Relations industrielles
Industrial Relations

Sandra DAWSON, Paul WILLMAN, Martin BAMFORD, Alain CLINTON : *Safety at Work : The Limits of Self Regulation.* Cambridge, Cambridge University Press, 1988, 310 pp., ISBN 0-521-35497-8

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Cite this review

Labour Law and Industrial Relations in Canada, by H.W. Arthurs, D.D. Carter, F. Fudge
and H.J. Glasbeek, 3ᵉ édition, Toronto, Butterworths, 1988, 341 pp.,
ISBN 0-409-88891-5, ISBN (Kluwer) 90 6544 389 4

Cette troisième édition réitère la substance des deux précédentes, respectivement recensées
à (1986) 41 **Relations industrielles** 197 et à (1982) 37 **Relations industrielles** 241. Rappelons ici
simplement que cet ouvrage, tiré de l'**International Encyclopaedia for Labour Law and In-
dustrial Relations,** que dirige le professeur Roger Blanpain et que publie la maison Kluwer,
constitue une très utile synthèse des principaux aspects du droit canadien du travail, particuliè-
rement en ce qui a trait à l'ordre des rapports collectifs. Le lecteur, étranger surtout, appréciera
une excellente mise en contexte de ce droit au regard des caractéristiques dominantes de l'éco-
nomie et de la société canadiennes, y compris des données essentielles sur le système politique et
sur la réalité du syndicalisme canadien. Nous devons toutefois continuer de lui reprocher, d'un
point de vue scientifique, une analyse juridique de l'arrière-plan législatif du rapport individuel
(v. en part. les pp. 91 à 147) et des relations collectives de travail (v. en part. les pp. 247 et sui-
vantes) exclusivement basée sur la **Common law,** à l'exclusion de l'«autre» système de droit
privé du pays.

Les ajouts les plus intéressants de cette nouvelle édition tiennent compte des récents arrêts
de la Cour suprême du Canada relatifs à la **Charte canadienne des droits et libertés (Dolphin
Delivery, Re Public Service Employee Relations Act (Alberta)...),** de même que de l'influence
grandissante des législations relatives aux droits de la personne et à l'égalité, notamment pour
ce qui est de la formation et du contenu du contrat de travail (pp. 84 et suivantes). On trouve
aussi une amplification intéressante au sujet des enquêtes et examens imposés par l'employeur
au salarié (pp. 86 et suivantes).

Tout en conservant les indéniables qualités de clarté et de synthèse de l'ouvrage, une édi-
tion ultérieure pourrait réserver une plus large importance aux décisions du Conseil canadien
des relations du travail et des instances québécoises. En passant, n'y aurait-il pas aussi avan-
tage, en particulier pour le lecteur étranger, à citer la jurisprudence, notamment celle de la
Cour suprême du Canada, à partir des recueils officiels, au lieu de se référer surtout à des com-
pilations commerciales?

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Safety at Work: The Limits of Self-Regulation, by Sandra Dawson, Paul Willman, Martin
Bamford and Alan Clinton, Cambridge, Cambridge University Press, 1988, 310 pp.,
ISBN 0-521-35497-8

Since the 1970s, governments in England, Canada and many other western countries have
chosen to promote self-regulation as a major component of their occupational health and safe-
ty policies. That is, they have endorsed an approach to regulation in which the role of the state
is to mandate or encourage the development of institutional arrangements in which employers
and workers can be left to develop and implement the substance of regulatory policy. At the
local level, this is reflected in statutes which require the creation of joint worker-employer
health and safety committees and/or worker representatives, while at the national or provincial
level, representatives of labour and capital are provided the opportunity to participate in the
formulation of standards. Enthusiasm for this approach seems to be growing despite the
absence of research evaluating its effectiveness. For example, in the spring of 1989 the govern-
ment of Ontario introduced Bill 208 which contained a blueprint for the future development of
occupational health and safety regulation characterized by more self-regulation.

Thus, this book appears at a crucial time politically and makes an important contribution to the debates which have been generated in a particularly sharp form in Ontario, but which are also taking place in other jurisdictions. Although the study analyzes the experience of the United Kingdom under the **Health and Safety at Work Act,** (HASAWA), the regulatory regimes in Canada are sufficiently similar so that the issues examined are familiar and the analytical framework easily transferable.

Following a brief introduction to the philosophy of self-regulation and worker involvement embraced by the influential **Report on Safety and Health at Work** issued in 1972 and a description of the legislation it generated, HASAWA, the authors assess the impact of this regulatory regime on accident rates and on the development of safety institutions. While recognizing the difficulties involved in trying to measure safety performance on the basis of reported accidents, especially in the context of changing industrial and institutional structures and legal reporting requirements, the authors nevertheless conclude that in the five year period after the Act there was a significant decline in the rate of serious and fatal accidents. However, they find that this trend has not continued into the 1980s and that, indeed, in the manufacturing and construction sectors, there has been a significant rise in the combined rate of serious and fatal accidents. Over the same period, they find that institutions of worker involvement have expanded. These findings raise serious questions regarding the effectiveness of self-regulation which the authors pursue in their case studies of the chemical, construction and retail sectors. Rather than review those studies, it would be more useful to discuss the analytic framework used by the authors and the general conclusions that they reach.

In chapter seven, the authors sketch out a model of effective local self-regulation. Underlying that model, however, is an understanding that in order for safety regulation to be effective, two conditions must be satisfied. Employers and managers must have both the motivation and the capacity to implement a safety policy. In the authors view, then, an analysis of the limits of self-regulation entails an examination of the factors which influence motivation and capacity. These include the legal and political environment generally, as well as economic conditions, industrial structure and industrial relations, and managerial organization. One of the most important conclusions they reach is that «the institutions of workforce involvement are secondary to management organisation in the specific sense that they depend for their effectiveness on management commitment which in turn relies on management accountability» (p. 249). In other words, we cannot rely on the development of workforce involvement as the primary means for creating responsible and effective local safety organizations. It is interesting to note that this conclusion is consistent with the finding of the study of joint health and safety committees in Ontario commissioned by the Advisory Council on Occupational Health and Occupational Safety that management health and safety orientation was a critical factor in the successful functioning of such committees. (ACOHOS, **Eighth Annual Report,** Vol. 2, 1986). Health and safety officials in Sweden, where workers have a greater level of involvement than in either the United Kingdom or Canada, have also reached the same conclusion.

The policy implications of this finding are that regulators must identify and pay more careful attention to the factors which influence employer motivation and increase accountability. One possibility is to increase workforce involvement to the point that it could effectively influence management decision-making at the highest levels. Based on the Swedish experience, this option would require the conferral of even greater participation rights than Swedish workers currently enjoy. The vociferous employer opposition to the limited expansion of worker rights contained in Bill 208, suggests this option would be politically unacceptable in Canada. A second option is for the state to prescribe the form of management safety organization and the level of resource allocation but, again, the political environment is probably

precludes such measures. A third option is to make it clear to employers that they will be held accountable for failures of self-regulation by regulatory authorities. Somewhat paradoxically, it may be that effective self-regulation by requires stronger external regulation.

In sum, this study makes it clear that self-regulation is not a panacea and that its effectiveness is influenced by a broad range of general and specific factors. If they cannot be manipulated in ways that produce the necessary levels of motivation and capacity, then the viability of self-regulation as a strategy to reduce death and injury in the workplace is in doubt. The analytic framework developed by the authors and the insights they generate will be of interest to all who are concerned with self-regulation generally and occupational health and safety regulation in particular.

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The Individual, Work and Organization. Behavioural Studies in Business and Management Students, by Robin Fincham, and Peter S. Rhodes, London, U.K. Weidenfeld and Nicolson, 1988, pp. xiv- + 336, ISBN 0-297-79139-7

This is an interdisciplinary perspective ranging across individual, group, occupational, and organizational levels of analysis. Individual chapters cover the acquisition of skill, stress, individual differences among employees, needs at work and their satisfaction, social skills, group processes, inter-group behaviour, leadership styles and training, alternative work design, the control of work, emerging forms of work organization, the impact of technology, workplace resistance and conflict, the labour market, professionalism, patterns of female employment and adaptation of women to work, the effect of microelectronics, bureaucracy and work control, performance, power and conflict, decision-making.

The theoretical basis of learning is focused either on external conditions (stimulus-response) or internal conditions (cognitive processes). Generalization and discrimination both are much valid in the conditioning process. Organizations are quite often so shaped that an adequate work motivation becomes impossible: people are misinformed what actually counts in rewards, hard work is punished, group incentives weaken the link between individual performance and reward, the role of financial rewards is exaggerated, the desirable performance is rather punished than rewarded, contingencies are unclear, rewards are insufficient.

In the process of skill acquisition people develop a mental model of the systems they interact with. They react to the systems according to the perception of constancies, invariants in events, and the growing selectivity of attention. Constructing models of the environment allows to categorize and store inputs as well as it reduces the demand on memory (short term or long term). The development of human skills is a very important factor of improving organization. The much limited scope of skills empoverishes much the perspective of people and their ability to adapt to innovations. It is difficult to reinforce human eagerness to do things without much focus on skill learning.

The lack of fit between a person and the environment appears as stress. The boundary-spanning roles are particularly vulnerable in this respect. People quite often feel to be locked into roles and do not know how to overcome this oppression. The decisional stress leads only in some cases to a careful search for relevant information followed by a thorough appraisal of the alternative (vigilance); it is not unusual to dwell on the worst possible alternatives.