

# Public Funding for Worker Education in Occupational Health and Safety

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This paper discusses the need for worker education in occupational health and safety, and presents models for publicly funded worker education programs within several states. The funding mechanisms and program designs are discussed and evaluated.

Occupational health education and training for workers and employers is an integral part of any effective program to control hazards at the workplace. Quality programs provide information to workers and employers on their rights and responsibilities under the law as well as specific information on hazards and their control, including organizational and administrative approaches to achieving compliance with laws and regulations.

Education also helps to build a constituency for maintaining occupational health and safety programs as well as regulation, enforcement, and new legislation. Constituencies may include workers and their labor union representatives, health and safety professionals, and safety conscious employers and their trade associations.

When the Occupational Safety and Health Act (OSHA) was passed in 1970, these constituent groups hoped that the law would result in the systematic reduction and elimination of hazards in American workplaces. It rapidly became apparent that OSHA, with its limited inspection force, was unable to accomplish this mammoth task. Instead, workers and others at the workplace who supported safer workplaces would have to take on the responsibility for getting workplace hazards corrected. For them to be effective, occupational health training was required. Acknowledging this need, federal OSHA, under the direction of Dr. Eula Bingham, Assistant Secretary of Labor in the Carter Administration, initiated the New Directions program. It represented the model for publicly funded worker education. The New Directions program funded unions, nonprofit organizations including local Committees on Safety and Health (COSH groups), universities, and trade associations to provide occupational health and safety education to workers and employers. (COSH groups are coalitions of local labor unions, health and safety professionals, and others concerned with occupational health. They often provide training and technical assistance to workers and unions on health and safety issues as well as putting pressure on unions, government, and employers to improve safety and health conditions.)

New Directions funds enabled organizations to develop and expand worker-education programs and hire professionals to carry out these programs. It seeded the development of innovative materials and teaching techniques. When funds were cut, these groups looked for new funding sources and acted to create programs at the state level.

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The experience in several states, including Connecticut, Maine, Massachusetts, Michigan, and New York, suggests a range of such programs and provides lessons on how to finance and organize them. Each state program will be briefly described and the lessons discussed.

In Connecticut, legislation for the state-funded program was crafted with the help of the State AFL-CIO, many local unions, and the Connecticut COSH in collaboration with the Workers' Compensation Commission, and made part of labor's legislative package. The Connecticut Citizen Action Network also helped build grassroots support and lobby for the bill. With bipartisan support, it passed both houses unanimously.

The legislation's language provided for salaried staff and allowed, but did not require, grant giving.<sup>1</sup> The existing program, funded by an 0.2% assessment on workers' compensation premiums, collected approximately \$500,000 in 1986. It gives virtually no grants for educational programs. The in-house staff focuses largely on how to obtain workers' compensation rather than on providing health and safety training.

The Michigan program is part of the original state OSHA plan (MiOSHA) passed in 1975 and is one of the oldest state programs.<sup>2</sup> MiOSHA established the Safety and Education Training Division supported by a tax of between 1/2 and 3/4 of 1% on workers' compensation income benefits. Although the fund builds up a significant sum—indeed the tax was suspended for 1 year because the fund was running such a large surplus—only a limited amount is used for grants. In 1987 only \$500,000 was divided among 10 grantees. The state program supports about 20 professional staff who focus largely on providing consulting services to employers.

The Maine program is funded by an assessment of up to 1/4 of 1% on workers' compensation income benefits paid out and has been in place since 1985.<sup>3</sup> The worker training fund was created in part as a trade-off for cuts in workers' compensation benefits. In 1987, it gave out \$25,000 each quarter, largely for developing new programs or materials. The grants are relatively small (\$10,000 maximum) and have gone to a variety of groups including industry trade groups, clinics, the Lung Association, and the Maine Labor Group on Health (a COSH). Being funded by the state has given nonprofit groups increased visibility and broader access to workers and workplaces. In addition to providing grants, the state supports staff and has purchased industrial hygiene and educational equipment. The program also funds the state right-to-know program and collects data on occupational disease and injuries.

The New York program gets its funds from an 0.5% tax on workers' compensation premiums.<sup>4</sup> The assessment has provided \$4.8 million annually since 1985. The funds are awarded by an independent board composed of representatives of labor, management, and the public. The program is administered by the Department of Labor. It has funded well over 100 organizations including all the state's COSH groups. The program has only one professional staff person with training in safety in safety and health, so evaluation and technical assistance are severely limited. Additional personnel may be hired in 1988. The legislation was supported not only by labor, but also by school boards throughout the state, the Association of Counties, and the Safety Council affiliates. The year that it was passed, it was very high on labor's legislative agenda.

Massachusetts has a two-part program. The first, located in the Public Health Department, grew out of a 1985 conference on Women and the Workplace, where Governor Michael Dukakis promised a programmatic response to problems highlighted by the conference. The 1,200 participants and the groups that put the

conference together, including Massachusetts COSH, pressured the Governor and in 1987 won \$100,000 for the Working Women's Health Project to provide training in office technology, reproductive hazards, and hazards in the health care industry.

The second part of the program was created by a 1985 change in the workers' compensation law that created an Office of Safety to train employers and employees.<sup>5</sup> The first funds for this 3-year-old program were allocated for the 1988 fiscal year. Additional funds and larger grants and a workshop for organizations on how to apply for funds have been promised for 1989. However, because funds must be appropriated through the budget process, there is no guarantee that they will be forthcoming.

Using workers' compensation as a mechanism to fund occupational health and safety education, as was done in Connecticut, Maine, Michigan, and New York, has several advantages. Many legislators see tying prevention through education to workers' compensation as a natural, logical, and equitable extension of these programs. It also appeals to legislators' and the public's sense of justice insofar as the companies paying the highest premiums (and certainly payouts) have historically been the least safe. Insofar as workers' compensation is more likely to pay for injuries than work-related disease, this system is certainly imperfect, but at least in theory, the funding mechanism is designed to make those companies contributing most to the problem contribute most to its prevention. Moreover, the funding mechanism has a built-in "sunset provision" in that decreasing accidents and illnesses resulting in fewer successful compensation claims and lower premiums will reduce the size of the education fund as the need for it decreases.

Budget-conscious legislators like it because it does not tap the general fund and is not generally perceived as a new tax. The percentage of premium or payout set aside is small, but the sums raised are considerable. In the states where the monies are derived from workers' compensation and the rate is suggested in the law (Michigan, Maine, and Connecticut) and become part of a fund, they are extremely stable and insulated from the political vagaries of the appropriations process. In New York where the provisions for funding are somewhat less explicit, the funds are less secure, but still somewhat removed from the appropriations process. Nevertheless, experience has shown that continuing political pressure is necessary to maintain constant levels of support or to increase funds for an expanded program.

Some worker advocates have argued against using the workers' compensation systems for funding education. They argue that it creates a new constituency for the state system when what is needed is to replace the varied state programs with a single federal compensation system. Others point out that worker education programs have been used, as in Maine, to sweeten the loss of other benefits in the compensation system. Although there is some merit in these concerns, the possibility of a federal system seems extremely remote, and the critical need for worker education would appear to outweigh these concerns.

The goals of the programs described are to provide workers with information on the hazards they face, available control technology including work practice and administrative controls, and worker and employer rights and responsibilities under existing law in the hopes that workers will be able to use this information to improve conditions on the shop floor, thus reducing accidents and illness. In addition to learning specific means to protect themselves against hazards, occupational health education is often designed to increase worker consciousness and activism. The educational process also builds a constituency for occupational health and safety legislation, regulation, enforcement, and continuing educational

programs. Funded programs also encourage the continued existence and growth of institutions and professionals committed and competent to provide educational and technical assistance services to both workers and employers.

The activities undertaken to implement these goals have varied from state to state. The programs in New York and Maine are essentially grant-based programs. The Michigan program gives out a few grants, but it is basically a staff program. The Connecticut program, while having the option of providing grants, is currently conducted by state employees.

The grant programs have been more successful in generating interest in worker education and have addressed a wider range of topics than have the staff-only programs. The programs carried out by grantees tend to be much more specific to the needs of the groups being served and more varied than those carried out by staff of state programs. For example, the Connecticut program is basically in-house and has concentrated on teaching workers how to obtain workers' compensation. The programs in Maine and New York, however, have provided grants for programs aimed at identifying toxins, preventing back injuries, or teaching safe asbestos removal procedures to groups uniquely concerned with these particular problems. The programs are tailored to the needs of the particular audience. Moreover, grant-giving programs that support training by unions, COSH groups, small business associations, safety councils, clinics, and the like create a wide constituency and political support for the program and for occupational health and safety in general. It is important to have clear guidelines for evaluating both proposals and funded programs to insure fairness and that all grant programs meet minimum standards.

Although services provided by grantees are extremely useful, experience suggests that sufficient professional staff is an important asset to programs. One staff function is to provide technical assistance to grantees and to evaluate their programs. Another function of program staff is to develop and implement generic training for shop stewards and health and safety committee members, programs for small businesses, and special groups of workers who might otherwise be without services. State program staff can also develop a statewide approach, collect epidemiologic data, and put pressure on federal and state OSHA for increased enforcement and regulation. Staff can also encourage unions and corporations to develop health and safety programs of their own. Thus, the best program seems to be one with adequate professional staff to perform these functions and an active, varied grant program.

The role and goals of program staff and grants can be clearly expressed in the legislation or left vague and be determined by the program director and other state officials once the program is operational. Only the New York law specifically requires grants. Only the Connecticut law spells out the need for salaried staff. The New York program is short on professional staff with training in safety and health, and Connecticut gives no grants. The Michigan and Maine laws do not describe how the programs will be set up; the former, although it gives grants, is largely a staff-based program, whereas the latter is largely the reverse.

Getting these programs enacted has required active efforts by labor and support from other interested groups. Experience in several states has shown that the key to getting such a program through the state legislature is to make it high on labor's legislative agenda. The work of COSH groups in mobilizing local unions and organizing letter-writing campaigns to state legislators has been crucial. It is also critical to have support beyond the labor community. Small businesses, universities, and clinics have testified in support of these programs in New York, Maine, Massachusetts, and Connecticut, in part because they anticipate getting funding or services through them.

Worker education can make a difference in achieving safer workplaces and building support for continued public regulation of workplace hazards. Experience indicates that a small assessment on workers' compensations premiums can provide funds for successful worker education programs in occupational health and safety carried out through grants to groups experienced in training workers aided by sufficient professional staff to provide direction, evaluation, and technical assistance. These programs can be advanced by coalitions of labor, occupational safety and health professionals, and other concerned organizations as well as by employers anxious to receive services that will help them comply with federal and state health and safety and right-to-know laws. They provide an economic foundation for groups concerned with occupational health and safety and provide a basis for interesting groups that might otherwise only be marginally involved in occupational health to take on the issue. Through the grant-giving and educational process, the programs enhance and expand the constituency for further education in occupational health and for better legislation and enforcement as well.

#### REFERENCES

1. General Statutes of Connecticut. 1987. Section 31-283g and 31-283h.
2. Michigan Statutes Annotated. 1987. Section 17.50(55) *et seq.*
3. Maine Revised Statutes Annotated. 1985. Labor and Industry, Title 26, Section 61.
4. New York Labor Law. 1987. Section 884 *et seq.*
5. Massachusetts General Laws. 1987. Section 152:1 *et seq.*