

Track
PEOPLE: Human Resource Behaviors & Practices

OHS management as a participative decision-making process.
An organizational analysis of the role of workers' representative for health and safety

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Purpose

This contribution investigates the subject of worker participation in occupational health and safety choices; in particular it analyzes on the organizational role of workers' representative for health and safety in the workplace, as shaped by the Italian Consolidated Act no. 81/2008.

Usually, the literature dealing with Occupational Health and Safety (OHS) norms focuses on juridical principles and on legal obligations and consequences. The legal perspective dominating the literature is obviously meaningful and necessary to understand the OHS framework, however it does not allow to understand the actual impact of the norms on managerial practices and, ultimately, their eventual effectiveness (Albano et al., 2014). In fact, OHS regulation has direct and relevant consequences on organizational choices and its ability in achieving its objectives (i.e. health and safety on the workplace) is dependent on the consistency of the decision-making processes performed by managers. For this reason, several scholars have recently emphasized the need to develop empirical research in order to improve the knowledge of the actual solutions adopted by enterprises to comply with OHS regulation.

With reference to the subject of OHS risk prevention, this paper presents an organizational analysis of the role of Workers' representative for health and safety in the workplace, as designed and imposed by the Italian legislation.

The general principles of OHS prevention in Europe have been established by the Directive 89/391/EEC of 12 June 1989 formulated by the European Council to encourage improvements in the safety and health of workers. This framework Directive is the basis for a large number of "daughter directives" and has been transposed into National law by Member States. While defining the rules to be applied in the workplace ("general principles of prevention and protection"), this European legal act has introduced several fundamental and innovative principles.

One of the most important innovations of EU OHS legislation is the employer's obligation to provide for and improve the workers' health and safety with regard to all aspects of the workplace (Eichener, 1997) and the obligation to take all the measures necessary for the safety and health protection of the workers, including the provision of the necessary organization and means. These innovations have been welcomed by commentators; in particular, it has been appreciated the principle that links OHS risk prevention activities with organizational analysis and design. On the other hand, criticisms have been expressed with respect to the widespread adoption of the well-known methods of risk assessment and risk management as general practices for OHS risk prevention (Marchiori et al, 2013)

In Italy, the current regulations concerning the protection of health and safety at work, are contained in the Legislative Decree no. 81/2008 (modified by the Legislative Decree n. 106/2009) "Consolidated Act on protection of health and safety at work".

The Consolidated Act has been issued (a) to unify all previous rules of law regarding the health prevention in the workplace and (b) to discipline and toughen penalties for not compliant employers, with regard to the aspects of both the criminal liability of the employer and his subordinates and the administrative responsibility of legal entities for crimes of violation of OHS regulations committed by their employees.

The Consolidated Act recognizes the importance of the organizational choices in enabling OHS and specifies some mandatory organizational solutions to be applied in order to protect safety and prevent accidents in the workplace. In particular, it imposes the organization of a Prevention and Protection Service and the introduction three mandatory jobs: Head of the Prevention and Protection Service, Workers' Representative for Safety, Competent physician and fosters the adoption on voluntary base of a "safety-oriented organizational and management model".

Art.30 specifies the characteristics that the organizational and management model must have to enable the responsibility exclusion (or at least a reduction of penalties) when a crime of manslaughter or an accidental injury committed in violation of provisions concerning occupational safety occur. This organizational model involves the definition and the internal communication of the schema of responsibilities regarding health and safety and include, in addition to the mandatory roles prescribed by the law, the planning of the tasks of inspection, evaluation and monitoring and the formalization of the jobs assigned to managers, supervisors and workers and of relative responsibilities.

With respect to worker involvement in OHS choices, the overall approach shaped by the European Framework Directive 89/391 and implemented by the Italian Consolidated Act is based on the consultation of the workers and on the expression of their opinions, which the employer may also not take into account; it is a form of “weak participation” that does not allow the workers to co-determine the final decisions, which ultimately belong to the employer (Baldassarre, 2008).

In fact, the European Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (89/391/EEC) establishes (art.1) the principle of the “balanced participation” of workers and their representatives to the decision-making processes related to health and safety in the workplace. More specifically, art.11 (Consultation and participation of workers) states that “employers shall consult workers and/or their representatives and allow them to take part in discussions on all questions relating to safety and health at work. This presupposes: (a) the consultation of workers; (b) the right of workers and/or their representatives to make proposals; (c) balanced participation in accordance with national laws and/or practices”.

The Italian Consolidated Act no. 81/2008 (Art. 47 - within Section VII – Consultation and participation of workers’ representatives) imposes the election or designation of workers’ representative for health and safety (Rappresentante dei lavoratori per la sicurezza – RLS). Furthermore, art. 50 details the rights and tasks of the RLSs; in particular, they are entitled to:

- a) access the workplaces;
- b) be consulted in advance and in good time by the employer with respect to all the activities related to risk assessment and prevention planning and implementation;
- c) be consulted with regard to the designation of the Head of the Prevention and Protection Service, of the safety staff and of the occupational physician;
- d) be consulted on the planning and organization of the training activities related to health and safety;
- e) receive the information and internal documentation related to the activities of risk evaluation and prevention;
- f) receive information from the safety services;
- g) receive appropriate training;
- h) promote the identification and implementation of preventive measures necessary to preserve the health and the physical integrity of workers;

- i) propose their observations during inspection visits by the competent authority;
- l) attends periodic meetings;
- m) ask the employer to take appropriate measures and to submit proposals for the prevention activities;
- n) inform the management about hazards for workers and/or sources of danger;
- o) appeal to the competent authorities if they consider that the measures taken and the means employed by the employer are inadequate for the purposes of ensuring safety and health at work.

This paper analyzes and describes the job of RLS as designed by the Italian legislation and highlights the actual role the RLSs perform within the organization, focusing on the issue of worker participation in OHS-related decision-making processes.

Roles and competencies of the OHS Practitioner: literature background

The mandatory jobs prescribed by the Italian law (Head of the Prevention and Protection Service, Workers' Representative for Health and Safety, Competent physician) belongs to the professional family defined by the literature as OHS practitioners.

The definition of OHS practitioners encompasses many heterogeneous workers belonging to the core disciplines of safety science (occupational hygienists and occupational physicians, ergonomists, occupational psychologists, physiotherapists, engineers, etc.) as well as the representatives of the workers. These jobs are composed of activities instrumental to OHS risk prevention.

By analyzing the scientific literature on the subject, it is possible to identify two main lines of research (Olsen, 2012).

A first perspective focuses on the description of the tasks and competencies characterizing the OHS practitioner. This literature mainly consists of survey-based studies, which are aimed at deepening knowledge of the actual role of Safety practitioner. In fact, each European country, complying with the European directive, has developed its own regulation, its own definition of OHS practitioner and has identified the related competencies.

One of the most important studies adopting this approach is the one conducted by the European Network of Safety & Health Professional Organisations (Hall et al, 2005) to develop a survey about the actual tasks assigned to safety practitioners in

the different European countries. Furthermore, the research aimed to create a knowledge base for the development of certification system at European level to recognize and certify competencies, thus allowing practitioners to work across national boundaries. The results of the survey confirm that the core task of the safety practitioner is still based on the traditional "technical" tasks, with a focus on control activities (control of accidents, injuries, occupational diseases and machine safety), but other tasks related to consultancy on risk prevention choices (e.g. job design, man-machine interaction, etc.) and to aim at the coordination of safety activities (safety management) have been added to the jobs of the practitioners with higher levels of education and training. These results confirm the recent trends affecting the role of OHS practitioner (Hale, 1995; Hale et al. 2005): from a prevalently "technical" and control-oriented role (safety inspector), to a more managerial role (safety manager). In this framework, the role of the workers is usually neglected.

A second perspective is aimed at analyzing the actual behaviors and relationships that characterize the role of the OHS practitioner (as OHS coordinator, OHS manager, OHS advisor, Workers' representative) within companies, with a particular focus on the relations with the top management and other internal stakeholders (such as middle and first line managers and workers), on the strategies adopted for participating in decision-making processes and on the difficulties encountered in pursuing their objectives. These studies, usually conducted by ergonomists, adopt qualitative research methods, including case studies and semi-structured interviews. This literature explains the role of OHS practitioner as a change agent or a change manager aiming to develop more integrated and effective OHS risk prevention systems; in addition these researches are interested in deepening the knowledge on the difficulties that OHS practitioners have in managing and influencing change processes. In this perspective, workers become an active subject, actively participating in OHS choices.

The analysis of the literature depicts a difficult and complex situation in which many organizational factors hinder the effectiveness of the role of safety practitioners.

The main inhibitors toward an effective management of OHS strategies are:

- OHS practitioners are usually placed on the sideline of the business decision-making process, hence their efforts are mainly aimed at influencing the hierarchical decision makers to commit them to OHS;

- OHS is generally a secondary task and not a priority in the management agenda, hence OHS practitioners have to foster interest and a willingness to discuss about OHS;

- OHS practitioners are usually placed away from daily operations and consequently they cannot easily interact employees;

The central question of these studies is therefore to identify approaches and strategies for shifting OHS practitioners from the sideline to a core position within organizational decision-making processes.

These studies emphasize the importance to deepen the knowledge about the actual strategies and behaviors adopted by OHS practitioners.

Methodology

This paper presents the preliminary results of a wider research, conducted by the Department of Economics and the Department of Management of the University of Roma Tre in collaboration with the Rubes Triva Foundation (a National Foundation that promotes training and information on health and safety in the workplace, and supports companies of the waste management industry in the adoption of strategies aimed at spreading the culture of prevention; the overall objective of the Rubes Triva Foundation is the promotion of proactive policies and initiatives to increase health and safety in the workplace); this research is aimed at investigating the participatory practices, the good practices, and the perceptions, the level of awareness and engagement of workers in the policies of OHS management and risk management and prevention.

The research, which combines qualitative and quantitative approaches, is specifically focused on the waste management industry, and analyze a sample composed of enterprises acting in the sector and of some subcontracting companies.

The waste management industry represents a privileged domain for analyzing OHS practices and solutions. In fact, in this sectors, the issues related to health and safety in the workplace are critical since the processes of hazardous and non-hazardous waste management and recovery are very labor intensive and, at the same time, expose workers to various risk factors. Furthermore, this industry is characterized by a very high frequency of accidents: according to the National Institute for Insurance against Accidents at Work - INAIL (2009) the Italian environmental services companies counted 110.17 cases of compensated per 1,000 employees, more than

three times greater than the overall average. Finally, the goal of job safety is a priority because of the need to avoid or limit the harmful effects that operational processes can have on citizens and environment.

The preliminary (qualitative) analysis presented in this paper has been carried out through in-depth interviews to a set of key roles (mostly Workers' representatives) involved in the design, adoption and implementation processes of OHS management, according to the OHSAS 18001 standard or the UNI-INAIL Guidelines, of some Italian municipal waste companies. At this initial stage, we adopted a qualitative research method based on a limited number of exploratory case studies (Eisenhardt, 1989; Yin, 1994). These case studies should not be considered as success stories or repositories of best practices: they just aim at representing the complexity of the real-world applications of the rules imposed by the Consolidated Act n. 81, thus allowing to reflect on the approach to worker participation promoted by Italian OHS legislation.

Basing on the evidences emerging from the interviews the research team will then convene a focus groups and elaborate a questionnaire to conduct a quantitative survey on all the enterprises associated to the Rubes Triva Foundation.

Preliminary findings

The preliminary qualitative analysis shows that, even if the job of Workers' representative is formally designed to play support and consultancy activities to the employer and to express the workers' opinions, it actually results in the definition of a peculiar role, a role of interface between the top management and the operative line. In fact, RLSs play a pivotal role between employers and workers: on the one hand, they gather information about hazards and risks from the bottom line and make preventive recommendations to the employer; on the other hand, they act toward their peers in order to sustain and promote the application of safety procedures defined by the employer. Hence, the RLS, while lacking formal authority with respect to operational activities, has to understand the working processes, to identify and assess the risks, to propose prevention and protection strategies, to foster worker cognitive and emotional safety engagement (Wachter and Yorio, 2014).

These activities can be interpreted as a continuous processes of sensemaking and sensegiving, toward both the employer and the workers. With respect to the employer, the RLS has to (a) represent (give sense to) existing and potential risks,

the possible strategies of prevention and protection, the need for change in the organizational structure and work processes and (b) understand (make sense of) the cultural approach with respect to safety, understand (make sense of) OHS procedures defined by the employer. With respect to the workers, the RLS has to (a) explain (give sense to) the safety procedures and to foster acceptance and commitment on safety-related organizational changes and (b) understand (make sense of) the problems and the suggestions proposed by the employees and their needs in terms of safety. Finally, the RLS has to interact with line managers in order to analyze (make sense of) work processes and to enable and implement (give sense to) the organizational change necessary to improve the safety.

Overall, the daily work of the RLS consist mainly of sensemaking and sensegiving activities in favour of both the employer and the workers. These sensemaking activities are aimed at understanding, creating order and make retrospective sense of what occurs (Weick 1993); by means of social sensemaking, RLSs develop a shared account of hazards and risks affecting working processes and of the organizational changes the employer deems necessary to achieve safety. In addition, RLSs perform sensegiving activities by influencing the sensemaking processes of the employer (in order to allow him to understand the risks and the actual situation) and by allowing workers to understand the underlying reasons and the relevance of the organizational change required to achieve safety at work. Their sensegiving activity is particularly critical since it is usually considered a typical leader behavior (e.g. Gioia and Chiattipedi, 1991; Maitlis, 2005), while the non-hierarchical position of the RLS hinders a direct exercise of authority. In other words, the RLS has to stimulate change and to foster the commitment of workers without any formal power. Furthermore, RLSs are not allowed to participate in decision-making processes, they are just able to propose and suggest solutions and to express opinions.

This situation exacerbates the classic problem of the change agents (Luscher and Lewis, 2008): to make sense of organizational changes which have been decided by the top management and, at the same time, to give sense to the people who has to implement the change: the RLS is on the sideline of strategic and operational decision-making processes and has not formal authority, but she is a fundamental actor for allowing OHS-related organizational change. Because of this peculiar configuration of their role, RLSs are in the middle of a web of criticism and dissatisfaction, both from the top and the bottom of the organization; this situation is

consistent with the findings presented by previous literature (e.g. Garcia et al., 2009, pp.79-80): “[we are] forced to act every day with the company against us and with the workers against us”; “we are the villains, always, for one of them and for the other of them, we are caught in the middle”.

A discussion about the results of the organizational assessment conducted, with the identification of best practices and some recommendations for organizational change will conclude the full paper.

[3016 words]

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