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How do we Understand Working Environment Policies, Programmes and Instruments?

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How do different forms of regulation influence working environment and working life? How can centrally formulated programmes create changes at complex, often multi-layered local work places, and how can insights from work life studies shed light on the social mechanisms at stake in different types of regulation? Under the heading of working environment policies, programmes and instruments, the aim of the current issue has been to address these issues. In essence, it is society's intentional attempt to regulate working environment conditions in the workplace. It could be through health and safety legislation and labour inspection. But it is much more than that: The states are not restricted to writing rules, inspecting and sanctioning them. They put together insurances systems and they support massive campaign efforts. And they get labour market parties, nationally, by the sector or within the companies or workplaces, involved in similar activities; sometimes, labour market parties or other stakeholders even do it without prompts from the state. All these efforts are made to a larger or smaller extent because they are seen as beneficial to the health of the employees. But we know surprisingly little about how policies, programmes and instruments work, the social processes at stake, to what extent they do work and whether there could be better ways to reach the overall goal of creating a better working environment. There seems to be several reasons for the lack of knowledge about the processes involved in regulating the working environment.

The challenges of regulation

One reason seems to be that the very field of working environment itself is becoming increasingly complex (Aalders & Wilthagen, 1997; Alvin & Arronson, 2003; Kamp & Nielsen, 2008). Once workers' health was almost exclusively seen as a problem of accidents; the majority of regulation aimed at workers' health was either aimed at specifically vulnerable groups—children or pregnant women—or at accidents. But the agenda has been growing for a long period to encompass illness and diseases, and through that cover a much wider array of working environment factors, from noise, asbestos, chemicals, over ergonomic/physiological factors (from work postures to repetitive work), indoor climate, to psycho-social factors (from shift work, over bullying to work pressure

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and excessive affective demands). The agenda has grown, yes, and in a way that complicates matters: If there is a risk of an accident or a problem with a chemical, remove the risk; if there are unhealthy affective demands (e.g. in working with aggressive citizens in a mental ward), then there is no nice and easy way to remove that risk. When work-related stress is tied to new work forms, for example team work and increasing individualization of work organisation, it becomes difficult to identify and remove the risk. Even accidents are these days perceived in much more complex way that requires efforts aimed at the risk factors, but also at the safety climate and culture.

In addition to this, in the age of globalisation, organisational fragmentation and restructuring, work places are seldom easily delimited units, but are parts of multi-layered organisational chains wherein decisions influencing working environment as well as employer responsibilities are located outside and organisationally remote from the physical work place.

Not surprisingly, related to these issues, regulation itself has become more complex and new forms of regulation as well as new agents have appeared on the scene. In the area of 'traditional' regulation by direct political legislation, National legislation has been supplemented with international (mainly EU) legislation in the form of the EU Framework Directive and other directives (Walters (ed.), 2002). And the EU level is involved in campaign activities, too, for example via the European Agency for Safety and Health at Work in Bilbao. In addition to the increasing complexity in legislation, new forms of market-based voluntary forms of regulation have also appeared in the field of OHS regulation (Blewett & O'Keeffe, 2011, Hohnen & Hasle, 2011; Rocha, 2010). International or semi-international standards issued by private agencies and developed in accordance with selected stakeholders and experts are prime examples. Within the field of work environment, the most influential and widespread standard is OHSAS 18001, a semi-international standard for management of OHS originally developed by the British Standards Institute (BSI). However, other more 'horizontal' and network-based forms of regulation have also appeared wherein groups of companies or sector organisations develop mutual agreements, or campaign or knowledge-creating activities, for example the so-called Arbocovenants in the Netherlands (Baart & Raaijmakers, 2010, pp. 26–28).

Finally, it is important to mention that these initiatives, programmes and legislative frameworks tend to require increasing involvement and organisational development at local work place level, transferring both responsibility of reconciliation of initiatives and legal compliance to management, employees and OHS committees at local work place level. The developments of regulation outside the company therefore create a range of organisational and regulatory activities and responsibilities in local organisations. Needless to say, managers and employees at the local work places do not always experience the ability and legitimacy required to respond adequately to regulatory initiatives and complex legislation.

The Nordic countries are usually seen as frontrunners in terms of maintaining a high standard of working conditions. The bedrock seems to be the working environment legislation, and a comparably extensive effort to implement it. But also the particular strength of the labour market parties have meant that unions and employers association have had the working environment on their agenda and have had an important role in implementing policies and programmes for many years; indeed in the Danish case, the labour markets parties have sat on the 'Work Council' since 1901. The council—nowadays labelled the Working Environment Council—has the task to give advice to

the Minister of Labour and has done so continuously since then. But the times they are a-changin'; both unions and employers associations seem to loose membership and influence, and the regulatory patterns move from legislation and agreements to things like standards that are less in the public domain and more in the domain of management. The Nordic model of working environment regulations is often seen as an ideal and is at the same time under pressure.

More complex working environments problems, more heterogeneous organisations, more levels of regulation, shifting patterns or regulation, and work places reacting to these conditions, pressures and shifts in ways that never was fully comprehended in the first place; The agenda we have set out to investigate with this special issue of Nordic Journal of Working Life Studies is not short of complicating elements and trends. Perhaps they might explain why our knowledge seems lacking, but at the same time they could be seen as a challenge. At least society in general seems to have fast growing expectation that policies in this field—as in many others—should be based on facts and evidence. We are a bit worried that the surrounding society has too high expectations when it comes to what research can do for society, but it just underscores the importance of research in this field.

The contributions

That the role of research and knowledge in regulation is of major importance is obvious. And in that light it is striking how little research is focusing on how regulation works. It is probably true in many fields, but it is certainly true in the field of working environment regulation.

We find that there is a need for more studies of how regulation of working environment works, and this special issue of the Nordic Journal for Working Life Studies was intended to bring forward this type of studies. Although only two full articles and a commentary are within the theme, we believe that they can contribute to the promotion of research in this complex, yet important field.

The three articles all address issues of regulation related to the increasing marketization, globalization and organizational restructuring and both full papers are concerned with the regulation of psychosocial work environment issues, for example work-related stress. In addition to this, the three papers 'cover' regulatory issues from different levels in a 'regulatory chain' ranging from the overall content and logic in international OHS standards (Hohnen, Hasle, Helbo and Uhrenholdt Madsen) to the local management of OHS regulation at Finnish public work places (Tappura, Syvänen and Saarela). Finally, with the commentary on sector-based organisational networks (Limborg and Grøn), we include the aspect of for inter-organisational regulation. The papers therefore do pin point the prevailing complexity of regulatory levels that local workplaces have to deal with.

The article by Hohnen et al. 'Hard work in soft regulation: A discussion of the Social Mechanisms in OHS Management Standards and Possible Dilemmas in the Regulation of Psychosocial Work Environment' is the most general paper of the three in dealing with the regulatory logics of international standards from a constructionist perspective. In the article, Hohnen et al. launch an important discussion of the potential of standards in regulating and monitoring psychosocial work environment issues by



analysing some of the ‘hidden’ mechanisms in standards as well as by carrying out a concrete document analysis of OHSAS 18001 and the public guidelines (PAS 1010), which is a supplementary (so-called partial) standard in the regulation of psychosocial work environment issues. According to Hohnen et al., the social mechanisms of standards as a regulatory instrument create a number of ambiguities. Because standards are voluntary, they have to be designed as ‘rules for the many’ hence tend to formulate requirements in abstract/general terms. In addition, standards, being based on audits, necessitate the accumulation of ‘objective’/technical knowledge that can be evaluated in terms of compliance or no compliance. By being ‘rules for the many’ as well as being based on ‘technical’ knowledge, standards seem to be better equipped to regulate OHS issues wherein non-compliance can be objectified, for example safety issues, than to tackle the complex, multi-causal world of psychosocial work environment issues. Finally, standards are negotiated by ad hoc groups of stakeholders and experts, but are not in themselves subject to political/democratic control nor do they necessarily represent the most relevant scholarly knowledge in the field. By applying these theoretical insights in an empirical document analysis, the paper manages to pin point both limitations and strengths in new forms of standards such as PAS 1010. Related to the discussion above about the changing world of work, that is the growing complexity of work environment problems in the New Economy, creating new challenges for regulation, the article raises the concern that international standards, although attractive to many companies, do not have the regulatory scope and the ability to address the most complex of the growing work environment issues. By implication, the paper suggests several areas of tension in the field of market-based regulation: The demand for a global regulatory tool on the one hand and the need to include local practice knowledge on the other hand; The need to be able to evaluate quality of work on the one hand and the growth of work environment issues where causes and solutions are difficult to identify and measure on the other hand; Finally, the increasing need to deal with and ensure the psychosocial working environment and the development of regulatory tools that are primarily focusing on the compliance with procedures having difficulties measuring these problems.

The second article by Tappura, Syvänen and Saarela: ‘Challenges and Needs for Support in Managing Occupational Health and Safety from Managers Viewpoints’ is a thorough empirical analysis of the experiences of Finish public managers trying to carry out the responsibility for OHS that OHS legislation has allocated to employers. The paper is based on 72 qualitative interviews with managers in three public work places in Finland and it shows how managers face a number of serious challenges in carrying out this responsibility, often on the behalf of employers, who are organisationally far above and often far away from them. Tappura, Syvänen and Saarela basically show that managers (mostly front line managers) are in trouble. They report that ‘Managers experienced multiple conflicting pressures, organizational confusion, and incompleteness of organizational structure, and they found economic changes to be stressful and complicating their work’ (p. 8). Although challenges were experienced at various levels, for example at the individual level in dealing with conflicts between employees and certain types of situations and in reducing tensions and bullying in work groups, managers basically related their problems to continuous organisational changes, redundancies and increasing work loads of employees on the one hand and a fundamental disjuncture between the responsibility to create a non-stressful working environment and the lack of power to be able to do so on the other hand. ‘In other words power and responsibility

did not match' (pp. 8). Interestingly, in spite of the fact that managers themselves to a large extent express the view that lack of resources and in particular continuous cut backs and redundancies were at the heart of the matter, and that as a consequence of this they lacked adequate solutions/advice to give to their overworked employees, this was not reflected in their suggested solutions. Managers did not call for more resources or support from upper management, but focused on the individual solutions and on getting emotional support from colleagues or their immediate superior. Consequently, the lack of emotional support from superiors was regarded as a key challenge (p. 13). Although the article is based on empirical data from local work places, it reflects the increasing challenges and tensions that financial, administrative, organisational and regulatory changes at the upper levels or even outside the organization tend to generate. The article also highlights the way that some psychosocial work environment issues seem to be framed as 'individual' or 'social' when they could perhaps be better understood as a result of increasing work load, lack of influence and unclear work roles and responsibilities.

Finally, the commentary by Limborg and Grøn: 'From Policy instruments to network mechanisms – how prevention strategies develops' is obviously—given the status as a debate paper—more to the point and less detailed than the other two, but nevertheless highlights important new aspects of the potentially growing role of inter-organisational regulation of working environment. The paper describes the successful development of a network of small Dairies as a subgroup of the Dairy-employers' organisation. This network has developed in an attempt to find ways to diminish heavy lifting and has resulted in a joint attempt to develop a new technical lifting aid and this leads the authors to discuss the potential of networks among Small and Middle-sized Enterprises (SMEs) in general. Limborg and Grøn suggest that 'lessons that can be learned' from the concrete case. Most important perhaps that network regulation works! Limborg and Grøn have found that SMEs may be more easily influenced by competitors in the sector than by campaigns or the labour inspectorate. Another surprising finding is the fact that the participating companies were interested in having their participation made public. This leads Limborg and Grøn to suggest that an important motivation for small companies to engage in attempts to resolve OHS problems is in fact the possibility for public recognition or contrary the risk of public exposure. Finally, the fact that the Dairy network embarks on a concrete need, which is experienced by all participating organisations, makes Limborg and Grøn highlight the importance of 'own interest' as fundamental in the creation of sector networks. The story of the Dairy network is interesting from the point of view of it being an example of the development of more horizontal sectorial networks. In addition to the points made by Limborg and Grøn, however, the story also gives reasons for caution. First, the development of the network is based on a common interest in technical development, which is perhaps easier to share than more subtle and complex OHS problems discussed by the other two papers. Second, the network consists of companies that are members in an employers' organisation, which may limit the participation of employees in decisions about relevant work environment problems. Finally, regulation by network negotiations seem to share some of the concerns related to the discussion about standards above, for example that they are voluntary and here based on common interests that may limit the type of work environment issues that may be agreed on. Networks as well as Standards seem to be able to reach a wide number of companies, but there is no guarantee that they will solve the most urgent OHS problems.



A framework for understanding regulation

In the following section, we try to outline a more general framework for the understanding of how regulation is translated into workplace practices. The framework draws heavily ideas developed in preparing and executing the Danish CAVI-programme, which both authors of this editorial are active in (CAVI is a Danish abbreviation for Centre for research in working environment efforts and means; see <http://cavinet.dk/english-version/>).

It is possible to differentiate between sender and receiver in the process; we shall start with the sending side of the process.

In a wider context, regulatory initiatives at a national level are considered the main level for policies and programmes. Regulation in its most narrow sense is legislation, labour inspection and sanctioning, and has as such since the dawn of capitalism been seen as the primary way to achieve acceptable working conditions. But how these instruments achieve their goals, and how well, is not fully understood and agreed upon. The most economic rational behaviour: to do nothing, hope you are not caught, and if you are pay the fines, as it is likely that they are smaller than your initial savings; is not the most common behaviour: The majority of companies comply with most of the regulation most of the time, to paraphrase Kagan et al. (2011, 38). But if employers are not rational optimisers, how are we then to understand their interventions? And more importantly, how are we then to understand the nature of regulation? Regulation via rules, inspection and sanctions is, however, far from the only tools available—or even the most preferred tools—at a societal level when dealing with the working environment. It is likely that any labour inspection across the globe is stretched between control and guidance. And most countries are not confined in their regulatory apparatus to inspection, but have sat up agencies and the like to promote good ideas for improving the work environment, campaign activities we could call them.

If we follow Vedung (1998, also see Hasle et al., 2014), we can distinguish between three types of policy instruments: regulation, incentives and information, or as they are more figuratively labelled: sticks, carrots and sermons. Regulation is to a far extent labour inspection. Incentives are policies and programmes that reward behaviour that are preferred or that penalize unwanted behaviour (but do not prohibit it), most notably workers' compensation programmes when they use economic incentives. Sermons are 'everything else', the vast array of initiatives that try to persuade business, managers, representatives, employees and/or others that some modification of behaviour is appropriate, reasonable or profitable. Regulation is, when we follow Vedung, the narrow use of rules that disallow certain behaviours; but often the concept is used in the much wider sense that encompasses the stick, the carrot and the sermon. Certainly, the interplay between the various instruments is important.

Vedung's typology does actually suggest the generic mechanisms that the different instruments might work through. But as already noted, even sticks require the underpinning of norms and legitimacy. And it works the other way too; carrots and sermons are much more likely to hit their expected audience when it is under some kind of pressure. The paper by Limborg and Grøn's gives the example that the threat of labour inspection notes played a role when the small dairies did decide to cooperate to do something about their lack of adequate handling equipment.

In imposing work environment policies and programmes, there is some sort of programme theory (Bickman, 1987) at play; there are expectations of how the policies,

programmes and instruments are going to achieve their goals: when policy makers and legislators do this, labour inspectors and representatives of the industrial relations organisations will do that, which in turn will affect managers and employees at the workplace in such a way that working environment is improved and health problems are mitigated. This theory might be unelaborated and almost implicit, but it might also be detailed and explicit, formulated by the politicians, policy makers, their bureaucracies, consultants or researchers. The programme theory is usually an important starting point in understanding the inner workings of a programme.

But there are other sides to the process of policy formation than how the policies work. Who are the agents in the process, and what are the links between politics and function? Working environment regulation is ultimately a matter of health, but the process in which the programmes and instrument are designed and chosen are ripe with ulterior motives, particularly as working environment issues are closely linked with industrial relations and the labour market parties.

One particular concern in the context of policy formation is the role of knowledge in the process, the role of research and researchers. There seems to be a heightened interest on this role in policy making under headings such as risk bases, inspection and evidence-based policies. But there is no explicit and systematic way in which knowledge created in the scientific field is entering the policy arena. Rather, transmitted knowledge is translated and has to be translated to be useful in the policy field. Here, the word transmitted should convey a rational process in which knowledge is moved unpolled and comprehensively into another field, where the word translated suggests various elements of adjustment, interpretation and re-interpretation, reformulation and re-contextualisation, topped with elements of promotion or detention by various policy makers as well as researchers. The role of research in preparing and supporting regulation merits its own research.

And to finalize the sender side, the issue of street-level bureaucrats (Lipsky, 1980) needs to be highlighted. The food soldiers of the regulatory system—labour inspectors and others, for example standard auditors—need to reconcile the inherent contradictions in the system; contradictions between good intentions on the one side and practicalities and resources on the other side, and between inconsistencies in rules and procedures created due to political disagreements cover up in blurred compromises or just due to ignorance and practical unpredictability.

On the receiving side of the process, we also find the programme theory and its assumptions of how the programmes and instruments are received and transformed into changes in the practices in the workplaces. But practices have many layers: Communications, intentions, procedures and behaviour; some are merely window dressing, some constitute goal displacement and others contribute to the betterment of working conditions; some practices are short lived while others are sustained; in most cases, it is difficult to distinguish between good or bad practices, deep or superficial changes, and it is difficult to determine whether the changes are caused or triggered by the programmes or instruments or not. Some of these issues are pertinent to the use of standards as discussed in the paper by Hohnen et al. Some accuse the whole idea of standards to be a matter of window dressing, but probably goal displacement is more to the point. Accidents and safety risks are only a part of the problems presumably covered by the OHSAS 18001 standard, but as they are more easily audited than other OHS aspects, safety grabs the focus of the process. And the espoused goal is a better working



environment and fewer hazards; but the goals actually pursued tend to have more to do with procedures and papers than harmful conditions in the workplace.

There are at least three aspects of how societal intentions are transformed into work place practices: Context, actors and social processes.

Context covers questions of the importance of product or core task, industrial branch, technology company size and configuration, market situation, industrial relations, economic climate and so forth; the list is not intended to be complete. Tappura, Syvänen and Saarela in their article demonstrate the importance of the context when redundancies in their study are found to be one of the most taxing situations in the managers' jobs. The point is that regulatory interventions to improve the working environment never take place in a world where the intervention is the only element to consider. In most cases, such regulatory interventions are marginal to most workplace actors compared with their concerns of getting the goods out of the door and making sure that they still have a business to run tomorrow, figuratively speaking that includes all kind of workplaces.

Organisations are far from homogenous machines that always operate according to rules and plans. Rather they are amorph symbioses constituted by a series of actors with different agendas, interests and likelihood of achieving their specific goals. Let us start this, again deliberately incomplete, list of actors by pointing to the *line managers*, whose predicament is captured so forcefully in the article by Tappura et al. Line managers are often indispensable if a concerted action to deal with the working environment are to succeed, and even in cases where most line managers are eagerly committed to the action; at the same time, others might be recalcitrant out of work pressure or personal beliefs.

Other actors that play prominent roles in most discussions of how to influence the working environment are *Top managers*, whose support many studies point out as pivotal; *Safety reps*, as they are the voice of the work force, the primary interpreter of what people experience and the local representative of the industrial relations system; *Employees*, 'safety starts with you' as the slogan goes and it definitely has its merits; and the *Safety manager*, the person in charge of safety and other working environment activities will in many larger organisations take up a particular important role, as she or he as a 'professional' measures her or his success in the success of the various working environment programmes that are implemented and as she or he often is the broker, carrier and primary interpreter of external programmes and instruments that enters the organisation.

The last aspect to cover on the receiving side is the local social processes involved in transforming external regulatory initiatives into local practices. We hope to capture a sense of what we mean by that when we talk of the *translation* of policies and instruments from the regulatory field to the workplaces. The term translation (inspired by Røvik, 2007) refers to the very complex and unpredictable process through which the programmes are transformed from a general, abstract, public initiative to a particular, concrete, local activity within the company. The transformation can of course be a process of transportation—the programme has moved almost unchanged into the company—but in most cases, we suggest that a fairly substantial adaptation takes place. The process of translation points to a much wider range of organisational processes—as researched in the field of organisation studies—that deviate from common sense perceptions of rational behaviour in organisations and due to that prevents us from expecting

that working environment programmes and instruments out there are examples of the same thing that have similar trajectories and impacts across the board.

What can we expect from research in this field?

In the policy field of working environment regulation, as in many other fields, there is a growing demand for evidence that can support and direct policy making in the field, evidence-based policies and risk-based labour inspection are standard phrases in many countries. We acknowledge this demand, but our best advice is to be careful not to expect too much in terms of what evidence can do to come up with policies that are ‘guaranteed’ to work. Of course, research in this field can help to provide facts and models that can support policy making. But we also suggest that research has a role to play in moderating the craving for ‘evidence’. Researcher in this field, as elsewhere, should be the first to see the limits to the knowledge they create. It is told that the American President Harry Truman once asked for a one-armed economist, as he was tired of the perpetual ‘on the one hand ...; and on the other’. We should as researchers continue to claim our right to both arms, also because ‘they’ are necessary if we want to give the best possible advice.

We do not expect a simple theoretical model of how (and why) workplaces react to regulation in its narrow or wide sense is likely. But we do believe that there is a need for theories that develops our understanding of various aspects of this process further. Sometimes theories can help clarify things, and sometimes a good theory can provoke and inspire. We also believe—see below—that such insights are likely to stem from various theoretical and disciplinary perspectives.

Neither do we expect that empirical results will somehow reveal simple patterns that suddenly will make things clear and easy to navigate for policy makers and regulators. Yet, there is a dire need for empirical studies—and interpretations of the substantial amounts of surveillance data that exist in many countries—that contribute to a more advanced understanding of what works, and how it works. Empirical studies can also be instrumental in removing mistakes and prejudices associated with how various policies and instruments works.

A major reason why we not really hope for *squaring the circle* in this field is that no policy instrument stands alone; all initiatives are embedded in a regulatory context that in most cases cannot be ignored. The interplay and synergy of various programmes and instruments are important, as are other aspects of the context—politically, economically and social/culturally—and we encourage studies that take context and complex interplays seriously.

Finally, we wish to encourage research in this field from researchers working under a wide range of scientific banners.

In our own work within the CAVI-programme (see Hasle et al., 2014), we have been very inspired with the work of Ray Pawson (2005), and his notions of demi-regularities and mechanisms. The world we live in is pretty predictable, because most things happen within it at a high degree of regularity, not absolute regularity, hence demi-regularity. If you put your hand forward when you meet somebody, they are likely to shake your hand, but sometimes they might kiss or ignore it. ‘Mechanisms explain causal relations by describing the “powers” inherent in a system’ (p. 23) Mechanisms produce regularity,



but they are not deterministic; other things can happen, particularly, as mechanisms are always embedded in a context and the context makes a difference. However, mechanisms are not just correlations, it is the power that produces causality, and as such, we are able to study mechanisms across domains and accumulate knowledge of how more precisely they work. This line of thinking is explicitly by Pawson linked to critical realism.

Nevertheless, the paper by Hohnen et al. in this issue involves self-proclaimed social constructions and still uses the concept of mechanisms. We believe that such crossovers are reasonable and fruitful, and on a similar note, we expect that critical realism or the like is far from the only interesting and relevant position to take.

We hope to see studies inclined towards one of the post-brands such as post-structuralism; indeed, the whole issue of working environment regulation begs to be reflexively examined through the lenses of Foucauldian bio-politics.

At the other end of the scale also, more or less positivist studies are welcomed. As stated, we do not expect a big pattern to be unravelled, but patterns in specific sectors, periods and other circumstances should be pursued. Interesting they are in their own right, and perhaps they suggest new mechanisms or theoretical contribution. People from different scientific camps often annoy each other, but more importantly they also inspire each other.

This issue of Nordic Journal of Working Life Studies only contains a few articles dealing with how we are to understand working environment policies, programmes and instruments. But we hope that this presentation of some of the challenges and possibilities this field holds will inspire to further research and debate in the area.

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