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WHAT IS THE FEDERAL GOVERNMENT DOING TO PROTECT WORKERS?

Shell claims that it is "legally responsible for the health and safety of its employees in the workplace. This responsibility cannot be shared [with the union]." Under the Occupational Safety and Health Act of 1970 (OSHA), responsibility does ultimately rest with the employer, but the law, in the first of thirteen specific purposes, also encourages ". . . employers and employees in their efforts to reduce the number of occupational safety and health hazards in their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for safe and healthful working conditions." Thus, the law supports worker efforts toward collective bargaining over environmental health issues.

Shell has also tried to mislead people by claiming that the existence of OSHA automatically insures decent working conditions. According to this premise, if Shell were not fulfilling its responsibility, the Labor Department would force compliance with the law. Thus, using Shell's reasoning, the OCAW demands are superfluous.

However, union experience with the law indicates that OSHA does not insure a decent workplace environment. The law remains unenforced, in part because of inadequate staffing. Fifty-seven million people in 4.1 million workplaces are covered by OSHA while five hundred compliance officers are charged with enforcing its provisions. With this worker-inspector ratio it would take 284 years before every workplace is inspected. The staff of the National Institute for Occupational Safety and Health (the agency in the Department of Health, Education and Welfare that is supposed to perform comprehensive analysis of workplace health hazards) contains only forty industrial hygienists.

To make matters worse, when the government does play a role in occupational health matters, it is often one that ultimately serves corporate interests rather than those of workers. Union experience with the Occupational Safety and Health Administration indicates that prompt action, proper inspection and easily accessible information is unavailable. Fines for serious violations of the law have been too small to force compliance. Condescending attitudes by inspectors who believe that workers know little about their workplaces are followed contradictorily by Labor Department expectations that workers have the legal expertise necessary to participate in long and complicated review procedures.

Nevertheless, OSHA can be a useful tool in the fight for a healthy workplace environment. But if workers or environmentalists think that government intervention is the final solution, they will have made a costly mistake. In the long run, it must be the workers themselves who take the actions necessary to establish and maintain a safe, healthy workplace. As OCAW members have learned, a meaningful collective bargaining agreement concerning the conditions of the workplace is prerequisite to safety and health.