



POLICY STATEMENT

SAFETY AND DISCIPLINE

Discipline in Workplace Health and Safety: The Role of the Union and Worker Representatives

As advocates of workplace health and safety, unions and labour activists often face an apparent dilemma. On one hand, we ask employers to take every possible action to make our workplaces safe, yet we must also defend the interests of workers subject to discipline for unsafe conduct.

This seeming contradiction has become more troubling as employers increasingly describe the problem of workplace safety mainly as an issue of worker misbehaviour. Employers ask union safety representatives to endorse disciplinary action with increasing regularity, and criticize the union when its representatives reject this request. This trend has raised a significant policy question for Federation affiliates.

Discipline and Prevention

The objective of disciplinary action is to affect behaviour by imposing sanctions. In workplace health and safety, employers maintain that discipline is necessary to prevent irresponsible behaviours that are inherently unsafe (such as horseplay) and more often, to ensure compliance with safety rules.

While this may be true at a theoretical level, in practice there are numerous problems with discipline in the context of workplace safety.

One is the underlying assumption that behaviour is solely a matter of personal responsibility. Social research shows that behaviour is influenced by a great number of factors other than the individual's sense of duty. Indeed, many infractions of safety rules occur because of a conflicting demand on workers for efficiency and productivity. Prevention research confirms there are many problems in a safety strategy that relies on workers complying with rules, instead of eliminating or controlling the hazards at their source through engineering and design measures.

A second problem is the view that lack of worker discipline is a significant factor in causing workplace accidents and disease. Often, employers turn to this argument rather than address the fundamental problem - the presence of the hazard in the work environment. Again, authorities in prevention research report that the large majority of accidents and workplace diseases could have been prevented by the employer.

Conflict of Interest

The endorsement of employer disciplinary actions by worker safety representatives - or a representative of a union - has significant potential to create an ethical and legal conflict of interest.

In the "internal responsibility" system currently in place, a worker health and safety representative is supposed to act as an agent of the workers, and has no supervisory or managerial role or authority. The safety representative's primary role is to present the concerns of his or her peers about their health and safety to the employer and try to affect the behaviour of *management* in controlling workplace risks. Workers maintain their confidence in their representatives when that role is clear. When a worker safety representative's focus shifts to supporting discipline against workers, that person's credibility is eroded, and workers can easily become cynical about the real aims of the safety program if they feel their concerns aren't being energetically represented.

Further, as noted in the preceding discussion, considerable investigation into the reasons for a behaviour and its relevance to the occurrence of an injury or disease needs to be undertaken. Most worker health and safety representatives do not receive the necessary training to be able to make an informed conclusion about behavioural factors.

Moreover, any representative of a union has a legal duty of fair representation. There is a real risk of a union violating that duty to defend the interests of the worker when a union representative endorses a discipline measure. A union representative who endorses discipline measures may also be drawn into acting as a witness against the worker in future arbitration proceedings.

Conclusion

The affiliates of the Federation accept that disciplinary action may be necessary in certain circumstances. Nevertheless, in view of the factors cited in this discussion, we do not believe that worker representatives or unions should endorse disciplinary actions as a solution to the problem of workplace health and safety.

Adopted in Convention 1998
B.C. Federation of Labour