Occupational justice as social justice: The moral claim for inclusion

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ABSTRACT
Occupational justice is typically framed as an aspect of social justice, a philosophical perspective that has traditionally emphasised treating people with respect and equitable distribution of societal resources. Contemporary views emphasise acknowledging difference and what people have the capability to do and be, rather than what they receive. This presentation questioned whether working towards occupational justice can contribute to realising a just and inclusive society by analysing how occupational justice issues have been argued. A systematic review of diverse literature documenting occupational injustices was completed, looking for whether social or occupational justice was emphasised, whether moral or ethical claims were made, and how authors positioned their work. All authors were found to invoke social justice concepts and relate previous or current human rights abuses. Occupational deprivation was almost always cited and breaches of people’s occupational rights were identified. Claims for social and occupational justice were interrelated, with the right to work emphasised. Moral claims to occupational justice were revealed in descriptions of people experiencing occupational injustice as worthy citizens and as suffering. Mechanisms that create and hold occupational injustices were identified, and responsibility for achieving occupational justice was situated within policy structures and with policy makers.

KEYWORDS
Occupational justice; occupational rights; social justice; moral claims; occupational deprivation; choice; opportunities

Occupational justice is a powerful idea, bridging the gap between people’s well-being and harmful social conditions that restrict what they can do and be. Evidencing its importance, by 2014 at least 19 book chapters and 63 articles discussed occupational justice or injustice (Durocher, Gibson, & Rappolt, 2014). Through much of that literature, occupational justice is taken to be an aspect, subset, derivative or complementary to social justice (Wilcock & Hocking, 2015; Stadnyk, Townsend, & Wilcock, 2010). While the exact nature and outcome of social justice has been long debated, the arguments seem to boil down to two key ideas. First, anchored to belief in the dignity and sovereignty of the human person, a just society is one in which people are treated equitably. Second, all citizens should receive a fair share of societal resources (Robinson, 2016). Social justice addresses important social goals, whether acting in ways that befit an equitable and compassionate world, respecting human dignity, or creating an inclusive society. Accordingly, a great deal of faith is put into its ideals. In actively promoting social justice, the United Nations holds it up as a global force against “a future marred by violence, repression and chaos” (United Nations, 2006, p. 6). The overarching question addressed in this presentation is whether occupational justice can contribute to realising a just and
inclusive society, characterised by dignity and equity rather than cruelty and disarray.

Towards answering that question, I review what is meant by social justice and how that fits with human rights. I begin with more traditional views, before outlining how those views are contested by philosophers who assert they do not give sufficient attention to what people can do and be, or to society’s responsibility to preserve people’s health. I then turn to occupational justice, identifying its conceptual foundations, how injustice is described from an occupational perspective, and the issue of occupational rights. Having thus set the scene, I report a systematic review of seven accounts of occupational injustice. The review investigated how justice and human rights are represented, and the extent to which researchers and social change agents draw on those ideas to frame their observations and findings. Pulling that together, I conclude by considering the contribution occupational justice might make towards creating an inclusive society.

Social Justice and Human Rights

Justice is a theoretical concept that varies across people, place and time. Humans have no need of such a concept until we observe inequities between people that we perceive to be untenable. Within modern democratic societies at least, inequities that reach the threshold of being an injustice are commonly considered from the perspective of social justice, which functions as a moral compass, guiding both reasoning and action. When we frame justice as social justice we are acknowledging two things. First, some inequities are created by societies rather than, for example, the forces of nature or god’s will. Second, we are asserting that societies could do something different – alter the social arrangements in some way – to make the situation more equitable. And in accepting that proposition, we are conceding that social institutions – politics, the economy, religion, schools and the family - have a real world impact on people’s material circumstances. Some are favoured; many are not.

As stated earlier, a just society is generally considered to be one in which all citizens are regarded with equal concern (Dworkin, 2000; Rawls, 1993). Exactly how that should play out depends on whose opinion you seek. Two prominent theorists of social justice are John Rawls (1921-2002, US) and David Miller (born 1942, UK). Rawls (2001) promoted a vision of justice as fairness when protecting people’s access to civil liberties, human rights, and opportunities to lead a fulfilling and healthy life. Inclusion, from his perspective, refers to civic inclusion, meaning equitable opportunities to access “health, education, personal fulfilment, creativity, and so on” (Mann, 2012, p. 3). Rawls explicitly addressed the liberties, rights and opportunities of the least advantaged members of society – those lacking freedom of thought and movement, power, income and wealth, choice of occupation (meaning work), and the social basis of self-respect. Rawls’ version of justice is served by equity of opportunities, rather than equality of outcomes, so long as everyone has a reasonable chance of taking up those opportunities. In specifying equity rather than equality, Rawls envisioned justice to mean fair and impartial distribution of opportunities rather than, for example, a redistribution of resources to ensure all citizens had equal status and rights. His principle of fairness also applies to allocating the burdens of sustaining each other’s liberties, rights and opportunities. While a fair share does not imply an equal share, Rawls’ stance rejects the utilitarian principle of “the greatest amount of good for the greatest number”, which could be used to justify “sacrificing” individuals or minority groups for the common good. Addressing how social justice might be achieved, Rawls identified the role of political and social institutions as assigning basic rights, duties and burdens, and regulating the division of benefits accrued from people’s cooperative input to society.

Where Rawls was a theorist, Miller (2001) took a more pragmatic approach to identifying the basis of social justice, which he described in terms of how advantages and disadvantages should be allocated to members of society. Disadvantages relevant to social justice include dangerous work, military service and other hardships. Advantages are personal security, property, money, transportation, housing, medical care, care of children and elderly people, education, jobs and opportunities for leisure. Taking the stance of full and equal participation of all
groups in society, he proposed that these advantages, or “goods,” be assigned on the basis of:

- need, which is defined as having the basic necessities to function, or when people are being harmed or at risk of harm
- what people deserve, given their level of performance in relation to the aims and purposes of the community, and
- equality, in the sense of upholding the human rights of all citizens equally, an ideal that Miller held to be closely linked to “fellowship, solidarity, social cohesion and social inclusion” (Rashbrooke, p. 89).

Needs are determined by what the community understands an adequate human life to be, and are differentiated from “wants.” Depending on their ability to do so, all citizens are expected to contribute to meeting the needs of other members of the community. Injustice, then, is when government policy or social conditions interfere with getting the necessities to function, harm people’s capacity to function, obstruct receiving what is deserved, or impede equal opportunity or treatment (Robinson, 2016). Like Rawls, Miller sees the state as capable of instigating reforms, using force if necessary to ensure compliance. Finally, Miller’s theory of social justice is pluralistic – in that need, desert, and equality must be in balance. Remembering that equity refers to upholding human rights, Miller thus positions rights as central to social justice.

While neither Rawls nor Miller enumerated the rights to be accorded to citizens, a point of reference is provided by the United Nations’ (1948) Universal Declaration of Human Rights (UDHR) and its subsequent conventions and covenants (See: A summary of UN Agreements on Human Rights, 1997). Those documents lay out a set of universal principles addressing entitlements to legal protections, having input to major life decisions such as marriage, and participation. Of note, the UDHR specifies culturally important occupations; work, education, leisure, and the cultural life of the community. Access to those occupations is thus implied by theories of social justice, whether Rawls’ opportunities to lead a fulfilling and healthy life or Miller’s basic necessities to function.

Bringing Rawls’ and Miller’s perspectives together, social justice is broadly concerned with the contract between a society and its members, which sets up the conditions within which citizens live and interact. That contract, as Rawls and Miller saw it, centred on allocating social advantages and disadvantages commensurate with people’s needs and performance, and protecting them from gross injustices. In return for state protection, citizens accept their responsibilities, fulfil their duties, and shoulder their share of the civic burden. Also central is treating people fairly and respectfully, a principle that rests on ideas about equality and impartiality.

However, as feminist Iris Young (1990) exposed, this is a normative view that favours hegemonic norms of reason and respectability, thereby devaluing and suppressing differences between social groups. Instead, her politics of difference affirm a differentiated, culturally plural society that counters group-based discrimination and oppression. This is a perspective on inclusion that respects diversity and focuses on creating opportunities for people to live, work, play, develop and age without exploitation or violence. Another important consideration is that, in considering the conditions of people’s daily lives, both Rawls and Miller specified income, wealth, property and money as the advantages deserved by those who fulfil their contract with society. Thus, lacking these resources is what distinguishes society’s least advantaged members. In describing social justice in these terms, they accepted a perspective currently held in many Western economies, that wealth is directly and robustly connected to well-being (Venkatapuram, 2011).

An additional compelling challenge to Rawls and Miller’s assumption that justice is achieved by fairly allocating society’s resources is that it neglects differences in people’s ability to use those resources to generate outcomes they value. An alternative, first espoused by Nobel Laureate economist Amartya Sen, is capability theory. It proposes that well-being is not a matter of what people have – rather, what they are able to do and be, and whether or not that enables them to lead a minimally dignified life for a human being (Sen, 1982). In addressing the capability to do things people have reason to value, both human
functioning (i.e. doing and being), and external capabilities (opportunities) that make it possible for people to do and be are brought into play (Bailliard, 2016). What Sen left open was which doings and beings matter to people, and whether that varies across different circumstances. Martha Nussbaum’s (1999, 2011) formulation of 10 basic capabilities answers those concerns. They encompass aspects of being; life, senses, emotion, affiliation. More important in this context, they point to the capacity for occupation (health, bodily integrity, thought, planning one’s life), the motives for occupation (adequate nourishment and shelter, sexual satisfaction, education, producing expressive works, pleasurable experiences, showing concern for other people, living with animals and plants, play and recreation, employment) and the resources required to participate (property, goods). In combination, Sen and Nussbaum’s capabilities frameworks provide a means of determining what is just – what people are able to do and be – and a means to determine the parameters of a life that accords people at least a minimal level of dignity.

Social Justice and Health

At first sight, social justice appears to encompass health. It seems implicit to Rawls’ notion of leading a fulfilling and healthy life or Mill’s basic necessities to function. Despite that appearance, Rawls did not recognise that health is a social good, and thus not part of social justice. Even with mounting evidence of systematic disparities between rich and poor, he maintained that health is a “natural good,” something that lucky people might sustain over their life course (Venkatapuram, 2011). Consistent with that viewpoint the right to health, and thus societal action to reduce health disparities, is not specified in human rights declarations. Rather, until late last century, health disparities were not regarded as unnecessary, unfair, and avoidable consequences of socioeconomic differences (Whitehead, 1991). Neither was the health impact of being stigmatised, discriminated against or marginalised because of your age, gender, sexual orientation, ethnicity, illness, disability, religious or political affiliation, and other characteristics. Thus, controversy exists as to whether health disparities constitute a social injustice that puts the inclusion of sick and disabled people at risk. Without that acknowledgement there is less perceived need for policies targeting the social conditions that create disparities in health status and longevity. Examples of such policies might include provision of a decent standard of living, adequate housing, participation in the workforce and safe work conditions, urban planning to create health-promoting physical environments, education to a standard and level to support full participation, and social acceptance, respect for and inclusion of all subgroups within society (Braveman et al., 2011).

Countering Rawls’ view, Sen (1999) strenuously argued that health is a fundamental capability for functioning in society that ought to be protected. He asserted that justice must attend to the choices actually offered to people. On that basis, he argued that because ill-health further disadvantages socially disadvantaged groups, it is a barrier to realising their human rights and participation in society. Following Sen’s lead, Nussbaum identified health as one of her 10 basic capabilities. Taking that argument one step further, Venkatapuram (2011) spelled out that “social arrangements in the production, persistence through generations, levels, distribution patterns or differential experience of impairments and death” (p. 5) are moral concerns; people are not just disadvantaged – they are wronged. As such, the clearly recognizable disparities that exist are justice issues precisely because societies could act to protect, nurture, and restore people’s capability to be healthy, through fair distribution of the determinants of health. In this, health disparities are a matter of justice.

Occupational Justice and Injustice

Echoing Sen’s “capability to do and be” and Venkatapuram’s health justice, occupational justice has been defined as equitable or fair opportunities and resources “to do, be, belong and become what people have the potential to be and the absence of avoidable harm” (Wilcock
The concept of occupational justice has three foundational ideas. First, because humans are inherently occupational, the things people do are a determinant of health (Wilcock & Hocking, 2015). That implies that occupational justice is only served when conditions allow people to engage in occupations in ways that are consistent with their culture and beliefs (WFOT, 2006) and sustain well-being (Hammell & Iwama, 2012). Additionally, occupational justice has an inclusive agenda, in specifying that people are appropriately supported to participate in occupation (Townsend & Wilcock, 2004; WFOT, 2006). Second, occupation is contextually embedded, which means that structural factors (the economy, policies – at regional, national and international levels, the values underlying those policies, and cultural values) and personal characteristics (age, gender, nationality, ethnicity, religion, abilities and impairments, wealth and income, work, social networks, and rural or urban location) are determinants of occupation (Stadnyk et al., 2010). Third, engaging in occupation can improve the lives of people in vulnerable situations (Whiteford & Hocking, 2012). Occupational justice, then, is concerned with enabling, mediating and advocating for environments in which all people’s opportunities to engage in occupation are just, health-promoting and meaningful.

Like justice, how occupational justice manifests will vary across different cultures, times and places. As such, occupational justice involves allowing that there are multiple, equally legitimate ideas, traditions, and ways of life that shape people’s occupational patterns, standards and performances. Whilst broad variation is acknowledged, it is also recognised that established occupational patterns and structures might be inherently unjust (Wilcock & Townsend, 2000). Picking up on the ideas central to social justice, breaches of occupational justice occur when participation in health enhancing occupations is inequitable across different groups in society, with some people unfairly benefiting and others subjected to patterns of occupation that are detrimental to health and well-being. Indicating the seriousness of claiming an occupational injustice, it is further defined as patterns of occupation so deficient as to seriously retard children’s development, result in substantive health issues, or shorten people’s lifespan. At a societal and community level, occupational injustice is purported to undermine the economy by wasting human potential and creating a health burden, reduce social cohesion by planting the seeds of discontent and social unrest, and threaten people’s sense of safety (Christiansen & Townsend, 2010).

In teasing out the causes and effects of occupational injustice, five variants have been identified:

- Occupational deprivation points to externally imposed barriers to valued, meaningful occupations necessary for well-being.
- Occupational imbalance is due to occupational patterns of being over or under occupied, due to excessive work demands, enforced idleness, or burdensome responsibilities to care for the environment, dependants or oneself.
- Occupational alienation has been defined as “deep feelings of incompatibility with the occupations associated with a place, situation, or others to the extent that basic needs and wants appear impossible to attain or maintain” (Wilcock & Hocking, 2015, p. 258). It may manifest as aggressive occupations associated with social unrest or self-destructive behaviours.
- Occupational marginalisation is usually associated with discrimination, such that people are systematically relegated to occupational opportunities and resources that are less valued within a society (jlucido93, 2013).
- Occupational apartheid refers to the systematic segregation of groups of people and deliberately denying them access to occupations such as quality education or well-paid work, or occupational contexts, based on prejudice about their capacities or entitlement to the benefits of culturally valued occupations (Wilcock & Hocking, 2015).

As with discussions of social justice, there is a sense that such situations are not natural or immutable: the social conditions that give rise to occupational injustice could be changed.
Occupational Justice and Human Rights

Just as theorists of social justice call on human rights to define the conditions all people ought to be assured, occupational scientists invoke access to occupation as a “right”. Claiming a right to occupation can be supported both philosophically and pragmatically. Drawing on the argument that health disparities are inequitable, thus revealing the right to health, occupation can be considered a right because it is also socially determined and occupational inequities are associated with real harm. More pragmatically, occupational justice can be directly linked to human rights through the United Nation’s (1948) Universal Declaration of Human Rights. Considered from an occupational perspective, the UDHR specifies particular kinds of occupations, such as slavery or servitude, and particular occupational contexts, such as unjust or unfavourable work conditions, with unreasonable working hours or without just remuneration, as contravening human rights. Equally, being barred from certain occupations, for instance not having access to voting, rest and leisure, education, enjoyment of the arts, or religious observances, would be in breach of human rights. Occupations that amount to torture or “cruel, inhuman or degrading treatment or punishment” (Article 5) are clearly identifiable as human rights abuses. These universal rights are largely carried through to the World Federation of Occupational Therapists’ (WFOT; 2006) Position Statement on Human Rights. Synthesising the principles presented in the position paper, Stadnyk et al. (2010) identified four generic occupational rights to:

1. Participate in a range of occupations to support health, development and inclusion
2. Make choices and share decision making power in daily life
3. Experience meaning and enrichment, and
4. Receive fair privileges from participation.

The WFOT position paper also stipulates the right to be supported to participate in occupation. An additional right, to maintain different views about occupation and traditional ways of doing things (Wilcock & Hocking, 2015), has also been proposed. Thus stipulated, the overlay of social justice principles becomes evident in the notion of fair privileges and demand for acknowledgement of difference. While no consensus has been reached, occupational rights have been defined as “the right of all people to engage in meaningful occupations that contribute positively to their own well-being and the well-being of their communities” (Hammell, 2008, p. 62). Working to secure occupational justice requires public awareness of breaches of occupational rights and their impact, and collaborative action to bring about occupationally just and inclusive societies.

Instances of Occupational Injustice: A Rights Focus?

Thus far, I have argued that human rights are central to current conceptions of social justice, and that the rights articulated internationally directly address people’s access to occupation, conditions relating to engagement in occupation, and protection from exploitative occupations. That acknowledgement gives credence to the concepts of occupational justice and injustice. In addition, through ongoing scholarship, variants of occupational injustice have been proposed and described, societal outcomes of occupational justice and injustice outlined, and structural determinants of occupational justice identified. Thus informed, occupational justice and occupational rights are often discussed in tandem.

However, Hammell and Iwama (2012) have argued against justice as a guiding concept because it is primarily concerned with equity in the distribution of material advantages (property, money, education, work, and leisure) and burdens – not occupation. In addition, they assert, justice “does not address the causes of injustice or inequality” (p. 386), which seems an important omission if injustices are to be righted. Their final argument is that inquiries into the justice of any situation always require making a judgement about what is fair, and are thus open to debate. In contrast, they claim, human rights directly concern doing and “conditions that enable or constrain action” (p. 386) and state unequivocally what people are entitled to. Alternatively, Bailliard (2016)
followed Venkatapuram (2011) in articulating an alternate discourse of moral entitlements, assertions and ends. Positioning occupational justice within that discourse would mean encompassing multiple worldviews and engendering “different notions of health, justice, and how to affect them” (p. 3). In that way, the risk of imposing foreign ways of being on other people might be avoided. In light of those conflicting methods of advancing an occupational justice agenda, it is instructive to examine documented accounts of occupational injustice to find out how researchers have framed their work.

Methods

In determining which accounts of occupational rights and injustices to examine, I decided on a couple of criteria. First, because judgements about justice and injustice are contextual, I would need accounts that included relevant information about the sociocultural, political, historical, institutional, economic and occupational context. Second, to guard against the possibility that discussions of occupational justice and occupational rights have taken a specific focuses in particular contexts, I needed to select literature focusing on diverse populations and circumstances, and different variants of occupational injustice. Within those criteria, I accepted both research and observational accounts of occupational injustices. The questions guiding the review were:

1. What are authors pinning their discussions to: principles of social justice or occupational justice?
2. Is there reference to specific human or occupational rights?
3. Are moral or ethical appeals made?
4. Are the authors’ aims and recommendations pinned to social or occupational justice or rights?

I reviewed 5 articles and 2 chapters (see Table 1), listed in order of publication:

- Whiteford’s (1997) description of the occupational deprivation of inmates in a special needs unit in a maximum security prison in New Zealand
- Jakobsen’s (2004) account of factors impeding participation in work for three Norwegian women with rheumatoid arthritis
- Galvaan’s (2012) account of socio-economic and political influences on the occupational choices of “coloured” youths in a marginalized community in Cape Town, South Africa
- McElroy, Muyinda, Atim, Spittal, and Backman’s (2012) analysis of ethnographic data on rural families in internal displacement camps and on return to their homes in Northern Uganda
- Bailliard’s (2013) ethnography of undocumented Latino migrants in a town in North Carolina
- Thibeault’s (2013) account of the community consequences of an ill-conceived educational programme delivering foreign aid in Nicaragua
- Crawford, Turpin, Nayar, Steel, and Durand’s (2016) analysis of the intersection of structural and personal factors in the occupational deprivation of asylum seekers in Australia.

My method was to read each article or chapter in full, looking for mentions of social justice and associated concepts (inequality, fair distribution, rights, fair privileges, capabilities, citizens, and the phrase “all people”), the outcomes of social justice (equity, inclusion), references to United Nations’ declarations, and concepts used in the context of breaches of human rights (discrimination, stigmatisation, racism, poverty and so on). I also looked for mentions of occupational justice and related concepts (occupational deprivation, imbalance, alienation, marginalisation, apartheid), and terms associated with occupational rights (range of occupations, choice, decision making, meaning, valued occupations, well-being). To establish whether moral or ethical claims were made I searched for those terms, while also interpreting the tenor of claims made in relation to the background to the study, the findings, and any recommendations. Finally, I went back to the aims and recommendations to identify how authors situated the significance of their work.
Findings

**Invoking social justice and human rights**

Social justice was directly invoked in three of the articles, as an end in itself and the context in which concerns about occupational justice were manifested (Bailliard, 2013; Jakobsen, 2004; Thibeault, 2013). The aspects of social justice specified were its application to “all people”, governmental responsibility to create a fair society, and the “justice of distribution” (Jakobsen, 2004, p. 125). Even when the term social justice was not used, issues of social justice were evident. South Africa’s historic apartheid era was named, with specific reference to the South African Group Areas Act of 1950, which enacted the material power and privilege enjoyed by one group within society through government policies of forced relocation of other groups (Galvaan, 2012). There were explicit claims of injustice (Crawford et al., 2016) and accounts of injustices, such as the forced internal displacement of a large proportion of a rural population into camps with inadequate infrastructure for water, food and sanitation (McElroy et al., 2012). Discrepancies between statements in a penal management plan about “respecting the dignity of all persons” (Whiteford, 1997, p. 129) and how inmates were actually treated also point to social justice concerns.

In some of the literature, the language authors used highlighted issues of social justice. There were claims of atrocities that intentionally targeted the civilian population (McElroy et al., 2012). Asylum seekers were identified as fleeing persecution and as socially excluded and stigmatised in the country where they sought asylum (Crawford et al., 2016). Undocumented Latino families were described as subject to discrimination, exploitation, oppression and persecution (Bailliard, 2013). Similarly, claims of discrimination, exclusion, stigmatisation and marginalisation were made in relation to people with disabilities (Jakobsen, 2004), and the ongoing marginalisation of people of mixed ethnic descent as a consequence of apartheid (Galvaan, 2012) was voiced. Finally, a “colonialist mentality of exploitation” (Thibeault, 2013, p. 248) by foreign aid programmes was asserted.

Crawford and colleagues (2016) substantiated their appeal to justice by citing asylum seekers’ history of human rights violations, including torture, along with exclusionary policies denying them legal status as citizens. They also identified failure to fulfil legal responsibilities for human rights to health, work, self-care, family, cultural, religious, leisure and learning occupations, and supported those claims with specific reference to the Universal Declaration of Human Rights (United Nations, 1948), the Convention Relating to the Status of Refugees (United Nations, 1951), and the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966).
Another strategy to give weight to human rights claims was to refer to local organisations that promulgate that perspective. For instance, Norway’s Independent Living Organisation was cited in relation to disability rights, with the right to work and “actively participate in society as equal citizens” (Jakobsen, 2004, p. 126) described as a requirement of inclusive societies. In addition, authors invoked the right to work without recourse to international declarations or covenants (e.g. Whiteford, 1997). Some interpretation of human rights was also evident, such as Crawford et al.’s (2016) reference to the right to work as the right to earn a livelihood and, in the case of disabled women, failure to enable the right to work being attributed to lack of policy and material support (Jakobsen, 2004).

**Invoking occupational justice**

Four of the articles and chapters directly referred to occupational justice in the title, keywords or as an opening claim (Crawford et al., 2016; Galvaan, 2012; Jakobsen, 2004; Thibeault, 2013). Another referenced a specific framework of occupational justice and defined occupational injustice (Bailliard, 2013). One other both defined occupational justice and identified it as an aspiration dependent on national priorities and social values (Jakobsen, 2004). Of the variants of occupational injustice, occupational deprivation was almost always invoked (Bailliard, 2013; Crawford et al., 2016; Jakobsen, 2004; McElroy, 2012; Thibeault, 2013; Whiteford, 1997) but the discussions were also framed in terms of occupational marginalisation (Galvaan, 2012; Jakobsen, 2004), occupational alienation (Jakobsen, 2004) and occupational imbalance (Bailliard, 2013). While most authors worked to current definitions of these concepts, Bailliard (2013) critiqued a current framework of occupational justice for failing to conceptualise a threshold beyond which restricted participation constitutes deprivation. In addition, Crawford and colleagues (2016) debated the nature of occupational deprivation. Where it has previously been described as a situation imposed by external forces, they argued that it is better understood as an interaction of external factors and personal characteristics that modify how individuals respond to those circumstances. They raised the question of whether occupational deprivation is an action, something inflicted on others, or an experience of being occupationally deprived. Similar observations have been made in relation to being socio-economically deprived (Bassouk & Donelan, 2003).

**Occupational rights**

Of the literature reviewed, only Thibeault (2013) explicitly addressed the occupational rights proposed by Stadnyk et al. (2010). None of the literature referred to the WFOT (2006) position paper on human rights. Nonetheless, all the articles and chapters described breaches. The right to a range of occupations was most vividly depicted for special needs inmates, who could list multiple benefits of being occupied but in the face of severe limitations in the environment, resorted to sleeping (Whiteford, 1997). Imposed restrictions were also identified as problematic for asylum seekers, whose engagement in work, study and daily occupations was disrupted, controlled and prevented by the policies governing them (Crawford et al., 2016). In contrast to these direct restrictions, self-imposed limits on their occupations were reported by undocumented Latino families, because driving to the venue or to fetch necessary resources carried the imminent risk of being stopped and deported (Bailliard, 2013).

The right to occupations that are chosen, self-selected (Jakobsen, 2004) or self-determined (Crawford et al., 2016) was unambiguously asserted. However, the notion of choice was problematized by Galvaan’s (2012) discussion of the ways occupational choices are constrained by socio-economic and political environments. That constraint, she asserted, is not adequately ameliorated by providing access to a wider range of occupations, as has been previously suggested. Similarly, the right to experience meaningful and enriching occupation, particularly work, was emphasised in six of the seven articles and chapters. This occupational right was breached by policies prohibiting asylum seekers’ engagement in paid work, while at the same time restricting what they could study and do to purposefully use time (Crawford et al., 2016). Prolonged lack of productive work options,
particularly for men held in camps for displaced people, disrupted traditional lifestyles with resultant breakdown of family and societal roles and values. The associated loss of skills, identity, and sense of purpose and control, as well as enforced idleness, contributed to endemic substance abuse and violence (McElroy et al., 2012). At an individual level, lack of real access to work was depicted as having negative psychological and social impacts (Jakobsen, 2004), thus evoking the right, as proposed by WFOT (2006), to be supported to participate in occupation. The right to fair privileges from participation was raised in only one paper, in relation to exploitative work arrangements endured by many undocumented workers (Bailliard, 2013).

**Inter-relationship of social and occupational justice**

Social justice and occupational justice were seen to be joint aspirations towards an inclusive world (Jakobsen, 2004) and mutually supportive. In addition, an occupational perspective by itself was proposed to be a mechanism to promote just societies. For example, where distributive theories of social justice point to inequitable allocation of resources, an occupational justice perspective can illuminate inequitable access to occupation (Bailliard, 2013; Crawford et al., 2016). In so doing, an occupational perspective might assist with determining priorities for change. Of note, inequitable access to occupation is not directly addressed in either the WFOT (2006) Position Statement on human rights, nor Stadnyk et al.’s (2010) alternate rendition of occupational rights. In addition, drawing on the capabilities approach, aspirations for occupational justice could be promoted by attending to both people’s capacity for participation in occupation (Bailliard, 2013; Crawford et al., 2016) and social structures that restrict opportunities for occupation (Crawford et al., 2016).

While social and occupational justice were generally discussed separately, the linkage between them was suggested in Thibeault’s (2013) outrage over the appropriation of local occupations by aid volunteers, a situation that was certainly not equitable. Thibeault’s work is also notable in applying social justice principles to occupational justice issues, when she asserted the need for “fair occupational participation for all members” of a community (p. 248), and processes that respect their dignity, leadership ability and control over defining their needs and goals. She also raised gender discrimination as a social and occupational issue, in relation to the “negligible recognition and compensation” attached to women’s occupations (p. 250). As well, Crawford and colleagues (2016) aligned human rights, as stipulated by the United Nations, and occupational therapists’ attention to productive, self-care and leisure occupations.

**Moral and ethical claims**

None of the seven authors made explicit moral or ethical claims. However, moral claims were implied in presenting people in vulnerable circumstances as worthy of social and occupational justice. Thus, against the warders’ belief that special needs inmates “exhibit the whole range of human deficiencies” and that there would be little value in interviewing them, they were presented as willing and insightful informants (Whiteford, 1997, p. 128). Similarly, the exploitation of undocumented Latino workers was set against harrowing accounts of being detained and deported without notification (Bailliard, 2013). In the case of women with disabilities, there was emphasis on their efforts to improve their own situation by gaining educational qualifications, persisting in job seeking, displaying a high work ethic, and making substantial efforts to sustain a worker role despite jeopardising their health. Breaches of employment law were suggested, and experiences of isolation, anger, despair and alienation described, when health issues forced them to stop working (Jakobsen, 2004). The ways that “historically predicated patterns of occupation” (Galvaan, 2012, p. 154) channel youths’ occupational choices towards low quality work and alcohol and tobacco abuse are morally indefensible. The suffering of asylum seekers, who give vivid accounts of boredom, anxiety, fear, depression, stress, confusion and hopelessness, made worse by “having nothing to do” and the “harsh conditions in community detention” (Crawford et al., 2016, p. 3) constitutes a moral claim, particularly in relation to more lenient treatment of refugees. The
displaced Ugandan women left to raise children alone because of “death, separation, abandonment or withdrawal by fathers” (McElroy et al., 2012, p. 203) were depicted as struggling against enormous odds to keep their children safe, fed and educated.

Moral claims can also be discerned in accounts that exposed the gap between what people might be capable of going and their lack of opportunity, thus echoing capability theory. For instance, Jakobsen (2004) itemised the factors leading to an unjust society as lack of genuine access to work for people with disabilities, along with devaluing of their abilities. Similarly, the occupational deprivation experienced by inmates was explained as a direct result of a “no tools” policy, which not only deprived them of opportunities for occupation but also seemed to contribute to further loss of capacity (Whiteford, 1997).

**Achieving occupational justice through social justice mechanisms**

In situating the occupational injustice they sought to explore, the authors reporting research findings all came from a social justice perspective. Under the rubric of “social structures,” they identified historic socio-economic policies (Galvaan, 2012), civil war (McElroy et al., 2012), penal policies (Whiteford, 1997), policies governing the treatment of asylum seekers (Crawford et al., 2016), the way government policies are enacted (Bailliard, 2013), and lack of effective policy (Jakobsen, 2004) as the root cause of occupational injustice. Thus positioned, they sought to explain how those structures and processes created occupational injustices. The power of the accounts was in revealing the impact on people’s opportunities to participate in culturally valued occupations. Taking an occupational perspective put a human face on injustice, showing the real and personal impact on communities and individuals. The injustice was made tangible. Those who ventured to address how wrongs could be put right highlighted necessary attention to human rights (Jakobsen, 2004), policy development (Whiteford, 1997) and changes in policy structures (Crawford et al., 2016), or informing policy makers of the unintended outcomes of legislation (Bailliard, 2013). This nestling of occupational injustice within a social justice perspective supports claims that occupational justice is aligned with or a derivative of social justice. Only Thibeault (2013), reporting observations from the field, framed her argument from the opposite perspective. Charting the inadvertent, but nonetheless devastating occupational injustices inflicted by aid agencies working towards social justice, she advocated the use of an occupational rights framework to think through and monitor the impact aid workers have on the occupational patterns and livelihood of the recipient community.

**Discussion and Implications**

Although its meaning is still being debated, many people perceive social justice to be about creating the social conditions for equality, tolerance, and participation, thus securing greater security, peace, and a more cohesive society (Friesen, 2007). Proponents of occupational justice likewise emphasise participation and equity in relation to occupational choice, to secure enhanced well-being and a more inclusive society (Wilcock & Hocking, 2015). Given that philosophical alignment, the interweaving of social and occupational justice concepts in the occupational science literature is perhaps predictable. It made sense, in the field and in research contexts, to frame occupational justice concerns with social justice principles—whether fairness, equality, respect or protection of human rights. Indeed, the alignment of social and occupational justice is evident even through the populations occupational scientists investigated, with people with disabilities, South Africans classified as “coloured”, internally displaced citizens, prisoners and people with non-citizen status readily identifiable as at risk of social injustices.

While social justice philosophy appeared to be used to underline the importance and legitimacy of the arguments presented, occupational justice concepts proved powerful in revealing the impact on participation and inclusion. Shifting perspective from participation in society to participation in occupation helped researchers identify the specific barriers in place. More importantly, addressing imposed interruptions
on occupation uncovered the human suffering in terms that can be readily understood, precisely because occupation is the stuff of people’s everyday lives. It was clear why men in displacement camps would spend their days drinking rather than caring for their families (McElroy et al., 2012), why undocumented Latino migrants would accept low wages (Bailliard, 2013), and why “coloured” youths would take up the very occupations they had criticized in their parents (Galvaan, 2012). These are compelling accounts of human suffering and wasted potential. The power of these descriptions lends weight to the suggestion that moral claims for the removal of barriers to participation, rather than accusations of injustice and human rights violations, may be more effective in addressing occupational justice issues (Bailliard, 2013; Venkatapuram, 2011).

In addressing barriers to participation and inclusion, it was notable that authors were discriminating in their use of occupational deprivation, occupational imbalance, occupational marginalisation and occupational alienation, even though few offered a definition of the terminology they employed. These terms were also, at times, used in combination. For instance, Bailliard (2013) explained how fear of deportation caused both an overall decrease in participation in occupations outside the home (deprivation), with more marked withdrawal from discretionary occupations such as visits to family (imbalance). Similarly, Jakobsen (2004) described the disabled women she studied as experiencing occupational deprivation, but also being isolated from society (occupational marginalisation) and “being part of a life without meaningful occupation (occupational alienation).” Such nuanced perspectives of occupational injustice suggest that, while occupational justice and occupational rights claims might not be the most persuasive means of promoting participation and inclusion, they are useful concepts to sensitise researchers to occupational justice issues. Additionally, testing occupational justice concepts in the field promises to lead to their refinement, as in Crawford and colleagues’ (2016) reframing of occupational deprivation as a transaction of environmental restrictions and the personal characteristics of the people who are deprived.

Finally, although authors of the studies reviewed might not cite the documents that delineate occupational rights, the claims made broadly aligned with the rights listed in WFOT’s (2006) position paper on human rights and their later reformulation (Stadnyk et al., 2010). That convergence supports the validity and utility of the occupational rights proposed thus far and, as Thibeault (2013) showed, reviewing social change initiatives from the vantage point of occupational rights might protect the recipient communities from unintended harm. In addition, as with concepts of occupational injustice, research is extending and challenging the initial formulation of occupational rights. Specifically, Galvaan (2012) problematized the right to choose occupation, revealing how apparently “free” choice is distorted by people’s socio-economic context. Finally, a gap was exposed in that existing renditions of occupational rights fail to address inequitable access to occupation, as identified by Bailliard (2013) and Crawford and colleagues (2016). Their work also points to synergies between the capabilities approach and occupational justice aspirations.

Limitations and Future Directions

The review of articles and chapters, although systematic, is clearly limited in scope, in including only 7 sources, and may be subject to bias in that the selection was made from the literature I was aware of. A larger scale, systematic review of the literature presenting accounts of occupational injustices, and measures taken to counter it, would both confirm these findings and generate a more nuanced view. In addition to informing ongoing research, one practical outcome would be to provide an evidence base from which to critique and update current statements of occupational rights. The review presented here is also limited by my expanding but incomplete knowledge of the social justice literature. Clearly, efforts to further understand and influence occupational justice will benefit from ongoing exploration of social justice philosophy, along with further critical analysis of the growing body of literature reporting occupational justice concerns.

Conclusion

Based on a review of seven accounts of occupational injustices experienced by diverse groups
in very different circumstances, occupational justice and occupational rights have been shown to be useful concepts. Those ideas sensitize researchers to important inequities, assist them to understand the issues, and provide language to frame the actions necessary to make access to occupations more inclusive and improve well-being. Consistent with understandings that occupational justice is an aspect of social justice, researchers situated their studies in relation to principles of fairness and equity. They encompassed contemporary views that emphasise the need to acknowledge difference and to focus on what people have the capability to do and be, rather than what they receive. However, the power of this body of research is in the moral claims presented in findings. The immediate and intergenerational suffering associated with occupational injustice is brought to life, made immediate and understandable, when viewed from an occupational perspective. This, I suggest, is the power occupational justice will bring to promoting just and inclusive societies.

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