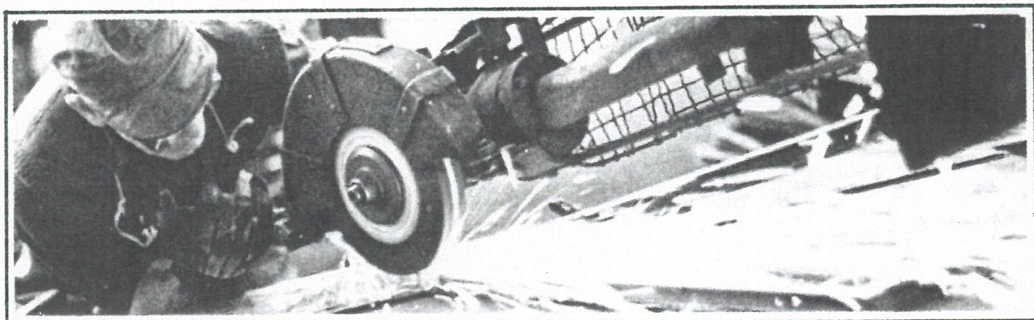
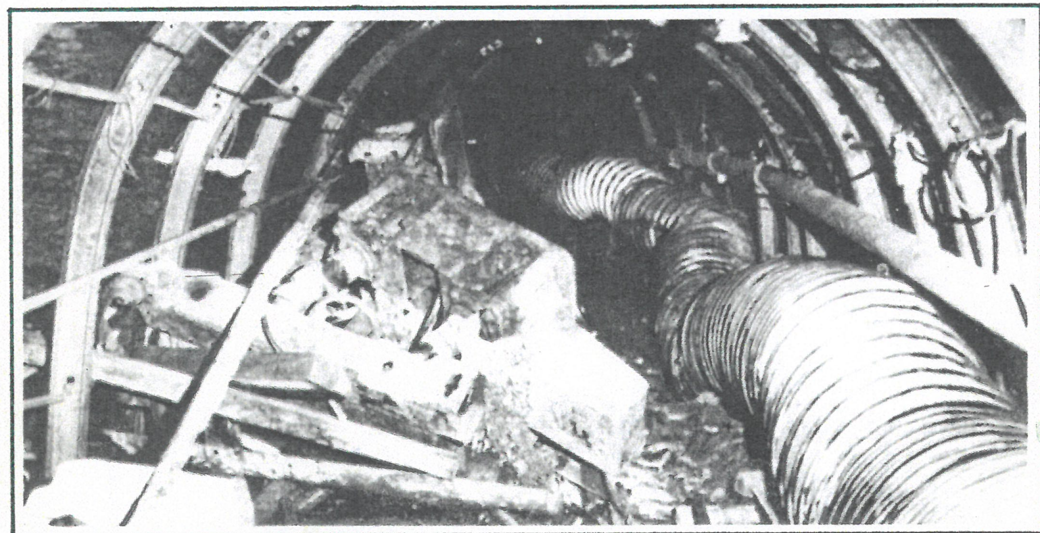


HEALTH & SAFETY

A Question of Workers' Control

Tony Topham



IWC Pamphlet No. 70 Price 10

Published by the Institute for Workers' Control, Bertrand Russell House, Gamble Street,
Nottingham NG7 4ET. Telephone (0602) 74504.

Printed by The Russell Press Ltd., TU. 4/74.

HEALTH & SAFETY: A Question of Workers Control

Tony Topham

I The Parliamentary Record

In 1967, Mr. Gunter, then Minister of Labour, announced his intention to introduce new legislation on safety at work. In 1968, Mrs. Castle, his successor, appointed the Robens Committee to report on the subject. In 1970, the Labour Government introduced the *Employed Persons (Health and Safety) Bill.* This lapsed, without becoming law, when Labour lost the election of that year. In 1972, the Robens Committee published its report. Mr. Macmillan, Secretary of State for Employment, announced that the Tory Government were treating the question of legislation on safety as a matter of urgency. Between 1970 and 1972, Bills or Motions to introduce statutory workers' consultation on safety were moved by several Labour MPs, but these were blocked by the Tory benches. In 1974, the latest Secretary of State under Mr. Heath, namely Mr. Whitelaw, introduced a Safety and Health Bill. It lapsed when the government was defeated in the February 1974 election.

Now it is Michael Foot's turn. On March 25th, 1974, he introduced the *Health and Safety at Work, etc., Bill* in the House of Commons. Seven years on, and *six* Secretaries of State later, the workers of this country are still patiently waiting an adequate law to protect their lives and health at work. (*Six* secretaries, since the list above does not include Mr. Carr, who was far too busy during his term of office in negotiating the passage of the anti-union *Industrial Relations Act* to concern himself with the trivial problem of men's lives).

During those seven years, some 20,000 workers died from industrial accidents or from industrial diseases. Some 7 million have been off work through injury or industrial disease, and First Aid Boxes have been opened to treat minor injuries some 70,000,000 times.[1] Compared with such sums of human suffering, the consequential fact that 161 million working days were lost through accidents and industrial disease in the same period would seem trivial, except that insecurity and loss of income for the workers is a common result of accidents and industrial disease.

In the rhetoric of parliamentary debate on this subject, it is not uncommon to hear MPs speaking – quite correctly – of the "criminal negligence" of employers. It is a phrase which, on the above record, might not unreasonably be applied to the behaviour of successive governments and parliaments. The responsibility for the delay cannot, in fairness, be apportioned equally between the two major parties, since Labour was poised to legislate in 1970 when it lost office, and the Tories delayed for three and half years before introducing a Bill.

Now at last, it may be thought, we have a government and a Minister with their priorities right; the present Bill was introduced within a month of Labour taking office, and the second reading was on April 3rd. In that debate, the Tories fell over themselves to express their "general" approval of the measure. Supposing that an

election is postponed for some time, or that Labour wins an early election, it is actually probable that this Bill will become law. It is therefore necessary for the labour movement to examine the subject very carefully. The Bill is a major piece of law-making – it is not an interim move. Such is the stately ritual of parliamentary rule, that it is likely, if passed, to relegate health and safety to statutory neglect for the next 20 years. It had better be good!

II Diagnoses: The Causes of Industrial Ill-health and Accidents.

The adequacy of a Safety and Health Bill obviously depends on the accuracy of the diagnosis of the causes of accidents and industrial ill-health which underlie it. We are not, quantitatively, short of diagnoses.

HM Factory Inspectors

The Factory Inspectorate offered its own, and obviously well-informed study of accident causation last year.[2] They examined over 600 accidents which occurred during the second half of 1968, and found that:

(i) 114 accidents involved a breach of the law
(ii) 308 accidents occurred where there were "reasonably practicable" precautions available which were not taken
(iii) 313 accidents occurred where no "reasonably practicable" precautions were available.

In category (ii) they found that in 47 per cent of the cases, the "reasonably practicable" measures were under the control of management, and in 43 per cent, they were under the control of the workpeople. In the remaining 10 per cent, the measures were partly under the control of each.

These statistics and formulations beg all the important questions.

What is "reasonably practicable"? It is the kind of phrase which makes lawyers lick their lips in anticipation, and has bedevilled the attempts to control employers not only in the field of internal safety and health, but in the wider context of anti-pollution laws. The Alkali Inspectorate, whose record in controlling pollution in Britain has been subject to searching criticism by Jeremy Bugler,[3] is required to ensure that industry adopts the "best practicable means" to prevent or control pollution. The Chief Alkali Inspector indicated how *he* interprets this phrase, in a speech made to the International Air Pollution Conference in Washington in 1970.

> "The *only* reason we still permit the escape of pollutants is because economics play such an important part in the word "practicable" in the expression "best practicable means" and most of our problems are cheque-book rather than technical." (italics added)[4]

The cheque-book limitation is accepted not only when it applies to the cost of installing *existing* anti-pollution technology, but equally when it comes to the cost of research and development into *improving* the safety and health aspects

of a process. If the best available technology is less than perfectly safe and healthy, the employer is under no obligation to refrain from production and to invest in thorough research designed to discover a better method.

Why did only 114 of the 600 accidents involve a breach of the law? If we aim to establish responsibility for accident causation, then neglect of that responsibility should involve legal sanctions. The law appears quite inadequate in its scope.

Why is it that, if 144 out of 600 accidents involved a breach of the law, the average rate of prosecution of offenders in this field in only 1 per cent of those liable to prosecution?

Why, in a large proportion of cases, did management fail to take precautionary measures which were available?

Why, in almost the same proportion of cases, did workers apparently fail to take precautionary measures?

What is the role of the Inspectorate itself in all this?

The Role of the Inspectorate: "Nobody's Men!"

The limitations of the Inspectors under the Factories Act are well documented. There are too few of them, consequently they visit factories far too infrequently, they are often too deferential by half towards management, their authority is of a limited kind, and they lack any accountability towards the workpeople on whose behalf they are supposed to function. We take just three moments from the latest available Annual Report of Mr. Harvey, HM Chief Inspector.[5] At one point, he regrets that the public is not persuaded that the sole concern of his Inspectorate is the safety and health of people at work.

He continues:

> "I feel obliged to make this point because I am greatly saddened when I sometimes hear of inspectors being quite unjustifiably described as bosses' men. In fact we are nobody's men."

That really was a most revealing Freudian slip. "Nobody's men" indeed! Just to conjure with the thought that one day, we might have a Chief Inspector who would proudly claim that "we are the workers' men", is to realise how far we have to travel to establish the principle of accountability.

At another point, we find Mr. Harvey reminding us, (though not complaining) that the terms on which his department works make it impossible for it to disclose everything that it does, whilst at the same time acknowledging that it *could* make more information available "without offending the need to maintain confidentiality". How can this "need" be reconciled with the claim that the Inspectorate's "sole" concern is the workers' health and safety? Confidentiality is a restraint imposed on the Inspectorate "solely" because of the commercial interests of employers. It is irrelevant, and may clearly be detrimental, to the health and safety of workers.

The third comment on Mr. Harvey's report relates to a persistent and horrifying

type of accident in the construction industry. The report "again" singles out excavation accidents for particular attention. It points out that in spite of the publicity given in the 1971 report to figures of 19 men killed, a further 21 men died in 1972 "for want of adequate protection from the collapse of sides of trenches and excavations." Consider, in the light of this impotent record, the following press report:

> "Mr. E. Peel, for the company, (W and C French) said that if the regulations regarding shoring up of trenches were rigidly enforced there would be a thousand such prosecutions. There would have been no prosecution now had there not been an accident.
>
> He added that the contractors would find many jobs economically impracticable if they shored earth works as thoroughly as the regulations demanded."[6]

Perhaps we should look elsewhere than to the present Inspectorate, restrained as it is by the assumptions and the legal framework within which it operates, for an adequate diagnosis. (This is not to deny that many individual inspectors may be conscientious professionals, committed to a genuine concern for the health and safety of workers. Individually however, they are in no position to transcend the constraints within which they work).

The Robens Report, and its Critics

The Robens Report on *Health and Safety at Work,* (1972) reached a now famous diagnostic conclusion. "The most important single reason for accidents at work is apathy".[7] And again, ". . . as the greatest obstacles to better standards of safety and health at work are indifference and apathy".[8] The report affirms that the cause of this "apathy" is the existence of *too much* law which "encourages rather too much reliance on state regulation, and rather too little on personal responsibility and voluntary, self-generating effort."[9]

On this point, we find the comment of Mr. Neil Kinnock MP entirely appropriate:

> "As a charter for the Outward Bound scheme those sentiments may be admirable, but as a diagnosis of a major killer disease in this country they are totally inadequate . . . to suggest that the law is the main cause of apathy is a distortion of reality. It is like saying the crutch has made the cripple".[10]

Robens also asserts that "there is a greater natural identity of interest between the 'two sides' in relations to safety and health problems than in most other matters. There is no legitimate scope for 'bargaining' on safety and health issues . . . "[11]

That the Robens "apathy theory" and the assertion of identity of interest are dependent on each other, is argued convincingly by two authors from Bristol University.

> "What do we find then? We find that in Robens' view everybody should be anxious to reduce accidents. That everybody stands to gain from safe working. That if there is no surer way of reaching such a conclusion than to begin by assuming a common interest between employer and employee – indeed what else could be responsible for accidents, given common interests and the apparent good intentions of all concerned? This then, is the overall view of the problem within which the apathy theory is located. Not

only does it look suspect theoretically; it is markedly lacking in evidence to back it up."[12]

Nichols and Armstrong subjected a number of actual accidents and incidents to detailed analysis, and after reviewing the evidence in each case, they conclude:

> ". . . each of the accidents . . . occurred in the context of a process failure and whilst the men concerned were trying to maintain or restore production. In every case the dangerous situation was created in order to make it quicker and easier to do this. In every case the company's safety rules were broken. The process failures involved were not isolated events. Nor were the dangerous means used to deal with them. The men acted as they did in order to cope with the pressure from foremen and management to keep up production. This pressure was continual, process failures were fairly frequent and so the short-cutting methods used to deal with them were repeatedly employed. In each case it was only a matter of time before somebody's number was up."[13]

This conclusion will ring true for workers in countless thousands of industrial situations. In construction, the incidence of trench collapses is associated with excessive pacing of the work by piece-rate systems under the Lump – if you are paid by the length of trench dug, then any delays caused by the insertion of adequate timbers to shore up the trench side are directly responsible for a loss of wages and you are impelled into a dangerous neglect of safety measures. The same is true of any piece-work system which has not become subject to the unilateral controls which workers exercise to modify the speed-up effects of such systems.

And if you are paid not by the piece, but by *measured* day work, the same compulsion operates under a different guise; if you fail consistently to maintain the production targets assigned to your job, you face discipline, demotion to a lower job rate, or the sack. In general terms then, the compulsion pressing on workers to neglect safety stems from the nature of wage-relations; interruptions to work mean insecurity.

Of course, managers and foremen work under comparable compulsions–in their case, maintenance of production means satisfied customers, which mean enhanced profit, which earns the approval of directors and shareholders. The "common interest" of Robens turns out to be the common compulsion of the commodity system of production.

Other deep-lying factors exist which drive workers into an acceptance of unsafe and unhealthy working conditions. Self-respect is denied to working people from the moment the school and social system begins the process of socialising them into accepting that they are not "bright" enough to mount the ladder of self-esteem into middle-class occupations. "Brightness" becomes associated with "soft" desk-jobs. In self-defensive response, working class values then elevate toughness and masculinity into respected virtues. These characteristics are re-inforced by 'he-man' advertising images used, for example, to sell beer and tobacco, or to support recruiting campaigns for the armed forces. In this climate a concern for health and safety can easily be made to appear "soft" a fact which is exploited by employers in some industries, such as deep-sea trawling. Again, this is a problem which is not ascribable to "apathy" but to the total social system.

Clearly these deeper influences will not easily yield before an Act of Parliament, however well drafted. They need to be kept in mind in order to understand the disastrous wrong-headedness of the Robens-type analysis. An adequate Act of Parliament will only be produced from an understanding that it is necessary to erect the strongest possible counter-compulsions against unsafe and unhealthy conditions of work, to match the production compulsion itself.

In particular, the Robens assertion that "there is no legitimate scope for bargaining' on safety and health issues' must be rejected. It is an assertion which, by design or in effect, (and who will say, knowing Lord Robens' aggressive anti-trade union politics, that there was no design?) seeks to preserve untouched the *authority* of the employer, the 'management's right to manage'.

III From Diagnosis to Cure

What remedies have been prompted by the different diagnosis we have summarised? The Inspectorate propose more inspections, tougher penalties within the limits set by present law, and the concentration of inspections on the larger sites and places of employment. Worthy steps perhaps except the last, which threatens workers in smaller places, where trade unionism is often weakest, with even greater exposure to danger.

From Robens, come proposals that there should be fewer legal controls, more reliance on voluntary Codes of Practice, and a vaguely statutory extension of 'joint consultation'. These are positively dangerous ideas, where they are not merely inadequate. In addition, there are recommendations to tidy up the systems of administration and inspection, to eliminate over-lapping of departments of state, etc. These form the basis of a great deal of the 1974 Bill in its administrative aspects. The principal area of controversy for the trade union movement on these questions centres round the question of the appointments to, and representative character of, the proposed central Commission and Executive which would exercise over-all responsibility for implementing the law, the regulations, the Codes. The TUC has strong views about these question's, and some safety-conscious trade unionists are arguing for direct rank and file access to the central organisations.

From Nichols and Armstrong comes the conclusion that greater workers' control of production, since it would strike at the heart of the work-compulsion problem, represents the only adequate response. This is undoubtedly on the right lines. We have agreed with these writers that safety is intimately tied up with the total work-situation; parliamentarians who tend to see each subject as separated from others by the boundaries drawn by Bills and Acts, need particularly to remember this. The principle that "the polluter must pay" to make his processes clean and healthy, or be compelled to desist from operations, developed in the environment movement, needs to be extended into the health and safety at work field. Nichols and Armstrong have not, however, spelled out the precise forms of control which workers need now, and which could become important practical politics, *now*.

Kinnersly, whilst favouring much tougher legal sanctions against employers, calls upon workers to develop self-reliance and to direct their own industrial powers

against the negligent employer. He demonstrates the dangers of relying on the law, the employers' good-will, the union machinery, etc. His book is a major contribution to the whole problem and is particularly valuable as an educational back-up to the principles of self-reliance, since it contains a wealth of detailed factual information on "The Hazards of Work". This in turn reminds us that if shop stewards or other trade union safety representatives are to develop effective controls in this field, there is an urgent need, which should be recognised in law, for such people to obtain first-class training and education on safety and health.

Our own contribution does not reject the conclusions of Nichols and Armstrong, or of Kinnersly. Indeed it starts from their premises which we share. But we would urge that, in working to promote a stronger collective will within the working class, with which to combat the dangerous and unhealthy compulsions of a capitalist industrial society, a well-drafted piece of legislation has a part to play. It can crystalise, make plain and precise, those general aspirations towards control which we are agreed to be necessary, and for which the workers' own institutions and leaders have been calling for several years. The Labour Party, which claims to represent the working class in parliament, can contribute a vital stimulus by acting, in the legislative field, from a conviction that workers *should* have control, *should* have authority and "teeth" with which to protect their own health and safety. This is the point of view which underlies our suggestions for amendments to various clauses of the 1974 Bill.

We are partially encouraged and partially dismayed by the evidence of Labour's thinking revealed in the debate on the Second Reading of Michael Foot's Bill. The Minister himself has been publicly encouraged to read Patrick Kinnersly's book by Ken Coates, in the pages of *Tribune*.[14] Reviewing the book, Ken Coates concluded:

> "My copy I shall send to Michael Foot, in the hope that he will summon a national conference of shop stewards to consider what to do about it".

Introducing the Second Reading, Michael Foot had this to say about Kinnersly:

> "As well as having read during the last week or so the Robens Report, I have also read an excellent book on the subject entitled "The Hazards of Work and How to Fight Them" by Patrick Kinnersly, published by Pluto Press. Although that book was published only a week or two ago, I recommend it to all who are interested in this subject because I feel that the book should be set alongside the Robens Report.
>
> Williams Hazlitt used to say that a friend of his had bound in one volume a copy of Edmund Burke's "Reflections on the French Revolution" and Thomas Paine's "Rights of Man". He said that those bound together in one book made a good book. I believe that in the same way the Robens Report and Patrick Kinnersly's book should be taken together since they make an excellent introduction to the whole Bill. It can be said that we have been able to learn something from both publications, and there is certainly a more astringent approach to the subject in "Hazards of Work" than there is in some parts of the Robens doctrine".[15]

Michael Foot's reception for Kinnersly's work is encouraging. But whilst one can acknowledge that Burke and Paine bound together make an instructive book, a nice education in polar opposities of the political spectrum, it is not easy to conceive of any mutually agreed *legislation* to define Liberty, Equality, and Fraternity, emerging from such a joint study!

This is the central confusion embodied in the present Bill. Much of it is based on the Robens recommendations, but modified by the inclusion of provisions for statutory joint consultation, through a system of workers' safety representatives and joint consultative committees. These proposals, contained in Clause 2 of the Bill, do not however, confer any independent authority or "teeth" on those representatives. It is distinctly alarming therefore, to find some Labour MPs so uncritically warm towards this Clause. In the 1945-50 Labour Government, parliament imposed compulsory joint consultation upon employers in the nationalised industries. Within only three years of the end of that government, the TUC had to issue a report which carried overwhelming evidence of the disillusion and scepticism felt by workers in those industries about the statutory consultation machinery.[16] Over 20 years later, after a generation of experience in the growth of shop stewards' *de facto* powers in industry, and after a ten year campaign for workers' control, it is utterly lamentable that Labour in parliament should contemplate further legislation for *consultation* at all, let alone that they should be so out-of-touch as to imagine that such a step represents progress. It is this aspect of the Bill on which we have concentrated our attention in suggesting amendments, particularly to Clause 2.

HEALTH & SAFETY AT WORK BILL: Suggestions for Amendments

The Bill is 83 clauses long, and has 10 schedules. Such a major piece of legislation affecting so intimately the health and safety of workers should be the subject of extensive consultations with the trade union movement, and a parliamentary conference of shop stewards should be convened by the Minister concerned, or by interested members of the Parliamentary Labour Party, for this purpose.

Many issues are raised in all sections of the Bill, on which expert rank and file trade union opinion would be invaluable, and would undoubtedly produce evidence of the need for amendments. The main points of this Briefing however, are confined to three areas:- (i) the removal of limitations on the employers' responsibility, (ii) trade union safety representatives, and (iii) disclosure of information.

Removal of Limitations on Employers' Responsibility

Clause 2, sub-sections (1) and (2) deal with the General Duties of employers to their employees.

Clause 2, sub-section (1) reads:

> "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees."

Clause 2, sub-section (2) contains five matter to which that general duty shall extend, including the provision and maintenance of safe and healthy plant and equipment, arrangements for safe and healthy use, handling, storage and transport of articles and substances, provision of training, instruction and supervision for health and safety, safe access and egress from the place of work, and provision of a safe and healthy working environment. In each of these five matters, the phrase "so far as is reasonably practicable" is included.

It is suggested that the phrase "so far as is reasonably practicable" should be delected from sub-section (1) and (2) wherever it appears.

This qualification on the duty of employers was the subject of an objection from the TUC when it appeared in the late Tory Government's proposals for a Safety and Health at Work Bill.

The objectionable phrase severely inhibits the legal sanctions which can be applied against a negligent employer, whose lawyers will seek to claim that such and such a measure is *not* "reasonably practicable" either because of the state of current technical or scientific knowledge, or because of the costs involved. A similar phrase in the law relating to industrial pollution and administered by the Alkali Inspectorate has been consistently used by companies and the Inspectorate to lower the standards applied to effluent and pollution problems.

Trade Union Safety Representatives

Clause 2, sub-sections (4) (5) and (6) and re-produced in full below.

"(4) Regulations made by the Secretary of State may provide for the appointment

in prescribed cases by recognised trade unions (within the meaning of the regulations) of safety representatives from amongst the employees, and those representatives shall represent the employees in consultations with the employers under subsection (5) below and shall have such other functions as may be prescribed.

(5) It shall be the duty of every employer to consult any such representatives with a view to making and maintenance of arrangement which will enable him and his employees to co-operate effectively in promoting and developing measures to ensure the health and safety at work of the employees, and in checking the effectiveness of such measures.

(6) In such cases as may be prescribed it shall be the duty of every employer if requested to do so by the safety representatives mentioned in subsection (4) above, to establish, in accordance with regulations made by the Secretary of State, a safety committee, having the function of keeping under review the measures taken to ensure the health and safety at work of his employees and such other functions as may be prescribed."

These subsections of Clause 2 are very vague and limited. The 1970 Labour Government's Health and Safety Bill, which lapsed at the election of that year, was more precise concerning the functions of safety representatives, although it too, was limited. However, the earlier Bill did lay down that where more than 10 workers were employed, there had to be trade union safety representatives, who could carry out their own inspections, could inspect the scene of accidents and any machinery involved, could examine any documents related to safety kept by the employer, and could make written reports of their inspections which had to be recorded. There were several unnecessary restrictions, (the representatives had to give notice to the employer of an intended inspection, the frequency of their inspections was limited, etc) which limited the potential effectiveness of the workers' inspectorate.

Both the 1970 and 1974 drafts fall short of conferring "authority" on the workers' inspectorate, a requirement which the TUC considered essential in its *Industrial Democracy* Report of 1973.

The kind of authority which leading trade union spokesmen have considered to be appropriate is indicated by the following statement by Jack Jones, made in 1968 when the Labour Government was considering a new Safety Act.

> "If is essential that the Minister should . . . actually make provision in the new Act requiring the establishment of effective joint machinery. This should be of a far-reaching character, *giving worker representatives the right to stop unsafe working,* inspect and *determine* what are or are not safe working methods, lighting lay-out and equipment." (italics added)

The 1974 Bill has one virtue as compared with the 1970 version, since it refers to the duty of every "employer" to conform to the provisions on safety representatives. The 1970 Bill was limited to "factories" within the meaning of the Factories Act 1961. This was of course a severe limitation; some of the most dangerous jobs are outside any safety law – e.g. civil engineering work on railway tunnels and bridges, and deep sea fishing. Workers in transport, aviation, education, hospitals,

hotels, pubs, entertainment, postal services, post office engineering, electricity transmission line engineering, part of water supply industry, etc., are also not covered. It is assumed that in Committee stage on the 1974 Bill, it will be possible to establish that the phrase "every employer" has the effect of including all these hitherto excluded categories. In any case, the suggested amendments which follow use the phrase "place of work" and the intention of this is to make the provision of workers' safety representatives an all-inclusive requirement. (i.e. "Place of work" may be a factory, office, shop, depot, farm, warehouse, dock, ship, vehicle, roadway, hospital, school, laboratory, etc., and it should be made clear that this is what is required).

Suggested amendments to Clause 2, subsections (4) (5) and (6).

Subsection (4) should be amended to read:

"At a place of work at which five or more persons are for the time being employed there may be elected from among them by the recognised trade union or unions persons to act as safety representatives under this Act in the interests of the persons so employed. Safety representatives shall have the following powers and functions:

(a) to carry out at times to be determined by themselves, inspections of the place of work in the interests of the safety and health of the persons who they represent.

(b) to order the suspension of any work, operation or process within the place of work which appears to them to constitute a danger to the health or safety of the persons employed and working in the vicinity.

(c) to order the physical evacuation of any working area by employees on any occasion when it seems to them that the continued presence of employees threatens their health or safety.

(d) to refer cases involving suspension of work or evacuation of work areas to the employer, and to conduct negotiations with him for the introduction of safe and healthy conditions in the work, operation, process or area subject to the suspension or evacuation order.

(e) to inspect the scene of any accident or occurence and any machinery or plant in the vicinity of any such accident or occurrence.

(f) to receive copies of any documents which the employer is by or by virtue of the Factories Act 1961, or by virtue of this Act, required to keep.

(g) to receive copies of all reports and inquiries related to their place of work by HM Factory Inspectors, and by the Commission and Executive."

Subsection (5) should be amended to read:

"It shall be the duty of every employer

(a) on receipt of a reference from the safety representatives under subsection 4(d) above to enter into negotiations with the safety representatives in order to agree upon a safe and healthy condition in the work, operation, procedure or process. Pending mutual agreement

between the employer and the safety representatives on agreement between the employer and the safety representatives on the conditions for a safe and healthy resumption, it shall be the duty of the employer to comply with and endorse the order of the safety representatives in respect of the suspension and/or evacuation.

(b) to pay agreed earnings to all employees affected by a suspension or evacuation of work, pending the resumption of work under safe and healthy conditions.

(c) to afford every facility to safety representatives in the pursuit of their functions in subsection (4) above, including time-off from their place of work without loss of pay, and including leave from work without loss of pay for the purpose of attending a course of training related to their duties as safety representatives."

Subsection (6) should be amended as follows:

Delete the first seven words of line 1.
delete "in accordance with regulations made by the Secretary of State".
delete all after "employees" in the last line and add:
"and of conducting the negotiations under subsection 4(d) and 5(a) above.

Disclosure of Information to Employees and Safety Representatives

Clause 27 subsection (8) reads as follows:

"Notwithstanding anything in the preceding subsection an inspector, if he thinks fit, may, for the purpose of assisting in keeping persons employed at any premises which he has power to enter informed about matters affecting their health, safety and welfare, give to such persons or their representatives –

(a) any factual information obtained by him as mentioned in that subsection which relates to those premises or anything which was or is therein or was or is being done therein; and

(b) such information as he thinks fit with respect to any action which he has taken or proposes to take in or in connection with those premises in the performance of his functions;

and where an inspector does as aforesaid, he shall give the like information to the employer of the first-mentioned persons".

This subsection is inadequate on two counts. First, the earlier subsections of Clause 27 deal with restrictions of the disclosure of information by the central Commission Executive which they have acquired by virtue of powers given them in Clause 26, (Obtaining of information by the Commission, the Executive, enforcing authorities, etc.) Second, subsection (8) leaves the disclosure of information by the inspector to the workers to the discretion of the inspector.

Subsection (8) should be amended to read:

"Notwithstanding anything in the preceding subsections of this clause, the

Commission, Executive, and Inspectors shall, for the purpose of keeping persons employed at any place of work informed about matters affecting their health, safety and welfare, provide to such persons and their representatives all information relating to that place of work which is obtained by the Commission, Executive, Inspectors or any other enforcing authority in the pursuance of their functions and duties under this Act."

FOOTNOTES

1. Patrick Kinnersly, *The Hazards of Work: How to Fight Them,* Pluto Press, 1973, page 13, provides estimates on which our figures are based, and which are substantially higher than the official returns by the Chief Inspector of Factories, which do not cover many industries and circumstances.
2. *Accidents in Factories; The Pattern of Causation and the Scope for Prevention,* HMSO 1973.
3. *Polluting Britain,* Penguin 1972, especially Chapter 1, "Industry's Ally".
4. Quoted in Bugler, *op.cit.* pages 23-24, and in Kinnersly, *op.cit.* page 18.
5. 1972 *Annual Report,* HMSO Cmnd. 5398.
6. Quoted in Kinnersly, *op.cit.* page 18. The company in this case was fined £50.
7. Robens Report para. 13.
8. *ibid,* para 46.
9. *ibid,* para. 28.
10. *Hansard,* 21 May 1973, quoted in Theo Nichols and Bete Armstrong, *Safety or Profit, Industrial Accidents and the Conventional Wisdom,* Falling Wall Press, 1973, page. 8.
11. Robens Report, para. 66.
12. Nichols and Armstrong, *op.cit.,* page 10.
13. *ibid,* page 20.
14. "Industrial Casualty Rolls – And How to Reduce Them", *Tribune,* March 22nd, 1974, page 6.
15. *Hansard,* 3rd April 1974, col. 1289.
16. *Interim Report on Public Ownership,* TUC 1953.

INSTITUTE FOR WORKERS' CONTROL PAMPHLETS

No.	Title	Author	Price
1.	The Way Forward for Workers' Control	Hugh Scanlon	7p
4.	Opening the Books	Michael Barratt Brown	10p
10.	A Socialist Strategy for Western Europe	Ernest Mandel	10p
11.	Soviets in Italy	Antonio Gramsci	20p
14.	The 'Big Flame' and What is the IWC?	Michael Barratt Brown and Ken Coates	4p
19.	Bertrand Russell and Industrial Democracy	Ken Coates, Lawrence Daly, Bill Jones and Bob Smillie	7p
21.	Problems of Trade Union Democracy	Richard Fletcher	10p
22.	Workers' Control and the Transnational Company	Hugh Scanlon	7p
23.	The Threat to Steel-workers	Scunthorpe Group	10p
24.	Trade Unions and Rising Prices	Michael Barratt Brown	15p
25.	UCS – Workers' Çontrol: The Real Defence Against Unemployment is Attack!	John Eaton, John Hughes and Ken Coates	5p
29.	Public Enterprise Defended	Michael Barratt Brown	30p
31.	What Really Happened to the Coal Industry?	Michael Barratt Brown	12p
32.	Docks III: A National Programme	Walt Greendale and Brian Nicholson	8p
33.	The New Society: Planning and Workers' Control	John Eaton	12p
34.	The Incomes Problem	Paul Derrick	12p
36.	Workers' Control: How Far Can the Structure Meet Our Demands?	Tony Benn and Walt Greendale	15p
37.	Catching Up with the Times: How Far the TUC Got the Message about Workers' Control	Ken Coates and Tony Topham	15p
38.	Public Ownership and Democracy	Michael Barratt Brown and Stuart Holland	5p
	The Aircraft Industry and Workers' Control,	by Bristol Siddeley Engines Shop Stewards' Combined Committee	10p
	The Red Paper	A response to the Labour Party's Green Paper (Programme for Britain)	12p

Carriage and handling: Orders under £3.00 add 10% (minimum 10p)
Orders £3.00 or above post free
Send Cash with Order

THE BULLETIN OF THE INSTITUTE FOR WORKERS' CONTROL

The Bulletin of the IWC is sent free to all Institute members, together with all the Institute's pamphlets, but it is also available to non-members. (For details of membership apply to the Secretary, IWC, Bertrand Russell House, Gamble Street, Nottingham NG7 4ET).

Giving news of the movement for industrial democracy in Britain and abroad, reviews of current publications and discussion of practical problems facing the movement, the Bulletin is indispensable to everyone interested in workers' control.

The Bulletin appears fortnightly. An Annual Subscription is £2.

Obtainable from

Institute for Workers' Control, Bertrand Russell House, Gamble Street, Nottingham NG7 4ET.