

Making a difference in the workplace

Strategies for Change



John Oudyk, MSc CIH ROH
Occupational Hygienist

May 11, 2022



OH COW
Occupational Health Clinics
for Ontario Workers

Occupational
Health Clinics
for Ontario Workers



Centre de Santé
des Travailleurs(ses)
de l'Ontario

Making a difference in the workplace

Strategies for Change

John Oudyk MSc CIH ROH

Occupational Hygienist



Elliot Lake H&S Strike



<https://archive.org/details/reportofroyworkmine00onta>



Elliot Lake H&S Strike



<http://www.elliottlakestandard.ca/2014/04/23/united-steelworkers-visit-elliott-lake-to-remember-the-strike-that-changed-labour-laws>

Report of the Royal Commission on the Health and Safety of Workers in Mines

James M. Ham
Commissioner

Frederick R. Hume, QC
Counsel

Dr Cameron C. Gray
Medical Consultant

Arthur L. Gladstone
Executive Secretary

Jean Beaudry
Labour Adviser

Edmund A. Perry, P.Eng.
Engineering Adviser

R. Peter Riffin
Industrial Adviser



<https://archive.org/details/reportofroyworkmine00onta>

Ham's view of the Internal Responsibility System (IRS)

- Based on **natural justice** – right to know, right to participate, right to refuse (**3 R's** – originally devised by Bob Sass in Saskatchewan)

participation is based on:

1. **knowledge**
 2. **contributive responsibility**
 3. **direct responsibility**
- Workers, management and MOL have all three modes of participation, “worker auditors” and JH&SC only have first two



Ham's vision of JHSC/Worker Auditor

- “Worker auditor” investigate and address specific issues/incidents
- JH&SC audit the higher level/”policy” issues in preference over the specifics
- Along with the MOL inspectorate, they formed the internal and external audit function to ensure the functioning of the IRS – they are not the IRS, they only monitor its health



The Basics of Occupational H&S

The three “R”s:

- Right to know
- Right to participate
- Right to refuse

The Internal Responsibility System (IRS):

“Simply put, the IRS means that everyone in the workplace has a role to play in keeping workplaces safe and healthy. Workers in the workplace who see a health and safety problem such as a hazard or contravention of the OHSA in the workplace have a statutory duty to report the situation to the employer or a supervisor. Employers and supervisors are, in turn, required to address those situations and acquaint workers with any hazard in the work that they do.” <https://www.ontario.ca/document/guide-occupational-health-and-safety-act/internal-responsibility-system>



one big happy family – no place for politics in H&S



<https://www.uschamber.com/co/un/human-resources/employee-resource-group>



**... but, what does the
evidence say?**



SPR (1985-86) Survey of JH&SC's:

- survey of Ontario 3000 JH&SC's – did not find evidence to support James Ham's views;
 - “Instead, these results suggest that the advantages of using the structures of collective bargaining and the skill repertoire of those in the collective bargaining milieu may in most cases off-set any disadvantage of the conflict-negotiation model.” (p. 150).



Tuohy & Simard (1993) Evaluation of JH&SCs:

- survey of 900 Ontario workplaces – adversarial relations are not a liability.

"protagonistic" committee relations

- “We choose this term since this factor indicates the presence of strong protagonists on both manager and worker sides. Adversarialism and collaboration are often presented in the industrial relations literature as alternative strategies. It appears, however, that adversarial and collaborative behaviour tend to be found together. These types of behaviour may reflect the intensity with which committee debates and discussions are carried out.” (p.6)



Attitudes towards conflict:

- sheep** - “door mat”
- ostrich** - head stuck in the sand
- shark** - aggressive
- fox** - crafty (untrustworthy)
- owl** - “wisdom” (win-win)
- bulldog** - won’t let go until it’s resolved



<http://sidneydekker.com/wp-content/uploads/2014/08/BureaucratizationSafety.pdf>

The bureaucratization of safety



Sidney W.A. Dekker*

Griffith University, Brisbane, Australia
The University of Queensland, Brisbane, Australia

ARTICLE INFO

Article history:

Received 11 December 2013
Received in revised form 4 July 2014
Accepted 14 July 2014

Keywords:

Bureaucratic accountability
Responsibility
Ethics
Safety
Modernism
Vision zero

“However, bureaucratization generates secondary effects that run counter to its original goals. These include:

- a reduced marginal yield of safety initiatives,
- bureaucratic entrepreneurship and pettiness,
- an inability to predict unexpected events,
- structural secrecy,
- “numbers games,”
- the creation of new safety problems, and
- constraints on organization members’ personal freedom, diversity and creativity, as well as a hampering of innovation.”

<https://www.sciencedirect.com/science/article/abs/pii/S0925753510002882>

Weighing the pig never made it heavier: Auditing OHS, social auditing as verification of process in Australia

Verna Blewett*, Valerie O'Keeffe

Centre for Sleep Research, University of South Australia, GPO Box 2471, Adelaide, SA 5001, Australia

ARTICLE INFO

Article history:
Available online 19 January 2011

Keywords:
OHS management systems
Social audit
OHS audit
Audit
Audit failure

“Social audits, including auditing of OHSMS, are intended to determine that an organization is meeting its corporate social responsibilities; but what is audited is often contested and requires subjective analysis. Financial and social audits are subject to failure: unintentional errors, deliberate fraud, financial interests causing undue influence, and undue influence from personal relationships between the auditor and client. We identify five further categories of failure:

1. lack of worker participation;
2. paperwork for the sake of the audit;
3. goal displacement of audit scoring;
4. confusion of audit criteria; and
5. lack of auditor independence and skill.”





<https://leaderpost.com/news/saskatchewan/canada-150-robert-sass>

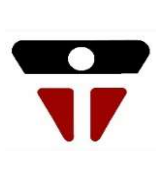
Robert Sass:

- Bob Sass, who used to be the Minister of Labour in Saskatchewan in the 1970's; he was the original architect of the **3 R's**.
- When asked about the 3 R's now, he says he is disillusioned with the way these rights have actually worked themselves out in regulations
- He feels the 3 **R's** have co-opted by the 3 **C's**:
 - **collusion** (bi- or tri-partism, employers & researchers)
 - **corruption** (H&S establishment)
 - **criminality** (Westray, Canadian asbestos exports)



Co-opting of the 3 R's:

- the **right to know** has been co-opted by company sponsored research which clogs the scientific journals that don't serve the information needs of workers.
- professional H&S knowledge **undermines the worker experience** by substituting knowledge derived from corporate and government researchers for the knowledge based on the concerns/experiences of shop floor workers



Co-opting of the 3 R's:

- the **right to participate** was co-opted by the **internal responsibility system** (IRS) from the Ham report, because workers' recommendations do not have to be acted upon, **only consulted** (Doug Smith, Consulted to Death, Winnipeg: Arbeiter Ring Publishing, 2000).
- without the other two rights, the **right to refuse** is severely weakened; experience has shown that this right is “...not the tiger employers once feared and fought but a mere pussycat.” (Larry Haiven, book review of Consulted to Death, Just Labour Vol. 1 (2002) p.112-114).
- The **prohibition against reprisals** was also intended to protect workers from reprisals for exercising these rights, but research has shown that in practice, this protection has serious limitations

“The overall conclusion is that there are serious gaps that discourage workers from exercising voice and limit the effectiveness of the IRS in improving OHS outcomes.”

King, Lewchuck, MacEachen & Goyal

<https://labourstudies.mcmaster.ca/documents/reprisal-report-final-2019.pdf>



Latest trend:
downloading
responsibility for
assessing the risks &
taking precautions to
the individual –
“responsibilization”

<https://www.canada.ca/en/public-health/services/publications/diseases-conditions/covid-19-going-out-safely.html>

Going out? Do it safely.

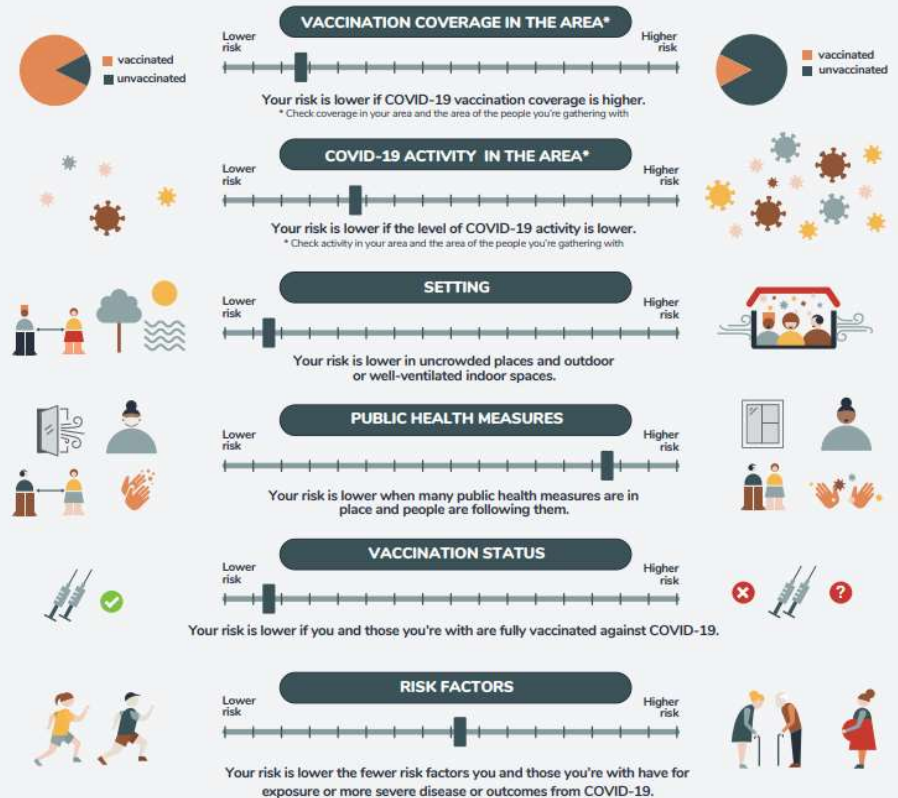
Public health advice across Canada may be different depending on where you live. This tool will help you:

➤ assess the risks before going out

➤ make informed decisions while considering local public health restrictions

Assess the risks

Before going into public places or gathering with people you don't live with, think about:



Make informed decisions

Approaches to addressing workplace H&S:

- Neo-liberal perspectives on individual responsibilities and freedoms – **ignoring the social dimensions/responsibilities** -> “**responsibilization**”
- COVID: enforcing **masking** (individual responsibility) but not **ventilation** (organization/social responsibility)
- **Lax enforcement** of regulations and directives (unions taking the employer to court to enforce COVID directives)

Technical-legal approach – obsessive rule following behaviour

Knowledge activist approach – problem-solving and mobilization




Styles of worker H&S representation:

Technical legal

Knowledge activist

Research Article <https://onlinelibrary.wiley.com/doi/10.1002/ajim.22520>

Identifying knowledge activism in worker health and safety representation: A cluster analysis

Alan Hall , John Oudyk, Andrew King, Syed Naqvi,
Wayne Lewchuk

First published: 25 August 2015 Full publication history

DOI: 10.1002/ajim.22520 View/save citation

Cited by (CrossRef): 0 articles  Check for updates

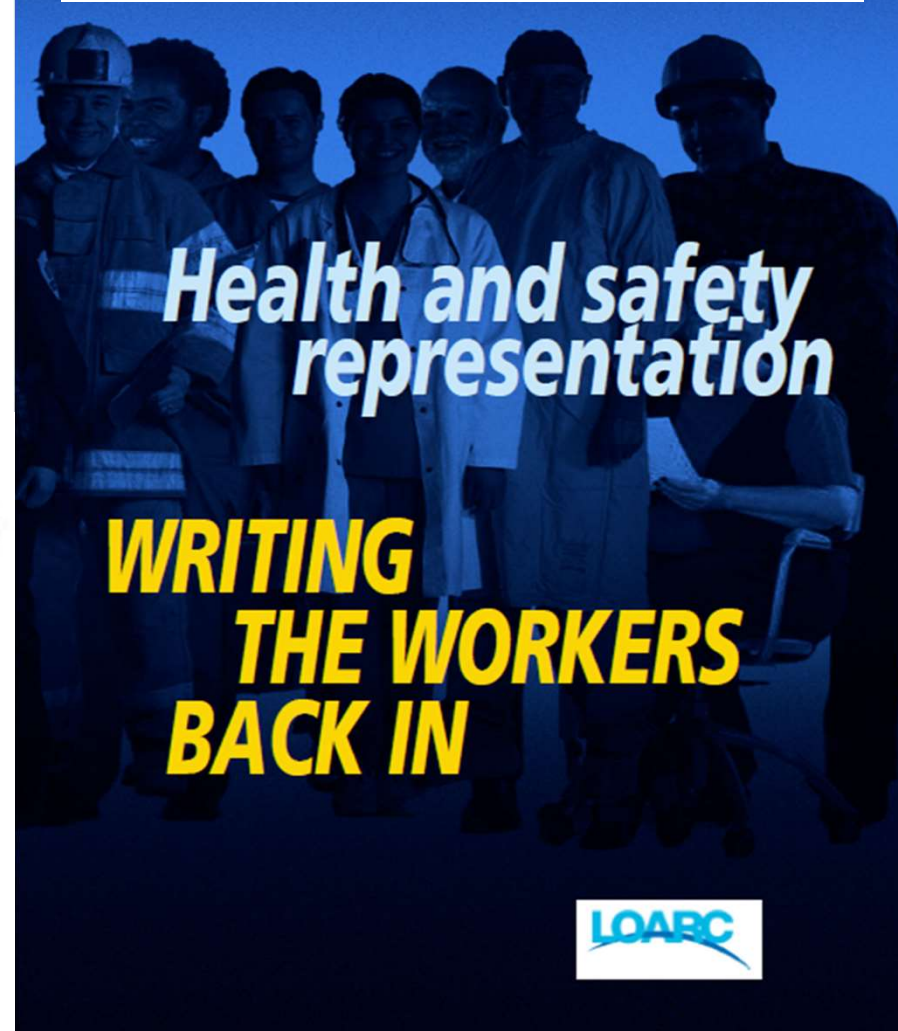
 Citation tools ▼

 5

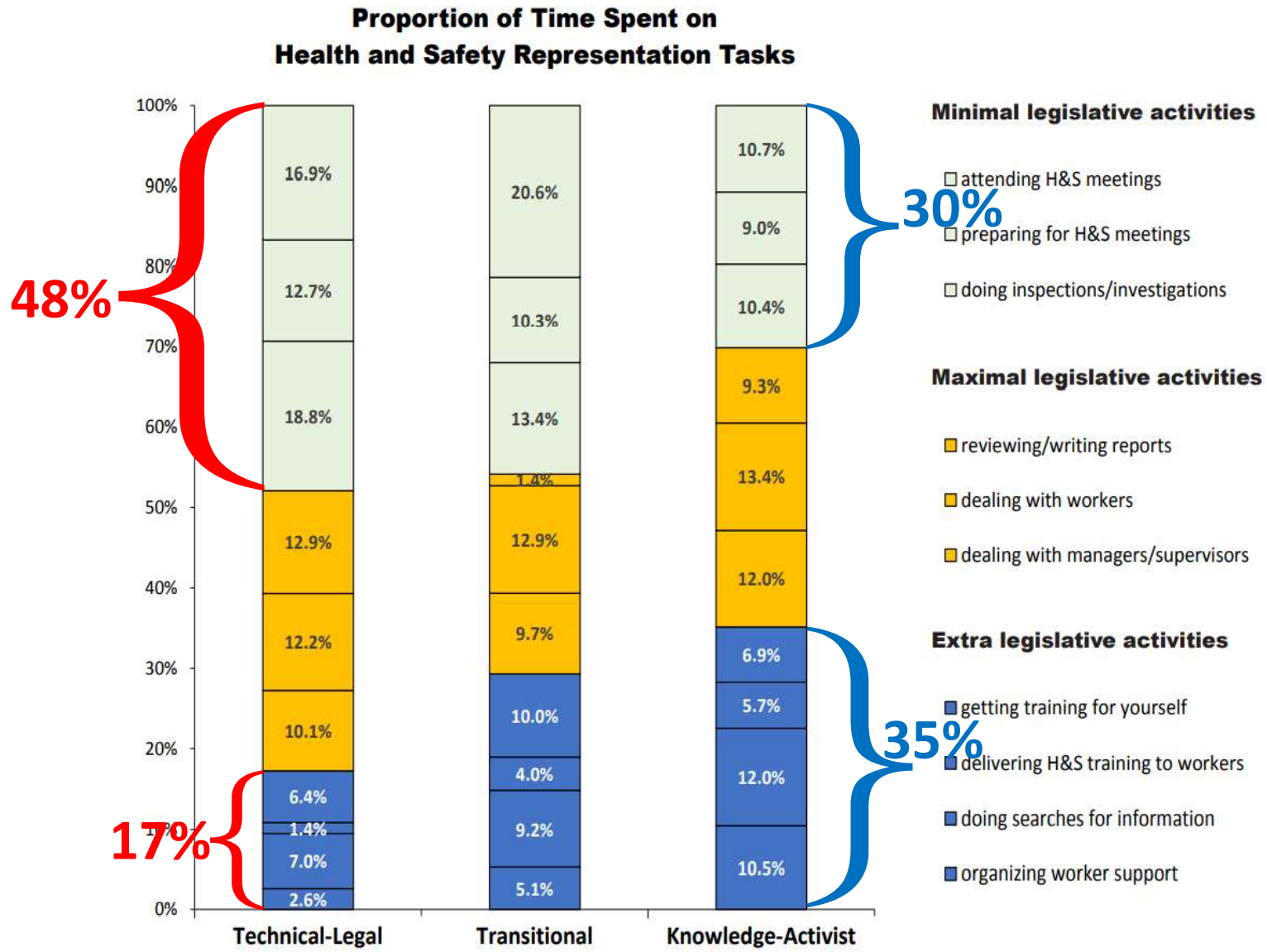


View issue TOC
 Volume 59, Issue 1
 January 2016
 Pages 42-56

<https://loarc.mcmaster.ca/documents/2016-loarc-workers-guide-1-170609.pdf>



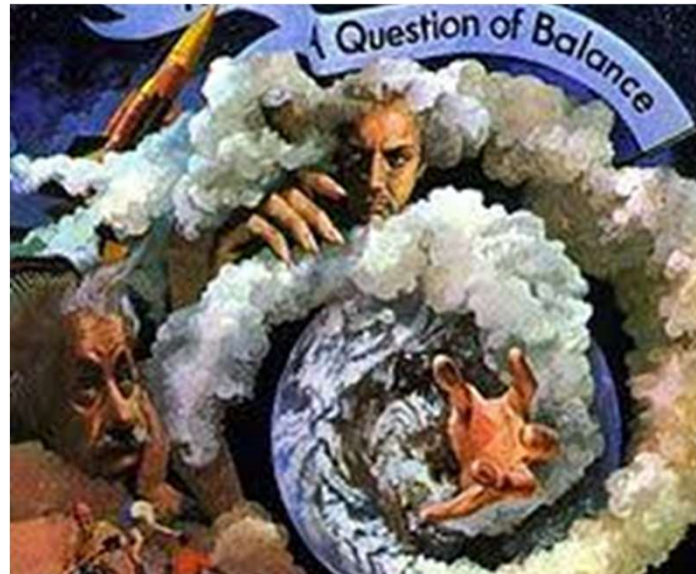
What do
you spend
your time
on?



Approaches to Problems:

Problem Finder

- always on the lookout for a new problem
- collects information (e.g., internet)
- unwilling to accept responsibility for solution
- victim mentality



Problem Solver

- likes to fix problems
- doesn't need too much information (just the essentials)
- may deny a problem exists if it can't be fixed
- “git-R-done” attitude



10 Operating Principles:

1. *Research*
2. *More than just meetings*
3. *Mobilize your influence*
4. *Listen to workers*
5. *Address authority*
6. *Build trust*
7. *Be assertive*
8. *Build solutions*
9. *Use inspections & minutes*
10. *Use the law strategically*

Ten operating principles for guiding effective participation

From the survey and stories, we started to see similarities in the elements that made knowledge activist representatives more effective and successful. We were able to summarize them:

1. **Research:** Strategically conduct and use research to make claims, present solutions, and build legitimacy and trust.
2. **More than just meetings:** Emphasize the importance of working with and outside committees. Effective representation requires an activist approach.
3. **Mobilize your influence:** Recognize and understand the challenges and consequences of representation. Know how to mobilize influence using knowledge, the law and worker support. Be prepared for push back from some in management.
4. **Listen to workers:** Making change requires listening to and acknowledging concerns of other workers. Build from their experience and engage them with education that is needed. Train co-workers in health and safety. Engage them in the monitoring and change process.
5. **Address authority:** Understand that influencing management requires an ongoing effort to educate and influence their way of seeing things (e.g. constantly reinforce messages like health and safety pays).
6. **Build trust:** Recognize the importance of building relationships in the committee and in the workplace and build trust, mutual respect and legitimacy.
7. **Be assertive:** Be assertive, persistent and keep your cool. Be diplomatic. Figure out how to move forward over the long term if there is resistance. If you draw a bottom line, have a strategy to defend that bottom line.
8. **Build solutions:** Don't just identify the problem. Provide and work with management to develop solutions that address the source of the hazard.
9. **Use inspections and minutes:** Recognize the value of inspections, reports and minutes but do not define your role just in these terms. Beware management efforts to confine your activities to a technocratic or bureaucratic box (i.e. keeping reps busy with reports, imposing long drawn out processes for decision-making, responding to numerous minor issues and limiting access to shop-floor or workers).
10. **Use the law strategically:** Recognize the limitations of the law but know and use the law and regulations where they provide leverage. Develop a relationship of trust with local MOL inspectors and use that relationship tactically and strategically.



How about you?

- What do you spend most of your time doing as a H&S rep?
- Which direction do you tend to?
 - a. Let's see what the rules say.
 - b. Let's get the information and then get the members behind this effort.



Thanks, any questions/comments ...

joudyk@ohcow.on.ca

