

Contents lists available at [ScienceDirect](https://www.sciencedirect.com)

Resources Policy

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

The role of workplace health and safety representatives and the creeping responsabilisation of occupational health and safety on South African mines

Nancy Coulson

Centre for Sustainability in Mining and Industry, School of Mining Engineering, Faculty of Engineering and the Built Environment, University of the Witwatersrand, Johannesburg, South Africa

ARTICLE INFO

Keywords:

Occupational health and safety
Worker representation
Regulation

ABSTRACT

ILO Convention 176 provides for worker selected health and safety representatives (HSRs) with which the South African Mine Health and Safety Act (MHSA) No 29 of 1996 as amended complies. Although arrangements for worker consultation is well established in other industrialised contexts worldwide, it is threatened by neo-liberalism and a trend within occupational health and safety (OHS) regulation described as ‘*responsibilisation*.’ This paper examines the experience of South African HSRs in relation to this globalised context. In-depth, semi-structured interviews (n = 37) and short telephone interviews (n = 53) were conducted at four large underground mines (platinum, gold and diamond) with workplace HSR (n = 25) between February 2015 and June 2016. Interviews explored HSR perceptions of their preparation, day-to-day activities, context and experience of OHS transgressions. Interviews were translated, transcribed and thematically analysed (Max QDA 12). A four domain framework was developed to encapsulate the experience of HSRs, that left them feeling accountable, or having to account, for the OHS transgressions of co-workers, and in some instances, facing employer action against themselves. The term ‘*creeping responsabilisation*’ was introduced to describe the slide towards HSRs holding responsibility for OHS transgressions in place of the employer. The pre-conditions for autonomous worker representation in South Africa are judged to be insufficient which holds lessons for other African states wishing to strengthen their own commitments to OHS.

1. Introduction

The African Union (AU), Mining Vision (2009) charts the way forward for mining on the continent, as a road towards economic development and industrialisation, albeit not at the expense of a “*sustainable and well governed*” sector, that is amongst other criteria “*safe*” and “*healthy*” (African Union, 2016). Over the last decade, the rush for economic growth on the African continent, where the pressure for job creation and poverty alleviation is palpable, can deflect attention away from the goal of a safe and health workplace. Occupational health and safety (OHS) has a poor base in Africa, especially if the workplace is hazardous. In many instances, OHS legislation is incomplete or outdated, there is a lack of enforcement by labour inspectorates, and reported data on accidents and occupational disease is low (Alli, 2008). As a consequence, strengthening a complementary vision for the effective delivery of OHS in African mining is crucial to meeting the aspirations of the AU.

The post 2015 Millennium Development Goals’ context has propelled the ILO Decent Work Agenda centre stage through its

endorsement in new Sustainable Development Goal (SDG) #8 (ILO, 2015). This Goal sets out to right the inequalities of globalisation and recognises the centrality of workplace OHS to do this. The ILO has a series of conventions, recommendations and codes of practice in support of this, of which the most important convention in mine OHS, is the Safety and Health in Mines Convention 176, 1995 (ILO, 1995). Embedded in C176 are tripartism for sound governance, and the protection of worker rights, including the freedom of association and the right to collective bargaining, and OHS rights such as the right to refuse dangerous work. C176 acknowledges the rights of workers to, “*genuine consultation on and participation in the preparation and implementation of safety and health measures,*” (Preamble) and Article 13 thereof, provides workers with the right to collectively select health and safety representatives (HSRs). However ratification of C176 is limited in Africa (six countries only; South Africa, Botswana, Zambia, Zimbabwe, Morocco and most recently Guinea) and thus not only is mine OHS regulation immature on the continent, correspondingly the practice of worker selected HSRs on African mines is fledgling. This paper is an early contribution to building empirical evidence in support of the

E-mail address: Nancy.Coulson@wits.ac.za.

URL: <https://www.wits.ac.za/csmi>.

<https://doi.org/10.1016/j.resourpol.2018.02.007>

Received 31 July 2017; Received in revised form 23 January 2018; Accepted 8 February 2018
0301-4207/ © 2018 Elsevier Ltd. All rights reserved.

workplace HSR (referred to in this paper as HSR) in Africa. It explores the perceptions of HSRs (n = 25) of their preparation and role, on four South African mines. It then examines the context within which HSR function and the manner in which they are exposed to OHS transgressions and the consequence and penalties thereafter. This is mapped against a framework to understand the trend within OHS regulatory arrangements towards ‘responsibilisation’ (Gray, 2009; Walters and Wadsworth, 2017).

1.1. Global OHS regulation and HSRs

The South African Mine Health and Safety Act (MHSA) No 29 of 1996 as amended (Republic of South Africa, 1996) is framed by self-regulation, fashioned in the UK in the early 1970s (Robens, 1972) and is compliant with the provisions of C176. The arrangements under the Act for worker participation in OHS, including the appointment of worker elected HSRs, and a joint employer/employee mine OHS committee, are found in other mining and industrialised contexts including Australia, Canada, New Zealand, the UK and Europe. These participatory arrangements are well established elsewhere, and it is widely accepted that HSRs contribute positively to OHS outcomes (Walters and Nichols, 2007; Walters et al., 2016a; Nichols et al., 2007). However the specific form this participation takes varies across different contexts. ILO C176 states that worker representatives should represent workers on all aspects of OHS, participate in inspections and investigations, have recourse to advisors and independent experts, consult with the employer on policy and procedure, consult with the regulator and receive notices of accidents and dangerous occurrences. All of which, is to be exercised without discrimination or retaliation (ILO, 1995). Worldwide on a day-to-day level, workplace HSRs activities are predominantly found to be operational rather than strategic (Garcia et al., 2007; Harris et al., 2012; Menéndez et al., 2014; Gaines and Biggins, 1992). Accordingly, HSRs rarely participate in the setting of OHS standards and procedures. An early South African study (Mine Health and Safety Council, 2007) concerned with the elimination of silicosis on gold mines found HSRs almost universally unappreciated their advocacy or pro-active role, despite being able to make “recommendations” to the employer (Section 30) under the MHSA. The operational activities of HSRs in an industrial workplace are well described in a New Zealand study by Harris et al. (2012) who adapted a framework, first used to describe the activities of OHS practitioners (Brun and Loisel, 2002) to categorise these into three types; operational organisational, operational technical and operational human. Operational activities of HSRs in this instance (Refer to Table 1) included providing information and advice to workers, the administration of OHS procedure, monitoring of the workplace, improving the attitude of workers to OHS and finding workplace solutions to control measures and production targets.

Evidence built over decades of research about worker representation is that there are a set of preconditions necessary for effective worker representation and consultation in OHS that involve all the tripartite role-players (employer, regulator and organised labour) and

that HSRs should be well trained (Walters and Nichols, 2007). These preconditions manifest more, or less strongly, in different contexts, but combinations of these preconditions, are found to be necessary to underpin HSRs making a significant contribution to improved arrangements and performance for OHS. The pre-conditions are;

- A legislative steer
- Demonstrable senior management commitment to OHS and a participative approach and sufficient capacity to adopt and support participative OHS management
- Competent management of hazard/risk evaluation and control by both managers and representatives
- Autonomous worker representation at the workplace and external trade union support leading to informed and well-trained workers representatives
- Consultation and communication between worker representatives and their constituencies.

Although at the time, Robens (Robens, 1972) in his fashioning of self-regulation, argued there was a “natural identity of interest” between the employer and the employee with respect to OHS, this is repeatedly called into question. Primarily this is because OHS is a product of the underlying politics of production, specifically the pressure for production, to which the employer and employee cannot respond equally (Nichols and Armstrong, 1973). As a consequence, participatory arrangements between the employer and employee for OHS remain contentious. One OHS trend that has emerged under the more recent neoliberal discourse of partnership between the employer and employees is framed as ‘responsibilisation’ (Gray, 2009; Walters and Wadsworth, 2017). Under ‘responsibilisation,’ workers are considered as both potential victims, and as offenders of OHS violations. Although, ‘responsibilisation’ speaks to an escalation in the likelihood of individual workers being held responsible for OHS violations. In Ontario, Canada, ‘responsibilisation’ found legal expression in a system of OHS ticketing where on-site penalties issued by inspectors for OHS violations were found to be unduly biased towards workers, rather than the employer as the primary OHS offender (Gray, 2009). However ‘responsibilisation’ is a continuum which does not only have to find expression in legal tickets. Increased disciplinary action against individual workers, or escalating fear amongst workers of being held accountable for OHS violations or transgressions, are also expressions of a rise in ‘responsibilisation’ which serve to deflect responsibility for OHS violations away from the employer. It is this context I term ‘creeping responsibilisation,’ as it is not measured in the hard penalties issued against workers described in the Ontario case study of ‘responsibilisation’, but is an insidious expression of this.

1.2. HSRs in South Africa

South Africa is a complex environment, formally considered an upper middle income country, but burdened with one of the highest

Table 1
The activity profile of HSRs at an operational level using an adapted framework first devised for OHS practitioners.

	Organisational	Technical	Human
Operational (Brun and Loisel) (Brun and Loisel, 2002)	Ensure OHS procedure & policy applied Investigate accidents	Research ways of resolving OHS issues Conduct risk analyses	Train workers in safe work methods. Discuss OHS issues with workers
Activity Profile HSR (Harris et al. New Zealand) (Harris et al., 2012)	Administration of procedure-completion of paper work and reporting to support implementation of the OHS management system	Monitoring the workplace Support/provide solutions to control measures and production targets	Information and advice to workers Improving the attitude of workers Monitoring worker compliance

Download English Version:

<https://daneshyari.com/en/article/7387562>

Download Persian Version:

<https://daneshyari.com/article/7387562>

[Daneshyari.com](https://daneshyari.com)