factors shown to support effectiveness are absent or underdeveloped in these enterprises?
- How can such representation be supported and sustained?
- How can trade unions most effectively utilize limited and diminishing resources to promote worker representation in small enterprises?

Despite the challenges represented by these issues, a number of trade unions in the UK and other European countries have expressed interest in extending the influence of trade union representation in health and safety to:

- Enterprises which may be too small to provide the critical mass to support their own worker health and safety organisation;
- Enterprises where there is trade union membership but no recognition; and
- Enterprises where there are no trade union members.

Schemes of representation suggested by the trade unions in these cases are heavily influenced by the approach to regional representation that has been adopted for many years in Sweden and which has statutory support in that country (Frick, 1996; 1997). It allows for the appointment by trade unions of health and safety representatives with a brief to represent workers in a

number of small enterprises in a particular industrial sector within a specified geographical area. The regional safety representatives are either full time appointment, existing senior safety representatives from large firms in the same region, or full time trade union officials who undertake the task in addition to their normal duties.

Trade unions in other countries have also taken some positive initiatives in this area, albeit within the limitations those national resources have imposed upon them. In Norway there have been legislative provisions for regional safety representatives in the construction industry since 1981. In Spain, regional worker representatives in health and safety have been reported to be active in some regions and in Italy, provisions for a degree of regional representation through inter-company delegates are sometimes part of collective agreements.

In addition, an approach to representation in small workplaces has been made through the activities of regional joint committees in Italy, where collective agreements in the construction industry, for example, establish district joint committees with equal trade union and employer membership and the power to make site inspections. Joint regional committees are also provided for by legislation in Greece and some have been active (Walters, *et al.*, 1993). However, in all countries it is the schemes that involve trade union regional representatives that appear to be most active. The roving representatives scheme in agriculture is typical of these schemes and the experience of the roving representatives, reported previously (Walters, 1998), the findings of research on the Swedish regional health and safety representative system (Frick, 1997; 1996), and legislative developments in the UK are useful in discussing means by which the identified challenges for representative participation in health and safety in small enterprises might be addressed.

The role of regulation

There are two aspects of regulation that are relevant. The first is the legislative measures and the second is the role of the regulatory agencies in ensuring compliance. In the case of the latter, in the UK the regulatory agencies have never played a particularly proactive role in formally seeking the enforcement of legislative provisions on health and safety representatives and health and safety committees. They have viewed the implementation and operation of these measures as an issue for employers and employees to resolve through their procedures for industrial relations. Indeed, following the introduction of the Safety Representatives and Safety Committees (SRSC) Regulations 1977, the Health and Safety Executive (HSE) instructed its inspectors not to become involved until such procedures were exhausted (Walters and Gourlay, 1990).

The role inspector's play in the informal encouragement of the application of the regulatory provisions may be significant but its extent is unclear and there are no comprehensive studies of the subject. Such evidence that exists suggests that their role is likely to vary and is probably dependent on the personalities and personal relations of the inspectors with trade union representatives and employers (Hutter, 1993; Walters and Gourlay, 1990). On the other hand, American studies have shown that the presence of trade unions in workplaces correlates with increased enforcement activity on the part of the regulatory authorities (Weil, 1991).

Studies of regional health and safety representatives support the view of the varied and largely informal links between the regulatory agencies and the representatives. In his review of the

activities of the Swedish regional safety representatives, Frick identifies several instances of close co-operation between the labour inspectorate and regional safety representatives in the implementation of campaigns on particular hazards. On a more limited scale in the agricultural project, HSE inspectors were involved with representative training, as well as in some of the public awareness events that the representatives organised.

Furthermore, some inspectors encouraged close informal links with the representatives and were prepared to regularly offer them support and advice. An important difference between the circumstances in which the regional representatives find themselves and those in larger enterprises is the absence of a supportive workplace infrastructure for joint consultation health and safety in small enterprises. This makes the involvement of the inspectors with the activities of the representatives more critical and suggests the need for more formalised and explicit support from the regulatory agency. The second aspect of regulation is the legislation itself.

In the UK the legislative support for worker representation on health and safety has been complicated by the introduction of new provisions in 1996 which supplement rather than replace the previous ones. In order to examine the significance of the present legislative position for health and safety representation in small workplaces, it is therefore necessary to briefly consider its overall development.

The Health and Safety at Work Act 1974 introduced provisions on representation in health and safety, the Safety Representatives and Safety Committees Regulations 1977 (SRSC Regulations 1977). Under these Regulations only recognised trade unions had the right to appoint health and safety representatives. Although the Offshore (Safety Representatives and Safety Committees) Regulations 1989 extended rights to elected non-union employee representatives in the off-shore oil industry, this was a special case intended to allow the implementation of the Cullen recommendations without forcing the industry to recognise trade unions (Woolfson, *et al.*, 1996). It had little significance for the on-shore situation.

Following the introduction of the EU Framework Directive 89/391, it was widely debated whether the SRSC Regulations 1977, limiting the appointment of safety representatives to recognised trade unions, were in line with the requirements on consultation and information for workers and their representatives found in Directive 89/391. But it was not until the decisions taken in the European Court of Justice in 1994, in two analogous cases concerning the UK's failure to implement fully the consultation provisions on acquired rights and collective redundancies, in Council Directive 79/129/EEC and Council Directive 77/187/EEC, that the British legislature was moved to introduce legislation that included a broader definition of employee representation in health and safety in line with the wording of the Framework Directive.

The introduction of the Health and Safety (Consultation of Employees) (HSCE) Regulations 1996 means that employers are required to consult with their employees over matters affecting their health and safety and give them the opportunity to elect health and safety representatives in enterprises where the existing SRSC Regulations do not apply. This means that, in theory, there will be legislative support for the participative management of health and safety in small and non-unionised establishments. However, they do the minimum necessary to comply with the EU Framework Directive (James and

Walters, 1997) and in their present form do not provide the statutory framework that both British and Swedish studies show to be an important support for the development of successful and sustained regional representation in health and safety (Frick, 1996; Frick, 1997; Walters, *et al.*, 1993; Walters, 1998).

The potential contribution of the HSCE Regulations in their present form would be to enhance and legitimise ways in which trade unions could organise the development and support of representation in health and safety in small enterprises. This would be the case, for example, if it were made clear by the regulatory authorities that participation in a regional representation scheme was the preferred evidence of implementation of the Regulations. Such a development occurred during the roving representative scheme in agriculture when HSE inspectors regarded participation in the scheme as evidence of compliance with the 1996 Regulations. At an Agricultural Industry Advisory Committee (AIAC) meeting in 1997, it was stated that HSC was prepared to recognise participation in the same light (Health and Safety Commission, 1997). However, for the trade unions it is the SRSC Regulations that would seem to offer the most attractive way forward, since it can be argued that they already contain the basis for the legislative support for regional representation of employees in small enterprises. This was pointed out by the TUC in its response to the Consultative Document on the proposed HSCE Regulations. Although trade union recognition remains a limitation on the potential of the SRSC Regulations to cover small enterprises, the TUC suggested that provisions for a form of representation from outside the workplace already existed under these Regulations. It cited the example of the trade unions who organise theatre workers and musicians, where in these cases, under Regulation 8 of the SRSC Regulations, safety representatives need not be employees of the same employer as their constituents. It advocated extending these provisions under the new Regulations to include small construction sites and the agricultural sector. Indeed, such provisions could be extended to cover small enterprises in any sector of employment where there is trade union membership but no recognition for collective bargaining at the enterprise level. Alliances between trade unions in such industries would enhance the range of possibilities for representation. Such alliances are reported to be successful in research on Swedish regional safety representatives (Frick, 1996). In this respect it is interesting to note that following the introduction of the 1996 Regulations, a number of trade unions have instructed their representatives to be prepared to represent employees who are not members of their trade union (Walters, 1997a).

A form of regional representation could also prove to be important in workplaces that are the result of fragmentation of larger organisations into smaller, autonomous or semi-autonomous units of employment. This is a trend that has been manifest in both private and public sector organisations. The degree of autonomy that devolution of managerial authority has created for these smaller units has not enhanced health and safety organisation. One problem created for trade unions in the public sector as a result of devolution, for example, has been the multiplicity of bargaining units that have replaced formerly single centralised arrangements. This has meant that when they make representations on health and safety, local representatives often do not have access to the higher levels of management where the budget constraints that affect local health and safety issues are still determined. At the same time, fulltime officials

with specialist health and safety functions cannot service the multiple demands made on them by the devolved arrangements (Walters, 1997a). The selection of experienced and well trained health and safety representatives, each with a multi-worksites coverage, could enhance the trade union's capacity to represent employees in such situations without necessarily involving the union in excessive demands on its limited resources. However, in their present form the HSCE Regulations do not provide for this extension and the little-used provisions of the SRSC Regulations in this respect are limited to the special case of musicians and theatre workers. Furthermore, the HSCE Regulations do not necessarily provide a stimulus for representative participation in health and safety. The agricultural project identified the danger of an alternative interpretation of their requirements which seems likely in sectors where employers are hostile to the involvement of trade unions and particularly in very small enterprises. In these situations the Regulations may have a decidedly negative impact on health and safety representation whether union or non-union, since it is possible for employers to achieve compliance with them through direct consultation with employees without the need for representation of any kind. Such consultation would be almost impossible for a regulatory agency to monitor. It was this kind of direct consultation that the National Farmers' Union (NFU) argued was a part of the everyday employment relationship in farm-working and which, in the evaluation of the roving safety representative project, it suggested was a sufficient extent of employee participation in health and safety (National Farmers Union, 1996). It was also for this reason that in its response to the consultative document on the 1996 Draft Regulations, the NFU did not raise any fundamental objections to them. Instead, it used the opportunity for an outright objection to roving safety representatives (which were not mentioned in the consultative document). This suggests that if the NFU maintains its objection to roving safety representatives, it will be likely to encourage its membership to be aware of the possibility of direct consultation as an alternative to representative participation. This potential exists for all employers. The extent to which it occurs in small enterprises in general since the implementation of the Regulations is not known but it is clearly an important question to be answered.

In the end, the usefulness of both sets of Regulations in their present form for regional safety representative schemes is limited. Minor amendments to either sets to allow the approach advocated by the TUC would greatly enhance the statutory support for regional health and safety representation for employees. Without such amendment representation in small enterprises will depend upon voluntary support of employers, informal endorsement by the regulatory agencies and the ability of the trade unions to organise effectively in a situation where their own influence at the workplace is diminishing.

The support of the employers

Although the roving representative's scheme in agriculture has shown that it is possible for a trade union to initiate a scheme for regional health and safety representation unilaterally, it also showed that, without the support of the employers' organisation, it faces considerable obstacles in sustaining its continued activity. There are two levels at which employer support is important:

- (1) at industry level; and
- (2) at the level of the individual employer.

One of the reasons for the success of the Swedish scheme is the support it receives from both these levels. While the Swedish Employers' Association (SAF) is critical of several aspects of the scheme, generally it is well supported by industry-specific employers' organisations and small employers themselves (Frick, 1996; 1997). That the converse was true for the roving safety representative's scheme in agriculture was the primary reason for the failure of the representatives to make a significant impact at the level of the enterprise. The antagonism of the NFU combined with the features of farm-working and its social relations which as described in the account of the project militated against representatives gaining access to farms, gaining the trust and support of employees or the co-operation of employers (Walters, 1998).

The report of the evaluation of the roving representatives in agriculture project pointed out that the opposition of the NFU was essentially a politically motivated opposition to trade unionism, which is not necessarily shared to the same degree by employers' organisations in other sectors of employment (Walters, 1997b). The potential for industry-level agreement on the nature of a regional representative scheme may vary between industries, as may the industry-level infrastructures for joint-decision making in health and safety.

Where such infrastructures exist and where the potential for some form of agreement between the social partners concerning the parameters of a regional representative scheme is good, then the chances for the success of such a scheme will be greatly enhanced. While the HSC was careful to maintain a neutral position in respect of the roving safety representative scheme, the tripartite Agriculture Industry Advisory Committee (AIAC) has, nevertheless, been the main industry-level forum for discussion of the implementation of joint consultation on all matters of health and safety at the workplace level in agriculture.

HSC Joint Industry Advisory Committees which provide a similar infrastructure for other industries could play a significant part in establishing a co-operative, industry-level framework to promote development of regional representation at local level. Such advisory committees exist for a number of industrial sectors where small enterprises are common, such as printing, construction, textiles and foundries. Trade union membership in all these sectors is greater than in agriculture and experience of trade union representation is considerably more developed.

The support of the trade unions

If further schemes for regional representation in health and safety are established, trade unions are likely to be their main instigators and supporters, if for no other reason than for the opportunities, however limited, they offer for recruitment and recognition. However, trade union strategies for regional representation in the UK, while they may present trade unions with organising opportunities in small workplaces, must also contain other elements if they are to be realistic and effective in terms of improving preventive health and safety through worker representation. For example, in agriculture weak trade union organisation does not necessarily mean that a regional health and safety representative scheme cannot succeed in the industry – but it does imply that the trade union needs to consider additional strategies to make it work. It was suggested they might include:

- Improved co-ordination of regional representative activities.
- Improved information and support.
- Targeted enterprises with trade union membership.
- Increased regional safety representative's density.

- Links with large organised workplaces with trade union membership.
- Links with other trade unions with membership in small enterprises.
- Identification of specific health and safety specific issues for campaigns (Walters, 1998).

A serious obstacle to the development of many of these strategies is that they have resource implications and are unlikely to be achieved without some allocation of additional resources. This is even more the case with other supports that have been shown to be significant in both the agricultural project and the Swedish scheme, including the time-off and facilities that are essential for regional representatives to carry out their functions and receive training. Indeed, in the evaluation the Swedish scheme, limitations on the activities of regional health and safety representatives were often ascribed to inadequate time and facilities to complete their tasks (Frick, 1996; 1997).

The Swedish scheme also clearly showed the need for special training for the representatives. Analysis indicated that constraints on the effectiveness of the regional safety representatives were related to their position as outsiders to the employment relations patterns established in small enterprises and the difficulties they faced in penetrating the culture of the very small enterprises to establish sustainable health and safety organisation. The Swedish research showed that trade union representatives were generally ill-prepared for an "outsider" role as regional safety representatives. They required very specific training to enable them to relate effectively to the demands of their position and obtain co-operation from employers and employees in small enterprises (Frick, 1996; 1997). The same conclusions were drawn concerning the training needs of the roving representatives in agriculture, where their position was described as an extreme case of the "outsider" role identified in Swedish studies (Walters, 1998). Such conclusions would also apply to regional representatives in relation to small enterprises in any industry. Although trade union training provision for safety representatives is extensively developed in the UK, both in terms of the quantity of its provision and the range of the material it covers (Walters, 1996b), there are no training programmes for regional safety representatives, beyond the very limited and introductory courses that were part of the agricultural project. The training provision recommended by the Swedish studies would require additional resources to undertake a needs analysis, followed by increased provision of training and the development of special courses specifically for regional safety representatives. It is unlikely that trade unions would be able to meet the resource implications of all of these strategies, nor indeed would it be reasonable to expect them to, since provision for such things as facilities, time off to carry out safety representative functions and time off for training would normally be met by employers. The problem for regional representatives schemes is the absence of an infrastructure in place to facilitate this amongst small enterprises.

In Sweden, the difficulty was overcome through the establishment of the Working Environment Fund through state contributions and a levy on employers. This supported not only the provision of training but also paid the wages of many of the representatives. Although the Swedish employers' organisation withdrew from the Working Environment Fund in 1992 and it had ceased to exist by 1995, the regional safety representatives are still supported through state subsidies which pay for about two-thirds of their total costs, the trade unions paying the rest

themselves. Calls for the creation of a similar Fund in the UK, based on a health and safety tax on employers are not new, but there is little indication of them finding favour with either Government or employers' organisations (Ballard, 1995). Limited pilot projects for roving safety representatives can proceed without significant investment (although even the roving safety representative scheme in agriculture was the beneficiary of a one-year subsidy from the European Commission). In the long-term however, if regional safety representatives are to be considered seriously as a means for improving the health and safety performance of small firms in the UK, regardless of their cost-effectiveness, their resource implications must be taken into account and a method found for resourcing them adequately.

There are several reasons for supposing that regional health and safety representatives would prove to be cost-effective but it is important to establish empirical evidence of this. If such representation can be shown to be cost-effective, it would provide a convincing argument for the more widespread adoption of regional health and safety representation for employees in small enterprises over a range of industrial sectors.

Unfortunately, the limited activities of the representatives in the roving representatives in agriculture project, meant that it was not possible to make any meaningful calculation of their cost-effectiveness. Demonstrating cost-effectiveness in other industrial sectors may prove easier than in agriculture as a result of greater co-operation from employers, better availability of data, greater levels of trade union recognition, more varied sources of health and safety representatives and more flexibility with regard to their activities. Assessment of the comparative cost-effectiveness of regional health and safety representatives in Sweden argues they are cost-effective, by comparing the cost of this form of representation with the costs of comparable health and safety representatives in large establishments (Frick, 1996).

The evidence suggests that regional safety representatives cost less per employee than representatives in large workplaces. However, it is based on the costs of safety representatives' facilities and time to undertake their functions being met by employers. While that is also likely to be the case in Britain, where trade unions are recognised by employers at the enterprise level, it may be more difficult to demonstrate in many small enterprises where unions are not recognised. In such cases, trade union representatives, if they existed, would probably not benefit from facilities or paid time off to carry out their functions. As was the case in the agricultural scheme, they would carry out their activities in their own time at no significant costs to their employers. The problem therefore becomes not only whether the representatives and the activities are cost-effective, but also, who pays for them and how to obtain a meaningful measurement of their costs.

Another element of cost-effectiveness examined in the Swedish studies was through comparison of the activities of the regional representatives with the frequency of workplace visits by the labour inspectorate and the extent of coverage by occupational health services. In addition the evaluation also took account of subjective, participant assessment of their contributions to health and safety organisation in small enterprises. The subjective assessments were generally positive, but more significantly for the assessment of cost-effectiveness was the evidence of the regional safety representatives' far greater presence in small workplaces than that of either the

labour inspectors or occupational health services. They made 65,000 workplace visits annually. Each regional representative had a constituency of around 250 workplaces. On average each small workplace was visited once every two years by a regional safety representative compared with an average of one visit in 8-10 years by the labour inspectorate and a 20-30 per cent affiliation rate of such enterprises to company occupational health services (Frick, 1996).

A similar assessment would need to underpin the development of regional representative schemes in the UK. However, in addition, such analysis needs to also take into account objective measures of health and safety outcomes, if it is to have persuasive force with employers' organisations and national policymakers in this field. Although there has been no direct analysis of objective measures of the economic benefits of representative participation in health and safety, research has shown that the presence of safety representatives in workplaces is linked to lower accident rates (Reilly *et al.*, 1995). The costs of accidents to the economy are known to be high. HSE estimates place the total cost of accidents at 2-3 percent of the Gross Domestic Product. It has been pointed out that research in British manufacturing has shown that small enterprises have a proportionally higher serious accident rate than large enterprises (Nichols, 1995) and that some of the industries where small enterprises predominate are regarded by the regulatory agencies as high risk. Although it is not universally accepted that small establishments are more dangerous than larger ones, Nichols (1997) has advanced some very persuasive arguments which suggest they are. It would seem to follow from this that if regional safety representative schemes were evaluated in terms of their cost-effectiveness, there is at least a good chance that their economic benefits in terms of accident reduction would go some way to offset the costs of the such schemes.

A further consideration for the regulatory agencies is that both the agriculture scheme and, to a greater extent, the Swedish provision illustrate the possibility of collaboration between the regulatory agencies and the regional safety representatives. In the wider context of health and safety in small enterprises generally, the cost-effectiveness of these possibilities should be of interest to the HSE and the local authorities in the present climate in which they face reduced resource while their regulatory roles remain extensive.

Conclusions

The need to improve the organisation and arrangements for preventive health and safety in small enterprises has been widely recognised. This article has argued that regional health and safety representatives offer a potentially cost-effective contribution to such improvement. Although experience of such representation in the UK is limited, it has been implemented to different degrees in a number of other European countries. Evidence from a pilot project in agriculture in the UK, together with analysis of the more extensive scheme in Sweden, indicates that there are a number of factors that are important in determining the effectiveness of regional health and safety representatives.

They include:

- Support from legislation and collective agreements between employers and the trade unions at national and industry level;
- Support from employers locally;
- Co-operation of the regulatory authorities (the labour inspectorate); and

- Support from the trade unions particularly with regard to resource, training and provision of information.

The article suggests that the existing legislation on employee representation in health and safety offers only limited support for regional health and safety representatives. However, such support could be extended by relatively minor amendments to the existing provisions. It is pointed out that in countries where regional health and safety representative schemes are most developed, such as in Sweden and Norway, they are the result of legislative provisions.

In the absence of legislative changes it is argued that there are a number strategic issues that trade unions may wish to consider when contemplating initiatives on regional health and safety representatives which may be effective.

The article has argued that despite relatively weak representation in small enterprises, trade unions are better placed than any other organisation to stimulate and support the development of schemes for regional health and safety representation. They may even be able to use this form of health and safety representation to alter their diminishing influence. In addition, the role of the regulatory agencies and the possibilities for the emergence of new alliances in the representation of workers' interests in health and safety at work, may all play a part in determining the role that regional representation will play in the promotion and support of worker participation in health and safety in small enterprises in the future.

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