Labor, Management Strengthen Worker-Driven Triangle of Prevention Program

One of the strengths of the worker-driven Triangle of Prevention (TOP) program is the consistent follow-up on issues through full-time, union TOP representatives, a TOP Advisory Group and yearly gatherings.

The Tony Mazzocchi Center (TMC), which administrates the program, held its annual conference on September 26-28 in Philadelphia. USW Local 10-1, which participates in TOP with its employer, Philadelphia Energy Solutions refinery in South Philadelphia, Pa., hosted the conference at its local union hall.

Over 50 TOP representatives, alternates, and health and safety members from 16 USW locals and management personnel focused on ways to strengthen the program.

“We all have to work together to make TOP successful,” said Carmine Frangella, who is a Local 13-750 TOP alternate representative at the Shell Chemical plant in Norco, La., and a member of the advisory group.

TOP Recognition
A highlight of the labor-management sessions was the presentation of the 2017 Glenn Erwin Award to Local 9-675, representing the TOP site at the 3M plant in Guin, Ala., for a major near-miss investigation, and Local 912’s acceptance of the 2017 Fallen Workers Memorial Award for integration of the TOP program into the health, safety and environment department at PBF’s Toledo Refining Company in Oregon, Ohio.

Sharing Lessons Learned
During the first two days of the conference, participants discussed topics like better sharing of lessons learned, improved tracking of all health and safety training, involving an entire plant in TOP through refresher training, and writing success stories. They also engaged in an eight-hour refresher training on incident investigation.

Kevin Theriot, the Local 13-750 TOP representative from Shell’s Convent, La., refinery said the key is to have success stories written for management to read.

“During your 15-minute toolbox talk, share your successes and what you learned. We learn something so we may save a life today,” Scardella said.

Theriot also said it is important to share what was learned from incidents.

“What happened at one site might happen at another site even though it is another company,” he said.

During the union-only session, participants discussed how to grow participation at existing sites, expand TOP to other locations, and increase management participation in the TOP annual meetings. Each site reported on its program successes and challenges. The union participants also elected two new members of the advisory group to represent the paper and oil sectors.

Working Together
Longtime TOP participant “Cookie” Sonnier from Local 13-423 at the Motiva refinery in Port Arthur, Texas, advised the attendees to work with managers and gain their support.

“Glenn Erwin said we need management input. He got management into the TOP meetings and told them, ‘You come here to work. You are here to see how to prevent people from getting hurt and how you can correct it from happening again.’

The company people may tell each other about health and safety incidents, and it does not get to the rank-and-file. As workers, we have to let the company know we want their support. When it comes to people’s safety, there shouldn’t be conflicts. You are working toward a goal together, not against each other.”

For More Information
If you are interested in the TOP program, you can contact TOP Program Coordinator Steve Doherty, sdoherty@uswtmc.org, (o) 412-562-2561 and TMC Program Administrator John Scardella, jscardella@uswtmc.org, (o) 412-562-2582.

Below: Participants in the 2017 TOP conference at the LU 10-1 union hall. Photo: Mike Hancock, LU 9-562 retiree
Rank-and-File Members Developed Triangle of Prevention Program

The Triangle of Prevention (TOP) program was born out of worker deaths and injuries.

During the 1980s and 1990s numerous catastrophic fires, explosions and toxic releases plagued the U.S. petrochemical industry, causing workers to suffer horrific deaths and injuries.

One of the landmark occupational health and safety incidents was the Oct. 23, 1989 explosion and fire at the Phillips 66 Company’s Houston Chemical Complex facility near the Houston Ship Channel in Pasadena, Texas, that killed 23 people and injured 314 others.

“Blame-the-Worker” company-driven health and safety programs were unable to reveal the root causes of these incidents and prevent them from reoccurring. So, in the mid-1990s the Oil, Chemical and Atomic Workers Union (OCAW) enlisted a team of rank-and-file members who were health and safety activists to develop a worker- and union-driven program to replace ineffective behavior-based safety (BS) programs, said John Scardella, the program administrator for the Tony Mazzocchi Center (TMC) that administers TOP.

He explained the program’s history to those attending the Sept. 26-28 TOP conference at Local 10-1’s union hall.

Limited Focus

OCAW member Glenn Erwin was one of the activists who formed TOP and later headed the program for PACE and the USW until he retired in 2012.

He and other members of the team knew the BS programs focused on slips, trips, falls, and worker behavior as a cause of incidents. Managers usually blamed workers for incidents, and prevention focused on wearing personal protective equipment instead of hazard elimination.

The team also saw how companies usually ignored how work processes contributed to a dangerous work environment.

“Glenn and his team saw that companies only focused on process safety when fires and explosions happened,” Scardella said. “There was also a failure to share lessons learned.

“Plus, companies used a low OSHA recordable rate to show how safe a plant was, which did not capture true safety,” he added.

The team wanted to create a pro-active health and safety program.

“Glenn Erwin knew that to prevent incidents from reoccurring, workers had to be involved in health and safety and control it along with management,” Scardella said. “The program puts workers in roles as trainers, investigators and leaders.”

Worker Investigators

TOP is composed of three sides: Systems of Safety Training and Investigations, Comprehensive Tracking of Results, and Union Design & Leadership.

The program requires everyone in a plant, including managers and non-represented staffers, to be trained on health and safety. Workers are trained to be trainers, to investigate incidents, to measure and track incidents and near misses, and to take a leadership role.

Employers agree to a no-discipline policy for reporting or being involved in a near miss. Plus, workers investigate incidents in conjunction with management and government agencies.

Scardella said it is essential for any TOP investigation process to use the logic-tree diagram method to find the root causes of incidents. If a worker made a mistake on the job that resulted in an incident or near miss, the logic tree is used to find what contributed to the worker making an error.

Locals have used logic-tree diagrams to settle grievances when companies wanted to discipline workers involved in an incident, Scardella said.

“Anyone can learn to use this method, and it can’t be manipulated. The logic tree is fact-based no matter the outcome,” he said. “Identifying accidents is not enough. Finding and fixing hazards is not enough. You need to identify root causes.”

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TOP Focuses on Systems of Safety for Training and Investigations

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Erwin and his team also made capturing lessons learned and passing them on a key part of TOP.

“It is important that we recognize TOP’s history,” Scardella said. “We are proud of that history. We stand here today on the shoulders of those who put the program together.”

3M Triangle of Prevention Site in Alabama Wins 2017 Glenn Erwin Award

More than 14 years ago the 3M plant in Guin, Ala., nearly closed because of a poor safety record. Today, Local 9-675 and the facility received the 2017 Glenn Erwin Award for completing an investigation that resulted in significant improvement.

Local 9-675 TOP Coordinator Milton Simmons was showing a Chemical Safety Board (CSB) video during a TOP hazard awareness refresher training when a local union member pointed out that the hazard shown in the video was present in their plant.

The CSB video showed the July 17, 2007 explosions and fire at the Barton Solvents distribution facility in Valley Center, Kan., www.csb.gov/barton-solvents-explosions.

This prompted the filing of a near miss and a TOP investigation, followed by corrective action.

The chemical tank farm had a float system, where the floats—used to determine the level of liquid inside the tank—were on swivels connected to cables that ran through the top of the tanks. The tanks were bonded and grounded to prevent static electricity from igniting the tank mixture. But the investigation after the catastrophe revealed the float mechanism was not grounded, and there was potential for static shock.

The tanks were being filled with nonconductive flammable liquid, and a static spark resulted from a loosely-linked, level-measuring float within one of the tanks. The spark ignited the air-vapor mixture inside the tank as it was being filled. The first tank exploded, resulting in a chain reaction.

The 3M facility was using the same float system, posing a serious hazard. The TOP investigation team, composed of trained workers and staff, conducted a near miss investigation. The plant followed the CSB recommendation to bond the float to the cable and emptied the tanks to make the correction to this design and engineering system of safety failure.

Systems of Safety at Work

Simmons said the TOP representative before him, Calvin Bozeman, kept excellent records of the site’s near misses, incidents, investigations and action items. Since July 2003, employees and managers have turned in 4,876 near misses. Completed action items number 6,497.

“That number of actions is higher because through investigations you find multiple root causes, so you see multiple items that need to be redesigned, mitigated or fixed,” Simmons said.

“Looking across all those years, we average 34.88 near miss reports turned in during a month. That is more than 10 percent of our employee population. We have just a little over 300 employees now,” he added.

Simmons said there is one maintenance worker on the joint health and safety committee who talks to people on the shop floor to ask them if they have safety and health issues they want to discuss with the committee. People submit near miss reports to this worker, and it adds up. Last month there were 74 incidents and near misses, and this worker turned in over 50 of them, Simmons said.

“Our safety culture is throughout our site and goes from the shop floor to the manager’s door. Even managers—including our plant manager—will turn in near misses because they know TOP works and that what is turned in will get fixed,” Simmons said.

He said the Local 9-675 members and management are excited about winning the 2017 Glenn Erwin Award. The award is hanging up in the union hall, but he plans to make a color copy, frame it and present it to management.

Local 9-675 and 3M have participated in the Triangle of Prevention (TOP) program since mid-2003.

Led by unions and their members, TOP focuses on incident prevention through application of the systems of safety; incident investigation, measurement and tracking of near misses and incidents; and recommendations and follow-through. The seven systems of safety are design and engineering, mitigation devices, maintenance and inspection, warning devices, training, procedures, and personal protective equipment.

The USW’s Tony Mazzocchi Center (TMC) administers the program, provides TOP training and creates the training materials. Glenn Erwin helped create the program and was the TOP program coordinator until he retired in 2012.
By Kent Holsing

The DowDuPont merger and pending spinoff of several business segments overshadowed the annual DowDuPont North American Labor Council (DNALC) meeting on Sept. 25-28 in Elizabethtown, Ky.

International Chemical Workers Union Council (ICWUC) Local 970 from the Dow Corning plant in Elizabethtown hosted 39 delegates from 13 Dow Chemical and DuPont locations, representing over 4,000 members from six U.S. unions and three global unions.

Besides the merger and spinoff discussions, delegates focused on global outreach and compared site issues.

To date, the merger has not caused any job losses at any of the manufacturing locations, and the collective bargaining agreements and work remain status quo. However, changes are expected because Ed Breen, chief executive officer of DowDuPont, publicly stated there will be expected plant closings, layoffs and other cost-cutting moves to save $3 billion in “synergies.”

Planned Spinoffs

The Dow Chemical and DuPont merger closed Aug. 1, 2017 with the expectation the merged organization would split into three publicly traded companies in 2018. However, so-called Wall Street “activist investors” (corporate raiders) are heavily pressuring the merged corporation to split into six different companies so that shareholder value can be maximized to the tune of $20 billion.

DowDuPont is partially complying with Wall Street’s request by moving $8 billion of businesses from its Material Sciences division to its Specialty Products division. This move lines up the possibility for future divestments.

With these spinoffs most locations will operate as either Dow or DuPont. Some sites, such as the Midland, Mich., facility, will be split into three separate companies within the fence line. This changes the Midland site from being one unit with one contract into three units with three contracts.

DowDuPont’s Material Sciences group will be the Dow part headquartered in Midland. The Agriculture Sciences and Specialty Products divisions will be the DuPont part headquartered in Wilmington, Del.

DowDuPont is conducting its third-quarter investor’s request by moving $8 billion of businesses from its Material Sciences division to its Specialty Products division. This move lines up the possibility for future divestments.

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DowDuPont is conducting its third-quarter investors call this month, and it is anticipated that the company will give further details of which businesses will be spun off, how employees will be affected, and what “synergies” (aka the elimination of jobs and cost cutting) will result.

Council Action

This situation remains fluid, but the DNALC is committed to keep up with the changes as they happen. The full impact on union members may not be fully realized until the split into three companies.

Experience has shown that the DNALC network model is crucial to be successful in dealing with the proposed actions of the merged corporations. USW International Vice President Carol Landry encouraged the locals within the council to continue working with each other, to strengthen the network, and to reach out to other union groups within the chemical industry.

The upcoming changes will not just impact union members in North America. Thousands of other direct and indirect employees and their families will be affected across the globe. However, they do not have a voice to represent their interests and concerns. Therefore, the DNALC delegates unanimously agreed that DowDuPont has a responsibility to take the concerns and interests of their employees into consideration when decisions are made.

The council is working with the USW to create a global online petition to bring awareness of DowDuPont’s actions and that the company must not put its employees, families and the communities surrounding its sites at a disadvantage. Support for this petition will be organized at a grassroots level and will be released soon.

Building Solidarity

Landry also encouraged the DNALC to pursue global solidarity, and she spoke on the USW’s plans for the chemical sector.

The council’s annual meeting drew attendance from other international unions impacted by the DowDuPont merger. Delegates came from Argentina, the UK and Germany. Two Brazilian unions, unable to attend, submitted a report.

IndustriALL Assistant General Secretary Kemal Özkan presented a comprehensive summary of the current status of the global chemical industry via Skype.

Each attending Dow Chemical and DuPont local gave a report, and all the delegates discussed the commonalities and differences between each Dow and DuPont site.

The following Dow Chemical sites were represented at the meeting: Midland, Mich.; Freeport, Texas City and Deer Park, Texas; Bristol, Pa.; Louisville, Ky., and Knoxville, Tenn. Former Dow Corning locations were represented from Midland, Mich., and Elizabethtown, Ky. DuPont locations were represented: Buffalo (Yerkes), N.Y.; Richmond (Spruance), Va.; Chambers Works, N.J., and La Porte, Texas.

(Kent Holsing is the chair of the DowDuPont North American Labor Council.)

2017 DowDuPont North American Labor Council conference
DuPont Yerkes Plant Workers Win Job Security and Greater Voice on the Job

Local 6992 members at DuPont’s Yerkes plant in Tonawanda, N.Y., ratified a four-year agreement on Sept. 22, 2017 that contains a first-ever successorship clause, contract language to create a joint health and safety committee, and a union security clause—a first for DuPont. The contract covers 335 workers.

“The membership voted very convincingly to accept the agreement – they liked what we were able to accomplish together to get this contract and avoid a strike,” said Local 6992 President Gary Guralny.

He said it was important for the membership to gain successorship language—this protects workers’ jobs and contract when a facility is sold—because of the DowDuPont merger. He said the plan for the site is for it to be spun off into a new company within the next year and a half. Local media reported the site will join the specialty products company when DowDuPont splits up its businesses.

“Our people have the assurance now that all terms of the contract will be protected for four years no matter who is in control of the site businesses,” Guralny said.

He said the local union had proposed a joint health and safety committee every contract negotiation since 1999. For the past several years, USW has sponsored a shareholders resolution that would compel the company to improve its disclosure of workplace health and safety incidents (See Chemical Solutions Issue #5 and #8).

“It seems that pressure on the corporate board coordinated with the efforts of the workers at the plants helped us have a positive impact. We finally have a meaningful voice in site safety and a definite structure for the joint committee to meet,” he said.

The agreement also contains a union security clause that requires all future employees hired to join the union. Guralny said it is the first time, to his knowledge, a DuPont site obtained such contract language.

Retroactive Wage Increases

The local union negotiated a three percent signing bonus and a 1.5 percent wage increase each year, with the wage increase retroactive to June 18, 2017.

Wage rates for current employees in job classes 1-3 and 4-5 will be protected. Future new employees in job classes 1-3 will receive a new wage rate.

Up to 50 employees will receive a severance package. Maintenance workers who remain at the plant along with current apprentices are protected from layoff or being forced out of the maintenance department.

To protect members from their work being contracted out, the new agreement contains language that gives the union the right to challenge management before contracting out jobs. This process includes expedited arbitration.

Also, five positions were returned to the bargaining unit that management had been allowed to contract out under the previous agreement.

Tough Negotiations

The local union engaged in over three months of contentious talks with DuPont’s lead contract negotiator and some company negotiating committee members who acted negatively toward the union. Their actions became so derogatory that DuPont had to fire three out of the five company negotiators and replace them with a new bargaining team that included outside legal counsel. Soon after, both sides settled the sticking points and agreed to a new contract.

Local union 6992 members participated in an informational picket during the contentious part of negotiations with DuPont before it terminated three company negotiators whose actions had become a roadblock to getting a fair agreement. The company replaced them with a new bargaining team that included outside legal counsel. Soon after, both sides settled the sticking points and agreed to a new contract.

Last Contract

This will be Guralny’s last contract negotiations because he plans to retire on Dec. 31, 2017. He credited the membership’s solidarity in remaining strong to get a fair agreement.

“I am proud of how the members of our local held together during these tough negotiations. Their solidarity is a key reason we got this contract,” he said. “It has been an honor and a privilege to represent our members over the many years I have served as their local union president.”

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