

## Book review

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Peter Sheldon, Sarah Gregson, Russell D Lansbury and Karin Sanders (eds.). *The Regulation and Management of Workplace Health and Safety*. New York and London: Routledge, 2021; xiv + 195 pp. ISBN (hbk) 9780367211448.

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The name and work of Michael Quinlan will be well known to nearly all readers of this journal. Over the course of more than four decades, Quinlan has produced a remarkable body of research, principally in the fields of occupational health and safety (OHS) and labour history, that has transformed both fields in Australia and internationally. This book is a festschrift, but it is not principally a celebration of Quinlan's accomplishments. Rather, and more importantly, the impressive list of contributors to this volume honours his work by engaging with and extending many of the themes that have run through his research. Given his collaborative propensities, it is no coincidence that the majority of contributors have co-authored with Quinlan at some point in their careers.<sup>1</sup>

The book fittingly begins with a chapter written by two of the editors, Peter Sheldon and Sarah Gregson, which traces Quinlan's intellectual development over the first decades of his career. His early work on ethnic segmentation and industrial conflict provided segues into the history of working-class mobilisation and, perhaps less obviously, occupational health and safety. But at the time, the connection was clearer because migrant and immigrant workers were often relegated to the dirtiest and most dangerous job and because an emergent militant workers' health and safety movement was demanding both that workers should be protected from hazardous conditions and, more radically, that workers should be able to exercise some control over their creation. Coming from this context, Quinlan made the link between OHS regulation and industrial relations (IR). But IR itself has always been a contested field, ranging from those who posit that workers and employers share the same interest, to those who recognise differences in interest but believe they are reconcilable with the right institutional measures, to those who understand conflict as rooted in the structures of capitalist accumulation so that while some amelioration is possible, recurring regulatory dilemmas will require ongoing struggles to secure and maintain meaningful protection and voice.

For those who embrace a radical view of OHS, as Quinlan does, there is another kind of dilemma. On the one hand, it is important to make clear how structures of accumulation generate OHS hazards and how changing structures create new hazards and undermine established regulatory measures. On the other, there are immediate problems that demand some amelioration, not just radical critique. Yet, once one enters the world of amelioration, it is easy to lapse into a pluralist or a unitarist frame that loses sight of the underlying drivers of OHS hazards and denies workers an effective voice. As the authors of this chapter point out, Quinlan has shown us that it is possible to bridge these two worlds; he became a recognised expert that governments turned to for ‘practical’ advice, while understanding the underlying structural processes that limit reform and generate new challenges. Navigating that path, however, is not easy.

While the title of the books suggests it is focused exclusively on OHS safety that is not quite the case as three of the chapters engage with some of Quinlan’s other research interests. The first is a chapter by Terry Irving on rebellious workers in the 1910s, which extends themes that both [Quinlan \(2018\)](#) and [Irving \(2006\)](#) have pursued in books on Australian worker mobilisation in the pre-industrial era. In particular, Irving asks about the fate of spontaneous action when trade union density is high and labour parties are well entrenched, as was the case in Australia in the early twentieth century. Irving locates himself in labour radicalism, seeing working-class struggle as arising from the structures of capitalist accumulation, premised on unequal distribution of wealth and power and endemic conflicts that arise in the labour process. While Irving himself is not concerned with reform projects, the history he documents can be seen as emerging from grassroots mobilisations that challenge labourism, or as Irving calls it, ‘politicalism’, which is built on compromises made by ‘responsible’ union and labour party officials to secure elected office and institutionalise collective bargaining relations. In putting working-class insubordination into the centre of our understanding of democracy, Irving seeks both to challenge dominant narratives of political history and to retrieve an understanding of democracy itself as self-rule rather than as a system through which the state rules over people.

The second chapter not focused on OHS is a comparative study of European and US trucking regulation by Michael Belzer and Annette Thörnquist, a topic on which Quinlan has written quite extensively, including leading an inquiry into safety in the long-haul trucking industry in New South Wales ([Quinlan, 2001](#)). Belzer and Thörnquist trace declining labour conditions, including OHS and wages and hours, to the triumph of neoliberalism and the deregulatory project at its core. However, as they document, each neoliberal project unfolded differently in response to national/continental conditions and drivers. While in the US deregulation of interstate trucking was driven by a clear and direct embrace of market competition in the name of promoting economic efficiency, the EU story was bound up with the creation of a unified market that in principle was supposed to be accompanied by social protection to prevent a race to the bottom. The irony, as the authors demonstrate, is that in the US, a weak and weakly enforced regime of labour protection survived, while in the EU strong supra-national Directives were put on the books but depended on national enforcement, which was and is weak. The resulting

chapter is a nuanced comparative study of the political economy of trucking deregulation, but one that does not offer recommendations for its amelioration.

The third chapter in this group is Igor Nossar's 'Protecting "gig economy" workers through regulatory innovation'.<sup>2</sup> The chapter is, in one sense, the mirror image of Belzer and Thörnquist's in that it is less concerned with the political economy of (de)regulation than it is with promoting an ameliorative response to supply chain and network contracting practises that undermine working conditions in a variety of industries, including trucking and, more recently, the gig economy and platform-mediated work. Nossar is, of course, aware of the ways lead firms are able to exert their power through contract to control the performance and terms of work that generate poor working conditions and violations of minimum standards. But he is optimistic that the Australian model of supply chain regulation can harness contractual governance structures to achieve public regulatory outcomes. Nossar provides a fairly detailed overview of the model and its application in a variety of industries, including textile clothing and footwear and long-haul trucking. He also identifies key design features for it to be effective. It remains to be seen whether the model will be adopted to regulate platform owners, such as Uber, whose success was often premised on breaking local taxi regulation and who have invested vast resources to defeat attempts to impose minimum labour standards. Perhaps a melding of Nossar's and Belzer and Thörnquist's approaches would provide a political economic account of the conditions under which ameliorative measures can successfully be imposed.

Four chapters are specifically focused on various aspects of OHS regulation. The first, Sarah Gregson and Elizabeth Humphrys, 'The West Gate Bridge collapse', is an historical study of an OHS disaster in 1970 that killed 35 construction workers. The chapter builds explicitly on Quinlan's book, *Ten Pathways to Death and Disaster* (Quinlan, 2014), which itself masterfully demonstrated how a political economic understanding of production regimes can provide the foundation for analysing how disasters occur and for generating prescriptive advice about how they can be avoided. The authors document design and project management failures, communication failures and failures to act, weak external regulation and economic pressures as key causes of the disaster, all of which are linked to the social relations of capitalism and its structural propensity to pit profits against safety. The authors take a similar approach to explaining why the Royal Commission report released a year after the disaster focused too narrowly on the immediate causes of the accident rather than its deeper structural causes.

Katherine Lippel<sup>3</sup> and Annie Thébaud-Mony contribute a study of the impact of precarious employment on OHS regulation, compensation for work-related disability and return-to-work after injury in Canada and France. As is the case with the other contributors, Lippel and Thébaud-Mony are well-known researchers who have written extensively on this topic, and draw on that work to provide brief, but firmly grounded overviews of these issues using the Pressure-Disorganisation-Regulatory Failure model developed by Quinlan and his colleagues, who first drew attention to the inter-relation between non-standard work and poor OHS outcomes in 2001 (Quinlan et al., 2001). The section of the chapter on regulatory failures draws on case studies from France involving sub-contracting and a Canadian study of the mismatch between OHS law and the labour

hire context, while the discussions of workers' compensation and return to work are principally based on the Canadian experience. Not surprisingly, the chapter confirms that precarious workers face more hazardous, less well-regulated working conditions, greater obstacles in accessing workers' compensation and more difficulty returning to work, even when employers are penalised for failing to cooperate.

The focus of David Walters' chapter is on worker participation in OHS regulation, another topic that Quinlan explored, sometimes in conjunction with him (Walters et al., 2016). Walters makes an important distinction that is all too often lost between worker involvement that incorporates them into employer controlled OHS management systems and autonomous worker representation that provides workers with a meaningful opportunity to influence decisions affecting their health and safety. Drawing on past research, Walters identifies factors shown to have a positive relationship with effective autonomous representation and that have been offered prescriptively for improving OHS outcomes. The remainder of the chapter draws on a political economic understanding of changes in the EU that have undermined the conditions for autonomous worker representation, the most important being increasingly unequal power relations between labour and capital. These changes have enabled restructuring and workplace reorganisation resulting in work intensification and precarious employment. Walters brings to light a sad irony; we know what works but the underlying conditions that foster effective autonomous worker participation are eroding and with it the space for amelioration.

Finally, Richard Johnstone contributes a chapter that continues his long-term research into the prosecution of OHS offences. This study examines sentencing outcomes of successful OHS prosecutions in seven Australian jurisdictions that adopted the Model Workplace Health and Safety Act, which aimed to harmonise Australian OHS regulation. Its focus then is on whether harmonisation has been achieved in sentencing outcomes, looking at levels of fines, the use of non-pecuniary sanctions and imprisonment for offenders convicted of the most serious offenders. The study finds significant variation in sentencing outcomes between different jurisdictions, and brings to light the rather odd practice in Queensland in imposing fines without recording a conviction, a practice permitted by the Act itself. Despite the differences Johnstone identifies, in my view the more important conclusion is that during the period of the study (2012–2018) the overall picture is that convicted employers received very low fines – less than 10% of the maximum for category 2 breaches – and there were no successful prosecutions for category 1 offences, so that no employer was sentenced to a term of imprisonment. Given Johnstone's focus on harmonisation, he spends relatively little time locating this sentencing pattern in the long history of the conventionalisation of factory crime or discussing its political economic drivers, topics he has addressed in more detail elsewhere.<sup>4</sup>

The book ends with a Postscript by Quinlan, which nearly convinced me that a book review is redundant since he does such a fine job of discussing the chapters thematically and highlighting their contributions. The postscript identifies inequality and unsustainable economic growth, both driven by neoliberalism, as the key challenges facing society. Quinlan concludes by identifying the achievement of 'sustainable forms of production, service delivery and social organisation generally' as key to addressing the current crisis. These are clearly transformational changes, but in the tradition of his own work Quinlan

leaves open the question of whether ameliorative measures can make enough progress before it is too late.

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## Notes

1. I should mention that although I have never collaborated with Quinlan our research interests in OHS and labour history overlapped and we have met professionally and socially on numerous occasions over the course of our careers despite the geographic distance between us.
2. This is another topic Quinlan has addressed, co-authoring with Igor Nossar and Richard Johnstone (2004).
3. Sadly, Katherine Lippel passed away in the fall of 2021. She made an enormous contribution to our understanding of OHS regulation and workers' compensation and will be greatly missed by all who knew her.
4. The conventionalisation of factory crime was a term and a concept coined by WG Carson (1979).

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