

Employer Responsibility for Occupational Health and Safety: Challenges, Issues and Approaches

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Abstract

The paper examines the challenges and issues of the internal responsibility system for organizations' occupational health and safety (OHSIR). The main aim is to identify approaches to the OHSIR. To achieve this aim, a literature overview is established. The results demonstrate the existence of four approaches of the internal responsibility system: 1) the regulatory approach, 2) the economic approach, 3) the occupational health and safety management system, and, 4) the sustainable development approach: a model of progression. The study indicates strengths and limits of each approach and suggests a new collaborative approach that would harmonize the success factors of the above approaches presented. It proposes to develop a model which would, at the same time, would value the role of external interveners, the importance of economic incentives, and the commitment of managers and worker participation in a context of organizations engaging in constructive social dialogue about the OHSIR. The objective of this new process is to perceive inspectors as counsellors for organizations in their process of developing the OHSIR.

Keywords: Approaches, Challenges, Issues, OHS, Internal Responsibility

Introduction

The internal responsibility for occupational health and safety (OHSIR) is still an issue today. It entails numerous challenges and issues, despite the objectives of Occupational Health and Safety (OSH) Act of Quebec (Gouvernement du Québec, 1979) concerning this assumption of responsibility. This article presents this issue with a review of the existence of different approaches behind the processes of the OHSIR. The methodology adopted focuses on a critical examination of the official documentation on the OHSIR (legislation, action plans, reports, and intervention practices), as well as a review of the literature on the theoretical context of the OHSIR with respect to its content, approaches and recent developments. The challenges and issues organizations face in handling the OHSIR comprise the first section of the article. Approaches to the OHSIR are developed in the second part.

1. Challenges and Issues of the Internal Responsibility System for Organizations' Occupational Health and Safety

To guarantee the attainment of this ambitious objective, Occupational Health and Safety Act of Quebec established an objective of eliminating at its source dangers to workers' health, safety and physical integrity (Loi sur la santé et la sécurité du travail, art.2 [LSST]). It links this to participation mechanisms to ensure organizations assume internal responsibility for occupational health and safety.

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To reach this goal, it proposed mechanisms to assume responsibility, such as a health and safety committee, a prevention program, and a specific representative for prevention, and a health program at each establishment. Nonetheless, more than 30 years after its adoption, organizations remain relatively reactive. The mechanisms foreseen have not been fully implemented (Lippel, 2013). This has had a number of consequences in terms of the law's objectives. Many accidents and illnesses, with incalculable repercussions, have been reported (Commission de la santé et de la sécurité au travail, 2012 [CSST]; Desmarais, Pérusse & Ndjoulou, 2012; Lebeau, Duguay & Boucher, 2013; International Labour Organization, 2013 [ILO]). In Québec, the CSST (2012) registered 111,094 work-related injury files, including "211 deaths in 2012 that is 7 more than in 2011". Since 2003, it seems that there is an increasing proportion of illnesses eligible for compensation amongst requests related to files on occupational disease, (46.6 % in 2003 and 56.0 % in 2010) (Desmarais et al., 2012). The costs of these injuries over a year were estimated at 4.64 billion dollars on average, of which approximately 1.78 billion were attributed to financial costs and 2.86 billion to human costs; the average cost of a work-related injury rose to \$38,507 (Lebeau et al., 2013). The Québec inquiry into working conditions, employment and OHS (EOCOTESST) revealed the persistence of musculoskeletal disorders (MSDs), traumatic work accidents and mental health problems (Vézina et al., 2011). As Omnès (2009, p.62) observed, MSDs "qui étaient ignorés il y a une trentaine d'années, progressent de 20 à 25 % par an et constituent la grosse majorité des maladies professionnelles⁴". The ILO (2013) estimates 2.3 million are killed worldwide each year as a result of work injuries. Thus, every fifteen seconds, a worker succumbs to a workplace accident or occupational disease, and 160 workers fall victim to a workplace injury every fifteen seconds. Brazil alone accounts for approximately 410,000 workplace accidents a year (Baumecker & Faria, 2006). In the European Union, the number of deaths due to workplace accidents or illness caused by work is estimated at 160,000 (Vogel, 2009). Turkey is one of the countries with the most work injuries, with an average of three deaths and 172 cases of workplace injury a day (Duvignaud, 2013). It ranks third in the world after Algeria and El Salvador.

We must agree with Barthélemy and Courrèges (2004) who observe that work still kills in the twenty-first century. New forms of work organisation also dramatically impact workers' health, all too often leading to disabilities and, indeed, deaths (Debout et al., 2009). Similarly, "la pénibilité du travail est en recrudescence depuis vingt ans [...], de nouvelles formes de pénibilités apparaissent, avec la surexposition au stress et la charge mentale accrue dans l'activité⁵" (Debout et al., 2009, p. 9). In 2011, in its report to the 19th International Safety and Health Conference, the ILO found that the intensity of work in conjunction with the performance of enterprises leads them to allocate less time to the promotion of OHS. Progress in OHS received a serious blow with the exorbitant number of work injuries. The latter have serious physical, psychological, human, familial, social and economic repercussions. They entail colossal direct and indirect costs (Frick, Jensen, Quinlan & Wilthagen, 2008). "In 2000, the direct costs of workplace accidents in the European Union were evaluated at between 2.6 and 3.8 % of Gross National Product (GNP), and resulted in 158 million lost days of work." (Omnès, 2009, p. 62). In 2013, the ILO noted that approximately 4 % of the global Gross Domestic Product (GDP) disappeared with the costs of work injuries: the absence of workers due to occupational injuries, employment disabilities and survivor pensions, medical expenses, insurance claims, and the interruption of production and training of replacements. "For certain developing countries, the economic cost of workplace accidents alone may reach 10 % of GDP" (Konkolewsky, 2011, p. 2).

Moreover, there are many issues associated with the OHSIR (Konkolewsky, 2011). Organizations may, amongst other things, look for costs savings and time savings, as well as added value associated with worker motivation and satisfaction. Other added values relate to innovations in products and better corporate image. In France, for example, a sustained reduction of about 20 % per year in workplace accidents has allowed enterprises to be more competitive while proving that they are respecting occupational health and safety norms (Mouton, 2006). Munar's study (2010) provides several examples related to the OHSIR for 35 enterprises in Poland: 70 % of the enterprises have significantly diminished their accident rate, 50 % have reduced the number of workers in dangerous conditions, and 70 % enjoy lower insurance premiums. For their part, Marsden et al. (2004) have highlighted the advantages of efficient OHS management in British firms. Case studies in 19 public and private enterprises showed that OHS was improved and integrated into management systems. This proved beneficial for these firms in terms of both improved customer satisfaction and occupational health and safety.

⁴ Approximate translation: which were ignored/unknown thirty years ago, have increased 20 to 25% a year and comprise the vast majority of workplace illnesses.

⁵ Approximate translation: The arduous nature of work has been on the increase for twenty years [...], new forms of hardship have appeared, with the overexposure to stress and the accumulated mental demands involved in the activity.

For example, Rolls Royce recorded saving eleven million pounds through managing absences; for its part, British Polythene Industries saved £12 for every euro spend on improving manual handling. To address these challenges, the literature consulted has allowed us to determine that organizations use various approaches to the OHSIR.

2. Approaches to the Internal Responsibility System for Occupational Health and Safety

Different approaches to the OHSIR have been examined in the literature consulted. There is the regulatory approach, the economic approach, the occupational health and safety management system (OHSMS) and the sustainable development approach.

2.1 The Regulatory Approach

The regulatory approach stresses the application of regulations to prevent occupational risks. It puts forward legal measures and regulations adopted by states to prevent risks and dangers in the workplace. Even though prevention measures for work injuries started to be formally established in Europe in the 19th century (Berthelette, 2002), the regulatory approach really took flight in the 1970s and 1980s (Askenazy, 2006; Hogan & Kleiner, 2002; Lanoie & Strélski, 1995; Lippel & Caron, 2004; Pérusse, Desmarais & Cadieux, 2012). Thus, numerous labour code dispositions were devoted to OHS (Government of Canada, 1985, Art 124 and 136; République Française, 2013, Art. L. 312-1, L. 312-2, L. 312-3 and L. 312-6; République du Tchad, 1996, Art 226 and 231). Such dispositions forced these employers to protect their workers' lives and health by taking all appropriate means, and involving workers' representatives in the process of deciding on these means. The regulatory approach also relies on prevention mechanisms. In addition, an inspection-prevention system ensures the application of the legislation in organizations. Three models of inspection are identified within this approach (Pires, 2008; Piore & Schrank, 2008): dissuasive, pedagogical and mixed. The dissuasive or Anglo-Saxon model is an accusatory and specialized form of model which advocates sanctions to dissuade recalcitrant employers. It perceives the violation of the law as clearly intentional. The inspectors act as for monitoring of the law. They brandish the sanction as a means of dissuasion to force workers and their employers to apply the legislation. They are granted significant coercive powers, such as the issuing of injunctions and the imposition of fines. "In 2003, federal fines of United States inspectors reached 82 million dollars" (Askenazy, 2006, p. 74).

Emerging in the 1980s, the pedagogical intervention model is both a critique of and a response to the inadequacies of the dissuasive model. Also referred to as the Latin model (Piore & Schrank, 2008), it is characterized by the conciliation of efficient production and the protection of workers. Here, the inspection system is comprehensive and decentralized. Inspectors are flexible in their manner of applying laws and regulations. They position themselves as advisors who support and guide organizations through the OHSIR process. Based on the voluntary application of the legislation, this model takes into account each firm's socioeconomic context and particularities. The inspectors understand the spirit of the law before requiring its application by organizations. (Braithwaite, 2006; Gunningham & Johnstone, 1999; Hawkins, 2002). Proponents of this model think that a strict application of sanctions constrains inspectors in seeking solutions to violations of the law. It often provokes a certain reticence or even refusal to conform to the law within organizations. Finally, the mixed model combines the inspection roles. It reconciles the structures and organizational culture while ensuring that standards and economic development organizations. Inspectors assist, give advice, and provide legal and technical support to organizations, while sanctioning eventual transgressions. "A judicious combination of sanctions, advice and assistance is necessary if we wish to ensure sustainable respect for the legislation" (Pires, 2008, p. 245). With this model, a) companies demonstrate that they are receptive to change; b) inspectors learn about obstacles with respect to regulations (the characteristics of each sector and of each market); and c) inspectors develop or support technical or legal solutions allowing for the conciliation of respect for the legislation and economic constraints (Ibid., p. 245). In sum, although the regulatory approach has limitations, it remains a State prerogative. These limitations are, amongst others, related to the following elements: too few inspectors, insufficient control of existing risks, the emergence of new risks, and the exclusion of certain activity sectors such as small businesses, where the risks of accidents or illnesses are high (Champoux & Brun, 2008; Desmarais, 2013; Su, 2003; Tompa, Trevithick & McLeod, 2007; Tompa, Verbeek, Van Tulder & De Boer, 2010; Verbeek, Pulliainen, Kankaanpää & Taimela, 2010).

In addition, regulation sometimes gives rise to perverse incentives such as the temptation to reduce the costs of claims, the risk of falsification of registers of accidents, discouraging workers from making declarations, pressure on workers to return to work before they are fully recovered, and an inability to attack the deeper causes of work injuries or their partial treatment (Tompá et al., 2007). In addition, inspectors may lack experience or be limited in their ability to detect breaches of regulations because of their misconceptions of the operation of a business or the time constraints imposed on an inspection. Nonetheless, supporters of the regulatory approach believe that worker participation and employers' assumption of their responsibilities are essential to encourage the OHSIR within organizations. They cannot function without the protection of its stakeholders, including workers both recipients of the benefits of preventive measures, and potential victims in the event of their failure.

2.2 The Economic Approach

The economic approach to the OHSIR, for its part, proposes incentives to motivate organizations to become involved in the promotion of healthy and safe work environments (Elser & Eeckelaert, 2010; Elser et al., 2010; Kankaanpää, 2010; Tompa et al., 2007; Uegaki et al., 2010). It was developed in reaction to the limitations of the regulatory approach which it critiques. This approach rests on the assumption that economically motivated individuals and enterprises will adopt measures to improve working conditions and prevent the risks of work injuries. It tends to influence the behavior of employers, to support those who invest in OHS and enhance the performance of OHS organizations. Thus, the OHSIR is developed because of organizations' pecuniary motivation. In one study (Uegaki et al., 2010), 44 % of the 34 studies reviewed show the strength and relevance of economic incentives. Thus, these incentives contribute to enhanced company performance in terms of OHS, and encourage firms to become autonomous in its management. Economic incentives vary. They take the form of subsidies, financing, tax reductions and lower insurance premiums. According to the authors quoted above, determinants include the participation of enterprises, worker involvement and the efficacy of measures promoted in the workplace. The success of economic incentives is closely tied to the supply and demand for products, occupational health and safety services, and the knowledge of their objectives and the expected results.

2.3 The Occupational Health and Safety Management System (OHSMS)

The management system constitutes another option to provide support for the OHSIR (Frick & Kempa, 2011; Gamache & Pérusse, 2006⁶; Robson et al., 2007). This is an all-encompassing approach which goes beyond mere technical and behavioural aspects of prevention. The OHSMS emerged at the end of the 1990s in the context of continuous improvement inspired by the Deming wheel model "plan-do-check-act." Its implementation "was accentuated by being copied by other firms as a nascent managerial form." (Askenazy, 2006, p. 81) OHSMS is based on management involvement, worker participation and the importance of communication within a context of social dialogue to deal with issues of occupational health and safety (Gamache & Pérusse, 2006; Gey & Courdeau, 2005; Mouton, 2006; Munar, 2010; Ndjoulou & Pérusse, 2012⁷; Pérusse et al., 2012). A tool for the development of a culture of prevention, it is perceived as the principal strategy to reduce the grave socio-economic problems caused by poor worker health and safety conditions (Frick et al., 2008). For large firms, OHSMS leads to "increased of internal responsibility for OHS and fewer accidents, illnesses and demands for compensation claims" (Gamache & Pérusse, 2006, p. 17). With its major commercial and competitive advantages, OHSMS improves safety and workers' perception of workplace health and security, and increases their participation level in OHS activities (Frick & Kempa, 2011; Gamache & Pérusse, 2006; Ndjoulou & Pérusse, 2012). While big companies resort to OHSMS to preserve their reputation, small firms are constrained by financial resources. A lack of investment or a poor estimation of resources prevents the establishment of a system to encourage a true assumption of responsibility in this domain. In general, organizations which apply OHSMS are more productive, high performing, and competitive, and maximize their revenues and profits (Dobigny, Bianchi, Rio & Bohy, 2010; Marsden et al., 2004; Messier, 2009; Plante & Cloutier, 2007). Nonetheless, the OHSIR through OHSMS is not often seen, because certain organizations only resort to it for economic or public reasons, to the detriment of any improvement in OHS conditions. The adoption of OHSMS serves as a screen and saves on compensation, to make profits or to enter the market (Downs, 2003; Frick & Kempa, 2011; Gallagher, Underhill & Rimmer, 2001; Gey & Courdeau, 2005; Mouton, 2006; Savary, 2009).

⁶ Revue de littérature: Les systèmes de gestion de la santé et la sécurité au travail. Unpublished report, AON, Québec.

⁷ Revue de littérature: Les systèmes de gestion de la santé et de la sécurité au travail. Unpublished report, Université de Sherbrooke, Sherbrooke.

2.4 The Sustainable Development Approach: A Model Of Progression

More recently, a sustainable development approach emerged supported by a model of progression in five stages (Cadieux & Roy, 2012; Pérusse et al., 2012). The model of progression of the OHSIR is presented in ascending order, starting with the organization which is little or not at all concerned, reactive, accommodating, proactive and generative organizations.

An **organization little or not at all concerned** is the designation for the type of organizations underestimating their OHS obligations. It is more concerned about the economic profit. Even if this type of organization feels that OHS does not affect them, it is well known that no one can ignore the law. "Une telle ignorance peut entraîner des coûts importants⁸" (Pérusse et al., 2012, p. 404).

A **reactive organization** develops a loss of control culture and assimilates OSH expenditure without immediate profit. As part of an approach involving routinely contesting OHS cases, it is only interested in prevention in cases of work-related injury or external constraints (Desmarais, 2013).

An **accommodating organization** has a culture of conformity. It invests in OHS when this is obligatory or when it generates a profit. It "accommodates itself to OHS rather than genuinely assuming responsibility for it. It has established prevention mechanisms, but these mechanisms have not yet become common management practices" (Pérusse et al., 2012, p. 404). It is satisfied with conforming to the law without a genuine investment in OHS unless it is obligatory or clearly profitable.

The **proactive organization** works on a culture of OHS by anticipating its problems. It treats OHS as an investment and, with its high level of social consciousness; the organization becomes a role model in its environment. OHS is a value integrated into all the organization's business practices (strategic planning, human resource management, change management, management of subcontractors, supply management, and research and development). Actions taken are to consolidate existing practices.

Finally, the **generating organization** is in the forefront of OHS. It is a perpetual concern, and all its decision-making phases encompass OHS. It systematically invests resources and energy in prevention through putting in place risk analysis tools and mechanisms to resolve the problems encountered. Workers' health and safety are a measure of productivity and survival. Its development activities extend to the systematic analysis of incidents to improve management in general and OHS management in particular.

Conclusion

A crucial challenge to be confronted is persuading organizations to accept responsibility for OHS. Studies show an evolution in their approaches. While complementary, these approaches have evolved separately in each showing their limitations. The regulatory approach, though still favoured by states, seems to be becoming less prevalent. Inspectors are understaffed and legal preventive measures are fairly applied as demonstrated by the proponents of the economic approach to justify the development of their model. In focussing solely on pecuniary motives, the economic approach seems to put aside the complexity of OSH and occupational risk prevention. Similarly, the OHSMS, while stressing worker participation, employer commitment and the need for social dialogue about OHS, does not sufficiently integrate health concerns in the workplace. After describing organizations from a sustainable development approach, Pérusse et al. (2012, p. 415) concluded that it was necessary to "trouver de nouvelles façons de faire, de nouvelles pratiques de gestion, de nouvelles méthodes d'intervention, des améliorations à nos SGSST⁹". These comments show the need for a new collaborative approach that would harmonize the success factors of the above approaches presented. Concretely, we must develop a model which would, at the same time, would value the role of external interveners, the importance of economic incentives, and the commitment of managers and worker participation in a context of organizations engaging in constructive social dialogue about the OHSIR. The objective of this new process is to perceive inspectors as counsellors for organizations in their process of developing the OHSIR.

⁸ Approximate translation: Such ignorance can lead to major cost.

⁹ Approximate translation: find new ways of doing things, new management practices, and new methods of intervention, and improvements to our OHSMS.

As little research has shown the real contribution of external interventions and organizational practices in a sustainable practice of an OHSIR, new research would be useful in developing this collaborative process. It is important to seek greater understanding of the factors contributing to organizations' acceptance of responsibility for OHS. The state, through the CSST, remains a major actor, along with workers and employers. Hence the need to study the state's intervention methods to provide a more consistent approach in the context of sustains OHSIR. Also, an OHSIR is established when workers and managers assume responsibility for acting effectively against the bane of work injuries and occupational diseases. Only true determination on their part can overcome this scourge. These actors may find appropriate solutions on condition that they are well-prepared beforehand. Organizations should relearn the best way to take responsibility for OHS to promote healthy growth and greater productivity. Although the level of OHSIR is based on the size and business resources. (Desmarais, 2013), but the state should invest more in focussing on the OHSIR to reduce work-related accidents and illnesses and support organizations in this process. Leaving the prevention of occupational risks to employers alone amounts to subordinating human life to economic imperatives. Knowing that sustainable development falls within social, environmental and economic domains, the State must exercise a referee to ensure the well-being of workers.

Acknowledgement

This paper is made possible through the support from the Fonds de recherche du Québec - Société et culture (FROSC).

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