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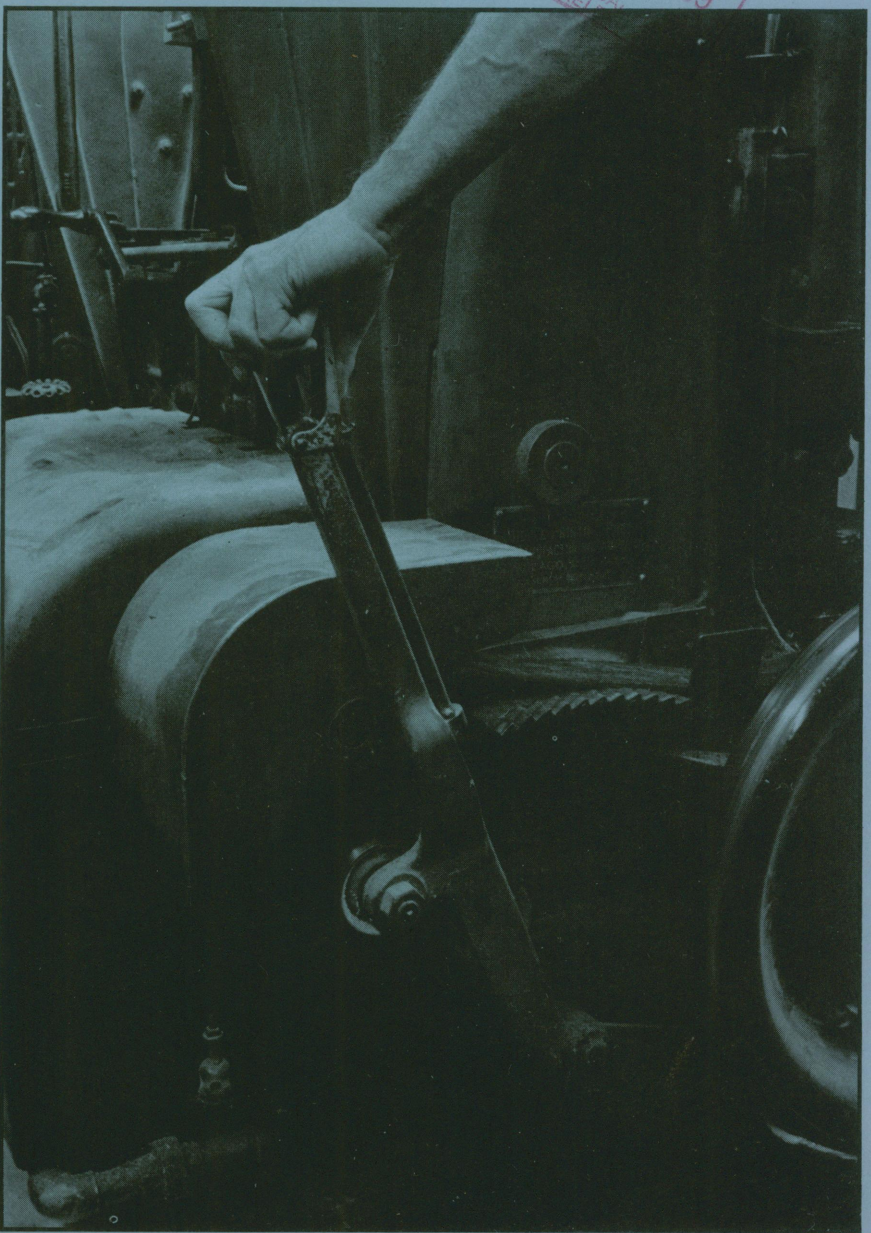
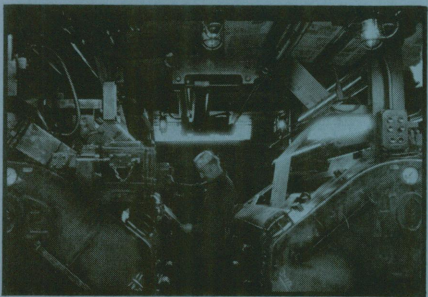
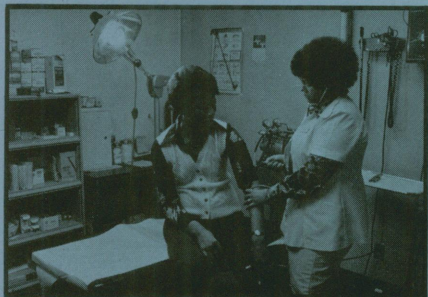
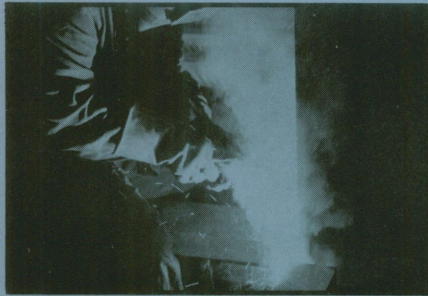
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Labor Occupational Health Program

# Health and Safety Handbook for Local Unions

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# Health and Safety Handbook for Local Unions

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## TABLE OF CONTENTS

	page
Introduction .....	5
Index to Questions .....	7
 <b>I. WORKERS' RIGHTS.</b> .....	 11
Legal Rights .....	11
Medical Rights. ....	23
 <b>II. GETTING ORGANIZED</b> .....	 33
How to Get Organized. ....	33
Putting a Library Together .....	47
Getting the Facts About Toxic Substances .....	57
 <b>III. MAKING THE WORKPLACE SAFER AND HEALTHIER</b> .....	 69
Using the Standards. ....	69
Collective Bargaining on Health and Safety.....	73
Building Support. ....	83
 <b>RESOURCE LIST.</b> .....	 95







## Introduction

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Occupational health and safety is a growing concern among workers and their unions across the country. It's impossible to miss the daily news reports about workplace hazards and their effects on workers, their families, and their communities. Whether you work in a small office or huge industrial plant, a mine in West Virginia or a vineyard in California, you and your co-workers are likely to experience some of these problems first-hand at some time during your working life.

Since 1974, when the Labor Occupational Health Program (LOHP) was established, we have been committed to developing programs and materials to meet the needs of workers and unions for information and training about health and safety in the workplace.

The **Health and Safety Handbook for Local Unions** was prepared by LOHP staff in response to questions union members most often ask during health and safety training sessions and in requests for technical assistance. Written in question and answer format, the book is intended as a guide to solving workplace health and safety problems for local union health and safety representatives, business agents, shop stewards, and members. While the needs of California unions are emphasized, the information in this book should serve as a resource to unions throughout the United States.

The questions and answers in the book are grouped under three major headings: Workers' Rights; Getting Organized; and Making the Workplace Safer and Healthier. Eight subsections deal with a wide range of questions, such as

- \* Can an employer discriminate against us for exercising our rights under OSHA?
- \* How can we arrange for a medical screening?
- \* What should we do if workers complain about getting sick or injured on the job?
- \* How should we organize our library?
- \* How can we get our workplace checked out for hazardous substances?
- \* How can we go about getting a new standard enacted or an existing standard improved?
- \* What kinds of clauses in our present union contract may cover or support health and safety activities?
- \* What are some good ways to publicize health and safety issues?

An index to questions at the front of the book will enable you to find the question on your mind and locate its page number, without having to read through the entire book to get the information you need about a specific problem. Questions are answered briefly, with references to other sources in case you need further information. A Resource List at the back of the book tells you where you can reach federal and regional government agencies, Committees on Occupational Safety and Health ("COSH" groups), and university labor centers. LOHP publications and audiovisual materials are also included in the Resource List.

We hope that this handbook proves useful to you in your efforts to improve health and safety on the job. LOHP will be happy to help with any questions or requests for assistance you may have in the future.



## Index to Questions

### CHAPTER I WORKERS' RIGHTS

Legal Rights	page
1. Do we have a legal right to a work-place free of recognized health and safety hazards? . . . . .	11
2. What basic health and safety rights do we have under federal and Cal/OSHA laws? . . . . .	11
3. How do we know whether we are covered by OSHA? By Cal/OSHA? . . .	13
4. Who can file an OSHA complaint? . . . . .	14
5. Will the employer be told who filed the complaint? . . . . .	14
6. Can we participate in an OSHA worksite inspection? . . . . .	14
7. Can an employer discriminate against (fire, penalize, or reprimand) us for exercising our rights under the OSHAct? . . . . .	14
8. Is the walkaround representative entitled to his or her pay for the time spent on the walkaround? . . . . .	17
9. Can we appeal a Cal/OSHA citation or contest the employer's appeal of a citation? . . . . .	17
10. Can Cal/OSHA shut down an unsafe or unhealthy work area? . . . . .	18
11. Do we have the right to refuse an unsafe job? . . . . .	18
12. Can Cal/OSHA require an employer to correct a safety or health problem for which there is no applicable standard? . . . . .	19

13. Do we have a legal right to know what hazardous substances we may be exposed to? . . . . . 19

14. Can workers be required to pay for personal protective equipment used at work? . . . . . 21

15. What can we do if we feel we are not receiving adequate assistance from the OSHA inspector or OSHA office? . . . . 21

## Medical Rights

1. What can we do if the employer's medical department is not functioning adequately? . . . . . 23

2. Can we use our own doctor for an occupational illness or injury? . . . . . 26

3. What should we tell the doctor when we seek treatment for a potentially work-related illness or injury? . . . . . 27

4. How can we arrange for a medical screening? . . . . . 27

5. Do we have the right to access to medical testing or medical information kept by the employer? . . . . . 29

6. Do we have a right to view employer records of exposures to various substances? . . . . . 29

7. What health and safety-related documents do we have a right to obtain? . . . . . 29

8. Can we be discriminated against by an employer for an injury or illness? . . . . . 30

9. Is the employer obligated to pay for transportation and other incidental expenses for job-related medical appointments? . . . . . 31

## CHAPTER II GETTING ORGANIZED

### How To Get Organized

1. Why does my union need a health and safety organization? . . . . . 33

2. What kinds of health and safety organizations have unions developed? . . . . . 33

3. How do these various types of union health and safety structures function? . . . . . 34

4. What rights should a union health and safety organization have in order to be effective? . . . . . 35

5. Who should be on a health and safety committee? . . . . . 36

6. What are some tips to help our union health and safety machinery function effectively? . . . . . 36

7. What records and files should a union keep on health and safety? . . . . 38

8. What resources are available to help train and educate union health and safety activists? . . . . . 38

9. What should we do if a worker or group of workers complain about getting sick or injured on the job? . . . . . 39

10. How can we make an effective walkaround survey of health and safety conditions? . . . . . 40

11. What are some effective approaches that can be used to resolve health and safety issues? . . . . . 44

### Putting a Library Together

1. Why do we need a library? . . . . . 47

2. Can we afford a library? . . . . . 47

3. How do we decide what publications to order? . . . . . 48

4. What are some free publications that we can obtain? . . . . . 48

5. What are some other books to order for a basic library? . . . . . 49

6. How should we organize our library? . . . . . 50

7. What can we collect in our library besides books? . . . . . 51

8. Where can we find information on chemical and toxic substances to which we are exposed? . . . . . 51

9. Where can we find standards and regulations that cover us, and how can they be included in a library?. . . . . 52

10. Where can we get statistical information on illness and injury rates? . . . 53

11. What publications are available that will explain our rights under OSHA? . . 53

12. What health and safety publications are specifically for unions? . . . . . 54

13. What are some newspapers and journals that we can include in the library? . . . . . 55

### Getting the Facts About Toxic Substances

1. How can we get a list of the hazardous substances we are working with? . . . . . 57

2. How can we find out how toxic substances on the job may affect us? . . . . . 58

3. What is a Material Safety Data Sheet?. . . . . 59

4. What is the "trade secret" controversy all about? . . . . . 59

5. How can we get our workplace checked out for hazardous substances?. . . . . 62

6. What is an HHE? . . . . . 63

7. What precautions can we take to protect ourselves from exposure to toxic substances?. . . . . 63

8. What is a TLV? . . . . . 66

9. How can toxic substances affect the body? . . . . . 66

## CHAPTER III MAKING THE WORKPLACE SAFER AND HEALTHIER

### Using the Standards

1. How can we find out whether a safety or health code has been violated? . . . . 69

2. How can we go about getting a new standard enacted or an existing standard improved? . . . . . 70

3. Can we negotiate standards directly with our employer? Where can we find data to support our proposals? . . . . . 71

4. Is it possible to get a special order from OSHA covering a condition particular to our plant, office, or industry? . . . . . 72

### Collective Bargaining on Health and Safety

1. What kinds of information are we entitled to get from our employer for the purpose of collective bargaining?. . . . . 73

2. What kinds of information do we need to collect for purposes of preparing for negotiations? . . . . . 74

3. What kinds of clauses in our present union contract may cover or support health and safety activities?. . . . . 80

4. What kinds of clauses have been negotiated by other unions establishing workers' rights and privileges with respect to health and safety? . . . . . 80

### Building Support

1. How can we get the word out in the workplace about job hazards? . . . . . 84

2. What can we do to insure that health and safety becomes a priority in our union? . . . . . 85



3. What are some ways to let the community know about workplace hazards and enlist their support? . . . . 87
4. What are some good ways to publicize health and safety issues? . . . . . 88
5. What other kinds of activities can we organize to spread the word about health and safety? . . . . . 92
6. What is a health and safety coalition, and when do we need one? . . . . . 93

# Chapter I

## Workers' Rights



### Legal Rights

*Photo (c) 1979, Ken Light*

**1. Do we have a legal right to a workplace free of recognized health and safety hazards?**

Both the federal OSHAct and its California counterpart, Cal/OSHAct, require employers to provide a place of employment that is safe and healthful for those workers within each work setting. These protections are specified in various regulations and standards which are adopted on the federal level by the Secretary of Labor and in California by the California Occupational Safety and Health Standards Board (OSHSB). (See the section on "Using the Standards" in this book.) In California the standards of the OSHSB apply to all California workplaces over which Cal/OSHA has jurisdiction (see question 3). Even if there is no specific standard governing a particular hazard, Cal/OSHA, as well as federal OSHA, can take appropriate measures to order that generally recognized hazards be corrected.

**2. What basic health and safety rights do we have under federal and Cal/OSHA laws?**

You have a right to a safe and healthful workplace, a right to participate in and promote health and safety programs and training, and to complain to

OSHA regarding specific work hazards. Of course these rights mean little unless you actively utilize the law through vigilance, prompt notification of authorities when a problem arises, and effective follow-through. Numerous other rights are specifically addressed in following questions. These are some of the basics:

- \* The right to consult with the employer about health and safety matters without reprisal.
- \* The right to bargain over health and safety issues as a mandatory subject of bargaining under the National Labor Relations Act (NLRA).
- \* The right to process health and safety grievances when the contract provides for occupational health and safety protections for unit members.
- \* The right to complain to OSHA, as an individual worker as well as a union representative, about alleged unsafe or unhealthy working conditions. If OSHA determines that the complaint has merit it will conduct an inspection based upon the complaint.
- \* The right of a worker representative to consult with and accompany the OSHA inspector on the walkaround inspection. The representative can and should point out any and all suspected safety or health hazards in the workplace.
- \* The right to testify in a hearing regarding an OSHA citation. (See question 9 in this section.)
- \* The right to inspect and make copies of all employer-held monitoring data, medical records and OSHA 200 forms, as well as access to all employer-held occupational health and safety data which may be necessary in order to engage in constructive and meaningful bargaining or grievances involving health and safety issues.
- \* The right to be free of employer discrimination arising out of the exercise of health and safety rights. (See question 7 in this section.)
- \* The right to refuse hazardous work. (See question 11 in this section.)



- \* The right to sue your employer and not be constrained by the exclusive remedy provision of the Workers' Compensation Law when the employer, or his agent, knew of your work-related medical condition and failed to inform you of this condition. (Normally, the Workers' Compensation Law does not allow you to sue the employer for a work-related injury or illness. Claims are heard only within the Workers' Compensation system, which limits benefits.)
- \* The right to seek a criminal prosecution when an employer or a managerial employee willfully violates any occupational safety or health standard, order or special order, and that violation caused a death or serious injury to a worker.

See also question 11 in the section on "Putting a Library Together."

### 3. How do we know whether we are covered by OSHA? By Cal/OSHA?

The federal OSHAct applies to all U.S. workers except:

- \* State, county, or municipal employees.
- \* Employees in states which have enacted their own Occupational Safety and Health Act, and whose programs are recognized by federal OSHA.
- \* Federal agency employees whose agency has established a health and safety program deemed adequate by OSHA.
- \* Employees whose health and safety rights are determined directly by another government agency, such as the Federal Aviation Administration (FAA), the Mine Safety and Health Administration (MSHA), or the Coast Guard.

The Cal/OSHAct is applicable to nearly every worker employed in California, including state, county, and municipal employees. It is not applicable to those workers who are employed by a federal agency or who come under the exclusive jurisdiction of a federal agency. If you are unclear whether or not your workplace falls under OSHA jurisdiction, call your local OSHA office to find out.

Generally speaking, most California workers are covered by Cal/OSHA, and federal OSHA maintains a monitoring function in this state to insure that the Cal/OSHA program is as effective as federal OSHA.

**4. Who can file an OSHA complaint?**

An individual worker can file a complaint with OSHA or Cal/OSHA with regard to his or her workplace, or you can file as a union. (See complaint form, pp. 15-16.)

**5. Will the employer be told who filed the complaint?**

When you file a complaint under the federal OSHAct, you must request that the complaint be anonymous in order for your name to be kept confidential by OSHA. In California, under Cal/OSHA, your identity will be kept confidential unless you specifically authorize OSHA to disclose your name.

**6. Can we participate in an OSHA worksite inspection?**

If you are an authorized representative chosen by your co-workers (such as shop steward or business agent,) you are entitled to accompany the OSHA or Cal/OSHA inspector on the walkaround. When there is no authorized representative, the OSHA or Cal/OSHA representative must consult with a reasonable number of employees concerning matters of health and safety. The employer legally cannot discriminate against any individual or union which exercises this right. (For information on pay for time spent on the walkaround, see question 8, below.)

**7. Can an employer discriminate against (fire, penalize or reprimand) us for exercising our rights under the OSHAct?**

Under the anti-discrimination provisions of both the federal and the California OSHActs it is unlawful for the employer to retaliate against a worker who has exercised his or her rights under the laws. Anyone suspecting that he or she is being retaliated against should **immediately** file a discrimination complaint with federal OSHA and the California Labor Commissioner's office. You also may seek protection under the National Labor Relations Act (NLRA) when you engage in activity (either individually or collectively) which constitutes an exercise of your rights under the occupational safety and health laws. Any discrimination allegation therefore can be filed with the National Labor Relations Board (NLRB) as well as with the other agencies.

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

**COMPLAINT**

(Of Unsafe and/or Unhealthful Condition)

**Office Use Only:**

- ☐ Formal (3 Day)  
☐ Formal (14 Day)  
☐ Informal

Complaint Log No. \_\_\_\_\_

This form may be used to notify the division of an unsafe and/or unhealthful working condition. Mail or hand deliver form to the nearest division office after completing and signing.

**1. Complainant's**

Name \_\_\_\_\_ Home Phone: ( ) \_\_\_\_\_  
Position \_\_\_\_\_ Office Phone: ( ) \_\_\_\_\_  
Address \_\_\_\_\_  
Street City ZIP Code

**2. Complaint is by: (Check one)**

☐ Employee ☐ Employee's Representative \_\_\_\_\_ ☐ Other \_\_\_\_\_  
(Name of Organization) (Specify)

Complainant believes that an unsafe and/or unhealthful condition exists at the following place of employment:

**3. Establishment:**

Name \_\_\_\_\_ Phone: ( ) \_\_\_\_\_  
Address \_\_\_\_\_  
Street City ZIP Code

**4. Type of Business:** \_\_\_\_\_

**5. Building or Worksite where Alleged condition is located:** \_\_\_\_\_

**6. Employer's Agent in charge of that area:** \_\_\_\_\_ Phone: ( ) \_\_\_\_\_

**7. The Unsafe and/or Unhealthful Condition:** Describe briefly the condition which exists, including the approximate number of employees exposed to or threatened by such condition:

(Continued on reverse side)



8. Yes No

- ☐ ☐ Labor Code 6309 states that your name shall be kept confidential unless you request otherwise. Would you like your name to be kept confidential?
- ☐ ☐ Has your employer or his representative been informed of this condition?
- ☐ ☐ Has this complaint been considered or filed with any other government agency?
- If yes, name of agency: \_\_\_\_\_
- ☐ ☐ To your knowledge, has this unsafe and/or unhealthful condition been the subject of any union/management grievance?

I hereby certify that the above, to the best of my knowledge, is true and correct.

\_\_\_\_\_  
Complainant's Signature\_\_\_\_\_  
Date\_\_\_\_\_  
City

## For Office Use Only

9.

A. Received By:

B. Referred To:

\_\_\_\_\_  
Name Office Date\_\_\_\_\_  
Name Office Date

C. Referred From:

D. Source:

\_\_\_\_\_  
Name Office Date

- ☐ Written (Mail) ☐ Telephone
- ☐ In Person

10.

A. Assigned To: \_\_\_\_\_  
CSE/IH Name Date Time

(Check Formal/Informal box on front of form.)

B. Serviced By: \_\_\_\_\_  
CSE/IH Signature Date

C. In Compliance? ☐ Yes ☐ No ☐ Referred

D. Reply to Complainant: Formal: ☐ Letter

Informal: ☐ Telephone ☐ In Person ☐ Letter

E. Comments:

District Manager/Senior I.H. \_\_\_\_\_

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date

Since discrimination is often difficult to prove, you should gather as much documentation as possible (keep copies of complaints or other documents you have filed; keep a diary of events; record all relevant discussions with management, co-workers, and others; get accounts from witnesses) in order to support your case.

**8. Is the walkaround representative entitled to his or her pay for the time spent on the walkaround?**

Under federal OSHA the walkaround representative is **not entitled** to pay for the time spent on the walkaround; however, some employers do pay for walkaround time. In California, the walkaround representative **is entitled** to pay for this time. Cal/OSHA's position is that failure to pay the walk-around representative constitutes discriminatory action, which is prohibited under this law.

A number of unions have negotiated bargaining agreement provisions that provide for walkaround pay. Such provisions are often the best means of insuring pay for the walkaround representative.

**9. Can we appeal a Cal/OSHA citation or contest the employer's appeal of a citation?**

When an OSHA inspector discovers a violation of an OSHA standard, he or she may issue a citation to the employer. The citation may include a proposed fine and a date by which the employer must correct the hazard. The employer has the right to contest the citation itself, the fine, or the "abatement period" (date by which it must be corrected). The union, however, may only contest the abatement period. If you believe that the Cal/OSHA citation gives management too much time before it must correct the hazard, either you or your union may contest the correction date specified in the citation. You do this by appearing before an administrative law judge of the Occupational Safety and Health Appeals Board (OSHAB). The union or the employer may appeal the administrative law judge's decision, first to the Appeals Board and then to the courts.

If the employer appeals a citation, the union can elect to become a party to the appeal, and can present evidence and testimony to support the citation. Worker participation in the appeals process can help to insure that a citation is upheld.

**10. Can Cal/OSHA shut down an unsafe or unhealthy work area?**

An authorized representative of Cal/OSHA may prohibit the use of any device, machine, equipment or work area when he or she finds that an imminent danger (immediate threat of serious injury or death) exists in the workplace. This is a temporary shutdown which must be reviewed by the Cal/OSHA inspector's superiors as well as by the chief of Cal/OSHA. If Cal/OSHA maintains that the hazard necessitates a longer-term shutdown, it may seek a court order prohibiting the employer from operating in a way that will create an imminent hazard.

**11. Do we have the right to refuse an unsafe job?**

This is a tricky and difficult question. Yes, there are a number of legal protections and standards which give you the right to refuse imminently hazardous work without the threat of potential or actual employer retaliation. Each of these standards varies in a significant way, and all of them include **limitations** on your "right to refuse." Regardless of the law or remedy on which you base your right to refuse, there are certain precautions you should take, when possible, before refusing a work assignment:

- \* Point out the problem to the employer or the employer's representative.
- \* Advise the union, the union health and safety committee, the joint labor-management health and safety committee, and fellow workers of the hazardous situation. Seek immediate resolution of the problem.
- \* If you are not satisfied with the results you get from the parties, advise them of your intent to refuse work because of your belief that the work assigned poses an imminent danger of serious injury, illness, or death.
- \* If you have the time, call Cal/OSHA and file a complaint by phone of an imminent danger.
- \* If your employer still insists that there is no imminent danger, express a willingness to do alternative work which does not pose such a danger.

Here is a brief summary of each protection and the test applied under it:

- \* **Federal OSHA**--allows a right to refuse work when a **reasonable person** would conclude that the work involved a **"real danger of death or serious injury,"** there is insufficient time to remedy the situation through an OSHA complaint, and the efforts to get the employer to remedy the situation were ineffective.
- \* **Cal/OSHA**--allows a right to refuse when the danger faced constitutes or appears to constitute a **real and apparent hazard** to the worker or fellow employees.
- \* **National Labor Relations Act (NLRA), Section 7**--under some circumstances, may allow a refusal based on a **personal (subjective) fear of the hazard.** Group activity may be required or implied depending on the circumstances. Generally a no-strike clause waives this protection.
- \* **Labor Management Relations Act (LMRA Amendment to the NLRA) Section 502**--allows refusal only when there is a specific finding by the NLRB that the hazard **actually was abnormally dangerous.** Appearing imminently dangerous to the reasonable person is not enough, as it is under the OSHA and under the Cal/OSHA tests. Here the hazard must actually exist.

**12. Can Cal/OSHA require an employer to correct a safety or health problem for which there is no applicable standard?**

Cal/OSHA can issue citations only when a specific standard is violated. However, Cal/OSHA can issue a **special order** or an **order to take special action** when a health and safety problem is not covered by a specific standard. Since these are not citations, the employer cannot be fined but can be required to correct the hazard.

**13. Do we have a legal right to know what hazardous substances we may be exposed to?**

There are a number of laws and standards which establish your right to information regarding hazardous substances in the workplace and exposure to them:

- \* You and your union have the right to view and copy any exposure records maintained by the employer or to which the employer has access. This includes any monitoring data collected voluntarily by the employer or those acting on behalf of the employer.
- \* For every substance for which the California Occupational Safety and Health Standards Board (OSHSB) has adopted a regulation or order, there must be a provision requiring the use of labels or other appropriate forms of warning to insure that employees are apprised of:
  - a) all hazards to which they are exposed;
  - b) relevant symptoms and appropriate emergency treatment; and
  - c) proper conditions and precautions for safe use or exposure.

Further, the regulation may require that all relevant and necessary medical testing and monitoring be done by and at the expense of the employer. The results of medical testing and monitoring must be made available directly to the affected workers.

- \* The California Hazardous Substances Information and Training Act (HSITA) requires that employers provide training or information to workers regarding the hazardous substances to which they foreseeably may be exposed. Further, the HSITA requires that the hazardous substance manufacturers supply employers using their products with a Material Safety Data Sheet (MSDS) which covers such information as:
  - a) the chemical and common names of a substance;
  - b) the hazards or risk in the use of the hazardous substance, as well as the potential adverse health effects;

- c) the proper precautions, handling practices, necessary personal protective equipment, and other safety precautions in the use of or exposure to the hazardous substance;
- d) the emergency procedures for spills, fires, and emergencies requiring first aid.

Under HSITA, you or your collective bargaining representative may request that the employer supply copies of the MSDSs for the workplace. The employer must make available all copies of the MSDSs in its possession and must request copies of the MSDSs from the appropriate manufacturers or sellers of the substance once your request has been filed.

- \* Under recent NLRB decisions interpreting the National Labor Relations Act (NLRA), a union has the right to information on exposure levels and on chemical substances used in the workplace. These decisions are based on a union's need for access to accurate information on substances in order to bargain effectively on exposure levels and to process more effectively grievances on these issues.
- \* Negotiating strong language in the collective bargaining agreement is another way to insure access to information on hazardous substances.

**14. Can workers be required to pay for personal protective equipment used at work?**

Under the Cal/OSH Act workers must be supplied with all protective equipment which is required or necessary for a particular job. In the *Bendix* decision, the California Supreme Court has determined that the employer has the duty to pay for protective equipment and that this burden cannot be shifted to workers. Anytime the employer requires you to purchase individual protective equipment, you or your union may complain to Cal/OSHA.

**15. What can we do if we feel we are not receiving adequate assistance from the OSHA inspector or OSHA office?**

Any complaints concerning Cal/OSHA should be relayed through the office of the chief of the Division of Occupational Safety and Health (Cal/OSHA). If there is no satisfactory resolution at

that point, it may be necessary to file a complaint with federal OSHA (which monitors all state OSHA programs). This is called a Complaint Against State Program Administration (CASPA). The federal OSHA office will investigate such complaints and may take action to reverse the state agency's decisions. Investigation of such a complaint may include a workplace inspection by federal compliance personnel.

If the complaint concerns federal OSHA's handling of its duties you should contact the regional OSHA office which covers your area. Specifically you should ask for the region's labor liaison or the regional administrator. Explain the problem and tell them that you want an informal review. You are entitled, through this review, to a written statement of the reasons for OSHA's determination.





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## Medical Rights

### 1. What can we do if the employer's medical department is not functioning adequately?

Employer-provided in-house medical services are not generally required by labor laws or health and safety legislation. Employers who do provide in-house medical services through corporate medical departments rarely consult unions or workers on the company's medical practices. Depending on the functions of the medical department, however, such company policies may be considered mandatory subjects of collective bargaining negotiations between the company and the union. Therefore, your union should emphasize collective bargaining proposals aimed at influencing corporate medical policies. Other possible remedies and union actions are:

- \* Document all areas of concern to the union, including investigation and recording of any medical practices which the union feels are inadequate and unethical.

## OCCUPATIONAL HEALTH HISTORY

### OCCUPATIONAL PROFILE

Fill in the table below listing all the jobs you have had (even short-term, seasonal, and part-time) starting with your present job and going back to the first. Use additional paper if needed.

Workplace/Address	From	To	Type of Industry/Firm	Description of Job	Known Health Hazards

Residences—Please list all places you have lived starting with your current home.

City	State	Rural	Urban	Suburban	Duration (mo./yrs.)	Known or Suspected Hazards

What is your present occupation?

Kind of business \_\_\_\_\_

Kind of work done \_\_\_\_\_

To your knowledge, are you exposed to any hazardous substances—fumes, dusts, solvents, minerals, mists, chemicals, or gases—in the course of your work?    Yes    No

If yes, please detail \_\_\_\_\_

Were you given a pre-employment physical?    Yes    No  
 Are you given periodic health examination at work?    Yes    No  
 \*If yes, which kind? (Please circle)  
 Blood samples    Eye exam    Physical exam    X-ray (Type) \_\_\_\_\_  
 Blood pressure    Hearing test    Breathing test    Other \_\_\_\_\_  
 \*How often are you tested? \_\_\_\_\_

Do you wear any protective devices in your work?    Yes    No  
 If yes, is it mandatory? \_\_\_\_\_ Optional \_\_\_\_\_ Was it pre-fitted?    Yes    No  
 Did you have an exam prior to being given the device?    Yes    No  
 Please describe the device you wear. \_\_\_\_\_

Have you ever to the best of your knowledge worked at a job handling any of the following materials?    Yes    No

Aerosols	Coal Tar and	Methyl Ethyl Ketone
Ammonia	Fractions (Pitch,	(MEK)
Anesthetic gases	Creosol, Creosote,	Methylene Chloride
Asbestos	Acridine, Anthracene)	Paints
Asphalt and Tar	Cotton	Pesticides/Fungicides
Benzene	Crop Dust & Sprays	Plastics
Beryllium	Dioxane	Powders
Calcium Oxide (Lime)	Dusts	Silica (Sand Quartz)
Carbon Disulfide	Dyes & Stains	Silicates
Carbon Monoxide	Epoxy Resins	Solvents
(Exhaust Fumes)	Fiberglass	Tobacco Leaves
Cement (Portland	Gasoline & Oil	Toluene
Cement)	Lead	Turpentine
Chromates	Mercury	Welding Fumes
Coal	Methyl Alcohol (Carbinol, Wood	X-Ray or Radioactive Materials
	Spirits, Wood Alcohol, Methanol)	
Other _____	None	

Have you had any health problems connected with your current job?    Yes    No  
 If yes, describe \_\_\_\_\_

Have you ever worked in these major industries or occupations?

Auto repair	Construction	Electronic	Mining	Petroleum	Sand blaster
Brake lining	Demolition	Farming	Office worker	Pipefitter	Sawmill
Carpentry	Digging	Foundry	Operating room	Plastics	Shipyards
Chemicals	Dry cleaning	Hairdresser	Painter	Printer	Welder

Have you ever worked at any other dusty jobs? Yes No

If yes, please detail \_\_\_\_\_

Have you ever been exposed regularly to any type of irritating gas? Yes No

Chemical? Yes No Noise? Yes No

If yes, please detail \_\_\_\_\_

Have you ever changed occupations because of a health problem at work? Yes No

If yes, please detail \_\_\_\_\_

Have you ever changed a task assignments within the same industry or place of work because of a health problem? Yes No

If yes, please detail \_\_\_\_\_

**Smoking History** (To identify number of pack years: packs per day times number of years)

Do you now smoke cigarettes? (Circle one)

regularly/occasionally (usually less than one cigarette each day)/never.

If you smoke cigarettes regularly now:

Do you inhale? Yes No

Do you smoke cigarettes with filters \_\_\_\_\_ without filters \_\_\_\_\_ or both \_\_\_\_\_?

How many cigarettes do you usually smoke each day at the present time? Please give best estimate: (one pack contains 20 cigarettes) \_\_\_\_\_ number of cigarettes per day.

How old were you when you began to smoke cigarettes? \_\_\_\_\_ (age)

If you do NOT smoke cigarettes now, did you ever smoke them regularly or occasionally? (Circle one) Yes No

What was the usual number of cigarettes you smoked per day? Please give best estimate: (one pack contains 20 cigarettes) \_\_\_\_\_ number of cigarettes per day.

Did you inhale? Yes No

How old were you when you began to smoke? \_\_\_\_\_ (age)

How old were you when you stopped smoking cigarettes regularly \_\_\_\_\_ (age)

Why did you stop? (circle one) cough/wheezing/shortness of breath/other \_\_\_\_\_

Do you now smoke pipes or cigars? (Circle one) regularly/occasionally/never.

If you smoke pipes or cigars regularly now:

How many pipefuls or cigars do you usually smoke each day? \_\_\_\_\_ number per day.

How old were you when you first smoked? \_\_\_\_\_ (age)

Do you usually inhale when you smoke either pipes or cigars? Yes No

### Medical History

Have you ever had any of the following symptoms? Oral/Nasal/Throat

#### General

weight loss  
weight gain  
fatigue/weakness  
night sweats

#### Stress

irritability  
depression  
difficulty sleeping

#### Neurological

seizures  
fainting  
paralysis  
frequent headaches  
loss of memory  
numbness or tingling  
dizziness  
stroke  
tremor  
loss of taste or smell

#### Skin

psoriasis  
eczema  
dermatitis  
redness  
itching/sore  
dry/burning  
pimples or blackheads  
color changes or blotches  
lumps/cysts/growths  
change in mole size/shape  
blistering  
hair loss  
boils/infections  
discoloration of fingers  
nail changes/color changes

#### Ear

buzzing/ringing  
sores/frequent infections  
loss of hearing

#### Eye

require glasses/vision worse  
glaucoma  
cataracts  
pain/burning/redness/tearing  
frequent blinking  
blurry vision  
particles or chemicals in eye

excess salivation  
sores on lip, tongue/mouth  
frequent sore throat  
bleeding gums  
dental problems  
objects in mouth on job  
other

#### Cancer

told you had a form of cancer

#### Endocrine

diabetes  
thyroid disease  
take hormones  
other

#### Pulmonary

hay fever  
asthma  
frequent wheezing  
chest tightness  
chronic cough  
emphysema  
pneumonia  
cough up phlegm  
shortness of breath  
breathing more difficult  
as work progresses  
cough up blood  
tuberculosis exposure  
treated for tuberculosis  
get out of breath more easily  
than people of same age

#### Cardiac

heart attack  
chest pain  
heart murmur  
high blood pressure  
irregular/rapid heart rate  
feet/legs swell  
pain in legs walking  
difficulty breathing while  
lying flat

#### Gastrointestinal

ulcer  
hepatitis (jaundice)  
liver disease  
vomit blood  
black tarry stools

change stool size  
diarrhea  
abdominal pain  
gas or bloating  
constipation  
blood in stools

#### Genitourinary

frequent urination  
burning urination  
involuntary urination  
change color/smell  
kidney stones  
urinary infection  
blood in urine  
other kidney disease  
other

#### Blood/Immunological

anemia  
problems with easy bleeding  
frequent colds/flu  
cuts/sores heal slowly  
frequent skin infections  
frequent pneumonia

#### Joints/Orthopedic

arthritis  
back pain or injury  
joint stiffness  
stiff neck  
shoulder aches  
foot pain  
swollen joints  
wrist pain  
tender or sore arms/legs

#### Reproductive

Men  
difficulty achieving/  
maintaining erection  
unable to achieve  
pregnancy with partner  
Women  
difficulty becoming pregnant  
miscarriage  
menstrual irregularity  
heavy flow  
sore breasts  
discharge from nipples  
discharge from vagina  
mass/lump in breasts  
frequent vaginal infections

- \* Request that medical records of members be turned over to the union so that the union can evaluate the adequacy of care being provided. This requires authorizations by individual workers who want to view such records. (See question 5 in this section.)
- \* Check to determine if the company physicians have complied with screening and testing requirements which are included in OSHA standards for some hazard exposures.
- \* Investigate whether company physicians have reported occupational illnesses and injuries to the state and the employer. Such an omission is a misdemeanor and could result in discipline by medical authorities for the non-reporting physician.
- \* If medical care is believed to be unprofessional, contact the Board of Medical Quality Assurances and file a complaint.
- \* Use all above-mentioned information and records to support bargaining proposals aimed at correcting the inadequacies of the company's medical program. Put forward proposals that would give the union some control over company medical policies, selection of plant physicians, and administration of company medical practices.
- \* When health problems arise, exercise your right to receive treatment from your personal physician (see question 2, in this section). The selection of outside treatment will serve to encourage greater company responsiveness to your health needs.

**2. Can we use our own doctor for an occupational illness or injury?**

In California, you are entitled to choose to use your own personal physician or your health plan's physicians for the treatment of an occupational injury or illness. However, in order to have the right to be treated immediately from the date of injury or illness, you must notify the employer in writing, prior to the date of injury or illness, of the identity of your personal physician or group health plan. This information must be on file before an injury or illness occurs.

If no advance notice is given to the employer, the employer can determine who will treat the illness or injury for the first 30 days. After 30 days, you may be treated by a physician or facility of your own choice as long as the location of the treatment is within a reasonable geographic area.

**3. What should we tell the doctor when we seek treatment for a potentially work-related illness or injury?**

Even though you suspect that a health problem is related to your work, the doctor may not readily associate the condition with workplace exposures or practices. For this reason, it is important to give him or her as complete a picture of your employment and exposure conditions as possible. Keep a record of the date and time a problem arose, when symptoms got worse or lessened, and how the symptoms tied in with work assignments and exposure to various substances or hazards on the job.

You should also give the doctor a detailed record of past jobs, including hazards and substances to which you have been exposed. Be sure to mention any similar or unusual problems your co-workers have experienced. If a pattern can be detected, it may give the doctor enough information to track down the causes of the health problem.

All of the above information may be extremely valuable to your treating physician. Don't hesitate to give the doctor as much data as you have; he or she should be able to determine how much of it is useful and what may be irrelevant.

Finally, don't forget to keep in your possession a record of your health history, from past jobs through the present.

**4. How can we arrange for a medical screening?**

There are several approaches you and your union can use to have either the employer or outside organizations pay for the exams. The various options should be considered in light of the special hazards and exams necessary:

- \* **OSHA Standards.** Some occupational safety and health standards require the employer to provide and pay for medical testing and monitoring of

workers who are exposed to various hazards. Lead and asbestos workers, for example, must be screened or examined at employer expense. Check with an OSHA office, LOHP, or a local occupational health program to determine if there are examination or screening standards that apply to your job or industry.

- \* **Cal/OSHA Special Order.** Cal/OSHA can issue a special order that requires the employer to do specified screening and examinations. Such a requirement may be triggered by an inspection conducted in response to a worker or union complaint to Cal/OSHA.
- \* **NIOSH Health Hazard Evaluation.** If a problem involves unknown or multiple exposures to various substances, or it involves exposures to substances about which little health data exists, it may be possible to have the National Institute for Occupational Safety and Health (NIOSH) conduct a Health Hazard Evaluation (HHE) at no cost to the union, workers, or the employer. Such studies may include, but will not be limited to, medical exams and medical screening. (See question 6 in the section on “Toxic Substances.”)
- \* **Health Clinics.** Some areas have clinic and university programs that provide screening and consultation services on occupational health and disease, such as the Occupational Health Clinic at San Francisco General Hospital in California. In many major cities Committees on Occupational Safety and Health (“COSH” groups) may also set up special screenings for labor groups. See the “Resource List” at the back of this book for information on how to contact these groups.
- \* **Collective Bargaining.** Providing for employer-paid medical examinations and screening in the contract is an appropriate subject for collective bargaining. Proposals could include employer payments to a union-selected occupational physician or clinic, expanded insurance or health plan coverage that would include such screening

and examination costs, or equal union/employer selection of and authority over a company-employed occupational physician.

**5. Do we have the right to access to medical testing or medical information kept by the employer?**

Under both federal and Cal/OSHA standards, each worker has the right to see and copy his or her individual medical records kept by the employer. All initial copies are to be made at employer expense. You also have access to these records as a union representative if you receive written authorization from the individual workers involved to view and receive copies of their records. Such authorization must be very specific and clear and may allow access either to all records or to specified records while excluding others. People other than the union representative (such as doctors, lawyers, or co-workers) may also be authorized by a worker.

The employer must preserve all medical records he or she holds for a period of 30 years. If the employer refuses to comply with the OSHA requirements, a citation may be issued.

**6. Do we have a right to view employer records of exposures to various substances?**

Under both federal and Cal/OSHA standards, the employer is required to allow an individual worker and/or a union representative to see and retain a copy of all relevant exposure records held by the employer or to which the employer has access. This includes the right to view and retain a copy of all employer-held Material Safety Data Sheets (see question 13 in the section on "Legal Rights").

**7. What health and safety-related documents do we have a right to obtain?**

There are a number of documents to which the union has legal access. Union recordkeeping and documentation of all safety and health hazards, injuries and illnesses, and compensation claims is an important way your union can monitor the health problems faced by the members. Once collected, this information is of considerable value and importance. The union's health and safety personnel should take these steps:



- \* Request and review all monitoring and exposure data held by or accessible to the employer (see question 6 in this section).
- \* Attain unit members' authorization for release of medical records to the union (see question 5 in this section).
- \* Request a copy of the employer's OSHA 200 form. You and your union are entitled to a copy of this form, which lists:
  - a) all work-related deaths;
  - b) lost workdays; and
  - c) work-related injuries or illness **without** lost workdays which result in transfer to another job, termination of employment, medical treatment (other than first aid), loss of consciousness or restriction of work or motion, or any diagnosed occupational illnesses that are reported to the employer.

The form should identify the worker involved, the work involved, and the type of injury or illness. This information enables the union to easily identify and trace work-related injuries or illnesses. If the employer does not enter information on the forms as required, he or she may be cited and fined by OSHA.

For more information on union recordkeeping, see the section on "How to Get Organized." Another good source of information on documentation is the LOHP publication, **A Worker's Guide to Documenting Health and Safety Problems** (see the "Resource List" at the back of this book).

**8. Can we be discriminated against by an employer for an injury or illness?**

It is unlawful for an employer to discriminate against a worker, or a job applicant, on the basis of that person's physical handicap or cancer-related condition. The definition of physical handicap is broad and applies to such conditions as the loss of a limb or any health impairment which requires special education or related services.

However, it is not illegal for an employer to refuse to employ or to discharge a worker when that person's physical handicap or cancer-related condition causes an inability to perform the job duties in a manner which would not endanger the health or safety of that person or of co-workers.

The employer must make efforts to place a disabled worker or job applicant in a position that he or she could perform. This means that an employer should try to accommodate a worker who cannot perform his or her current job, but who can perform another job for the same employer. If an individual is discriminated against because of a physical or medical condition, that person should immediately go to the Fair Employment and Housing Department in California, or to the Equal Employment Opportunity Commission (EEOC) at the federal level.

**9. Is the employer obligated to pay for transportation and other incidental expenses for job-related medical appointments?**

When you submit yourself to an exam by a physician at the request of the employer, the employer's insurer or the Workers' Compensation Appeals Board or its representatives, under Labor Code Section 4600 you are entitled to the following additional benefits:

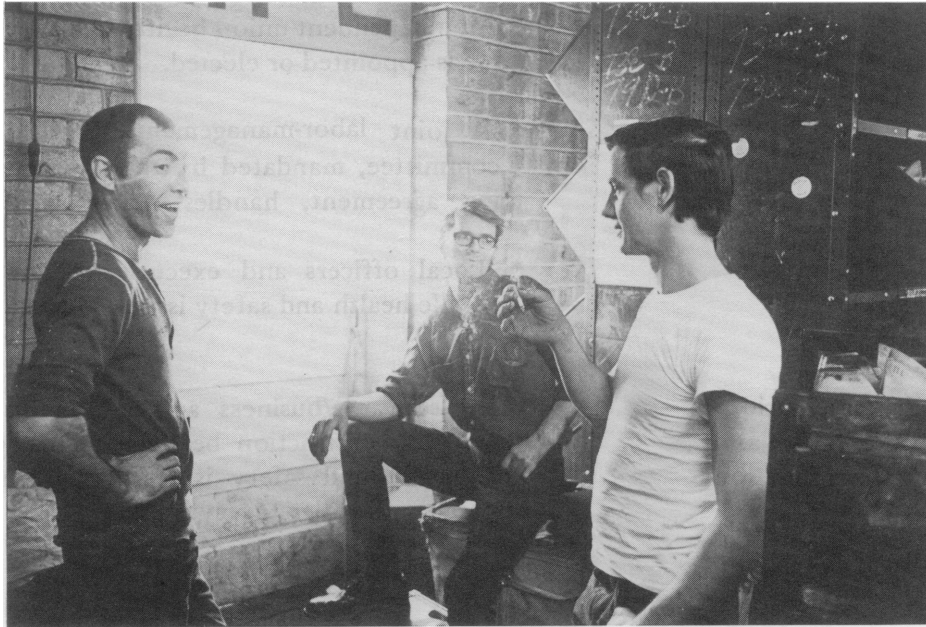
- \* All reasonable expenses of transportation including reimbursement at the rate of \$ .21/mile plus bridge tolls.
- \* Meals and lodging required in order to be adequately examined.
- \* A day's temporary disability payment for each day of lost wages you incur due to the exam.

It must be emphasized that the courts take the position that an exam arranged by the worker, independent of the employer, the insurer, or the compensation system does not qualify for reimbursement for the above expenses.



## Chapter II

# Getting Organized



*Photo (c) 1979, Ken Light*

## How To Get Organized

**1. Why does my union need a health and safety organization?**

Health and safety problems require continuous attention and expert knowledge of rights, codes violated, possible solutions to problems, and much more. Having an organized approach and a structure for handling health and safety problems reflects a commitment by your local union to preventing workplace illness and injury as well as correcting recognized hazards.

**2. What kinds of health and safety organizations have unions developed?**

There are many different approaches, reflecting each union's history, structure and method of solving problems. No particular form is necessarily "better" than any other. The key is to have a genuine desire to improve workplace conditions.

Some existing organizational methods are:

- \* Shop stewards and/or business agents handle health and safety issues along with all other worker problems.

- \* An elected or appointed health and safety staff or staff person (such as a special "safety representative") is designated.
- \* An independent union health and safety committee is appointed or elected.
- \* A joint labor-management health and safety committee, mandated by the collective bargaining agreement, handles issues as they arise.
- \* Local officers and executive board members handle health and safety issues.

**3. How do these various types of union health and safety structures function?**

**Shop stewards/business agents.** In this context, there is no distinction between regular grievances and health and safety issues. The regular union apparatus handles everything.

**Designated health and safety staff/person.** In some cases, as in the United Auto Workers, the designated health and safety staff person works full-time inside an auto plant dealing with health and safety concerns and is paid full-time by the company while engaged in union health and safety matters. In other unions, the staff persons are paid full-time by the union and are given credentials enabling them to enter worksites, negotiate with employers, and conduct other health and safety business.

**Independent union committee.** A union committee may have specific powers and responsibilities within the union through its by-laws, or within the labor-management relationship, spelled out in the collective bargaining agreement. Or it may have a combination of both. Such a committee may have access to office space and a budget (an internal union matter), and/or it may have the right to use company time (release time) to investigate hazards (a matter of labor-management negotiations).

**Joint labor-management health and safety committee.** This method is by far the most common to be found in union agreements. Historically, employers have set up safety committees in

which the employee members were appointed by the company. In recent years, more and more unions have negotiated language in their contracts enabling the union to select the employee members of the health and safety committee under rules articulated in the contract. Some questions to consider in this case are:

- \* What “teeth” does the joint committee have? How seriously is management required to consider the committee’s recommendations?
- \* Are there equal numbers of union and management representatives, and how are tie votes broken?
- \* Who controls the committee in terms of chairing meetings, making agendas, taking minutes, etc.?
- \* Does the union have the right to appoint or elect its representatives to the committee?
- \* Does the committee and its union representatives have the right of access to company data? To make inspections?
- \* Can union members of the committee take disputed issues to arbitration?

**4. What rights should a union health and safety organization have in order to be effective?**

Many of these rights are spelled out in sections of this handbook on “Legal and Medical Rights” and “Collective Bargaining.” The most important rights are:

**Legal**

- \* The right to be actively involved in the entire complaint/inspection/citation process.
- \* The right to participate in the standard-setting process.
- \* The right to access to information from the employer such as logs of injuries and illnesses, toxic substances data under various codes and legislation, monitoring, medical records, etc.

### Contractual

- \* Recognition by the employer of the health and safety structure your union adopts to insure that health and safety problems can be raised effectively with the employer.
- \* The right to prompt settlement of disputed health and safety issues, including arbitration.
- \* The right of the union representatives to use work time for inspections, documentation of information, interviewing of workers. The right to be trained in health and safety.

#### 5. Who should be on a health and safety committee?

There is no hard and fast rule here. Obviously, if your union covers a large group of workers with more than one shift and several worksites, you will need more people on your committee. The section of this book on "Building Support" suggests ways to identify people willing to work on health and safety issues and involve members in the committee. It takes time to acquire a good working knowledge of occupational health and safety issues, so it is important to include people who have a commitment to stick to it. No matter how many members serve on your committee, each member can become, with experience and training, a union health and safety specialist and can learn to deal with management effectively on workplace hazards.

#### 6. What are some tips to help our union health and safety machinery function effectively?

- \* Try to meet **regularly** with the employer on health and safety matters.
- \* Keep **your own** minutes of all meetings.
- \* Keep a **running list** of hazards and issues taken up, together with the employer's commitment to correcting the problems. Bring this list to each meeting and go over it point by point with management to check up on what has or has not been done.
- \* Meet before each labor-management session to map out your own goals and objectives for



## SAMPLE COMMITTEE MINUTES FORM

Company and Department \_\_\_\_\_

Date and Shift \_\_\_\_\_

Members in Attendance \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Old Business \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Corrective Actions and Date Completed \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

New Business \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Suggested Actions and Proposed Dates for Correction \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other Business (i.e., OSHA inspections, job injury reports, educational activities, etc.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signatures

\_\_\_\_\_  
Union Representative\_\_\_\_\_  
Employer Representative

improving health and safety at your workplace. Then decide specifically what you will take up with the employer. It is a good idea to include some small problems along with the larger issues. Successfully solving lesser problems can give the union a sense of accomplishment and establishes a positive approach in meetings with the employer.

- \* Document every activity. The rule of thumb is "put it in writing." Always carry a small notebook with you. If you cannot get statements of management people in writing, write a letter summarizing your understanding of the conversation. All notes, whether handwritten or typed should be filed systematically.

**7. What records and files should a union keep on health and safety?**

The files of a health and safety organization should include:

- \* Minutes of all meetings.
- \* All correspondence.
- \* Records of inspections, citations, and appeals involving outside agencies.
- \* Records of dealings with management such as meetings, grievances, complaints, and discussions.
- \* Illness and injury records of the membership.
- \* Records of Workers' Compensation claims if the committee handles them.

An LOHP publication, **A Worker's Guide to Documenting Health and Safety Problems**, contains valuable information on keeping accurate records. It is available from LOHP.

**8. What resources are available to help train and educate union health and safety activists?**

There are many sources of educational materials for training health and safety personnel. Some of them are:

- \* International unions--Health and Safety or Education departments may have books, pamphlets,

fact sheets, films, speakers, and other materials available to local unions.

- \* City or regional Committees on Occupational Safety and Health (COSH groups).
- \* College or university Labor Studies departments such as the Labor Occupational Health Program at the University of California, Berkeley.
- \* Local libraries.
- \* State and federal agencies such as OSHA and NIOSH.
- \* National Safety Council and other national associations.

Health and safety training should be written into the contract. For example, the employer might be required to sponsor periodic departmental health and safety seminars, and to offer health and safety training to new employees. Some labor-management agreements provide for the employer to pay for such training.

**9. What should we do if a worker or group of workers complain about getting sick or injured on the job?**

If a group of people complain about suffering from eyestrain, skin rashes or other symptoms of ill health, you should try to isolate the cause. If it can be traced to one source--such as VDT machines, you can consult various resources available to find a solution to the problem and take up proposals for change with the employer. (See sections on "Medical Rights," "Getting the Facts About Toxic Substances," and "Using the Standards.")

Sometimes the cause cannot be identified, or the employer will assure you that no TLV (threshold limit value) levels or standards have been violated or that the ventilating system is perfectly adequate to remove all risks or health hazards. Or the employer may claim that the workers' illnesses are not caused by the employment situation at all. In such instances, it is advisable to take the following steps:

- \* Conduct a union health survey using a form similar to the one shown on pp. 24-25. Feel free to

modify this questionnaire to suit your precise purposes. The reason you are making the survey is to document the effects of the hazard on as many workers in the area as possible. In this you have more solid grounds for making proposals to the employer, calling on NIOSH to do a health hazard evaluation, or filing a complaint with OSHA or local health authorities. The information you get from such a survey is invaluable in proving that there are problems that must be solved.

- \* Consult with Cal/OSHA, NIOSH, LOHP, and other resources for proposed measures to reduce or eliminate the health hazard.
- \* File a health complaint with your employer.
- \* File a Cal/OSHA complaint.
- \* Negotiate with the employer for more stringent health standards on the job to eliminate the problem.

**Safety.** If the problem is a safety issue, take these steps:

- \* Gather background data on the number of accidents, near misses, and other related data.
- \* Consult with available resources (see sections on "Medical Rights," "Getting the Facts About Toxic Substances," and "Using the Standards") to find out what can be done to eliminate or reduce the hazard.
- \* Take up the issue through the health and safety machinery or the grievance procedure.
- \* File a complaint with Cal/OSHA.
- \* Negotiate to win safety conditions superior to existing standards.

**10. How can we make an effective walkaround survey of health and safety conditions?**

This depends on how much freedom of movement your union's health and safety representatives have been able to gain through contract negotiations.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Union: \_\_\_\_\_

OCCUPATIONAL HEALTH WORKPLACE SURVEY FORM

1. AREA: (where similar processes occur)

\_\_\_\_\_

2. PROCESS: Identify clearly and describe all machines and procedures

\_\_\_\_\_

Is the process open or closed? \_\_\_\_\_

If closed, do leaks occur in the system? \_\_\_\_\_

3. CHEMICALS USED OR PRODUCED (INCLUDE TRADE NAMES) IN YOUR AREA OR NEARBY AREAS:

_____	_____
_____	_____
_____	_____

A. Label information (any warnings, ingredients, etc. from labels)

_____	_____
_____	_____

B. How are chemicals stored? Include containers, storage cabinets, etc.

_____	_____
_____	_____

C. Is there skin contact? Which chemicals?

_____	_____
_____	_____

D. Can you smell any of the chemicals? Do you know which ones?

_____	_____
_____	_____

## 4. VENTILATION

A. Is there any type of ventilation? \_\_\_\_\_

B. What type (natural, air conditioning, local exhaust)? \_\_\_\_\_  
\_\_\_\_\_

C. Is it adequate? That is:

a. designed specifically for the operation? \_\_\_\_\_

b. pulling materials away from workers? \_\_\_\_\_

c. are filters changed regularly? \_\_\_\_\_

d. are fumes, dusts, etc. visible around operations? \_\_\_\_\_

e. is the design capacity data available? \_\_\_\_\_

f. is it performing up to capacity? \_\_\_\_\_ Are velocity  
measurements taken to determine this? \_\_\_\_\_

## 5. PHYSICAL HAZARDS: Are any of these hazards present?

	<u>YES</u>	<u>NO</u>
Noise	_____	_____
continuous	_____	_____
impact	_____	_____
Temperature extremes	_____	_____
heat	_____	_____
cold	_____	_____
Vibration	_____	_____
hand-arm (tools)	_____	_____
whole-body (equipment)	_____	_____
Poor lighting	_____	_____
Ionizing radiation (X-ray, gamma, alpha)	_____	_____
Are these sources marked with the ERDA radiation symbol?	_____	_____
Non-ionizing radiation	_____	_____
ultraviolet	_____	_____
infrared	_____	_____
microwave	_____	_____
laser	_____	_____

## 6. MONITORING

- A. Are air samples taken regularly? \_\_\_\_\_ How often? \_\_\_\_\_
- B. Are results made available? \_\_\_\_\_
- C. Can workers request sampling and get results? \_\_\_\_\_

## 7. MEDICAL

- A. Are there common medical complaints? \_\_\_\_\_ What? \_\_\_\_\_  
\_\_\_\_\_
- B. What are possible causes? \_\_\_\_\_  
\_\_\_\_\_
- C. Are medical tests regularly given? Yes \_\_\_\_\_ No \_\_\_\_\_
- |                          |       |       |
|--------------------------|-------|-------|
| a. blood tests?          | _____ | _____ |
| b. lung function tests?  | _____ | _____ |
| c. urinalysis?           | _____ | _____ |
| d. hearing tests?        | _____ | _____ |
| e. general medical exam? | _____ | _____ |
- D. Do workers get the results? Yes \_\_\_\_\_ No \_\_\_\_\_
- Are they sent to workers' physicians? \_\_\_\_\_

## 8. HAVE HEALTH AND SAFETY GRIEVANCES BEEN FILED IN THIS AREA? Yes \_\_\_ No \_\_\_

Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 9. ACCIDENTS IN THIS AREA? Yes \_\_\_ No \_\_\_ Explain: \_\_\_\_\_

Number of workers in this area: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. HAS OSHA INSPECTED YOUR WORKPLACE? \_\_\_\_\_ CITATIONS ISSUED? \_\_\_\_\_  
FOR WHAT? \_\_\_\_\_

Ideally, the union should be able to survey the workplace regularly and in depth, using a checklist or chart similar to the one shown on pp. 41-43. In making up your own checklist, be sure to add special items that apply to your worksite and eliminate those items which do not apply. Constant checkup and enforcement of health and safety conditions is the best preventive measure you can take.

The best procedure is to walk around your work-site slowly, looking at everything as if you had never seen it before and checking every single item on your survey form. If your employer will not permit a survey on company time, you can conduct it during lunch hour or breaks. Individual reps can survey their own areas and turn over the information to the health and safety committee. Interviewing other workers in the course of the walkaround is invaluable if you can do it.

You can get clues as to problem areas that require special attention in the survey by analyzing the accident and illness records of your employer.

Try to negotiate with the employer the right to make a regular survey. A joint labor-management survey can help to cut through red tape because the union representatives can point out problems on the spot, eliminating the need for another meeting to outline the hazards.

Be sure that you take your own notes during the walkaround, and that someone types up and distributes copies of the proceedings to everyone involved, to facilitate follow-up with management.

**11. What are some effective approaches that can be used to resolve health and safety issues?**

- \* Get the support of the members most immediately affected by the problem.
- \* Make every effort to resolve the problem with the employer. Give management a chance to correct the hazard. It is best to be very specific about what you want. If the contract contains a procedure for resolving health and safety problems, follow it step by step, unless you are confronted with an "imminent hazard" to life and limb.



- \* If you face a hazard which poses an immediate threat of injury or death, you can undertake a job action such as refusing to work (see the section on "Legal Rights") or by calling Cal/OSHA on an emergency basis to "yellow tag" or shut down a particular process or machine.
- \* If the employer is unwilling to correct or change a hazardous situation, you can file a complaint with Cal/OSHA.
- \* If you still believe that existing standards or codes have been violated after a Cal/OSHA inspection, you can file a Complaint Against State Program Administration (CASPA) and ask federal OSHA to investigate.
- \* Using the resources outlined in the section on "Legal Rights," check to find out if some other agency--the fire department, city health department, Industrial Welfare Commission, or other community organization may be of help.

Above all, don't let the issue die. Keep raising it with the members and with the employer in contract negotiations in an effort to bring about the change you need.





*Photo (c) 1979, Ken Light*

## Putting a Library Together

### 1. Why do we need a library?

In order to carry out some of the functions of your health and safety committee, you will often need written information. This information is best organized in a library so that it is easy to use. There are many types of written information you may need in a library. You will want to keep on hand standards and regulations that apply to you. You will need information on your rights and the responsibilities of your employer. It is a good idea to keep some statistical information on injuries and illnesses, and references on effects of certain toxic substances to which you are exposed. This way you can document the need for certain controls in your workplace. Any information that you can present to your employer when negotiating a health and safety clause is useful to have in your library.

### 2. Can we afford a library?

Most every group can afford a library of some sort. Of course money will determine how large

a library you can have, but it is possible to have a useful collection without spending a lot. In the answers following, many suggestions are given for free and/or inexpensive publications that are available. A more extensive list can be found in *Getting the Facts*, a book published by LOHP which contains an occupational health bibliography.

**3. How do we decide what publications to order?**

The first step in deciding what publications to order is to consider who will be using the library and what kind of needs they have. Think about the main problems your union faces. Are there primary organizing issues for which you need information? Do you need legal background and language of standards and regulations? Try to locate publications that will meet the various requests of your union.

Be aware also of how much time people have to use the library. Don't include a lot of highly technical materials if workers don't have a lot of time to read. Feature fact sheets, newspapers, and pamphlets instead.

As we mentioned above, money will also be a major consideration in deciding what materials to order. Be aware that some of the prices listed here will change. Check with the publisher to make sure prices are still current. If you don't have much money to spend, refer to the next two questions.

**4. What are some free publications that we can obtain?\***

**All About OSHA, USDL, OSHA. 1976. Pamphlet . 34 pp. Available from OSHA Publications, 200 Constitution Ave., N.W., Frances Perkins Bldg., Rm. S-1212-D, Washington, D.C. 20210, (202) 523-6138.**

**A Guide to Cal/OSHA--California Occupational Safety and Health Program, DIR. 1979. Pamphlet. Available from Cal/OSHA Publications, 525 Golden Gate Ave., San Francisco, CA 94102, (415)557-2237.**

**\*Note: Some of these publications may no longer be free. Be sure to check on their availability.**

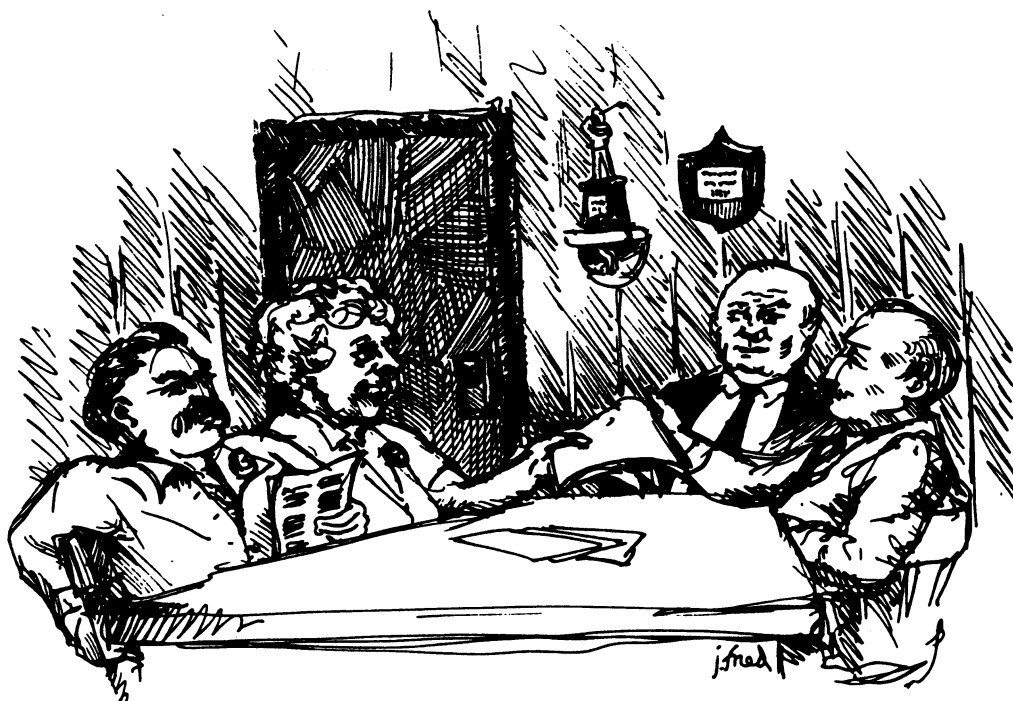
**Facts About Workers' Compensation and Facts for Injured Workers.** 1975. 2 pamphlets. Available from California Workers' Compensation Institute, 201 Sansome St., San Francisco, CA 94104.

**The Injured Worker—Rights to Workers' Compensation Benefits and How to Obtain Them.** Pamphlet. Available from Dept. of Industrial Relations, Division of Industrial Accidents, 455 Golden Gate Ave., Rm. 2202, San Francisco, CA 94102, (415)557-1954.

5. What are some other books to order for a basic library?

**Death on the Job—Occupational Health and Safety Struggles in the United States,** Daniel M. Berman. New York: Monthly Review Press, 1978. Available from Monthly Review Press, 62 W. 14th St., New York, NY 10011, (212)691-2555.

**Encyclopedia of Occupational Health and Safety,** ILO. New York: McGraw-Hill, 1974. Available from International Labour Office, 1750 New York Ave., N.W., Washington, D.C. 20006, (202) 634-6335.



**Looking Out for #1--How to Spot Health Hazards On The Job.** San Francisco: Public Media Center. Available from Public Media Center, 25 Scotland St., San Francisco, CA 94133, (415)885-0200.

**How to Use OSHA--A Worker's Action Guide to the Occupational Safety and Health Act,** Boston: Urban Planning Aid, 1979. Available from Urban Planning Aid, Occupational Health and Safety Project, 100 Arlington St., Boston, MA 02116, (617) 482-6695.

**The Unseen Hazard--Stress On The Job,** Janet Bertinuson. 1980. 3 pp. fact sheet. Available from Labor Occupational Health Program, 2521 Channing Way, Berkeley, CA 94720, (415)642-5507.

**The Case of the Workplace Killers: A Manual for Cancer Detectives On The Job.** Available from UAW Purchase and Supply Dept., 8000 E. Jefferson, Detroit, MI 48214.

**Working For Your Life: A Woman's Guide to Job Health Hazards,** Andrea Hricko with Melanie Brunt. Berkeley: LOHP, 1976. Available from the Labor Occupational Health Program, 2521 Channing Way, Berkeley, CA 94720, (415)642-5507.

**Work is Dangerous To Your Health--A Handbook of Health Hazards in the Workplace and What You Can Do About Them,** Jeanne M. Stellman, Ph.D. and Susan M. Daum, M.D., New York: Vintage Books, 1973. Paperback available from Random House, 400 Hahn Road, Westminster, MD 21157.

These are general publications. For more information on publications of this type and for materials dealing with more specific hazards and trades, contact the Labor Occupational Health Program for a complete bibliography.

**6. How should we organize our library?**

While a library does not have to be extensive, it needs to be well-organized. Books should be shelved alphabetically by author or title so that

they may be located easily. You don't necessarily have to set up a card file like a public library unless your collection is large. **Getting the Facts**, a book available from LOHP, will give you further information on how to organize your library. It also contains a large bibliography of suggestions for possible library additions. Contact LOHP to order this book.

**7. What can we collect in our library besides books?**

Files are a valuable part of a well-organized library. There are many fact sheets and pamphlets available from various unions and occupational health groups on work hazard topics. These are often the best source of quick information for questions that will come up in your membership, and they can best be organized by topic in a file drawer. Reading fact sheets and pamphlets is also a good way to become familiar with work that other unions are doing and to get ideas for your own committee.

You may also want to set up a newspaper clipping file. By reading current events and keeping a collection of articles, you will be able to stay informed of news in the occupational health and safety world and will have a record of events. There is a subscription organization in the San Francisco Bay Area that collects and distributes clippings, both locally and nationally. It is:

**Occupational Health News**  
5250 Desmond Street  
Oakland, CA 94618

Something else you may want to include in your files is a collection of pictures, cartoons, and graphics for future publications of your own. If you are planning to put out a newsletter or want to publish fact sheets, fliers, or pamphlets, it is useful to have a collection of good illustrations on hand. Often pictures will convey a message better than just words alone.

**8. Where can we find information on chemical and toxic substances to which we are exposed?**

There are a number of books that provide information specifically on the effects of toxic substances. These include:

**Chemical Hazards of the Workplace**, Nick H. Proctor, Ph.D. and James P. Hughes, M.D., Philadelphia: J.B. Lippincott Company, 1978. Available from J.B. Lippincott Company, East Washington Square, Philadelphia, PA 19105, (215)574-4200.

**NIOSH/OSHA Pocket Guide to Chemical Hazards**, USDHEW, NIOSH, 1978. NIOSH 78-210. Available from U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402. (Order No. 017-033-00342-4.)

**A Guide to the Work-Relatedness of Disease**, Kusnetz and Hutchison, eds., USDHEW, NIOSH. 1979. NIOSH 79-116. Available from GPO. (Order No. 017-033-00341-6.)

**The Criteria Documents and Current Intelligence Bulletins** from NIOSH give recommendations and precautions for chemical use, as a result of studies by NIOSH. Write to NIOSH Publications Dissemination, 4676 Columbia Parkway, Cincinnati, OH 45226, to obtain a list of available **Criteria Documents** and **Current Intelligence Bulletins**. Ask to be placed on their mailing list.

**Occupational Diseases: A Guide to Their Recognition**, Key, Henschel, Butler, Ligo, Tabershaw and Ede, eds., USDHEW, NIOSH. 1977. NIOSH 77-181. 608 pp. Available from GPO (Order number 017-033-00266-5.)

See also the section on "Getting the Facts About Toxic Substances" for suggestions of agencies you can contact for more information on chemical and toxic substances.

9. Where can we find standards and regulations that cover us, and how can they be included in a library?

Some of these services are quite costly. The **Labor Code** and the **General Industry Safety and Health Standards** are the least expensive. Check with a law library in your area. They should have applicable codes and standards.



**California Labor Code**--most recent. California labor laws. Available from Dept. of General Services, P.O. Box 1015 (Publications Unit), North Highlands, CA 95660.

**General Industry Safety and Health Standards** (29 CFR--Part 1910), USDL, OSHA--most recent. OSHA General Industry Standards--Federal. Available from U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402.

For states other than California: contact your state OSHA office to obtain standards and regulations for your own state. Carcinogen standards may also be obtained from your OSHA regional office.

**10. Where can we get statistical information on illness and injury rates?**

The federal Bureau of Labor Statistics compiles yearly and quarterly statistical reports on workplace injuries and fatalities and lost workdays according to the type of industry in which they occurred. These reports may be obtained from the Bureau of Labor Statistics, USDL, Washington, DC 20212. Statistical reports for individual states are also available. In California, these may be obtained from the Division of Labor Statistics and Research, PO Box 603, San Francisco, CA 94101. In other states, contact your state OSHA program for the appropriate agency.

**11. What publications are available that will explain our rights under OSHA?**

**How to Use OSHA--A Worker's Action Guide to the Occupational Safety and Health Act**, Boston: Urban Planning Aid, 1979. Available from Urban Planning Aid, Occupational Health and Safety Project, 100 Arlington St., Boston, MA 02116, (617) 482-6695.

**OSHA: Your Workplace Rights in Action**, USDL, OSHA. 1978. Series of pamphlets. Available from OSHA Publications, 200 Constitution Ave., N.W., Room S-1212-D, Washington, DC 20210, (202) 523-6138.

**Recordkeeping and Reporting Requirements Under the Occupational Safety and Health Act of 1970, USDL, OSHA. 1978. Pamphlet. Available from OSHA Publications, 200 Constitution Ave., N.W., Room S-1212-D, Washington, DC 20210, (202) 523-6138.**

**Workers's Rights Handbook--A Guide to Health and Safety On The Job. Occupational Health Series. San Francisco: Public Media Center, 1979. Available from Public Media Center, 25 Scotland Street, San Francisco, CA 94133, (415)885-0200.**

**A Guide to Cal/OSHA--California Occupational Safety and Health Program, DIR. 1979. Pamphlet. Available from Cal/OSHA Publications Unit, 525 Golden Gate Ave., San Francisco, CA 94102, (415)557-2237. Free.**

**12. What health and safety publications are specifically for unions?**

**Health Hazards: The Ignored Reality--A Union Representative's Guide to Health Hazard Recognition. 1980. Covers variety of work health topics, including compensation and engineering controls. Some materials adapted from UAW, Urban Planning Aid, and PhilaPOSH. 66 pp. Available from Jane Brown, International Molders and Allied Workers Union, Health and Safety Department, Suite 302, 1216 East McMillan Street, Cincinnati, OH 45206, (513)961-5141.**

**Health/Technical Committee Handbook--A Guide for Helping Workers Solve Job Health and Safety Problems. Philadelphia: PhilaPOSH, 1980. Available from PhilaPOSH Handbook, 5th Floor 3001 Walnut St., Philadelphia, PA 19104**

**Labor Law for the Rank and File**, Staughton Lynd. Single Jack Books. Available from Miles & Weir, Ltd., P.O. Box 1906-A, San Pedro, CA 90733.

**Making It Work: Occupational Health and Safety for Union Representatives**. Berkeley: LOHP, 1980. Conference proceedings. Available from LOHP, 2521 Channing Way, Berkeley, CA 94720, (415) 642-5507.

**The Safety Committee and Collective Bargaining--New Concepts**, Michael Wood. 1979. Pamphlet. Available from International Brotherhood of Boilermakers, AFL-CIO, 570 New Brotherhood Bldg., Kansas City, KS 66101.

**A Worker's Guide to Documenting Health and Safety Problems**, Morris Davis, J.D., M.P.H., Berkeley: LOHP, 1978. 69 pp. Available from LOHP, 2521 Channing Way, Berkeley, CA 94720, (415)642-5507.

**Workplace Health and Safety: A Guide to Collective Bargaining**, Paul Chown. Berkeley: LOHP, 1980. 68 pp. Available from LOHP, 2521 Channing Way, Berkeley, CA 94720, (415)642-5507.

**13. What are some newspapers and journals that we can include in the library?**

Various "COSH" groups (Committees on Occupational Safety and Health) put out newsletters, such as:

**CACOSH Health and Safety News**, bi-monthly. Fact sheets often included. Available from the Chicago Area Committee on Occupational Safety and Health, 542 S. Dearborn St., Rm. 502, Chicago, IL 60605.

Some University Labor Centers produce health and safety publications, such as:

**Monitor**, bi-monthly. Available from LOHP, 2521 Channing Way, Berkeley, CA 94720, (415)642-5507.

Several International Unions publish regular health and safety newsletters:

**Safetylines**, 10 times yearly. Available from United Rubberworkers International Union, 87 S. High St., Akron, OH 44308.

**Lifelines**, monthly. Available from OCAW Union News, 1636 Champa St., Denver, CO 80202.

Some useful professional journals are:

**Journal of Occupational Medicine**, monthly. Available from Journal of Occupational Medicine, 150 N. Wacker Dr., Chicago, IL 60606.

**American Industrial Hygiene Association Journal**, monthly. Available from American Industrial Hygiene Association Journal, 66 S. Miller Rd., Akron, OH 44313.

In addition, many other groups included in the Resource List at the back of this book produce and distribute materials that you might want to obtain.



*Photo (c) 1979, Ken Light*

## Getting the Facts About Toxic Substances

1. How can we get a list of the hazardous substances we are working with?

In order to protect the membership, it is essential that you know what substances are used on the job. Sometimes substances may not even be labeled; often the labels will only include the **brand name** of a substance. Knowing the brand name is only the first step. You need to know the actual contents, or **generic name**, of substances used on the job. Some ways of getting this information include:

- \* First, as part of your health and safety work, make a survey of all the liquids, dry materials, and other substances, such as dust, that are created as a part of the work processes on the job. Start by asking the employer to furnish you with a list of these items. If the employer won't cooperate, make up your own list, including the locations in the shop or worksite where such materials are used.

\* Copy information from all labels that are accessible to you, including the manufacturers' names and addresses. If there is no label, you can insist that the company provide it. For every substance for which the California Occupational Safety and Health Standards Board (OSHSB) or federal OSHA has adopted a regulation or order, there must be a provision requiring the use of labels or other appropriate forms of warning to insure that employees are informed of: (1) all hazards to which they are exposed; (2) relevant symptoms and appropriate emergency treatment; and (3) proper conditions and precautions for safe use or exposure.

\* If you are unable to obtain information about all of the substances being used at your worksite, the union can take it up as a grievance or problem with management. If necessary, the union can file a formal written request for the information. If the employer still refuses to let you have it--and if you are covered by the National Labor Relations Board--consider filing a charge with NLRB. If you are a public employee, consult your union's attorney about your rights under existing legislation.

**2. How can we find out how toxic substances on the job may affect us?**

Assuming you have a list of substances used on the job (see the question above), you can take the following steps to find out what the health risks may be:

\* Ask your employer; he may already have the information you need.

\* Ask your employer to write to the manufacturer requesting a Material Safety Data Sheet (MSDS) containing information about possible health risks, how the substance should be handled, and more (see question 3).

\* Write to the manufacturer yourself, requesting information on the toxicity of the particular item or items.

\* Research the chemicals yourself (see the section on "Putting a Library Together"), or take your

list of chemicals to a health and safety resource group and ask them to supply detailed information about the health risks of each substance. For instance, in California you can seek assistance from the Hazard Evaluation System and Information Service (HESIS). Check the "Resource List" at the back of this book for names and addresses of other agencies.

### **3. What is a Material Safety Data Sheet?**

A Material Safety Data Sheet (MSDS) is a form filled out by the manufacturer. It is required on all materials that, when used without special precautions, would constitute a health hazard. These substances are listed in the NIOSH Registry of Toxic Effects of Chemical Substances. In California, such substances are also designated as hazardous by the Department of Industrial Relations (DIR).

The MSDS must list the chemical name; any common name; hazardous ingredients; physical data; fire and explosion data; health hazard data; reactivity data; spill or leak procedure; and special protection information, as well as an emergency number to call. Unfortunately, information included on the MSDS is usually scanty and has little about long-term or chronic effects. Sometimes information is withheld by the manufacturer on the grounds that it is a "trade secret" (see question 4). However, the MSDS can be a good starting place by giving you an idea of what is contained in a substance so that you can do your own research about its toxic effects. (For more information see question 13 in the section on "Legal Rights," and question 8 in the section on "Putting a Library Together.") (See sample MSDS, pp. 60-61.)

### **4. What is the "trade secret" controversy all about?**

Some manufacturers believe that by furnishing information on the Material Safety Data Sheet (MSDS) they will give away the specifications for making their product. This is sometimes used as an excuse not to give out an MSDS or to leave out information on the MSDS.

Cal/OSHA has adopted a MSDS regulation based upon the Hazardous Substances Information and

**U.S. DEPARTMENT OF LABOR**  
**Occupational Safety and Health Administration**

Form Approved  
 OMB No. 44-R1387

# MATERIAL SAFETY DATA SHEET

Required under USDL Safety and Health Regulations for Ship Repairing,  
 Shipbuilding, and Shipbreaking (29 CFR 1915, 1916, 1917)

## SECTION I

MANUFACTURER'S NAME		EMERGENCY TELEPHONE NO.
ADDRESS (Number, Street, City, State, and ZIP Code)		
CHEMICAL NAME AND SYNONYMS		TRADE NAME AND SYNONYMS
CHEMICAL FAMILY	FORMULA	

## SECTION II - HAZARDOUS INGREDIENTS

PAINTS, PRESERVATIVES, & SOLVENTS	%	TLV (Units)	ALLOYS AND METALLIC COATINGS	%	TLV (Units)
PIGMENTS			BASE METAL		
CATALYST			ALLOYS		
VEHICLE			METALLIC COATINGS		
SOLVENTS			FILLER METAL PLUS COATING OR CORE FLUX		
ADDITIVES			OTHERS		
OTHERS					
HAZARDOUS MIXTURES OF OTHER LIQUIDS, SOLIDS, OR GASES				%	TLV (Units)

## SECTION III - PHYSICAL DATA

BOILING POINT (°F.)		SPECIFIC GRAVITY (H <sub>2</sub> O=1)	
VAPOR PRESSURE (mm Hg.)		PERCENT, VOLATILE BY VOLUME (%)	
VAPOR DENSITY (AIR=1)		EVAPORATION RATE (_____ =1)	
SOLUBILITY IN WATER			
APPEARANCE AND ODOR			

## SECTION IV - FIRE AND EXPLOSION HAZARD DATA

FLASH POINT (Method used)	FLAMMABLE LIMITS	Lel	Uel
EXTINGUISHING MEDIA			
SPECIAL FIRE FIGHTING PROCEDURES			
UNUSUAL FIRE AND EXPLOSION HAZARDS			



**SECTION V - HEALTH HAZARD DATA**

THRESHOLD LIMIT VALUE

EFFECTS OF OVEREXPOSURE

EMERGENCY AND FIRST AID PROCEDURES

**SECTION VI - REACTIVITY DATA**

STABILITY

UNSTABLE

CONDITIONS TO AVOID

STABLE

INCOMPATIBILITY *(Materials to avoid)*

HAZARDOUS DECOMPOSITION PRODUCTS

HAZARDOUS  
POLYMERIZATION

MAY OCCUR

CONDITIONS TO AVOID

WILL NOT OCCUR

**SECTION VII - SPILL OR LEAK PROCEDURES**

STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED

WASTE DISPOSAL METHOD

**SECTION VIII - SPECIAL PROTECTION INFORMATION**RESPIRATORY PROTECTION *(Specify type)*

VENTILATION

LOCAL EXHAUST

SPECIAL

MECHANICAL *(General)*

OTHER

PROTECTIVE GLOVES

EYE PROTECTION

OTHER PROTECTIVE EQUIPMENT

**SECTION IX - SPECIAL PRECAUTIONS**

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING

OTHER PRECAUTIONS

Training Act. It is now up to the Department of Industrial Relations (DIR) to determine whether information claimed to be a trade secret by the manufacturer should in fact remain confidential.

If it is determined that something is a trade secret, that specific information should be deleted and the remainder of the MSDS should still be released. The controversy over "trade secrets" is really tied to the reluctance of some industry sources to comply with legislation that gives workers the right to know what they are exposed to on the job.

**5. How can we get our workplace checked out for hazardous substances?**

In order to find out what levels of hazardous substances are in your workplace environment, you may need to have an industrial hygienist monitor the worksite and take measurements. For some types of basic monitoring you may be able to borrow simple equipment from a University or union occupational health program, or from an industrial hygienist, to use yourself on the job, unless your employer prohibits it. For instance, you can wear an air sampler which will collect air from your "breathing zone" over an eight-hour period. This can then be sent to a lab (there may be a charge) and analyzed for any possible substance which may be causing the illness of the exposed workers. You may also get sampling pumps which will capture a single sample of the air at any given moment, though this is not as satisfactory. Another example of a simple monitoring device that you can use yourself in the workplace is the hand-held sound level meter.

If you cannot get or operate this equipment, or if more complex monitoring is required, you will need to seek outside expertise. You can do this in any of several ways.

\* You can ask your employer to utilize the OSHA consultation program which allows the employer to have an industrial hygienist come in to study the problem without being cited or fined for any violations that are found.

\* You can file a complaint with OSHA or Cal/OSHA and demand that a survey be done (see questions 2, 4, and 5, in the section on "Legal Rights").

\* You can file with NIOSH for a health hazard evaluation (see question 6).

\* You can bring in your union industrial hygienist or engineer.

## **6. What is an HHE?**

An HHE is a Health Hazard Evaluation which is conducted by NIOSH (National Institute for Occupational Safety and Health). NIOSH, along with OSHA, was established by the OSHA Act of 1970 and is responsible for evaluating the potential dangers of materials used or found in the workplace. HHEs are carried out in response to requests made by employees (three must sign), employee representatives (only one authorized union signature is required), or employers. If NIOSH agrees to conduct an HHE, they will thoroughly inspect and monitor the workplace.

Requesting an HHE is particularly effective in a situation where there is no applicable OSHA standard or the current OSHA standard is failing to protect workers' health. While NIOSH cannot cite or fine the company, it may issue recommendations that clarify the hazard and support the union's efforts to seek improvements. Results of HHEs may also be used in developing new standards or improving existing standards. A sample HHE request form is shown here. (pp. 64-65).

## **7. What precautions can we take to protect ourselves from exposure to toxic substances?**

It is management's responsibility to control workplace hazards, so you should first make sure your employer is complying with applicable codes or standards. In some cases it may be necessary to file a complaint in order to insure compliance (see questions 2, 4, and 5, in the section on "Legal Rights").

If management cannot completely control hazards on the job, it may be necessary for you to wear protective clothing, masks, or respirators, depending on what you are exposed to. This varies with each working environment, so once you know which substances you are exposed to, check with OSHA or the Cal/OSHA Consulting Service, get a

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

**REQUEST FOR HEALTH HAZARD EVALUATION**

This form is provided to assist in registering a request for a health hazard evaluation with the U.S. Department of Health, Education, and Welfare as provided in Section 20(a)(6) of the Occupational Safety and Health Act of 1970 and 42 CFR Part 85. (See Statement of Authority on Reverse Side).

Name of Establishment Where Alleged Hazard(s) Exist \_\_\_\_\_

Company { Street \_\_\_\_\_ Telephone \_\_\_\_\_  
Address { City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

1. Principal Company Activity \_\_\_\_\_

(manufacturing, construction, transportation, services, etc.)

2. Specify the particular building or worksite where the alleged hazard is located, including address \_\_\_\_\_

3. Specify the name and phone number of employer's agent(s) in charge. \_\_\_\_\_

4. Describe briefly the hazard(s) which exists by completing the following information:

Identification of Hazard or Toxic Substance(s) \_\_\_\_\_

Trade Name (If Applicable) \_\_\_\_\_ Chemical Name \_\_\_\_\_

Manufacturer \_\_\_\_\_ Does the material have a warning label? \_\_\_\_\_ Yes \_\_\_\_\_ No

If Yes, attach copy of label or a copy of the information contained on the label.

Physical Form: Dust ☐ Gas ☐ Liquid ☐ Mist ☐ Other ☐

Type of Exposure? Breathing ☐ Swallowing ☐ Skin Contact ☐

Number of People Exposed \_\_\_\_\_ Length of Exposure (Hours/Day) \_\_\_\_\_

Occupations of Exposed Employees \_\_\_\_\_

5. Using the space below describe further the nature of the conditions or circumstances which prompted this request and other relevant aspects which you may consider important, such as the nature of the illness or symptoms of exposure, the concern for the potentially toxic effects of a new chemical substance introduced into the workplace, etc.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. (a) To your knowledge has this hazard been considered previously by any Government agency? \_\_\_\_\_  
 (b) If so, give the name and address of each.

\_\_\_\_\_

(c) and, the approximate date it was so considered. \_\_\_\_\_

7. (a) Is this request, or a request alleging a similar hazard, being filed with any other Government agency? \_\_\_\_\_ (b) If so, give the name and address of each.

The undersigned (check one)

☐ Employer

☐ Authorized Representative of employees\*

i      ii      iii      (circle one)

believes that a substance (or substances) normally found at the following place of employment may have potentially toxic effects in the concentration used or found.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or Printed Name \_\_\_\_\_ Telephone: Home - \_\_\_\_\_

Address { Street \_\_\_\_\_ Business - \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

If you are a representative of employees, state the name and address of your organization.

Please indicate your desire:

- ☐ I do not want my name revealed to the employer.  
☐ My name may be revealed to the employer.

**Authority:**

Section 20(a)(6) of the Occupational Safety and Health Act, (29 U. S. C. 669(a)(6) ) provides as follows: The Secretary of Health, Education, and Welfare shall. . .determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary of Labor, together with all pertinent criteria.

"Authorized representative of employees" means any person or organization meeting the conditions specified in 42 CFR Part 85.3 (b) (4) (i), (ii) or (iii):

- (i) — that he is an authorized representative of, or an officer of the organization representing, the employees for purposes of collective bargaining; or  
 (ii) — that he is an employee of the employer and is authorized by two or more employees employed in the workplace where the substance is normally found, to represent them for purposes of the Act. Each such authorization shall be in writing and included in the request; or  
 (iii) — that he is one of three or less employees employed in the workplace where the substance is normally found.

Send the completed form to:

National Institute for Occupational Safety and Health  
 Hazard Evaluation Services Branch  
 U.S. Department of Health, Education, and Welfare  
 Cincinnati, Ohio 45202

copy of the standard or OSHA code and study the requirements carefully. Check with LOHP if you need further information.

#### 8. What is a TLV?

TLV means "threshold limit value." It is an estimated concentration of exposure below which it is believed that most healthy people would not suffer an illness or disease. A TLV is usually designated in terms of ppm (parts per million) or mg/M<sup>3</sup> (milligrams per cubic meter of air), or both. TLVs are primarily established by a private group, the American Conference of Governmental Industrial Hygienists. These TLVs are often adopted by OSHA to serve as the legal limit of exposure, which OSHA designates as PEL (Permissible Exposure Limit).

What is important to realize is that TLVs are approximations and not absolutes. They are also the subject of great controversy. Further, there is nothing published about the effects on a person when exposed to two or more substances simultaneously. Finally, individuals have widely varying tolerance levels for foreign substances such as chemicals.

To find out whether your employer is in compliance with the legal limit, it is necessary to obtain an accurate measure of the exposure level at the worksite for comparison with the TLV. Even if the employer is in compliance, workers may still complain of being ill. In such circumstances, or if the toxic level exceeds the TLV, you can demand that ventilating devices or other engineering controls be installed so as to reduce exposure of the workers. (See the section on "Using the Standards" for more information.)

#### 9. How can toxic substances affect the body?

People may be affected by substances entering the body through inhaling, skin contact, or by accidentally eating a contaminated food or other substance. There are two types of effects hazardous substances can have:

**Acute effects** are easy to spot: workers break out in rashes, develop skin problems,

# OCCUPATIONAL HEALTH PROBLEMS

<b>area</b>	<b>symptoms</b>	<b>common causes</b>
<b>SKIN</b>	redness, dryness, itching  redness, burns, blisters yellow color (jaundice)  skin cancer	solvents, plastics, epoxies, oil mist, fiberglass, caustic soda, metals (eg, nickel) ultraviolet and infrared radiation, acids liver disease (eg, carbon tetrachloride, vinyl chloride) mineral oils, ultraviolet radiation, x-rays, arsenic, pitch, tar
<b>EYES</b>	redness, irritation, watering	smoke, gases, (eg, ozone), fumes (eg, ammonia), metal dusts, acids
<b>EARS</b>	grainy feeling, "welder's flash" ringing, temporary deafness, hearing loss	ultraviolet radiation excessive noise
<b>TEETH AND GUMS</b>	corrosion of teeth blue gums	acid fumes, cellulose acetate production lead poisoning
<b>NOSE AND THROAT</b>	sneezing, coughing, sore throat, runny nose nasal cancer (bleeding, pain)	gases (eg, ozone), ammonia, solvents, dusts wood dusts
<b>CHEST AND LUNGS</b>	wheezing, congestion, dry cough  shortness of breath on mild exercise  flu-like symptoms (metal fume fever)	cotton dust, TDI, detergent enzymes, beryllium, solvents long term exposure to mineral dust (eg, asbestos) metal oxides from welding
<b>HEAD</b>	dizziness, headache sleepiness	solvents, degreasers, ozone carbon monoxide, solvents
<b>FINGERS</b>	loss of circulation, whiteness, numbness, swelling	vibration (eg, using rivet guns, electric hammers), vinyl chloride (from cleaning reactor tanks)
<b>BONES</b>	arthritis	excessive vibration, constant dampness
<b>MUSCLES AND BACK</b>	soreness, strain	excessive or improper lifting, bending, etc.
<b>NERVOUS SYSTEM</b>	stress, nervousness, irritability anxiety, sleeplessness, tremors, speech changes, blurred vision, mood changes	speed up, piece work rates, noise metal poisoning (lead, mercury)
<b>REPRODUCTIVE SYSTEM</b>	miscarriage irregularities in menstruation damage to foetus or chromosomes sterilization	lead, pesticides, radiation polystyrene production benzene, lead, radiation radiation

This table is no substitute for proper medical care.  
If you have any of these symptoms, see your doctor.

headaches, or a variety of other obvious physical symptoms of distress. An acute effect can be mild or very severe, but it is always immediate. A health survey by the local union can be helpful in pinpointing potential trouble spots in a workplace. (See questions 9 and 10 in the section on “How To Get Organized.”)

**Chronic effects** are harder to identify and tend to develop and last over long periods of time. These conditions can cause long-term damaging health effects, including cancer. This is why it is important for workers to have periodic and regular medical checkups to guard against permanent damage to your health due to the chronic effects of toxic substances.



## Chapter III

# Making the Workplace Safer and Healthier



### Using the Standards

*Photo (c) 1979, Ken Light*

**1. How can we find out whether a safety or health code has been violated?**

**First**, write down in detail what the hazard is, what process of work it relates to, and as much other information as possible.

**Second**, you may want to contact your employer about the condition. If you are not satisfied with the employer's determination, you should contact your union representative or contact the nearest Cal/OSHA office to determine if the condition is covered by a standard. If so, and the employer fails to correct the problem, then you may want to file a complaint and request an inspection of the condition.

**Third**, go to an office of the Cal/OSHA Consultation Service, LOHP, or a major law library, and research the codes yourselves. (See question 9 in the section on "Putting a Library Together.")

Don't be discouraged if you file a complaint and fail to get action. Often the existing codes are written so broadly that they are subject to much

litigation and argument. Try again, or examine other possible routes, such as the grievance procedure.

**2. How can we go about getting a new standard enacted or an existing standard improved?**

In California, any person can write the California Standards Board, 1006 Fourth St., Sacramento, CA 95814, and request that a specific standard be changed or enacted. In practice, however, it takes a lot of work to get a standard considered by the Standards Board. The Board staff has the responsibility of drafting new or changed standards; they research the question and usually create an advisory committee of industry, labor, and the public to give the staff advice about the worthiness of any particular proposal.

Typically it takes from one to two years to get standards changed or updated when they affect an entire industry. What is required is mobilization of as much support as possible from other unions, professionals in the field, and community groups. Be prepared to attend numerous and lengthy meetings where the standards are thrashed out. It is also essential to have as much useful data backing up your proposals as you can assemble.

Don't give up! Standards are upgraded and improved all the time, and if it is important to you and your union, you can bring about change.

The federal OSHA standard setting process is similar. For information, contact:

**Health:** Directorate of Health Standards  
U.S. Dept. of Labor/OSHA  
200 Constitution Ave., N.W.  
Washington, DC 20210  
(202)523-7076

**Safety:** Directorate of Safety Standards  
U.S. Dept. of Labor/OSHA  
Room N3605  
200 Constitution Ave., N.W.  
Washington, DC 20210  
(202)523-8061

**3. Can we negotiate standards directly with our employer?  
Where can we find data to support our proposals?**

You can get working conditions that are superior to the current OSHA codes and standards, provided that you have the support of the members in your union and some bargaining power with your employer. In short, the specific job condition has to become a real issue in negotiations with your employer.

Facts to back up your demand to get, for instance, lower noise levels than those required by OSHA, or better ventilation conditions than required by OSHA, can be obtained from a number of sources. The National Institute for Occupational Safety and Health (NIOSH) makes studies of many health issues, after which they recommend to OSHA what the standards should be. For example, in the case of noise they recommend 85 DBA (the permissible noise level) as the maximum 8-hour day average exposure level. OSHA set a standard of 90 DBA—more than double the sound intensity. NIOSH studies, therefore, can be used to support your arguments. Contact NIOSH to see if they have a “criteria document” on the particular health hazard you are concerned with.

There is also abundant engineering information available on feasible and economical means of controlling such hazards as machine safety, ventilation, heat, and noise. The burden to provide employees with a safe place of employment rests with the employer. They should initiate their own studies or analysis of the workplace; if you are not satisfied you can challenge the results. Your union may want to call on sympathetic engineering firms in your area who would be glad to visit your plant or worksite and give you cost estimates of various kinds of engineering controls. In some cases an industrial hygienist might be able to determine whether there are solutions available to reduce the hazards.

Getting engineers admitted to your place of work is another matter. Unions with visitation rights in their contracts can bring in engineers and industrial hygienists as designated union representatives.

Call LOHP or other resource groups in your area for specific suggestions if you want advice on

engineering controls or information to support proposals for working conditions superior to OSHA regulations.

**4. Is it possible to get a special order from OSHA covering a condition particular to our plant, office or industry?**

In California, the District Manager of Cal/OSHA has the authority to issue a special order or order to take special action covering a specific aspect of a worksite. Such an order affects only the particular employer and group of workers and does not extend to other plants or industries. Usually special orders cover unique or relatively small items such as conditions which fall between cracks in the codes. But occasionally a major problem will be addressed, such as the famous **Bendix** decision, which required an employer to furnish and buy work gloves.

You may want to think about a special order, and plan for one in your own situation when you call in a Cal/OSHA inspector. This is a tool for Cal/OSHA to employ to protect employees under conditions not covered by a standard or which, because of their uniqueness, require some special action until more permanent procedures can be developed. (See also question 12 in the section on Legal Rights.)

There is no provision for special orders under federal OSHA. However, federal OSHA has the power to issue citations for hazards not covered by a specific standard under the authority of federal OSHA's General Duty Clause.



*Photo (c) 1979, Ken Light*

## Collective Bargaining on Health and Safety

**1. What kinds of information are we entitled to get from our employer for the purpose of collective bargaining?**

In private industry, there have been clearly settled legal cases requiring employers to give information to a union requesting it. Failing to do so constitutes an unfair labor practice. It is a good idea to ask for this information considerably in advance of the notification period for reopening an agreement. In the public sector, your right to this information depends on which laws cover your job. Check with your union attorney or LOHP for detailed information.

Here are the kinds of information you are entitled to get:

\* The employer's costs for Workers' Compensation coverage, including premiums and benefits paid, as well as medical costs over the period of the last contract.

- \* A breakdown of all Workers' Compensation claims including accident and injury reports, claims filed and lost time from work; where and when the accidents took place; and the cause of illnesses and accidents.
- \* The trade and generic names of all toxic substances to which workers are or may be exposed.
- \* The results of any regular monitoring reports on work areas by the employer or any expert hired by the firm.
- \* Copies of all safety and health policies or rules of the employer currently in effect.
- \* Copies of all training and instruction programs of the employer relative to health and safety.
- \* Copies of all Material Safety Data Sheets issues by suppliers of toxic materials or manufacturers of machines, designers of work processes, etc.
- \* A copy of the employer's accident prevention program.
- \* A copy of the fire control and evacuation procedures of the employer.

**2. What kinds of information do we need to collect for purposes of preparing for negotiations?**

The following kinds of information should be collected and summarized so that the union negotiators will be fully briefed on the health and safety conditions and background in your particular bargaining unit. Ask yourself and others these kinds of questions:

**Past Safety and Health Practices**

- \* Does the employer recognize any union health and safety procedures or programs even though it is not specified in the contract?
- \* Does the union have the right to make unilateral inspections? Regular workplace surveys?
- \* Does the union have the right to bring outside consultants and engineers to inspect and advise on conditions in the plant?

- \* Does the union have the right to place a stop tag on unsafe machinery?
- \* Does the union have the right to call a strike or take a more limited stop work action over a health or safety issue?
- \* Is the union given regular reports on accidents and work related illnesses? On toxic substances and other health hazards?
- \* Does the union have the right to hold health and safety meetings with workers during work time, or during lunch hours or breaks, or before or after work?
- \* Does the union have the recognized right to bargain for stricter standards than those established by law?
- \* Is the union furnished any monitoring data collected by the employer?
- \* Does the union have the right to obtain short term leaves of absence either with or without pay for health and safety committee members to attend training sessions, standards board or appeal hearings, educational conferences, or any other meetings relative to health and safety? Do any other workers have such rights?
- \* Does the union have the right to designate health and safety committee members in each department on each shift?
- \* Does the union have the right to document health and safety hazards, including taking photographs or samples or making measurements?
- \* Does the union have the right to receive notice of any changes in machinery, work processes, or workplace design, including the introduction of new chemicals, so that it may negotiate about any potential impact of such changes on the health and safety of its members?
- \* Does the union have right of access to Workers' Compensation data and individual records?

- \* Do any union or any other employee representatives have the unrestricted right to investigate health and safety problems, and are they paid for time spent in meeting with management to adjudicate such problems (including pay for walk-around inspections)?
- \* Is there a specific procedure for processing health and safety complaints with the employer?
- \* Are there procedures for regular joint labor-management health and safety committee meetings, such as keeping minutes, or joint control of the agendas of such meetings?
- \* Is there any jointly administered fund, receiving contributions from the employer which can be used to engage independent organizations to pursue occupational safety or health hazard research?
- \* Does the union have free access to the bulletin board and the right to post materials dealing with health and safety and to distribute such information as necessary?

#### **Housekeeping Questions**

- \* Does the employer furnish clean drinking water in enough locations to satisfy worker needs?
- \* What wash-up facilities do you have--hot and cold running water, towels, soap, adequate and clean facilities? Are workers allowed to clean up on company time before lunch and before going home? Are there shower facilities?
- \* Does the employer furnish a lunch room or cafeteria? Is it sufficient for the needs of the workers? Is it kept clean and well ventilated? Is it located in an area away from contamination from possible toxic substances and other hazards?
- \* Are lockers furnished for the convenience of the workers?
- \* Is the lighting at the workplace satisfactory?



- \* Are the ventilation, air conditioning and/or heat systems satisfactory?
- \* Is the janitorial service adequate? Does the employer keep the workplace clean? Is the general housekeeping of the plant good? Are traffic aisles and emergency exits kept clear, and are floors kept clean of oil and grease and other debris?
- \* Are all housekeeping and ventilation and sanitation provisions of the Industrial Welfare Commission (IWC) orders of the State of California being met by the employer? In other states, are all similar kinds of regulations adhered to?

#### **Health Protection and Medical Treatment**

- \* Does the employer have a medical department? Is a nurse available in the plant on one or more shifts? A medical doctor? Does the employer contract with a medical clinic?
- \* If not, are there first aid facilities available with trained personnel to handle emergencies in each department?
- \* Have workers had any problem with the company medical services? If so, what are they?
- \* Is transportation readily available to take injured or ill workers for treatment?
- \* If toxic substances, radioactive materials, or other dangerous substances or processes are in use by the employer, are all exposed workers notified of the hazards and given appropriate precautionary information?
- \* Are workers exposed to hazardous substances such as lead or toxic chemicals given regular medical tests or exams by the employer? Are these workers told the results of these tests?
- \* Does the employer regularly survey the workplace in any way in order to protect and guard the health of workers? Does the union get the results?

- \* Does the contract and/or employer provide for breaks from the work routine to relieve stress-related problems?
- \* If the workplace has excessive noise, does the employer provide for a “quiet” or soundproof room for taking breaks and lunch?
- \* Are workers trained in safety and health procedures when hired or when upgraded or transferred to other work either permanently or temporarily? Is training repeated at regular intervals?
- \* Does a worker or any group of workers have the right to refuse to work under an unsafe or unhealthy condition?
- \* Does the seniority plan allow for retention of all accrued benefits and privileges of workers who have sustained job-connected illnesses or injuries?
- \* Does the employer in any way help or assist in the rehabilitation of workers who have sustained job-connected illness or injury?

#### **Protective Equipment and Clothing**

- \* Does the employer furnish goggles, respirators and/or equipment such as hearing protection? Are employees individually fitted where this is possible?
- \* If safety shoes are needed or required, does the employer pay full cost?
- \* Does the employer pay for prescription glasses for workers requiring safety glasses of that type?
- \* Does the employer furnish work clothes? Pay for laundering work clothes?
- \* Does the employer furnish special equipment such as welding gloves, rubber boots, raingear or other special protective equipment?

### **Workers' Compensation**

- \* Does the contract or company policy provide for any kind of payment to a worker which supplements Workers' Compensation benefits?
- \* If a worker is off work for an extended period because of a job-connected injury or illness does the negotiated company medical plan continue to cover dependents during the absence from work?
- \* Does seniority continue during a protracted absence caused by job-connected injury or illness? Are payments made into the pension plan and are pension credits "earned" during such absences?
- \* Does the contract and/or company policy provide for leaves of absence for job-connected injury or illness? What rights and benefits is the worker entitled to during such leaves?
- \* Is a worker reinstated to the former job at the same or a higher rate of pay after returning from absence caused by job-connected illnesses or injury?
- \* In the event the worker can no longer perform the previous work because of the nature of a job-connected illness or injury, is alternative employment provided with training and rate retention if the transfer is to another lower paying job? If so, is this rate retention temporary or permanent?
- \* If a worker is sent away from the worksite for medical treatment, does pay continue until returning to work? If the doctor sends the worker home for the balance of the shift, is the employee paid for the full shift?
- \* Does the employer in any way help or assist in the rehabilitation of workers who have sustained job-connected illness or injury?

**3. What kinds of clauses in our present union contract may cover or support health and safety activities?**

The contract analysis checklist below should be helpful:

- \* Copy all clauses pertaining to health and safety from the Union Agreement so they can be analyzed in conjunction with one another.
- \* Does the union have contract language which clearly spells out that the employer has exclusive liability for health and safety? Does it include a "hold harmless" clause making it clear that the union cannot be held liable for health and safety problems?
- \* Are union members protected under the contract if they refuse to work under unsafe conditions?
- \* Is the recognition clause broad enough to give the union the full right to bargain and to process grievances over health and safety through final and binding arbitration?
- \* Extract any cases from the grievance file that have been handled in the past relative to health and safety. Based on these cases, how could the contract be strengthened?
- \* Prepare a history of the handling of health and safety issues as they have arisen during the term of the present contract, including all issues that were not satisfactorily resolved.

**4. What kinds of clauses have been negotiated by other unions establishing workers' rights and privileges with respect to health and safety?**

The following list of contract clauses by type and issue may suggest areas for collective bargaining with your employer. For more detailed information, the LOHP book, **Workplace Health and Safety: A Guide to Collective Bargaining**, covers the subject fully. It contains samples of actual union contract clauses, discussion of the issues, and model contract language for the use of negotiators. The book is available from LOHP.

## **Health and Safety Clauses:**

### **General Duty Clauses**

**General Duty to Bargain--Recognition Clauses  
used for Health and Safety**

**Sanitation, Housekeeping, and Specific Working  
Conditions**

**Lighting, Ventilation, and Noise**

**Protective Clothing and Equipment**

**Crew Size, Working in Isolation, and Excessive  
Weight Lifting**

**Protection from Hazardous, Dangerous Work or  
from Unsafe Materials or Processes**

**First Aid, Shop Medical Care, and Other Arrange-  
ments for Medical Treatment at the Worksite**

**Regular Rest Periods and Relief Operations**

**Medical Surveillance and Checkups**

**Workplace Monitoring for Potentially Dangerous  
Health Conditions**

**Payment for Time Lost from Work While Under-  
going Medical Examination or Treatment**

**Payments to Supplement Wage Losses Caused by  
Injury or Illness on the Job**

**Rate Retention, Job Transfer, and Seniority Rights**

**Benefit Protection for Workers with Long-term  
Injury or Illness**

**Worker Training in Health and Safety**

**Workers' Right to Refuse Temporary Transfer to  
Jobs**

**Reporting of Accidents or Illness**

**The Right of the Worker to Refuse to Work if a  
Job is Unsafe or Hazardous**

**Pay and Job Right Issues Involved when a Job is  
Shut Down over Safety and Health Problems**

**Prohibiting Retaliation Against any Worker who  
Engages in Health and Safety Activities**

**Prohibition Against Speed-up**

**A Worker's Right to Lock Out or "Tag" a Machine  
or Work Process that is Dangerous**

**Special "Vacation" or Time Off from Work with  
Pay when Exposed to Special Hazards**

**Hazard Pay for Performing Dangerous or  
Unhealthy Work**

**Information to the Union**

**Union Access to the Workplace**

**Union's Right to Bring in Outside Consultant on  
Health and Safety Issues**

**Employer-furnished Monitoring Equipment**

**Walkaround Pay and Compensation Payment for  
Time Spent Handling Health and Safety Matters**

**An Employer-funded Health Consultant or  
Independent Research Study**

**Payment for Training of Union Health and Safety  
Representatives**

**Union's Right to Shut Down any Unsafe or  
Hazardous Work Process**

**Provisions for Recognizing Organized Health and  
Safety Structures**

**Prompt Settlements of Disputes over Health and  
Safety**

**Non-liability for Health and Safety Problems**



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## Building Support

While the section on “Getting Organized” deals with basic questions of organization and committee functioning, this section suggests answers to questions often asked by local unions related to:

- \* Educating workers about hazards that affect them.
- \* Involving more people in health and safety work.
- \* Building support for health and safety at all levels of the union.
- \* Increasing public awareness of workplace hazards and their impact on the whole community.

Much of the work of improving health and safety in your workplace depends on letting everyone know what the problems are and how they affect not only you and your fellow workers, but also your families and the rest of the community. You will need allies, and you will find them in other unions, labor councils, community organizations, consumer and environmental groups, regional committees on occupational safety and health (“COSH” groups), health professionals, and among

**1. How can we get the word out in the workplace about job hazards?**

your media contacts. They can help by giving you information, support, publicity, meeting places, and contacts with people who are having similar experiences.

The best way to reach everyone at your worksite will depend on the size of your workplace, the number of workers, the way the plant or site is set up, work schedules, your union structure, and other factors. Before selecting a specific method (or methods) for getting the word out, make sure you have an overall strategy. You might try adopting an approach that has been used successfully by several labor organizations. Its goal is not just to correct immediate hazards, but to build the kind of solid support you will need to insure maximum health and safety on the job. This strategy is based on problem-solving methods including:

- \* Identifying the problem(s).
- \* Deciding what kind of information you need.
- \* Getting it out to everyone in the workplace.
- \* Developing a program of action (what you're going to do).
- \* Devising a plan of action (how you're going to do it).

This approach takes research, imagination, talking and listening to people, lots of patience, and hard work. It involves analyzing your workplace, identifying potential leaders, getting people to speak up, increasing awareness (including your own), and organizing successful group actions. More information on this strategy for overcoming apathy and building support is available from the Institute of Labor and Education Research (ILER) or from LOHP (see "Resource List" at the back of this book).

Once you have assessed your particular situation and have decided on an overall strategy for building support, you may want to use some of these means of reaching people:

- \* Distribute and discuss materials that document the hazard, such as OSHA standards, citations, or excerpts from technical reports.



- \* Circulate a petition asking management to correct a hazard.
- \* Write and distribute leaflets and fact sheets, or articles for the union newspaper.
- \* Spread the word by speaking at your local union meeting. Tell people what the problem is, what action you are proposing, and how they can help.
- \* Hold a special workshop during lunch hour on the subject of the hazard. Invite someone with expertise on the subject who can answer people's questions.

Refer to questions 2, 4, 5, and 6 in this section for more information about ways to publicize health and safety issues.

No matter what approach you use, the idea is to interest and involve more people at each step, from finding out what the major problems are to planning actions that can be carried out by the whole group. You can find ways to utilize the ideas, energies, and talents of the people you work with to make the workplace safer and healthier. And part of your campaign will be letting your union know what's happening and enlisting their support for your program.

## 2. What can we do to insure that health and safety becomes a priority in our union?

Some unions have health and safety clauses written into their constitutions and collective bargaining agreements. These unions may allocate budget, staff, and resources to research and negotiations, education and training, and newspaper coverage of health and safety issues. A few large unions have made firm commitments to safety and health and give workplace hazards high priority as an urgent concern of their membership.

The chances are that you and/or your health and safety committee will have to make a continuing effort to promote health and safety activities within your union, both among the rank and file and the union leadership. You will have to present convincing arguments that health and safety is an important concern to workers just as wages, hours, and benefits are. Working conditions have always

been a key issue in labor-management negotiations, and this is no less true in this time of changing technology, ever-increasing hazards, and growing awareness by workers and the public of the dangers we have been exposed to for years, such as lead, asbestos, cotton dust, and pesticides.

Here are a few suggestions for building support within your union:

- \* Ask to attend the next executive board meeting. Spell out your problems, and request official support for your health and safety program.
- \* Get on the agenda for the next meeting of the local union and let the members know about the hazards you face, how workers are affected by them, what you are doing about it, and how the members can help.
- \* Distribute a leaflet at the meeting announcing your next hearing or demonstration and asking for support. Or give members a fact sheet they can read at home, explaining the hazard and how it affects workers and their families. Make sure your union leadership can see this is an issue the rank and file cares about.
- \* Arrange to show a film or slide-tape presentation on a health and safety issue at a membership or executive board meeting. Audiovisual materials have an especially strong impact and can help drive home your message.
- \* Contact the editor of your union newspaper and arrange to furnish him or her with facts, interviews, documents, photographs, a tour of the hazardous worksite, and anything else he or she will need to write an article about the work of your committee and the hazards you are facing. If someone on the committee can write the story, so much the better. The editor can probably arrange for photographs to be taken on location. If your union does not have a newspaper, try to get the story into a community newspaper.

Question 4 in this section contains more information on using your union newspaper and publicizing health and safety issues. See the "Resource List" at the end of this section if you need detailed information on preparing written materials.

**3. What are some ways to let the community know about workplace hazards and enlist their support?**

You may learn that your health and safety problems also affect the community and you need to reach out beyond your union and involve those community groups who are likely to share your concerns and help in correcting the hazards. By explaining how hazardous chemicals contaminate the water, food, and air, for example, you can move community organizations to bring various kinds of pressure in support of your efforts to clean up the workplace.

Some kinds of organizations you can contact for support are: other unions and labor councils, committees for occupational health and safety (COSH groups), women's and consumer groups, health centers and doctors, environmental and public interest research groups, university labor studies, legal, medical, and industrial relations departments, and the press. Legislators can be important allies. Most unions have a lobbying or legislative department which you can make use of.

Someone in your union or on your health and safety committee can take charge of contacting community organizations and arranging to speak at their regular meetings. Learning to speak in public comes from experience, and it's usually best to train one or two people to speak on behalf of your group. Keep it simple: explain the hazardous situation and what has happened so far, and outline what you are planning. Ask for official endorsement of your upcoming event, campaign, or position statement.

Mailing a letter or brochure to every community group on your contact list is another way to ask for support. Make it clear what your situation is and how you would like them to help or become involved. Such a letter could ask for contributions of money for placing an advertisement in the newspaper or paying for TV time, or you could

ask for the donation of a large auditorium for an event you are planning such as a conference on the hazards of VDTs or pesticides. In addition to sending the letter, you should follow up with phone calls, both to remind people and to give your request a personal touch.

Other suggestions on publicizing health and safety and building coalitions are contained in the questions that follow.

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**4. What are some good ways to publicize health and safety issues?**

The forms of publicity you use will be determined by the issues you want to talk about, the people you want to reach, and the amount of time you have (a public hearing two days from now or a conference in two months). All forms of publicity are organizing tools to help you get the word out and build support for workplace health and safety.

There are many kinds of informational pieces that can be prepared and distributed by your health and safety committee: leaflets, fact sheets, news releases, articles for your union newspaper. At some point, you may want to launch your own health and safety newsletter. T-shirts, buttons, or bumper stickers printed with a slogan like "Health and Safety—A Right, Not a Benefit" can liven up your campaign.

If you decide to hold a press conference, you can distribute a press packet containing several informational pieces for reporters to draw from, in addition to presenting speakers and other "live" information. In the midst of an all-out campaign to gain support, you may need to use several kinds of communication simultaneously.

Some basic forms of publicity are outlined below. In addition, there are several good reference publications and organizations to help you with ideas and technical information you can use whether you are designing a leaflet, launching a union newspaper, or mounting a long-range health and safety campaign. You will find these resources listed at the end of this section.

**Leaflets** are intended to announce events, solicit participation in a campaign, or call people's attention to an issue. They should be simple and eye-catching and should let people know how they can participate or what they can do to help. They can be given out and posted at the worksite or at union meetings, on street corners, and other public places, or they can be mailed.

A few general guidelines to keep in mind when you are creating a leaflet are:

- \* Make it visually attractive to be sure you capture the reader's attention and interest.
- \* Keep the language simple and the sentences short.
- \* Stick to basics—the “who, what, when, where, and why” of the situation you are describing. Don't overwhelm people with too many words.
- \* Let your readers know how the hazard relates to them and what they can do. Use a tear-off coupon for people to fill out if you want them to sign up, request more information, receive mailings.
- \* Be sure the date, time, and place of a meeting or other event stand out clearly.
- \* Give a phone number for more information.
- \* Involve the members by making use of their skills and interests.

**Fact sheets** are basically educational leaflets. They may contain more reading material than a flier announcing an event, usually deal with one hazard or issue, and present factual information to readers. Asbestos, lead, noise, reproductive hazards are the subjects of fact sheets issued by unions and occupational safety and health groups.

A question-and-answer format often works well, stating an often-asked question and providing technical information that people can use in dealing with a hazard. Be sure to tell people how and where they can get more information.

Follow the general rules for preparing a concise, eye-catching, informative leaflet, keeping in mind that you will be reaching many people who know less about the hazard than you do, and who are bombarded daily by visual and written materials in the papers and on television. You can arrange to have teams of members research the fact sheet, check for accuracy, make calls to state agencies, write up the results, and do the layout.

A **press release** is a brief announcement of any upcoming event—a hearing, demonstration, press conference—which you would like the media to cover. Remember that your news will be competing with hundreds of other releases received daily by the stations and newspapers, so your first job is to convince them that it is **news**: something happening today, tomorrow, or in the near future that will affect or be of interest to a significant number of people.

Because of the many demands on their time and space, busy editors often use all or part of a release verbatim (instead of rewriting or editing it), so make sure you follow the tried-and-true “who, what, when, where, why” formula. Get the most important facts into the first paragraph. Let the editors know what kind of event is planned, the number of people expected to attend, any impressive or colorful features that will appeal to their sense of the unusual—a theatrical “happening” with costumes, a famous personality who will speak, a dramatic on-location interview or informational picketline. Include an 8 x 10” black and white glossy photograph if you can, showing the hazardous situation, person affected by the hazard, people wearing masks, or other striking subject that will capture attention.

For specifics on how a press release should look, who should receive it, and when it should be mailed, get help from your union publicity department, or get a copy of one of the media handbooks referred to at the end of this section. These handbooks also contain excellent details on how to hold a press conference.

A **newsletter** can be done on a low budget and can communicate with people on a regular basis. In addition to mailing it to those on your health and safety committee or local union list, you can also give it to people at meetings and special events as a way of reaching new people both within and outside the union with information about your activities. A newsletter put together by union members can give workers a sense of belonging, of being important, of seeing their own lives, jobs, and problems, as well as victories, accurately represented. It's a good vehicle for keeping people up to date on the progress of labor-management relations and other health and safety activities; analyzing the latest legislative and political developments; interpreting technical and scientific reports on toxic substances and other hazards; announcing meetings and events; and providing a forum for members to discuss safety and health concerns. Most of all, a newsletter can heighten the visibility and credibility of a health and safety program in its efforts to improve the workplace, and encourage more people to become involved.

**How To Do Leaflets, Newsletters and Newspapers** is an excellent source of information on starting a newsletter. See the "Resource List" at the end of this section.

The **union newspaper** can be a basic vehicle for informing members about health and safety activities. Regular coverage of health and safety hazards and the union's efforts to improve the workplace can spread the word about health and safety and help to build the union. Some ways of utilizing your union's paper are:

- \* Write a regular column on health and safety.
- \* Get the editor to cover your health and safety committee activities on a regular basis.
- \* Prepare a fact sheet or newsletter to be inserted in the newspaper.

It's important to establish a good working relationship and personal rapport with the staff of the union newspaper. You may want to have one

person serve as liaison with the editor, or work closely with a reporter who will cover health and safety issues. You can help to make their job easier and get better coverage of health and safety matters if you furnish them with story leads and other information regularly.

**5. What other kinds of activities can we organize to spread the word about health and safety?**

Sometimes meetings, leaflets, speeches, inspections, and grievance procedures don't work fast enough. Workers are getting sick or hurt on the job and the situation calls for more drastic action. Many local unions have devised creative tactics to dramatize health and safety problems, let others know how they may be affected, get management to respond, and improve workplace conditions. Job actions, group education, do-it-yourself testing and investigation, and filing multiple grievances have all been carried out successfully by unions across the country. Refusing to work in cases of imminent danger can work when other attempts have failed, or when life and limb are endangered. All of these actions require organization, planning, and unity.

The health and safety committee of Butchers' Local 115, Amalgamated Meatcutters and Butcher Workmen of North America, organized a "call-in" to the California Division of Industry Safety, demanding that an inspection be done of polyvinyl chloride hot-wire cutting operations. They got the inspection, and changes were made.

In San Francisco, two SEIU (Service Employees International Union) locals organized a "Fresh Air Day" to protest indoor air pollution in a large office building after inspectors claimed the substances they tested were safe. Workers came out on lunch hour and during breaks wearing cloth masks and carrying signs dramatizing unhealthy conditions caused by the ventilation system.

The activities you plan don't have to be "all work and no play." Holiday picnics and Sunday outings for union members and their families afford fun and relaxation and serve to raise morale and get everybody together. Inviting guests to speak and express their support can be an "added



attraction" to bring out more people--but be sure to keep the speeches short! This is a good time to wear--and sell--lively T-shirts or buttons and bumper stickers carrying your health and safety message.

**6. What is a health and safety coalition, and when do we need one?**

There are several ways to become involved in a coalition. You can join an existing one which relates to your own concerns; you can participate in setting up a coalition with other interested groups; or you can initiate a coalition around your own health and safety issue or issues.

If you initiate your own coalition, you will need the official endorsement of your union's health and safety program by several other organizations which share your purposes and goals. These groups will vote on whether or not to join the coalition, after which they may add their names to your list of endorsers and send representatives to your public meetings. Although each organization retains its own identity, the new coalition around the issue(s) determined by your union takes on a life of its own. Typical coalition activities are to send out letters, fact sheets and brochures, hold press conferences, place advertisements in newspapers, and generally alert the community and the public to the issues involved.

Forming a coalition is a big undertaking. It is usually a good idea to form one when you have tried other forms of activity and are having trouble getting your demands met. The names of five or ten well-known organizations who share your interests and can work together on an issue will carry more weight, attract more publicity, and reach a wider audience than you can alone. In Oregon, a coalition was formed around the issue of aerial spraying of pesticides when the local union was unsuccessful in getting the authorities to listen. The VDT Coalition, comprising 29 national unions, succeeded in getting NIOSH to conduct a massive study involving three of the unions whose members work with video display terminals (VDTs).

**Resource List for Building Support****California Labor Press Directory**

California Labor Federation  
 995 Market Street  
 San Francisco, CA 94103  
 415/986-3585  
 31 pp.

**Media Directory**

United Way of the Bay Area  
 410 Bush Street  
 San Francisco, CA 94108  
 415/772-4344  
 49 pp.

**How To Do Leaflets, Newsletters, and Newspapers**

UAW Local Union Press Association  
 8000 E. Jefferson  
 Detroit, MI 48214  
 45 pp.

**“What’s Black and White and Read All Over?”**

American Labor, No. 11/12, Sept/Oct 1980  
 American Labor Education Center  
 1835 Kilbourne Place, N.W.  
 Washington, DC 20010  
 202/462-8925, 202/387-6780  
 16 pp.

**Media Action Handbook**

The National Committee Against Discrimination  
 in Housing  
 1425 H Street, N.W.  
 Washington, DC 20005  
 202/783-8150  
 57 pp.

**The Media Guide: A Handbook for Activists**

National Lawyers’ Guild  
 (Philadelphia Chapter)  
 1425 Walnut Street  
 Philadelphia, PA 19102  
 46 pp.

## Resource List

These are just some of the U.S. groups involved in occupational health and safety. See the LOHP publication, **Getting The Facts**, for more suggestions.

### Federal

Occupational Safety and Health  
Administration (OSHA)  
U.S. Department of Labor  
200 Constitution Ave., N.W.  
Washington, DC 20210  
202/523-8151

OSHA, Region IX  
450 Golden Gate Ave.  
San Francisco, CA 94102  
415/556-0584

National Institute of Occupational  
Safety and Health (NIOSH)  
Parklawn Building  
5600 Fishers Lane  
Rockville, MD 20857  
301/443-2140

United States Environmental  
Protection Agency (EPA)  
401 M St., N.W.  
Washington, DC 20460  
202/755-2673 (general information)  
202/755-4390 (Office of Occupational  
Safety and Health)

### California

Cal/OSHA (Compliance)  
San Francisco:  
455 Golden Gate Ave.  
San Francisco, CA 94102  
415/557-1677

Los Angeles:  
3460 Wilshire Blvd., Rm. 307  
Los Angeles, CA 90010  
213/736-3041

Cal/OSHA (Consultation Service)  
525 Golden Gate Ave., 2nd Floor  
San Francisco, CA 94102  
800/652-1476  
415/557-1034

Hazard Evaluation System and  
Information Service (HESIS)  
Department of Health Services  
State of California  
2151 Berkeley Way, Rm. 504  
Berkeley, CA 94704  
415/540-2115  
415/540-2334 (Library)

**“COSH” Groups (Committees on Occupational Safety and Health)**

There are COSH groups in many major cities throughout the country. Some are listed below. To find out if there is one in your area, contact LOHP.

Bay Area Committee on Occupational Safety and Health (BACOSH)  
c/o LOHP  
2521 Channing Way  
Berkeley, CA 94720  
415/642-5507

Chicago Area Committee for Occupational Safety and Health (CACOSH)  
542 Dearborn, Rm. 502  
Chicago, IL 60605  
312/939-2104

Massachusetts Coalition for Occupational Safety and Health (MassCOSH)  
718 Huntington Ave.  
Boston, MA 02115  
617/277-0097

New York Committee for Occupational Safety and Health (NYCOSH)  
32 Union Square, Rm. 404  
New York, NY 10003  
212/674-1595

North Carolina Occupational Safety and Health Project (NCOSH)  
P.O. Box 2514  
Durham, NC 27705  
919/266-2276

Philadelphia Area Project for Occupational Safety and Health (PhilaPOSH)  
3001 Walnut St., 5th Floor  
Philadelphia, PA 19104  
215/386-7000

Santa Clara Center for Occupational Safety  
361 Willow St. No. 3  
San Jose, CA 95110  
includes: ECOSH (Electronics Committee on Occupational Safety and Health)  
408/998-4050

Wisconsin Committee on Occupational Safety and Health (WISCOSH)  
805 South 5th St.  
Milwaukee, WI 53204  
414/643-0928

**University and Other Labor Centers**

American Labor Education Center  
1835 Kilbourne Place, N.W.  
Washington, DC 20010  
202/387-6780

Cornell University  
New York State School of Industrial and Labor Relations  
Ithaca, NY 14853  
607/256-3281  
and: 3 East 43rd St.  
New York, NY 10017

Institute for Labor Education and Research  
853 Broadway, Rm. 2014  
New York, NY 10003  
212/674-3322

Labor Safety and Health Institute  
381 Park Avenue  
New York, NY 10016

University of California, Berkeley  
Labor Occupational Health Program  
2521 Channing Way  
Berkeley, CA 94720  
415/642-5507

University of Wisconsin School for Workers  
432 North Lake St.  
Madison, WI 53706  
608/262-2111

# LOHP Publications and Audiovisual Materials

*For price information, contact LOHP.*

## LOHP Films

**Working Steel**, a 20 minute documentary film about the workplace hazards faced by foundry workers. 16 mm, black and white.

**Working For Your Life**, a 55-minute documentary film about health and safety hazards faced by women workers and what workers are doing to correct them. 16 mm, color.

**Another Day's Living**, a 30-minute health and safety film documenting the hazards of logging and woodworking. Historical photographs and songs; interviews with workers. The film covers such issues as equipment design, right to information, and collective bargaining as a tool for health and safety. 16 mm, color.

**Rentals:** send request, preferred show date and alternative date if possible to:

LOHP Films  
P.O. Box 315  
Franklin Lakes, NJ 07417  
201/891-8240

Confirmation sent upon receipt of order.

**Purchases:** send request to LOHP, 2521 Channing Way, Berkeley, CA 94720, 415/642-5507.

## LOHP Slide Shows

Lesson script and synched tape are provided with each slide show.

**Health and Safety Hazards of Construction**, depicts potential hazards in various stages of construction work, discusses dangers and possible controls. 136 slides/29 min.

**Hazards of Noise in Construction**, describes the general hazards of excessive noise exposure, noise sources in construction, effects of noise on the body, and control measures. 80 slides/13 min.

**Chemical Hazards for Building Trades Workers**, explores specific chemical hazards generated by construction, demolition, or remodel work, routes of entry and effects on the body, and appropriate controls. 125 slides/24 min.

**Walking/Working Surfaces**, describes accident and injury potential of such working surfaces as ladders, scaffolds, stages, typical on construction sites; discusses safety measures. 56 slides/9 min.

**Pink Collar**, based on interviews with women clerical workers, takes up such office hazards as stress, lighting, indoor air pollution, VDT machines. 90 color slides, lively music, 15 min.

**Danger: PCBs!**, explains the hazards of polychlorinated biphenyls, insulating fluids found in electrical equipment. 74 slides/15 min.

**Purchases:** slide shows are available for purchase only; no rentals. Send request to LOHP, 2521 Channing Way, Berkeley, CA 94720, 415/642-5507.

# LOHP Publications and Audiovisual Materials

*For price information, contact LOHP.*

## NEWSLETTER

- LOHP Monitor, bimonthly.

## BOOKS

- **Working For Your Life: A Woman's Guide to Job Health Hazards.**
- **Getting the Facts.**
- **Workplace Health and Safety: A Guide to Collective Bargaining.**
- **Occupational Hazards of Construction: A Manual for Building Trades Apprentices.**
- **Hazards of Construction: Instructor's Guide.**
- **A Guide to Health and Safety Laws for California Foundries.**
- **Health and Safety Handbook for Local Unions.**
- **Fruits of Your Labor. (Available mid-1983.)**
- **Health and Safety Issues Commonly Faced by Farmworkers. (Available mid-1983.)**
- **Labor Educator's Health and Safety Manual. (Available mid-1983.)**
- **A Worker's Guide to Documenting Health and Safety Problems.**

## POSTER

- **Occupational Health and Safety: A Privilege for None, A Right for All.**

## PAMPHLETS

- **Cleaning Up: Health and Safety for Dry-cleaners.**
- **Not Even Your Hairdresser Knows for Sure.**

## INFORMATION PACKETS

- **Hazards of Video Display Terminals.**
- **Indoor Air Pollution.**
- **Child Care Workers.**
- **Joint Labor-Management Committees.**
- **Carcinogens.**

## PAPERS AND REPRINTS

- **Occupational Disease Among Black Workers: An Annotated Bibliography.** Morris Davis and Andrew Rowland, 1980.
- **Reproductive Hazards of Lead.** Andrea Hricko.
- **Health and Safety Provisions in Union Contracts: Power or Liability?** Larry Drapkin and Morris Davis, 1981.

## CONFERENCE MATERIALS

- **Everything You Ever Wanted to Know About Health and Safety, 1983** compilation of materials.
- **Conference on Lead, February, 1979.**
- **Building Trades Conference, February, 1980.**
- **Noise Conference, March, 1980.**
- **"Right to Know" Conference, October, 1982.**
- **Class on Health and Safety for Clerical Workers, Fall, 1982.**
- **Worker's Compensation Conference, February, 1983.**

KEY TO PHOTOGRAPHS:

- 1. Foundry Workers
- 2. Welder: High Steel
- 3. Nurse
- 4. Printing Pressman
- 5. Farm Workers
- 6. Laundry Workers
- 7. Webb Press Operator

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