

What are TUPAs? A trade union tool to reach the most vulnerable people

Though TUPAs are not rebels fighting dictatorship in Latin America, they do represent a silent revolution in European trade union activity: they are trade union representatives who work at regional or sectoral level, going beyond corporate boundaries and allowing trade unions to reach people who work in organisations in which union representation is weak or non-existent. TUPAs is the English acronym for "Trade Unions Preventive Agents".

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In Italy, owners of a car repair garage were very open to proposals for improving the quality of the air, as they didn't want to end up suffering from the same illness as their father.
Image: © Belga



TUPAs were so called by an interdisciplinary team of trade unionists and academics who worked together on an EU-funded project. Specialists from the Instituto Sindical de Salud, Trabajo y Medio Ambiente de CCOO (Spain), the Fondazione Di Vittorio (Italy), Solidarnosc, the Polish trade union, and researchers from the University of Cardiff (United Kingdom) and Luleå Technical University (Sweden) spent two years identifying trade union involvement in occupational health that goes beyond the scope of the company to reach out to small and medium-sized organisations in which there are broad gaps in health and safety.

Trade union demands are not new in Europe: many organisations have for decades been urging governments to create the position of regional or sectoral OHS representative who can take action in organisations in which trade unions are not represented. In some countries, such as Sweden, trade unions achieved this in the 1970s, while in others, such as Italy, they did so in part in the 1990s. In countries in which union demands were not granted legal status, such as Spain or Great Britain, trade unions have managed to negotiate bilateral agreements with employers, with some interesting results. The novelty is that this long-standing demand from the 1970s is now an extremely effective mechanism for addressing the challenges arising in an increasingly complex labour market in which subcontracting, corporate restructuring and self-employment are rife.

This research team has defined TUPAs as "people designated by trade unions to intervene in companies with fewer than

50 employees, from outside, without belonging to them". Their aim is to help to ensure that workers are heard when decisions are taken to prevent and control occupational risks. As will be seen, the practical implementation of this position has been highly varied.

The health and safety gap in SMEs

"Small is not always beautiful", at least when it comes to occupational health. Research into safety and health has, for many decades, identified the need to develop specific safety and health strategies for small and medium-sized enterprises. The recent ESENER-2 report, produced by the European Agency for Safety and Health at Work, identified three key aspects of good practice in relation to occupational health: enterprise size, high management commitment and the existence of formal representation of workers.¹ ESENER-2 specifically points out that establishments

that do not carry out risk assessments (23%) or provide any OHS-related training (6%) are generally micro or small enterprises, operating in the services sector. The study finds that establishments in which arrangements for the representation of workers and high management commitment are present are seven times more likely to have high levels of implementation of occupational health and safety measures.

Much of the research in this area suggests that lack of worker participation in management decision-making in small and medium-sized enterprises is largely responsible for the huge health and safety gap in small or micro production units. This is not a residual reality: in the European Union, almost 99% of enterprises have fewer than 50 staff and create around 50% of the jobs. The new forms of organisation of work (outsourcing, relocation and downsizing) have given rise to an increase in the number of companies in this segment. What is more, the largest

1. Wadsworth E. and Walters D. (2018) *Management of occupational health and safety in European workplaces – evidence from the Second European Survey of Enterprises on New and Emerging Risks (ESENER-2)*, Luxembourg, Publications Office of the European Union.

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and most powerful enterprises now tend to outsource risks to weaker players, and such SMEs are not only numerous but also take on the most hazardous or heaviest tasks.

The Swedish case: over 50 years of experience

Since the 1970s, Swedish trade unions have had the legal right to appoint Regional Safety Representatives (RSRs), who have the power to act in all companies in their field in which two conditions prevail: they do not have an OHS committee and they have at least one union member among their workforce. Kaj Frick, a doctor of sociology at the University of Stockholm, is one of the European researchers who is most familiar with TUPAs and with the soul of the European project that has given them their name. Frick began in the 1970s with research into this trade union position: "No sooner had I left university with a sociology degree than I received an offer to carry out research into the functions of regional safety representatives, and I haven't looked back since". What Frick did not imagine in the 1970s was that large-scale economic changes and labour market insecurity would make TUPAs a strategic position in 21st-century Europe.

The work of trade unions is becoming increasingly complicated. Even in Sweden, where unionisation has always been high, the rate fell from 83% of wage earners in 1993 to 69% in 2015. In this context, the work of TUPAs has become increasingly important since they can support workers in companies where there is at least one union member and can promote union elections. Once OHS representatives have been elected, TUPAs are crucial for offering them training and experience.

Sweden currently has around 1 700 part-time TUPAs who also carry out other work: some are risk prevention representatives in large enterprises while others are trade unionists who combine their safety work with other union duties. The cost of the system is about €20 million. This is partly borne by the government, but almost 50% of the budget is paid for by the unions themselves. TUPAs visit around 50 000 to 60 000 workplaces per year, more than five times the number visited by the labour inspectorate. During each visit, they review documentation and monitor working conditions, adapting their focus to the risks inherent to the sector in which they operate. They also talk to workers and trade union representatives and try to discuss the problems they have identified and their improvement proposals with managers. Almost

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all cases are soon resolved directly with the company without the need for the occupational health inspectorate to intervene.

Although the Swedish network of TUPAs appears to be well established compared to other European countries, it is not immune from threats: "In 2017, employers' organisations threatened to forcibly remove this position as part of a strategy that was without doubt meant to intimidate the unions but was ultimately unsuccessful," explains Kaj Frick.

We spoke to Tomas Kullberg, a carpenter by profession and member of the LO trade union confederation. For 18 years, Mr. Kullberg has combined his activity as a trade union representative in a construction company with his work as a TUPA in Stockholm. He believes the action of TUPAs is gaining ground because the fear of accidents worries small and medium-scale business owners, and says that there is generally reasonable cooperation with employers and that the relationships improved over time. Statistics on the activity of TUPAs in Sweden, which are collected in various annual reports, confirm this: the results of visits by TUPAs were positive in 55% of cases, i.e. the results were applied in practice, while for some 43% there was a neutral response to suggestions made, though it is not known whether they were applied. Around a quarter of RSR visits were initiated by employers, and suggestions for improvement were also mainly received positively (56%) or neutrally (37%) by employers.

The Italian case: territorial representatives

In Italy, TUPAs are known as "OSH Representatives at Territorial Level" (RLST). These originated in the construction sector in connection with joint bodies. The role of RLST in relation to joint bodies was then included in the Italian regulation transposing the Framework Directive on Occupational Health and Safety, first in 1994 and again in 2008. According to Italian law, the collective bargaining system is responsible for defining the specific means of intervention adopted by TUPAs. Italy has a second type of trade union

health and safety representation that goes beyond the traditional company framework: the Workers' Health and Safety Representative at Production Site Level (Rappresentante dei Lavoratori per la Sicurezza di Sito Produttivo in Italian), who acts in places such as ports and whose activity requires intense cooperation between many companies from different sectors.

Simona Baldanzi works as a TUPA in the province of Prato in Tuscany, where the textile industry is very prominent. This political science graduate has spent a great deal of time researching the various aspects of job insecurity and has also had direct experience by working in a call centre, where she became trade union representative for the Italian General Confederation of Labour. She subsequently began to develop her activity as a TUPA in Prato, where she has been putting the potential of this position into practice over the past three years. Simona tells us about a furniture company whose workers were clearly exposed to psychosocial risks. Among other forms of harassment, sales staff were labelled according to their weekly sales. Their names appeared on a wall chart on which the winners were at the top, while less productive staff were labelled "black sheep". The company's trade union representative had just been elected and did not know how to deal with such a complex situation of abuse of and contempt for workers. Simona offered her the expert support she needed, and together they began a strong trade union campaign resulting in a significant conflict with the company. The action finally concluded with an official complaint and recognition that a worker who suffered depression because of the harassment she had undergone had an occupational illness.

Other less contentious actions offer a sample of the potential that TUPAs have to intervene in small companies by providing technical knowledge and resources which the management concerned often do not have. Simona refers to a paper filing company in which workplace dust was a serious problem. She interviewed all the workers and the management, and in response to her report the management decided to consult its OHS service and finally installed an air-purifying

system that prevented toxic exposure to dust. Another interesting case concerns a small company that had a very noisy compressor. The company was going through a difficult period, and the owners feared they would have to change the compressor at considerable expense. Thanks to the steps taken by Simona, who consulted a specialist company, it turned out that the problem could be resolved by replacing just a single valve.

Simona believes this type of intervention will ensure that enterprises will begin to trust TUPAs and will appreciate the importance of investing in occupational health: "Very often, the employers are also workers and fall sick just like their labour force does,

and they are therefore more receptive than what might be expected," she explains, recalling a case involving two brothers who owned a car repair workshop. They were very open to her proposals to improve the air quality because they did not wish to follow in their father's footsteps and become ill themselves.

The Spanish case: collective bargaining as a resource

Although not recognised in law, there have been several instances of TUPAs in Spain. All of them consist of health and safety experts visiting small firms. Some are based on tripartite agreements at regional level, and some are sectoral, bipartite agreements between employers' associations and trade unions. Asturias, the oldest example, is explained by Daniel García Arguelles, occupational and environmental health secretary to the Federación de Construcción y Servicios de CCOO-Asturias [Spanish trade union]: "The Spanish Law on Occupational Risk Prevention was approved in 1996, and we had not managed to introduce the position of territorial health and safety delegate; the situation was very tense, and we had just had a 30-day strike in the construction sector, so the trade union was strong, allowing us to establish the position of territorial health and safety delegate in negotiating the collective agreement for the sector." The employers agreed that part of the companies' contributions per worker and per day were to be used to finance TUPAs through the Fundación Laboral de la Construcción, a bipartite body established in 1988. The characteristic of TUPAs in Asturias is that they began to visit sites in pairs, one representing employers and the other representing the trade unions, and by collective agreement they are entitled to enter any active work site. "At the moment, visits are carried out independently so that more workplaces can be covered, but if sites with particular problems are identified, the scheme of one management representative and one trade union representative is applied," García Arguelles explains. Employers have always seen TUPAs as an instrument for combating companies that compete unfairly by reducing contracting costs through the cutting of preventive measures or the employment of illegal workers.

In 2017, TUPAs in the construction sector in Asturias carried out 4 959 visits to workplaces. García Arguelles recalls a successful case: "For a company that was notorious for failing to comply with occupational risk prevention requirements and which also had a high accident rate, we decided to shorten visits to workplaces and ensure more constant

follow-up. On one occasion, protective netting was poorly placed, and one morning we got them to place nets correctly, observed by our TUPAs. It took us two hours to ensure that they were properly placed and that a canopy was installed over the main entrance to the works. On the following morning, we were told that, if we hadn't made them install the canopy, a loaded pallet would have fallen on two workers who were directly below it when the accident occurred." But there have also been failures: "On one job, we eventually had to file an official complaint to the Labour Inspectorate because openings in floor slabs were not covered, among many other irregularities. Two days after our visit, a worker fell down the lift shaft," explains García Arguelles.

TUPAs are also active in other areas of Spain, such as Castilla-La Mancha, Castilla y León and Madrid: the regional governments fund teams of people appointed by trade unions and business associations to visit SMEs. In Castilla y León, for example, an agreement is in place between the regional government, its forestry contractors and the regional trade union that allows TUPAs to visit forest work sites. This programme made it possible to reduce accidents in this high-risk sector by almost 45% between 2007 and 2014.

TUPAs more necessary than ever?

Daniele Di Nunzio, from the Fondazione Di Vittorio, one of the organisations participating in this European project, provides us with a key to our understanding of the potential of this position: "TUPAs allow us to speak to the most vulnerable people; and, in a labour market such as the present one, it is extremely important for trade unions to continue to fulfil their mission of defending the rights of male and female workers." Production unit fragmentation, long subcontracting chains, declining trade union membership, employment insecurity, etc. are factors that require trade unions to act at regional or sectoral level. As Simona Baldanzi points out: "Our weakness as TUPAs is that we are not working with them on a day-to-day basis, but our great advantage is that we are not dependent on companies and can therefore confront them firmly when necessary." Valeria Uberti-Bona, the ISTAS-CCOO [trade union organisation] coordinator of this project, highlights the wealth of experience on offer: "The experience of TUPAs is highly diverse in each region, but this speaks volumes for a position which is sufficiently flexible to adapt to different circumstances and provides a means to intervene where company trade unionism does not reach." ●

Five results of the research

David Walters, Kaj Frick and Emma Wadsworth are the authors of the final report entitled *Trade union initiatives to support improved safety and health in micro and small firms: Trade Union Prevention Agents (TUPAs) in four EU Member States*. The complete report is available online in English. The following are some of the outstanding results of their research:

1. The managers of small and medium sized firms overestimate [...] their understanding of both the occupational safety and health risks and the necessary measures for control, in contrast with their low real levels of knowledge of occupational safety and health and their legal responsibilities in this respect;
2. They fail to see the need to take action themselves, instead ascribing responsibility for such actions to their workers. Many micro and small firms would prefer to be clearly "told what to do";
3. TUPAs are a potentially useful tool for improving health and safety performance in micro and small firms because face-to-face contact with "change agents" is by far the most effective way of bringing about a successful intervention;
4. The training of TUPAs in the skills needed to win the trust of owner-managers and workers is important;
5. A framework of institutional cooperation and political will on the part of public administrations is crucial if they are to multiply and spread.