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David Walters, Richard Johnstone, Kaj Frick, Michael Quinlan, Geneviève Baril-Gingras, Annie Thébaud-Mony, *Regulating Workplace Risks: A Comparative Study of Inspection Regimes in Times of Change*. Cheltenham: Edward Elgar, 2011; 400 pp.: 0857931644; 9780857931641 (pbk), RRP USD 142.00.

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There is an expectation shared by trade unions, employers and the general community that state intervention in Occupational Health and Safety (OHS) is essential in order to protect individuals from harm, set minimum standards and provide a robust inspectorate to ensure compliance. The justification for such legislation can be seen in three ways. First, management may consider OHS to be unimportant and/or, in the face of competitive pressures, fail to provide sufficient protection for the workers. Second, workers in such circumstances are relatively powerless to protect themselves. Third, the efficacy of a country's OHS legislation and regulatory enforcement agency are seen as a barometer of labour rights, and only after disasters (such as those that occurred on the North Sea Piper Alpha oil rig in 1988 or at the New Zealand Pike River Coal Mine in 2010) are deficient, actions of the regulators and the ineffectiveness of regulations often exposed.

Given that it is generally accepted that there should be effective OHS legislation and an equally effective regulatory enforcement agency, it is surprising that there is a dearth of contemporary, comparative research on the topic. During the 1980s and 1990s, there

was burgeoning interest, particularly among sociology of law scholars who produced a solid body of research on the role of the inspectorate and the function and process of OHS regulatory law – for example, Hawkins and Thomas (1984), Braithwaite (1985), Carson et al. (1990), Gunningham (1987), Kagan (1984), Hutter and Manning (1990), Haines (1997), Johnstone (1997), Woolfson (1995) and Woolfson et al. (1996). However, more recently, studies on the topic have begun to dwindle; few (if any) have adopted an international, comparative approach. In particular, there has been little or no extant research on the role of the labour inspectorates in implementing systematic occupational health and safety management (OHSM), in the context of major OHS policy and regulatory reforms, and significant changes to the organisation and structure of work. Therefore, the 2011 book *Regulating Workplace Risks: A Comparative Study of Inspection Regimes in Times of Change* by David Walters, Richard Johnstone, Kaj Frick, Michael Quinlan, Geneviève Baril-Gingras and Annie Thébaud-Mony was received with great anticipation. The pre-book launch reviews praising its content, analysis and reflections are entirely justified.

Based on the findings from an international collaborative project that was first mooted in 1998, the purpose of the book was to present an in-depth, comparative analysis of regulating workplace risks. The project and the subsequent book are premised on the assertion that any investigation into systematic OHSM has to be placed within a framework that acknowledges the broader political and economic settings, including significant global changes in work organisation, such as the growth of contingent or precarious forms of work. The central point of the book, however, is that not only has the nature and structure of work changed, but the role of the inspector and the process of inspection have also altered radically from an earlier prescribed enforcement approach to the broader approach of systematic OHSM. Moreover, the book examines the way in which the nebulous approach ‘OHSM’ is regulated differently across jurisdictions with different outcomes. In an attempt to find a universal definition, Frick et al. (2000) described OHSM as ‘an active promotion of employer’s voluntary introduction of highly formalized and documented OHSM systems through private consultants and government authorities’ (p. 1) (also see Hasle and Zwetsloot, 2011; Robson et al., 2005). Frick et al. (2000) and Walters et al. (2011) add that the spread of systematic OHSM has been via ‘hybrid’ regulatory regimes (such as various self-audit systems in Australasia and the voluntary prevention/compliance programmes in the USA) where various devices (ranging from promotion and sponsorship to compliance targeting) are used to encourage employers to adopt non-mandatory systems. The questions that the authors attempt to answer, therefore, are: what are the processes of inspection of OHSM in the current world of work in advanced market economies, and how can we best understand the significant changes to the inspection of OHSM and the role of the labour inspector?

This is a substantial book that would appeal to a wide readership, including OHS scholars, OHS regulatory agents and policy makers, and those with an interest in OHS. The book comprises 13 chapters, divided into three parts. Part I, which includes Chapters 2 and 3, provides the reader with a socio-legal analysis of the background to current thinking on regulation and OHSM, as well as the debates that have surrounded the adoption of OHSM. These chapters are useful in that they chart the evolution of current thinking and bring together the different theoretical strands of regulatory law, thus providing the basis for the following chapters. In particular, alterations to the regulatory framework

are reflected in the changes in enforcement strategies from a prescriptive, regulated system supported by an inspectorate who policed the regulations to an enabling, self-regulated system of managing OHS risks where the inspectorate dispenses advice and investigates reported breaches of the legislation. Under the self-regulatory approach, OHS legislation typically is of a general nature, supported by more specific regulations, codes of practice and procedures. The OHS inspectorate prosecutes violators only as a last resort. Accompanying the introduction of the OHSM approach, which started in earnest in the 1980s, has been the neo-liberal ideology of the need to 'roll back the state'. In effect, this has meant significantly reduced coverage of inspectors and an under-resourced inspectorate in many of the Organisation for Economic Co-operation and Development (OECD) countries. Moreover, when, for example, the Robens Committee proposed the self-regulatory approach and the reliance on performance standards to manage workplace risks, they had no evidence of its success. Similarly, when OHS legislation incorporating self-regulation was introduced into Australia and New Zealand in the 1980s and 1990s, it was '... introduced in the absence of any empirical data to show that the changes would make any difference' (Gun, 1992: 384).

In Part II of the book (Chapters 3–11), each of authors addresses the issues outlined in previous chapters in greater depth within the context of five different countries, namely, Australia (Richard Johnstone and Michael Quinlan), Sweden (Kaj Frick), the UK (David Walters), the Canadian province of Québec (Geneviève Baril-Gingras) and France (Annie Thébaud-Mony). The following chapters clearly illustrate that the emphasis placed on different aspects of OHS regulatory inspection (i.e. worker participation mechanisms in Sweden or the risk management processes in France) varies between countries. The different ways in which labour inspectors from the five countries have responded to the reforms of their regulatory regimes, and the changes to the workplace they regulate, make for interesting reading and provide insights of what works and what does not. The authors argue that even though the case studies presented in Chapters 3–10 are country-specific in terms of detail, they are internationally relevant in terms of the broader discourse. While differences between each of the selected jurisdictions are discussed, attention to the characteristics common across the five chosen countries provides a powerful analysis of how OHS is regulated. Here, the reader is left in no doubt that OHSM in all its guises is largely an inept approach to regulating effective health and safety protection for all workers.

Part III of the book concludes with two chapters that draw together their analysis and the implications for the future of regulatory inspection of OHSM in the context of major political and economic restructuring and the changing world of work (Walters et al., 2011: 16). These chapters offer a mixed view of the future for the OHS inspectorate – that there is evidence of the different inspectorates endeavouring to develop responses to OHSM and the changing working environment against the backdrop of declining government resources, weakening of the trade unions and the rise of outsourced, precarious work within complex, globalised, supply chains. The authors conclude that the process-based standards of OHSM has had a limited impact and is increasingly irrelevant to both the defining parameters and the outcomes of the modern world of work (Walters et al., 2011: 329). They add, 'There is little chance ... of regulatory inspection in the way it is currently constituted reaching the work situations of millions of workers' (Walters et al., 2011: 329).

This seminal book is satisfying on a number of levels. First, it provides a rare comparative analysis of the divergent and convergent issues facing comparable jurisdictions. In particular, the findings across the five jurisdictions show that some effort has been made by inspectors to refocus their attention in line with a re-orientated OHSM regulatory approach, but that the orthodox ‘advise and persuade’ approach is still the preferred option among many of the inspectors. Moreover, the comparative findings outlined in the book are particularly useful for those of us in the midst of major regulatory reforms in OHS. Second, it reminds us why an effective, functioning, well-resourced OHS inspectorate is important particularly when worker protections have been eroded by neo-liberal political and economic policies. The role of the labour inspector is more profound than simply checking if the machine is guarded and that of dispensing educational material; it is about keeping workers, their families and communities safe and healthy. It is in essence a basic human right. Third, the authors raise the question about how OHS will be regulated in the future. There will undoubtedly be issues around the changing structure and organisation of work, where the inspector will need to adopt a set of skills that will be effective within a changing landscape, involving complex networks that comprise a loose coalition of principals and dependent, contracted workers. Finally, when research funding for large, comparative projects is becoming rare, this book provides us with a lasting legacy of detailed research and analysis on an important topic.

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