



Managing OHS: A route to a new negotiating order in high-performance work organizations?

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ABSTRACT

Contrary to a widely held view, rather than seeing the certification of Occupational Health and Safety (OHS) as a barrier to increasing employee participation, this article views new ways of structuring participation as a necessary step towards making improvements in OHS management systems. The article first considers how work organization has changed and then in a similar way traces how bargaining has shifted from being distributive to become integrative to create a fundamental change in the negotiation regime. Finally, by analyzing an OHS-certified firm in greater depth, the article shows how solutions for improvements in OHS management and notable bottom-up formulations of OHS benchmarks may help us discover how the organizational form of firms with high-performance work organization can be developed through new participatory structures.

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1. Introduction: is employee participation possible under OHS certification?

Until recently it has been argued that OHS was best looked after by effective government regulation and inspection combined with safety organizations (SO) and safety councils (SC), with employee participation at the level of individual firms. In this way firms would be forced to take OHS issues into consideration when optimizing the efficiency of a given set of routines by making increasing use of technology, aiming for economies of scale and coordinating the activities of bureaucratic hierarchies (Nelson and Winther, 1982; Chandler, 1962, 1977).

Observers investigating this previous system found that one of its weaknesses was that SOs and SCs never became fully integrated into the managerial system of production but were placed in a 'side-car' position from which it was difficult to achieve effective influence on the firm (Frick, 1994; Frick et al., 2000). To its critics, this system could only be improved by granting employees sitting on SCs greater participatory power over decisions concerning investments, choice of technologies, the setting of local standards in employment relations, etc.

However, instead of reforms improving the system through increased participatory power for local SCs and creating refined procedures for their collaboration with the state's OHS authorities, in many countries reforms of the system have evolved towards greater self-regulation on the part of employers. In Denmark and other countries, firms could simply obtain certification (e.g. under OHSAS

18001) of their management system for OHS purposes and in this way escape the costs and inconveniences of routine inspections by the OHS authorities. To those who saw participation as being dependent on government control and vice versa, certification broke a cumulative chain of causation that could have led to a better system (Dawson and Clinton, 1988; Frick, 2009; Frick et al., 2000).

There are good reasons to question whether this would in fact have led to a better system as the economy re-organized. With the turn to a new economy where internal work organization, technology, and relations among firms and with stakeholders change frequently (Allwin and Aronsson, 2003), government control and inspection, as well as employee representatives in SCs, would easily become overburdened, as indeed they are in most cases. This would lead to highly formal, ritualistic, legalistic and very bureaucratic OHS management (OHSM) systems reinforcing the side-car positions of SCs and employee participation.

Where they are in place, existing participatory systems of shop stewards, convenors and work councils (WC-related participatory systems) under the new economy are urgently needed to deal with constantly changing and novel competitive situations, while SC-related participatory systems may stick to bureaucratically ordained tasks that are repetitive and easily ignored. This may happen despite the new forms of work organization that call for much more attention from employee representatives in SCs. In this way the existing participatory and negotiating system has reached its limits and is in need of reform.

Rethinking and studying promising cases of a new division of labor in participatory systems in relation to OHS certification offers a chance to answer the following questions: (1) how can the

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participatory influence of employees be reformed and strengthened by working with OHS certification? and (2) how may new ways of participation co-evolve with new forms of work organization and constitute a new negotiation regime within the constitution of firms?

The chosen analytical strategy is not normative and deductive. Rather, it analyzes a case where certification has led to an advanced form of OHSM with a high degree of participation in order to discover inductively how it could take the next steps in constituting itself in a novel way. Before doing this, the second section will answer the question: can OHS certification be seen as a suitable form of regulation in the new economy? Then the third section aims at mapping out how negotiating regimes have gradually changed from distributive to integrative bargaining. Then the ground is ready for the fourth section to examine an extreme case of certified OHSM (Flyvbjerg, 2001), where the next steps for reform become visible. We show how a new division of labor among participatory bodies and engagement in bottom-up formulations of OHS benchmarks could lead to cumulative advances in both OHS certification and general participation.

2. New ways of organizing firms and the role of OHS certification

Since the 1980s, the discourse on industrial firms has undergone profound changes. Globalization is said to have forced firms in the West to look constantly for novel ways to reduce costs, improve and innovate by taking advantage of constantly changing global value chains and open and internationally dispersed innovation networks (Chesbrough, 2003; Herrigel, 2007; Herrigel and Zeitlin, 2010). Multinationals are said to have evolved into transnationals (Bartlett and Ghoshal, 1998) engaged in endemic internal and external searches for ways to combine novel sources of both cost reductions and innovation cross-nationally in order to position themselves strongly in the eyes of financial communities by organizing competition and bargaining over investments and concessions among their subsidiaries (Kristensen and Zeitlin, 2005), work teams and suppliers.

Pressure from an increasingly complex context has created a situation in which firms must constantly change their roles in relation to other firms, and where the rules of the game are constantly shifting.

The need to make frequent shifts of roles in relation to customers, suppliers and other partners and adversaries has reinforced the pressure for reforms of the internal work organization (Boltanski and Chiapello, 2007) and transformation towards high-performance work organization (HPWO) in which jobs and technology are undergoing permanent re-structuring. In itself this often provides leeway for old aspirations for greater employee participation (Whitfield and Poole, 1997; Heller et al., 1998; Ramsay et al., 2000; Harley et al., 2005), which is simply necessary for firms to be capable of reacting quickly to external changes and earn profits from investments. In this way firms are experimentally searching for a new constitutional order, engaging employees in an increasingly collaborative community (Heckscher and Adler, 2006; Kristensen and Zeitlin, 2005; Lotz, 2009) while at the same time circumscribing a complex set of constituent, continuous and ad hoc teams held together by competition and cooperation, information and knowledge-sharing, participatory processes of negotiation, etc.

Combining the former OHS system of government regulation and inspection with SCs cannot cope with the pace of changes in the new economy, as this way of regulating was much better adapted to firms with fairly fixed forms of work organization where inspection and rules could be imposed on slowly changing production processes. In the frequently changing HPWOS

self-inspection and regulation become necessary; certification is a way of guiding this new way of doing things.

But certification is also needed because firms today are increasingly dependent on making use of other firms and on being used by others in unpredictable ways. This has in many cases led to certification and a setting of standards that makes it possible to assess a potential partner company before one links up with it. In distributed value chains, firms looking for suppliers need information about how suppliers perform financially, control quality, keep promises in relation to delivery times, etc. Furthermore a number of difficult cases (e.g. Nike) have made clear to employers the importance of ensuring that suppliers' working conditions, environmental impacts and corporate social responsibilities will not undermine the reputation of the outsourcing firm. Thus the new production regime has increased the need for mutual transparency among firms, and systems of certification and benchmarking both within traditional fields of corporate governance, quality, guarantees, etc. and such novel areas as environmental management (ISO 14001), working conditions (SA 8000) and corporate social responsibility (ISO 26000).

Seen in this perspective, OHS certification is just another element in the swarm of novel demands being imposed on firms by external stakeholders, and in some cases an OHSAS 18001 certification could be conditional for winning contracts from leading firms or for recruiting employees who are in high demand in the general labor market. Some firms even take the next step and deliberately enter competitions to be nominated as the Best Workplace of the Year, best place for apprenticeship, etc., just as they compete to win a quality or design prize.

The shift in how firms are organized and the turn to a system of transparency and benchmarking in relation to external stakeholders seems to have totally recast the issue of employee participation in industrial relations. On the one hand, cultivating the international ability to make role shifts and move towards HPWOS can in many ways be seen as undermining the legacy of hierarchy and bureaucracy as a means of rationalization, given that work teams become better informed about current practices and their possibilities for improvement than their principals. The operatives that change working routines are also the first to discover OHS problems. Thus under certain conditions the participation of employees simply becomes a must rather than a benign opportunity. On the other hand, the constant changes in the rules of the game in the form of waves of novel benchmarks seem to reaffirm and consolidate company hierarchies at the apex, since they must ordain novel measures, lay down procedures for reporting, evaluate reports, diagnose why benchmarks are not being met and design novel interventions to respond to increasing external pressures. Thus it seems as if managers need to take strong control of their companies. But for this to be timely they need to engage employees, as it is the latter who have the knowledge that makes it possible to diagnose problems and design new forms of intervention.

In most case studies of reformed corporations, experimental processes are said to have led to a decline in the power and influence of middle- and line-managers (Heller et al., 1998; Harley et al., 2005), creating a 'hole in the middle' between the top layer of the organization, which nonetheless looks similar to the old hierarchy and bureaucracy, and the bottom of the organization, which is often composed of a shifting ecology of relatively continuous and ad hoc teams. This hole is occupied either by a new constituency of HRM officers, coaches and supervisors, or by a dense network of shop stewards and convenors or both. New managerial techniques that are intended to help employees search for continuous improvements such as root-cause analysis, appreciative enquiry, simultaneous engineering and heuristic design (Helper et al., 2000) constitute the armory of the populace of this new no-man's-land, which works under a regime of benchmarking

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