Safety Science 109 (2018) 294–302

Contents lists available at ScienceDirect

Safety Science

journal homepage: www.elsevier.com/locate/safety

An exploration into the implications of the 'compensation culture' on construction safety

David Oswald[a,*], Fred Sherratt[b], Simon Smith[c], Andrew Dainty[d]

[a] The Centre for Construction Work Health and Safety Research, School of Property, Construction and Project Management, RMIT University, Melbourne, Australia
[b] Engineering and the Built Environment, Anglia Ruskin University, Chelmsford Campus, Bishop Hall Lance, Chelmsford, Essex CM1 1SQ, UK
[c] School of Engineering, University of Edinburgh, William Rankine Building, West Mains Road, Edinburgh EH9 3JFG, UK
[d] Loughborough University, School of Architecture, Building and Civil Engineering, Ashby Road, Loughborough, Leicestershire LE11 3TU, UK

ARTICLE INFO

Keywords:
Compensation culture
Safety
Applied ethnography

ABSTRACT

In UK society there has been a growing perception that unjustified, frivolous or fraudulent legal claims are being made following safety accidents or incidents, in what has become known as a 'compensation culture'. Participant observation of construction practice during a three year period enabled the unpacking of the complexity of the compensation culture as manifested on a large construction project (+£500 m) in the UK, and revealed associated implications for safety management. The wider social perception a compensation culture exists in UK society was also found to being the case in the more narrow setting of this construction site, as making fraudulent compensation claims against their own organisations was a socially acceptable behaviour within some front-line workgroups. The organisation recognised this and took numerous steps to protect themselves from potential liability; which was unhelpful for safety, as actions were more about managing potential claims, than managing safety. This study demonstrates that the way H&S is viewed in a wider social context can influence the way H&S is managed in organisations, has provided deeper socio-cultural understanding into the complexity of safety practices, and raises important questions about our research approaches, which have traditionally focused in positivist roots, and have been unable to holistically capture social aspects that influence safety.

0. Ethnographic prologue

I was sitting in the back of the health and safety (H&S) department's van, while the H&S manager and an H&S advisor chatted in the front of the vehicle. We slowly drove along the haul road towards the main office, coming back from a H&S inspection on the site. We then noticed a subcontractor's articulated lorry, a damaged client vehicle and four individuals standing by the side of the road – we had just missed a collision. We pulled over, got out, and the H&S manager immediately asked whether any of the three client representatives or the subcontractor's truck driver were hurt – thankfully they were all fine. The H&S manager then asked me to gather the names of the individuals involved. I reached into my pocket, pulled out the site inspection sheet from our visit, and jotted down their names. While the H&S professionals inspected the minor damage to client's van, I began chatting with Sam, the truck driver. He explained that he had been reversing in order to make the appropriate angle to turn a corner. He had checked his mirrors, but they must have been so close to him that he couldn't see them in his mirror, and that he stopped when he 'felt it'. He shook his head, let out a large exhale and said 'I spoke to my gaffer (manager) on the phone. He was going mental (very angry)… Called me an idiot…these things would only happen to me'.

*Sam and I got back into the van with the H&S manager and H&S advisor. Soon after we began driving back to the main office, Sam started to defend his case: 'I checked my mirrors but couldn't see them, there is no way they should have been that close to me… but I'm f**ked 'cause there is three of them, nobody is going to believe me over them'. The H&S advisor responded: 'we will get his all down on a statement when we get back to the office'. Sam looked at me in the back seat, (with a smile while shaking his head) and again repeated 'it would only happen to me'.*

The H&S manager, advisor, three employees of the client, Sam and I walked together into the H&S office. The other H&S professionals in the room stopped typing, and seemed to perk up. They knew something was wrong, but didn't know the extent of it. I sat with Sam as the H&S advisors prepared the documentation for the witness statement. Sam was of similar age to me and I felt comfortable in his presence. He turned to me and (referring to the office management staff) said 'after I hit him, I had never seen so many white hats… they all just seem to come out of nowhere'.

The H&S manager asked me to fill out a witness statement as I had been

* Corresponding author.
E-mail addresses: david.oswald@rmit.edu.au (D. Oswald), Fred.Sherratt@anglia.ac.uk (F. Sherratt), Simon.Smith@ed.ac.uk (S. Smith), A.R.J.Dainty@lboro.ac.uk (A. Dainty).

https://doi.org/10.1016/j.ssci.2018.06.009
Received 13 October 2017; Received in revised form 2 May 2018; Accepted 17 June 2018

involved. I looked down at the piece of paper in front of me, and it felt like I had been involved in a crime. It was daunting enough and I hadn't even been directly involved in the accident. I wondered how Sam felt. I glanced over to see him slouched down by the H&S manager's desk, looking deflated and defeated. I grabbed the box of chocolates on the desk in front of me, walked over to Sam and offered him one, but H&S advisor sharply intervened, 'he can't have that – after an accident he can't eat or drink till he's been D and A tested'. I apologised, sheepishly sat back down, and began to fill out my witness statement.

*Suddenly, one of the client's representatives stopped writing his statement, and said 'I don't feel very well.' I quickly looked up. One H&S advisor rolled his eyes, but the H&S manager without hesitation stated: 'We need to take him to hospital immediately.' One of the H&S advisors that hadn't been involved in the incident escorted the client's representative out the office and took him to the hospital. After they left the room, another H&S advisor muttered 'here we go…' I finished my statement, and left the H&S office with a trainee H&S advisor. He turned to me as we were walking down the steps and said 'I'm done with this health and safety. There's so much bulls**t.'*

I began to reflect. The subcontractor supervisor was blaming his truck driver for the incident. The driver was blaming the client for being too close. The client blamed the truck driver for the collision. The principal contractor distanced themselves by managing the situation through very formal systems and protocols. But did any of these actions really help safety? It was lucky the truck only reversed into another vehicle, rather than a person. Had we reduced the risk of re-occurrence? There was never any in-depth investigation into whether there had been effective communication of the truck movements in the area; or whether the haul road could be re-designed to make it easier for trucks to turn; or whether this truck movement was a regular occurrence or a one-off. Instead there was isolation rather than togetherness, conflict rather than problem-solving, blame rather than trust; driven from an overarching awareness amongst all people and parties that there could be claims for accident compensation made. This was 'safety', and the so-called compensation culture was playing a major role.

1. Introduction

The opening ethnographic extract describes the lead author's experiences on a construction project (+500 m) in the United Kingdom (UK). The research involved several short-term ethnographies, carried out during a wider three year study. Over this period, there were approximately 1100 employees working on the project, and the researcher essentially became a member of the H&S department, using H&S advisors as gatekeeper to ease access to different workgroups and site areas on what was a large project, both graphically and in value. Through 'being there' over a considerable period of time, and being armed with the right theoretical tools and insights to understand the prevailing culture in new theoretically informed ways, various themes emerged from the researcher's experiences. A prominent theme was the perception of a 'compensation culture' on the site, and the consequences this had for safety management in practice.

A 'compensation culture' is the term used to imply that within a society, a significant number of claims for compensation are unjustified, frivolous, or fraudulent (BRTF, 2004). The notion of a compensation culture as a social problem has been prominent in UK public debate for more than three decades (Quill and Friel, 2016), and whilst there is a growing body of research to suggest that the compensation culture in the UK is one of perception rather than reality (BRTF, 2004; Williams, 2005; Williams, 2006; Lewis et al., 2006; House of Commons, 2006; Hand, 2010; Hyde, 2013), such wider social considerations can still have significant influence on safety and safety management within the work environment, including on construction sites (Sherratt, 2016).

Such concepts are often extraneous to the work at hand, and perhaps unsurprisingly construction safety research has historically focused on the wide range of tangible and clearly applicable areas including accident causation (Mitropoulos et al., 2005), culture (Choudhry et al., 2007), leadership (Kines et al., 2010), design (Behm, 2005) and metrics (Lingard et al., 2017). Yet the industry does not operate in a vacuum, and broader social phenomena of interest should arguably be acknowledged and empirically explored. Consequently, the aim of this paper is to empirically unpack the complexity of the 'compensation culture' phenomenon within this context; in terms of its existence, manifestation, the implications it has for organisational practice, and the consequences for safety management. This will enhance our practical understandings of this nebulous concept by providing insights into how it 'works' in practice on a large UK construction site.

Mobilising an ethnographic approach, drawing upon various strands of safety theory and weaving in empirical findings, a dialogue is set up that continually relates theory to the practice as observed and experienced. From these intense research experiences, deep, and fine-grained ethnographic insights can reveal subtle, nuanced and pertinent understandings that can otherwise be overlooked in research knowledge. In this case it reveals how the 'compensation culture' phenomenon was manifested, experienced and how it shaped aspects of safety behaviour on a large multinational construction case-study project (+£500 m) in the UK.

2. Limitations of construction safety research literature

There has been a predisposition to understand the construction industry through the quantitative methods of the natural sciences (Love et al., 2002). Phelps and Horman (2010) concluded that such traditional construction research methods have enabled a focused but narrow understanding, and they are not adequate to investigate the complex interactions that lead to many of the industry's pervasive social and technical problems. More specifically to construction safety, Zou et al. (2014) highlighted there may be a gap between the direction taken by researchers and the practical needs in the construction industry. Their review of construction safety research papers suggested that researchers predominately adopt an objectivist, philosophical standpoint. Zou et al. (2014:325) concluded that: 'although this approach has value, it is also necessary to realise that safety learning is a process that takes place among and through interactions with other people and artefacts on construction sites'. It can therefore be suggested that such positivistic approaches are over precise, do not account for uncertainty of social life, lack detail and depth of social action and fail to acknowledge the researcher-researched interaction in the production of social knowledge (Pole and Morrison, 2003).

Dainty (2010) highlighted that concern is raised when such theoretical approaches are applied to social aspects of construction and, in particular, to people. The processes in construction industry are carried out by people in social settings through social engagements, as influenced by wider social phenomena, and construction is therefore is very much a people industry (Barrett and Sutrisna, 2009). Seymour et al. (1997) also pointed out that the 'object' of the research in construction management is usually people. Safe and unsafe actions are committed by people, and are deemed as being safe or unsafe by people. They can be committed in social engagements (e.g. a supervisor telling a worker to do a task they are unskilled for) and in social settings (usually the construction site or office). Therefore, it is arguable that research approaches should be sufficiently broad and diverse in order to capture and develop knowledge that is able to draw on these social perspectives, as well as those from natural science settings that enable us to quantify and measure.

However, the dominance of the 'traditional' positivistic approach can be seen in the ways in which we research safety in practice. For example, focusing on measurable and quantifiable problems, such as accidents and causality – as encompassed within the Safety I approach as labelled by Hollnagel (2014), inevitably limits the breadth and depth of understanding of the wider contexts that surround safety