



# An evaluation of the effects of the occupational safety and health inspectors' supervision in workplaces



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## ABSTRACT

The aim of this study was to investigate the effects of the administrative supervision of occupational safety and health (OSH) inspectors in the workplaces that they inspect. In the questionnaire survey, the respondents were OSH managers and workers' OSH representatives in the chemical companies' plants. For workers, the aggregated variable 'General OSH enforcement operations' was positively related to the aggregated variable 'Effects of the current OSH inspection'. In contrast, for the OSH managers, the corresponding data did not reveal any correlation. The professional competence in carrying out the OSH inspections was positively related to the different variables of the aggregated variable 'Effects of the current OSH inspection (Outputs)'. In contrast, for the workers' OSH representatives, the analysis failed to confirm this relationship. The present findings are that OSH managers and workers' OSH representatives desired that the OSH inspector should follow up more effectively that OSH management systems are being implemented in practice. They should provide more advice to workplaces in order to help them to exceed the minimum level laid down by law. Workers' OSH representatives expressed clearly that the OSH inspector should more often impose binding obligations. The professional skills of the OSH inspectors need to correspond better to the needs of today's working life and to be able to react to system changes in the workplaces. The OSH enforcement approach should become more uniform and be harmonized between the individual OSH inspectors and the OSH agencies. The development of the quality of OSH inspections and the professional competence of inspectors are important aspects from the point of the effectiveness.

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## 1. Introduction

Occupational Safety and Health (OSH) Convention of International Labour Organization (ILO, 1981a) Article 9 stipulates that the enforcement of laws and regulations concerning occupational safety and health and the working environment shall be secured by an adequate and appropriate system of inspection. Furthermore, according to Article 10, measures shall be taken to provide guidance to employers and workers in order to help them to comply with their legal obligations. In addition, Article 20 stipulates that the co-operation between management and workers and/or their representatives within the undertaking shall be an essential element of the organizational and other measures taken. The promotional Framework for OSH Convention (ILO, 2006) Article 2 stipulates that Each Member shall take active steps towards progressing to a safe and healthy working environment through a national system and national programmes. OSH Recommendation (ILO,

1981b) stipulates under 'Action at the National Level' that the competent authority or authorities should from time to time review legislative enactments concerning occupational safety and health and the working environment, and provisions in the light of experience and advances in science and technology. Furthermore, OSH Recommendation (ILO, 1981b) stipulates that the competent authority should provide information and advice, in an appropriate manner, to employers and workers and promote or facilitate co-operation between them and their organizations. Despite reform of OSH regulation, the general philosophy behind enforcement of OSH laws has remained more or less unchanged for decades (Mischke et al., 2013). One distinguishing feature in the changes occurring in OSH-related regulations in most countries in recent decades has been its shift from its previous prescriptive approach with legally binding detailed, technical standards outlining specific safeguards towards a more proactive process-based approach (Walters et al., 2011). The systematic, competent and well-resourced management of OSH required by regulation and specified in voluntary standards for OSH management systems requires the input of considerable resources from organizations. Legislation represents a legal basis for enforcement to obtain compliance and to change

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the way employees and employers conduct themselves in relation to OSH (Mischke et al., 2013). The results of Levine et al. (2012) indicated that randomized OSHA inspections could reduce the workplace injury rate and injury cost. Thus, when compared with controls, randomly inspected employers experienced a 9.4% decline in injury rates and a 26% reduction in injury costs. Finally, since injuries are not the only outcome that might be affected by OSHA inspections, Levine et al. (2012) analyzed employment, company survival, and compensation to try to identify any unintentional harms from inspections. The regression analyses detected no evidence that random OSHA inspections had any detrimental influence on employment, payroll, or sales (Levine et al., 2012).

One could anticipate that OSH inspections and enforcement of OSH regulations should prevent illness and injury at work. The effect can be considered to emerge from the combination of regulatory intervention, labour market actions, professional and managerial initiatives and expertise, technological innovations, economic restructuring and enforcement activities in OSH (Walters et al., 2011). When safety is controlled by numerical performance objectives as is the case with generic regulation, safety becomes just another criterion of a multi-criteria decision making and it becomes an integral part of normal operational decision making within the line organizations (Rasmussen, 1997). Walters et al. (2011, p. 59) indicated that some firms will comply with OSH legal requirements out of a sense of duty, others if they can see a 'business benefit'. For this reason, credible enforcement must include a significant deterrence component, but this must be targeted to offenders and circumstances where 'advice and persuasion' have failed, and where deterrence is likely to be most effective. In the USA, Shapiro and Rabinowitz (1997) found that OSHA agencies could also improve the effectiveness of cooperative approaches by involving regulatory beneficiaries and that long-term incentives could encourage managers to voluntarily obey these rules. Especially, the health consequences of psychosocial risks and musculoskeletal disorders and their causes pose further challenges for conventional regulatory inspection since they are not amenable to the technical solutions with which conventional inspection and enforcement is perhaps most familiar (Walters et al., 2011, p. 302).

Finnish OSH Policy (2011) incorporates the national policy referred to in the Convention of the International Labour Organization ILO (ILO, 2006), the Promotional Framework for OSH (Convention no. 187). The Council of the European Union (European Parliament, 2008) has in its resolution on the community strategy on OSH emphasized drawing up and implementing national strategies. The strategy of the Ministry of Social Affairs and Health as well as the policies for the work environment and well-being at work form the basis for defining Finland's position on the new strategy of the Commission. The European Commission monitors the implementation of the Union's strategy on OSH. The enforcement of OSH is also monitored by the European Union, with the EU's Senior Labour Inspectors' Committee carrying out benchmarking of the activities of the Member States' OSH administrations. The first step in the Finnish OSH Policy (2011) in fulfilling the vision and reaching the objectives is that the workplaces meet the minimum requirements of legislation and provide that the basic conditions are in order. In addition, the regional OSH authorities enforce compliance with the relevant legislation in workplaces using diverse methods. Walters et al. (2011, p. 57) argued that the targeted inspection strategies are sensible approaches to risk control, but if they are developed by policy-makers without the benefit of understanding from experienced field inspectors concerning what really works in practice, then their impact and effectiveness will at best be limited.

For example, in the UK, Löfstedt (2011, p. 36) suggested that the broad goal-setting approach at the core of health and safety regulation should ensure that it is adaptable to different risks and working conditions and that the measures employers need to take

to comply should be proportionate to the risk. Furthermore, there needs to be guidance and tools provided to the OSH inspectors to ensure that the enforcement policy represents a practical approach to help organizations comply with health and safety law (Löfstedt, 2011). This can only be achieved by ensuring their competence (Löfstedt, 2011): i.e. it focuses on compliance and avoids unnecessary duplication; is proportionate to the risk; maintains health and safety standards; and preserves important information that has been developed over many years and which currently works for stakeholders. In the USA, the Voluntary Protection Programmes (VPP) of the OSHA (2013) promotes effective worksite-based OSH. In the VPP, management, labour, and OSHA establish cooperative relationships at workplaces that have implemented a comprehensive safety and health management system. The approval of incorporation into VPP is OSHA's official recognition of the outstanding efforts of employers and employees who have achieved exemplary OSH.

Walters et al. (2011) indicated that a recent addition to the work done by the OSH inspectorates is inspection of an organization's OSH management system. This is a consequence of recognition that some of the limitations in regulatory strategies can be traced to the way that employers manage the work environment so that it will improve overall OSH. Although a commercial enterprise may not have any short-term incentives to comply with OSH agency regulations, managers also have long-term incentives that induce compliance (Shapiro and Rabinowitz, 1997). Companies may sense that the long-term gains such as maintaining their reputation as a law-abiding corporate citizen may outweigh the short-term gains from regulatory non-compliance (Shapiro and Rabinowitz, 1997). In the light of such attitudes, cooperation between the OSH inspectors of the OSH divisions of the Regional State Administrative Agencies and workplaces should increase OSH compliance. In the enforcement, impact-oriented objectives are emphasized. The competence of authorities meets the clients' needs and expectations. OSH authorities transmit knowledge and give support to workplaces. An accommodative or compliance strategy of enforcement is cooperative and conciliatory in style and its aim is to secure compliance through the correction of existing problems and, above all, to prevent other problems from developing (DeBaets, 2003).

OSH Convention of International Labour Organization (ILO, 1981a) Article 4 stipulates that Each Member State shall, in the light of national conditions and practice, and in consultation with the organizations of employers and workers, formulate, implement and periodically review a coherent national policy on OSH. The target stated in the Finnish OSH Policy (2011) in 2020 are as follows (the figures show the difference as compared to the year 2010): (1) the number of occupational diseases decreases by 10%; (2) the frequency of workplace accidents is reduced by 25%; (3) work-related harmful strain is reduced – (3a) Perceived physical strain is reduced by 20% and (3b) Perceived psychic strain is reduced by 20%.

In general, one common feature has been the recent strategic interest among regulatory authorities to achieve greater concentration on measurable outcomes in relation to OSH performance. To some extent this is a reflection of the wider concerns of new public sector management, which are related to the need for evidence-based planning and the requirement for greater accountability in resource deployment (Walters et al., 2011, p. 287). This requires that the inspectorate will have to re-evaluate and develop its inspection strategies, tactics and methods in line with the logical and practical consequences of the new strategy. At the same time, inspection on the ground seems to have been increasingly constrained by the need to meet governmental performance targets as well as by new methods of conducting and reporting inspections (Walters et al., 2011, p. 91).

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