

A voice for the workers

Lifetime achievement award recipient Ross Wilson has never forgotten his first encounters with workplace accident victims. **JACKIE BROWN-HAYSOM** reports.

When *Ross Wilson* announced that he was abandoning a promising legal career to become a union official, the senior partner in his Wellington law firm “just about fell off his chair”.

But for Wilson, who had cut his legal teeth representing injured rail workers in pre-ACC compensation claims, the move was, he says, “kind of obvious.”

Some 30 years later Wilson’s fervour for workers’ rights – and safe, healthy workplaces – has not diminished, something he attributes at least partially to his early courtroom encounters.

“That was where I first became aware of the devastating effect that significant accidents can have on individuals, their families, and their relationships,” he says. “As a lawyer you’re dealing with people after the event, seeing all the repercussions of the injury, which is something most people never see.”

The realisation that physical injuries could also have severe social and psychological consequences played a big part in Wilson’s career change. As assistant general secretary (industrial) for the *National Union of Railway Workers* he was able to search for ways to prevent the often horrific accidents that then bedevilled the sector.

Overseas research

In 1985 a grant from the Industrial Relations Foundation allowed him to travel to Europe, Scandinavia, the United Kingdom and Canada, researching health and safety policies and systems. He came back with “a huge amount of information and ideas”, and a newly developed passion for the policy aspects of OHS.

Fortuitously his travels coincided with appointments to both the ACC board and the government’s Advisory Committee on Occupational Safety and Health

(ACOSH), where he found ways to implement his new ideas.

“For me the key thing was a belief that the workers who were exposed to the risk of injury should be involved in the process of setting standards and developing workplace protection,” he says. “We debated this at ACOSH, and I became responsible for negotiating with employers and the Department of Labour to develop a voluntary code of practice for health and safety representatives and committees.”

OHS law

In 1990 both this code and some strong provisions for worker representation were incorporated into the OSH Bill which then-labour minister *Michael Cullen* presented to the House. The bill was not passed into law before the general election, however, and a change of government saw it lapse. Its replacement, the Health and Safety in Employment Bill drawn up by the new National government, retained many aspects of the original bill, but left out any provision for worker representation in health and safety.

“In fact the HSE Act that was passed in 1992 provided workers with no right to participate in standard setting or workplace programmes at all, although that had been an essential feature of the European model on which the act was based.

“I always likened [the 1992 act] to a three-legged stool with one leg missing. Worker participation is so fundamental that it just wasn’t going to work without it.”

Amending the act

Almost a decade later, when Helen Clark’s Labour government announced its intention to amend the act, Wilson – by this



Ross Wilson He is heartened that the 2002 amendments to the HSE Act strengthening worker participation are now widely accepted.

McCabe Photography

time president of the *NZ Council of Trade Unions* – pressed for formalised worker participation, for trained OHS reps who would have the right to issue hazard notices, and for legal recognition of the right to refuse dangerous work. When the HSE Amendment Act was passed in 2002, all these features were included.

“The thing I find really very heartening is that I think everyone is happy with the amendments now. There was quite a lot of rhetoric around them when they were coming in, but now I think everyone can see the value of working together, and the important role that health and safety reps play.”

Fittingly, the CTU was the first agency to have its training course for elected OHS reps approved by the government, and remains the single largest provider of such training – a fact that gives Wilson quiet satisfaction.

“We’ve trained many thousands more reps than we expected to be able to train, so it’s really been picked up with enthusiasm.”

Participation in practice

It’s not the moral victory that is important to him, however.

He points to the railways as an example of how effective worker participation can transform on-the-job safety.

“I made the point at the awards dinner that the big improvement in health and safety for the railway sector came after I left the union, but actually it was the result of a tripartite commitment that was triggered by the rail safety enquiry in 2001.

“That brought about a strong commitment to improving health and safety from board level down, and, significantly, this included very strong union and safety rep participation which continues to this day.”

He was delighted to see KiwiRail take the top award on the same night that he received his honour, and is convinced that worker input played a big part in changing the systems of work that once placed so many rail workers’ lives at risk.

Unfinished business

Successful implementation of his pet strategies does not mean, however, that Wilson will now take a back seat. While he jokes that his lifetime achievement award “says by implication that my contribution is over”, he is quick to list the areas where

he has unfinished business. There is, he says, still room for workers and unions to be more involved in OHS standard setting.

"I've always been very passionately of the view that the representatives of those who are actually exposed to the risks should be involved in setting exposure standards at a national and an industry level."

Other areas where he believes more progress is needed include "the firm and fair enforcement of minimum standards by the inspectorate", and the development of a strong tripartite industry focus where unions and firms can work together on a cooperative and collaborative basis to achieve best practice.

Higher standards

"I want to see firms drawing on research from New Zealand and around the world that will help them do things better – which is exactly the sort of thing that health and safety reps are doing in their workplaces now.

"I'd like to see this elevated to an industry level, with sectors working to identify good models and interventions, to pass on best practice, and to set increasingly high industry standards."

When Ross Wilson left the bar in the late 1970s, his former legal colleagues could never have guessed that in his new career he would devote his life to raising the bar on health and safety compliance for the benefit of every New Zealand worker. ■

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