

## COMMENTS

### Occupational health and safety: a comment on Mullen

D.W. Farlow\*

The paper by Elizabeth A. Mullen (1990) contains a number of assumptions and assertions that cannot be allowed to pass unchallenged. In addition, the survey itself seems to be based on an inappropriate sample with the particular interpretation of results creating a potentially false impression.

The debate concerning the Code of Practice for Health and Safety Representatives and Health and Safety Committees has often been plagued with confusion and misunderstanding and, regrettably, Mullen's paper continues these problems.

The unfortunate tendency to abbreviate the code's title to "Code of Practice for Health and Safety" gives the totally wrong impression that the code deals with health and safety standards and procedures. In fact the code is directed solely to employee participation in health and safety matters. However, the false understanding frequently translates into a claim, by trade unions in particular, that employers who have not (fully) implemented the code do not care about health and safety issues. This is patently untrue.

The Code of Practice for Health and Safety Representatives and Health and Safety Committees is, in many ways, much more an industrial relations than a health and safety document, saying little directly about health and safety practices. But the inaccurate understanding of the code's nature has encouraged the belief that implementation will automatically cure all health and safety problems. Again, this is very far from the case.

Indeed, many would argue that in this respect the code is counter-productive to good health and safety practices, since it deflects responsibility from where it should lie.

It is now generally agreed that health and safety must be managed just like any other business function with responsibility and accountability resting with management. That is not to say that involvement of and discussion with employees is not important - it is, and a health and safety committee is one, but not the only, way of achieving this effectively. In contrast, the code attempts to give authority and responsibility to non-management personnel (in safety representatives) but without corresponding accountability.

Mullen betrays her misunderstanding of these issues through such statements as "whether attempting to improve health and safety practices at work by legislation is more effective than voluntarism ..." and "... the absence of effective health and safety legislation in New Zealand...."

Here the confusion between the purpose of the code of practice and legislation concerning actual health and safety practices is clear.

\* New Zealand Employers Federation.



A very large amount of health and safety legislation (acts, regulations and codes of practice) already applies to New Zealand workplaces and it is totally spurious to suggest that non-implementation of an employee involvement code means no effective health and safety legislation.

The New Zealand occupational health and safety legislation does need reform and the so-called "one act, one authority" concept has been widely supported by both employers and unions for a number of years, often in the face of strong opposition from government departments. But that is a different issue.

Mullen's ignorance of these issues is very evident in her conclusions when she refers to "the attempt to tackle *occupational health and safety* by voluntary means ..." (emphasis added) in considering the degree of implementation of the Code of Practice for Health and Safety Representatives and Health and Safety Committees. Similarly the sentence "What is difficult to understand is why the (ACOSH) Discussion Paper (Occupational Safety and Health Reform) was so hastily issued ..." shows not only ignorance about what actually took place in the ACOSH discussions, but a continuing wrong assumption that employee participation is the sum total of health and safety legislation.

Moreover, the survey itself is not soundly based; the numbers are small (252 responses from a sample size of 415) and the base chosen, which covers all economically active organizations in New Zealand, contrasts with the distribution of the code by the Department of Labour to registered factories. But this difficulty is made worse by the author's perception that only implementation of the full "ACOSH code" counts as having a health and safety procedure.

This perception is totally unrealistic. Unfortunately, however, the figure of 2.5 percent (employers adopting the "full" code) will be quoted as evidence that employers do not support voluntary "health and safety" initiatives. Indeed a figure of 1.5 percent quoted from Mullen's preliminary results has already been used as "evidence" of poor employer response (Wilson, 1989).

The real extent of participatory systems is much higher. Mullen herself finds a significant number of participatory systems existing independently of - and, in particular, prior to - the issuing of the code of practice, but fails to discuss this important point. An Employers' Federation survey found some 40 percent of respondents with existing (i.e. prior to the code) safety committees with an average time of operation of 8 years (Farlow, 1988).

However, the main criticism of the paper is that far from being an objective analysis of employee participation in health and safety management systems, it demonstrates a marked trade union bias. This is evident from the equating of the Code of Practice for Health and Safety Representatives and Committees with all health and safety procedures; the implication that anything less than "full" implementation of the code falls below the required standard; the definition of "trade union influence" as, among other things, the "ability to resist pressure for enterprise bargaining ..."; the reference to "essential" roles for trade unions and the conclusion that any failure to include trade unions would be a "retrograde" step.

The author does not attempt to explore to any real extent, reasons why the code was not more widely implemented (either fully or partly) other than to assume that this is evidence of a lack of concern for health and safety - a "damning" result apparently!

Similarly with the statement "New Zealand employers are unenthusiastic about worker participation particularly when there is a clear role for trade unions and an equal say for workers". No attempt is made to explain why this might be the case or to justify the assertion.

Ironically the author notes she has found "little relationship between the presence of negotiated health and safety clauses in awards and an improvement in health and safety practices". Whether by "health and safety practices" is meant standards, or employee involvement, is not clear but again no attempt is made to examine the accuracy of, or



possible reasons for, this claim. Of course, if true, it would undermine that whole basis of Mullen's case regarding the "essential" role of trade unions.

Overall, the paper is confused, lacks objectivity and contributes little to the debate on either employee involvement or health and safety management.

## References

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- Mullen, E. (1990) Voluntarism in occupational health and safety. *New Zealand journal of industrial relations* 15(2):129-143.
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