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United States Steel Corporation Wire Operations Waukegan Works and United Steelworkers of America Local Union 1115

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ARBITRATION AWARD

UNITED STATES STEEL CORPORATION
WIRE OPERATIONS
Waukegan Works

and

Grievance Nos. WWK-64-10, -11, -12, -14, -15

UNITED STEELWORKERS OF AMERICA
Local Union No. 1115

Subject: Safety and Health

Statement of the Grievances: Grievance No. WWK-64-10

"We, the undersigned, are filing a general protest in regards to the re-introduction of the safety helmet in the Bundling Department.

"Several years ago two grievances were filed; one with 53 signatures, the other with 7 signatures. These grievances were settled and withdrawn with settlement understanding that wearing a helmet is optional with the employee.

"We demand that settlement of previous grievances be honored by the management and that wearing a helmet remain optional. Enclosed are photostatic copies of settled grievances."

Grievance No. WWK-64-11

"We demand the Company stop forcing us to wear the hard hats. There is no past history of falling objects on my job. The fogging of glasses by excessive sweat is a much greater hazard. This is not the prevailing safety past practice at our mill."
"We are forced & threatened contrary to contract to wear unnecessary hard hats.
'I demand wearing of hard hats be voluntary basis.'

Grievance No. WWK-64-12

'We sincerely believe that there are no potential hazards in our work area that warrants the wearing of hard hats. For a matter of fact we have found out that wearing hard hats has caused us to sweat more than usual thereby fogging our goggles which distorts our vision. This condition is quite prevalent when stringing up a machine where the lubricant is at a temperature too hot to touch.

'We demand the hard hat directive be relinquished when above conditions exist.'

Grievance No. WWK-64-14

'We demand the Company stop forcing us to wear the hard hats. There is no past history of falling objects on our job. The fogging of glasses by excessive sweat is a much greater safety hazard. This is not the prevailing safety past practice at our mill.

'We demand hard hats be worn on a voluntary basis without threats and coercion.'

Grievance WWK-64-15

'The introduction of safety helmets in Oil Tempering is creating a hazardous and unsafe condition. In as much as this is heavy physical work plus heat from the furnace, one perspires freely; having to wear a helmet has increased the perspiration of the head and face. This causes the clouding of safety glasses to the point of blurring ones vision. Having to work with machinery under these
3. "Conditions is hazardous and unsafe. We believe we should be excluded from wearing the helmet while working."

These grievances were filed in the First Step of the grievance procedure May 21 and 27, 1964.


Statement of the Award: The grievances are sustained to the extent set forth in the Opinion.
BACKGROUND

At issue in this case is the reasonableness of a directive requiring all Production and Maintenance employees of the Wire Mill at Waukegan to wear hard hats, with the exception of employees working in the Die Room, the Inspection Lab, Shop offices, and of employees assigned to overhead crane cabs.

The Company's vigorous campaign to promote head protection, as reflected in Case USC-1067, has met employee resistance at Waukegan since its inception. Prior to 1959, safety helmets were made available at the request of an employee. Early in 1959, Maintenance employees and supervisory personnel were ordered to wear them. At the same time the Company began on a program of selling voluntary acceptance of hard hats. Early in 1960, a few "near accidents" occurred, and the order was extended to Tractor Operators on tractors without overhead protection, and to employees working under overhead hoists, with the approval of the Safety Committee, established under Section 14 of the Basic Agreement. A few grievances were filed nevertheless by affected employees but were withdrawn by the Union when assurances were received from the Company that a mandatory hard hat program for all Production and Maintenance employees was not considered at that time. The Management representatives on the Joint Safety Committee were hopeful that a more comprehensive occupational listing could be established for jobs for which the wearing of safety helmets was deemed advisable under Company policy. The Company refrained from extending the mandatory hard hat requirement at that time, but continued with an extensive selling campaign using posters, safety meetings, and other measures. Very soon, employees working under overhead traveling cranes and in the Maintenance Department stopped wearing helmets, and the Company, late in 1963, had to take action for better enforcement of its order.

In the meantime, safety engineers of the Company continued their job analysis of safety hazards, collected corresponding data from other mills, and observed industry practices. Early in 1964, as a phase of the reorganization of the Company, a decision was made in Pittsburgh that all Production and Maintenance employees, working in mills formerly belonging to
the American Steel and Wire Division, should wear hard hats (with certain exceptions not pertinent to this decision). Waukegan management first designated April 1, 1964 as the effective date of the new order but, at the request of the Grievance Committee, extended the date to May 1, 1964. The order was resisted by the employees from the outset, and a number of grievances were filed. While they were under discussion, the Chairman of the Grievance Committee learned that employees at Northwestern Steel Company at Sterling, Illinois wore a helmet known as laceration cap, bump cap or skull cap. These helmets are also made out of plastic, but weigh six ounces less than the so-called topgard hats. No standards are established for them, and they are labeled as follows:

"Scalpgard laceration caps are designed and manufactured to provide scalp protection from minor laceration and bump hazards. If falling or flying object hazards exist, the use of industrial safety hats or caps, or crash helmets, is recommended!"

(At the Sterling Mill of Northwestern Steel there is no compulsory program for the wearing of hard hats. Management urges strongly that employees wear the heavy type of helmet; in the majority of areas, the lighter type of helmet is worn voluntarily.)

When the parties at Waukegan met for the discussion of the problem in the Third Step of the grievance procedure, the Grievance Committee changed its position. Quoting the testimony of the Chairman of the Grievance Committee at the hearing,

"We agreed that everybody in the plant should wear some sort of head protection. We said we were willing to agree that based upon what they were doing at Sterling, Illinois, that those people who worked under overhead cranes and who worked in construction
"areas and maintenance, should wear the head gear type of helmet, and that we would agree right at that time that our people should do the same thing. We further agreed that if any time the Joint Safety Committee made an agreement on any type of job where they felt that the heavier type of helmet was necessary, that the Grievance Committee would file no grievance on it and accept it. We further agreed that if Management would agree to allow us to wear this lighter type helmet in the areas we suggested, that we would assume the cost ourselves. In other words, the people would be willing to purchase these hats. We were not asking that Management purchase them."

According to the Union, Management representatives expressed their personal opinion that the Union proposal looked good but that they could not commit themselves without consulting with the Company's headquarters in Pittsburgh. After four or five days, the Union Committee was informed that the proposal was unacceptable, and the case, after further discussion in the Fourth Step, was appealed to the Board.

According to the Company, the Superintendent of Waukegan came to Pittsburgh for advice. There, executives of the Safety Department told him, in the presence of the General Manager of Operations, that their department would not allow the laceration cap anywhere in the operation of the Company. In the face of this "very, very, strong recommendation of the Safety Department and the advice of the General Manager of Operations, the Superintendent followed the course recommended by the Company's Central office and ordered that hard hats should be worn in all phases of the operations of Waukegan Works." The extent of protection afforded by the laceration cap never has been tested by the Safety Department.
The Company points out with considerable and justifiable pride that from 1948 to 1963 the frequency rate of disabling injuries has been reduced by 81%. This has been achieved, to a great extent, by the establishment of safe job procedures to pinpoint foreseeable sources of industrial incidents. With this accomplishment to their credit, the Safety experts of the Corporation now want to take the next step "to prevent injurious contact with the employee from all other potential causes of incidents." The Company's Safety experts believe that this can be achieved only by a 100% hard hat coverage of all Production and all Maintenance employees in all phases of its operations, with certain agreed upon exceptions.

With respect to the record of head injuries at Waukegan Works, the Company admits that over the past three years there have been only 192 relatively minor head injuries. One fatal accident also involved head injuries which, probably, could have been prevented by some kind of head gear, but, in any event, were not the cause of the death. "However, nobody wants to anticipate whether the next particular situation will be a minor blow, a heavy blow, a laceration, or a potential fatality." The experts regard the statistics as containing the probability and potential of a fatal injury through causes which nobody can anticipate at this time, similar to the incident which occurred at National Works in 1959, discussed at greater length in the Board's decision in Case USC-1067.

At the hearing, the Union pointed out that of the 192 head injuries listed by the Company about ten were suffered by employees in the Maintenance and Construction Department where the Union has agreed to the wearing of heavy hard hats. The number of injuries over a span of three and one half years cannot be considered as serious for a work force of 1300, particularly since only 33 of these injuries were compensable (i.e., employees had to be sent out of the plant for medical attention). At the hearing, the Union submitted detailed evidence on 19 out of the 33 injuries. Some, caused by the splashing of acid into the face or the laceration of the forehead by a piece of flying wire, would have occurred had the employee been equipped with a regular hard hat. Others, such as bumps or lacerations, could have been prevented had the employee worn a laceration cap. A few of these injuries were
suffered by employees who did, in fact, wear regular hard hats.

The Company's experts pointed out that the regular hard hat affords greater protection than the laceration hat in accidents where the head is subject to impact from heavy objects or where an employee falls on his head from a height. The Company did not detail, with a single exception, which of these hazards are present in any department of Waukegan Works where the Union deems the laceration cap sufficient protection. It was admitted that the heavy hard hats do cause some inconvenience to employees and are at least in part responsible for the fogging up of safety glasses which are worn by all Production and Maintenance employees at Waukegan Works.

**FINDINGS**

The Board, in Case USC-1067, examined in detail the contractual considerations for a safety grievance of this kind. Providing safety devices is the prime responsibility of the Company, but also a cooperative endeavor between the Company and Union. Under the specific provisions of Section 14-B, safety practices may be improved from time to time by the Company. The Board concluded that safety measures must be "reasonable" and spelled out extensive definitions of tests of reasonableness.

It is significant that, after the issuance of the Board's Award in Case USC-1067, the parties at Waukegan had restricted the wearing of regular hard hats to employees working in Maintenance and Construction and under overhead cranes. It is apparent from the record that the order for 100% coverage in mills formerly designated as those of the American Steel and Wire Division was not based on hazards present at specific mills but on over-all Company policy to bring them in line with practices found at other installations.

In Case USC-1067 the Board stated in marginal paragraph 32:

"'Reasonable' carries with it consideration of what these parties have done about the particular hazard in this and other plants, and of what is being done by men and
"Management in other steel companies and in other industries faced with identical or similar hazards. 'Reasonable' leaves room for consideration of opinions of qualified experts in the specific field involved as to whether, for instance, a particular situation is hazardous because explosive, gaseous, flammable, or structurally unsound. 'Reasonable' also requires consideration of the state of the art relating to the development of particular protective devices which might reduce the hazard in question and of their weight, size, shape, composition, and effectiveness."

Since 1962 hard hats have found wider acceptance in the steel industry, and United States Steel Management has been singularly successful in introducing 100% coverage in many of its mills. On the other hand, there are still installations within the Corporation where 100% coverage has not been achieved. The regular hard hat has received minor improvements since 1962 but its weight, shape, and effectiveness have not basically been changed since that time. With respect to the laceration cap, a Company witness, an executive of the manufacturer of this protective device, testified that it is used extensively in the manufacturing aircraft industry.

The Board further stated in marginal paragraph 36 of Case USC-1067:

"'Reasonable' may require consideration of the fact that any attempt to deal with large numbers of human beings must avoid appearance of regimentation and requires a gradual program, backed up by education and persuasion, and that it is very difficult to move to complete solution immediately."
In this case, the decision of the Company to introduce 100% hard hat coverage at Waukegan Works was not based primarily on an analysis of the injury rate at that particular mill or other wire mills or on particular jobs within Waukegan Works but on Company policy to extend such coverage to all its wire mills. It must be remembered that Waukegan Works is a wire mill exclusively without any steel making facilities. In this respect it may be different from wire mills which are part of a larger steel making installation where arguably it may be impracticable to except wire mill employees from otherwise complete hard hat coverage. The Company's safety experts take the position that in order to avoid every possibility of serious or fatal injury, protection must be provided against the totality of the hazard.

As noted before, the Union has suggested to the Board that in its Award it incorporate the settlement offer made by the Grievance Committee in Third Step under which employees would buy their own laceration caps. Since Section 14-B specifically spells out that protective devices shall be provided by the Company when necessary and required, the Board has no jurisdiction to direct grievants to buy their own laceration caps. Also, the record does not justify a finding under Section 14-B that laceration caps are prevailing safety equipment within the Corporation, or improved safety equipment selected by the Company; in fact, the Company's experts fear that these caps will give employees a false feeling of security since, in their judgment, those hats do not provide adequate protection. Therefore, under Section 14-B, there is no basis on which the Board could order the Company to supply these caps.

It is implicit in the Board's Award in Case USC-1067 that, where the hazards in a given mill or department are not so great as to require complete hard hat coverage, a job by job review could be undertaken by the Company to cover those jobs with hard hats where the hazards require it in the Company's opinion, subject of course to the grievance procedure. In their presentation to the Board in this case, the parties were primarily concerned with the peremptory order of the Company. For the reasons stated in this Award, the record of this case, set against the interpretation of Section 14 of the Basic Agreement in Case USC-1067, is persuasive that it was not
reasonable for the Company to issue the order of April 1, 1964, requiring hard hat coverage for all jobs at Waukegan other than those specifically excepted as noted in this Opinion.

Nothing in this decision shall restrict the Company from initiating a job by job review, as already undertaken in 1960 and 1961, for jobs other than those listed by the Superintendent in his Memorandum of April 12, 1961, which is attached to the Company's brief as Exhibit 11. As to those jobs, the record amply supports the Company's position that the wearing of regular hard hats should be mandatory, and no further review is needed.

AWARD

The grievances are sustained to the extent set forth in the Opinion.

Findings and Award recommended pursuant to Section 7-J of the Agreement, by

Peter Florey
Assistant to the Chairman

Approved by the Board of Arbitration

Sylvester Garrett, Chairman