



National Oil Bargaining 2008-09

[www.oilbargaining.org](http://www.oilbargaining.org)

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*From the Vice President's Desk*

## National Oil Bargaining Talks Proceed Slowly

For the past week, District 13 Sub-district 1 Director Jim Lefton and I have been meeting with the industry. We're making progress, even though it is slow, in getting a pattern settlement that is beneficial for you, your families and the community.

There are rumors floating around that we're going to call a strike. Such rumors apparently have fueled the rise in the cost of oil. Let me be perfectly clear about this: Our focus now is on getting a fair and equitable pattern settlement, not on striking. A strike is only a last resort after all attempts to get a reasonable contract have failed. I won't decide on whether or not there will be a nationwide or selective strike until we are close to the Sunday, Feb. 1 expiration date at 12:01 a.m.

### Challenging Times

Negotiating during a deep recession is a challenge to say the least. As I write my column today, US employers—including such companies as Caterpillar, Texas Instruments, Sprint and Home Depot—are axing more than 55,000 jobs. Employers are shedding half a million jobs a month.

Since the recession began 13 months ago, 2.5 million jobs have been lost. Many workers have to take pay cuts.

We're fortunate that we work for an industry that has made huge profits in the recent past and has a large reserve of cash on hand. Even though the poor economy worldwide has caused demand for oil to decrease, there will always be a need for oil. It will take years before renewable energy is economically viable.

Given the industry's deep pockets, I think we have a good opportunity to make headway on health and safety issues and health care. Those issues are our main focus in this round of oil bargaining.

### Continue Mobilization Efforts

We will be successful on health and safety and health care by mobilizing the membership around these talks and being united. I am very impressed with your mobilization efforts so far. You have held rallies, hand billed, distributed The Oil Worker, educated your fellow members about our bargaining issues, plastered our stickers on your hard hats and personal

property, and reached out to the community. Many of your actions have been very creative, and they are definitely making an impact.

Another way you can bolster our efforts is to write letters to the editor of your local newspaper(s). Most articles about oil bargaining will be on a newspaper's website. Usually you can comment on these articles. That's another way to get out our message that we want a fair contract.

This week your locals will be receiving a community action toolkit and a new "This is Our Time" sticker. Be sure to take advantage of the toolkit and continue plastering those stickers. If you're in an amalgamated local and haven't received stickers for your unit, contact your local's financial secretary because the stickers were mailed to them.

Let's continue to stay focused and united in our goal to negotiate fair and equitable contracts.

**Gary Beevers**

**International Vice President  
Chair, National Oil Bargaining Program**

## Health and Safety Proposal Addresses Hazardous Conditions Prevalent Throughout Oil Industry

*By Kim Nibarger, USW Health, Safety & Environment Dept.*

On March 23, 2005 at the BP refinery in Texas City an accident involving a leak, explosion and fire killed 15 workers and resulted in over 4,100 claims to be filed by workers, contractors and the community.

At the outset other refiners cried that this could not happen at their refineries. BP itself said the Texas City facility was an anomaly and what happened there

couldn't happen at its other refineries.

Today we are seeing evidence that these claims may have all been a stretch. The events that took place at Texas City appear that they could very possibly take place in any number of refineries.

A survey conducted by the USW nine months after the Texas City explosion found that the use of atmospheric vents on process units, placement of trailers and unprotected buildings near high risk process units, allowance of non-essential

personnel in process units during start up and shut down, and a failed management system as it relates to instrumentation and alarm management were still prevalent after the lessons identified from Texas City.

Ninety percent of the 51 refineries responding reported at least one of these conditions still existed at their refinery. Forty-three percent reported three of the highly hazardous conditions existed at their facility.

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OSHA, as a result of the Texas City findings and reports issued by the Baker Panel and Chemical Safety Board, initiated a national emphasis program targeting oil refineries.

In reviewing a number of these inspections, I found there is an alarming similarity to the events identified as contributing to the Texas City explosion. Mechanical integrity was cited 68 times in 22 inspections, operating procedures was cited 60 times, process hazard analysis was cited 57 times, process safety information was cited 44 times, and Management of Change and incident investigations were each cited 24 times.

These are some of the contributing issues to the most devastating refinery accidents we have seen in the recent past.

All these events share the fact that lessons were not learned from the incident investigation reports generated as other refiners made the same decisions and consequently, deadly mistakes.

Refiners are not meeting the minimum requirements of the law, the process safety standard as well as other OSHA minimums designed to protect workers and the communities they live in. Hence the need for workers to have their own advocates, the full-time health and safety representative and the full-time process safety representative.



These individuals require a special knowledge of health and safety regulations including the general industry standards in CFR 1910 and a special emphasis on the process safety management standard 1910.119. Training for these individuals will be done by the International Union.

These union positions, filled by individuals selected by the union who are getting direction as well as reporting to the union leadership, are the workers' opportunity to have more say in their safety in the workplace. These individuals will have a chance to view safety practices and give input to management on areas that are deficient or could use improvements.

The OSHA standard requires companies to consult with employees and their representatives on the elements of process safety management in the CFR 1910.119 standard. Consult means to get or ask advice from, to confer: have a conference in order to talk something over. Too often companies interpret consult to mean tell the employees.

In addition to training from the union to assist these individuals in fulfilling the job duties demanded of them, they will also have a union corporate safety coordinator to assist them when they have questions or need help with an issue. This individual will act as a conduit for the separate sites to collectively coordinate health and safety issues. This union corporate safety

coordinator will have the ability to access the top safety individuals in a company to get issues taken care of at local locations. And of course they all have access to the USW International HS&E department.

The ability for the union to meet as an equal with the company on employees' health and safety concerns is afforded them through the joint health and safety committee. The union members of this committee, which are chosen solely by the union, are the voice of the membership as far as safety concerns in the facility. Any changes to the health and safety practices or rules are an item of negotiation between the company and union bargaining committee. The joint health and safety committee tries to work through to resolution items to improve the safety and health of the workers, as well as brings hazardous conditions to the company's attention in an effort to get them corrected.

These positions, which are all mandated in the 2009 National Oil Bargaining health and safety document, are designed to protect workers and the communities where they work. It gives the persons with the greatest knowledge of how the day-to-day operations at the refineries are interconnected and how they react with one another an opportunity to have a voice in maintaining the integrity of these systems for the safety of all involved.



## Check out Oil Bargaining Website

If you go to [www.oilbargaining.org](http://www.oilbargaining.org), you will find past issues of *The Oil Worker*, photos, articles on oil bargaining that ran in *USW@Work*, press releases, the 2002 national oil bargaining settlement and a history of oil bargaining from 1965 to 2005. A slide show is being developed on the National Oil Bargaining conference that was held last September in Pittsburgh.