The depoliticization of health and safety committees and representation: The Ontario case

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Abstract
Studies in several national jurisdictions have highlighted the limitations of joint health and safety committees and worker representatives in affecting change in working conditions. Using Canadian data, this article focuses on the argument that many health and safety committees and worker representatives have been captured or substantially controlled through the State’s promotion of an internal responsibility system framed around a technocratic partnership. The historical development of this framing is first understood within a political economic framework which highlights several major influences, followed by a field theory analysis which explains how these control relations are established by management within workplace settings.

Keywords
joint committees, labour consent, management control, occupational health, worker representatives

Introduction
While research demonstrates that joint health and safety committees (JOHSCs) can have positive impacts on working conditions, the bulk of the evidence suggests considerable variations in effectiveness (Eaton & Nocerino 2000; Facey et al. 2017; Hall et al. 2006, 2016; Lewchuk et al. 1996; Olle-Esplugà et al. 2014, 2015, 2019; Walters et al. 2016; Walters & Haines 1988; Walters & Nichols 2007). In explaining committee
weaknesses, researchers have often emphasized the lack of management cooperation or outright management opposition (Lewchuk et al. 1996; O’Grady 2000; Shannon 2000; Walters & Nichols 2007). Others have expanded on these findings to suggest that weak enforcement of committee rights, limited training, and poor to non-existent Labour Union supports such as time allowances are all significant factors in disempowering worker representatives (reps.) (Baril-Gingras and Dubois-Ouellet 2018; Hall et al. 2013, 2016; Lewchuk et al. 1996; O’Grady 2000; Shannon 2000; Walters & Nichols 2007). Studies have also highlighted other workplace characteristics such as small firm size, high proportions of temporary workers, and poor labour relations climates (Advisory Council on Occupational Health and Safety (ACOHS), 1986; Levesque 1995; Touhy and Simard 1993; Walters 2004).

Some scholars have pointed instead to ‘unintentional’ bureaucratization and excessive auditing as major factors constraining committee and rep. effectiveness (Blewett and O’Keeffe 2011; Dekker 2014; Størkersen et al. 2020), while others have argued that these constraints are not entirely unintentional and instead reflect the outcomes of specific strategies and tactics used by management to capture or undermine committee impact (Coulson 2018; Facey et al. 2017; Gray 2002, 2009; Hall 2021; Olle-Espluga et al. 2014, 2015; Stewart & Kumar Nite 2017; Tucker 1995; Walters & Wadsworth 2019). Some have gone further to argue that the original framing and subsequent structuring of JOHSCs as advisory technocratic partnerships were hegemonic efforts to extend management control over workers and occupational health and safety (OHS) disruptions by shifting more responsibility to self-regulating workers and control to risk management systems (Gray 2009; Hall 1999, 2021; Nichols & Tucker 2000).

In this article, I apply these latter arguments to the Canadian province of Ontario. First, I draw on historical data and literature to make several macro-level arguments regarding the State’s framing of occupational health and safety committees as technocratic partnerships while also identifying the political economic forces contributing to this development. Second, having demonstrated the institutional acceptance of this framing, I use interview and observational data from several studies of OHS committees to show how managers deploy the discourse of partnership and technical control to capture and control worker representatives within workplace settings.

At the outset, I acknowledge that there is no systematic randomly sampled evidence on the relative proportion of Ontario committees and representatives captive within a technocratic partnership model, referred to in some studies as ‘technical-legal’ (TL) representation (Hall et al. 2006, 2013, 2016). Research and anecdotal evidence suggests that they are quite widespread in Ontario as elsewhere, likely more the rule than the exception, albeit with variations in terms of the degree of management capture and control (see also Olle-Espluga et al. 2014, 2015; Storey 2004, 2005; Tucker 1995; Walters and Wadsworth 2019). Moreover, while there is clear evidence that significant numbers of politicized reps. continue to operate with some effectiveness, many report being under constant pressure to conform to the demands of an internal responsibility system (IRS) technocratic partnership model (Hall et al. 2006; Hall et al. 2013, 2016; Walters et al. 2016). Indeed, as has been argued elsewhere, the most successful reps. are often those who consciously exploit the political spaces for change within the IRS (Hall 2021).
Nevertheless, the system imposes significant restraints making it critical to understand the origins and reproduction of this hegemonic system.

The push to depoliticize OHS: the IRS

A central argument in both Marxist political economy (MPE) and labour process theory (LPT) is that democratic capitalist states operate through government communications, policies, regulations and programmes to balance the contradictions and tensions created by capitalist production and reproduction (Burawoy 1985; Tucker 1995; Vosko et al. 2020). Many of those contradictions and tensions emerge from ongoing labour process transformations which alter the foundations of employer control over labour and worker control over their work and employment, which in OHS terms often relates to the production of hazardous conditions, injuries and disease (Hall 1993; Navarro 1982). While often successful in the short term, the state's interventions (or lack thereof) introduce their own tensions or contradictions, often fueling labour–capital conflict and further changes in government, shifts in policy and legislative reforms (Tucker 1990, 2003).

In more recent history, both MPE and LPT have been focused on explaining the origins and effects of neoliberalism and globalization (Burawoy 1985; Harvey 2005; Thompson 2010). Consistent with this focus, the efforts of Ontario's provincial government, to develop and administer new OHS law and policy from the late 1970s to the 2000s, are understood here as being nested in the growing prominence of and conflict over neoliberalism and globalization as the foundations of capital accumulation and economic and state governance (Gray 2009; Tucker 2003; Walters 1983). As several scholars have argued, high injury rates, growing compensation and medical system costs and increased labour and public activism around environmental and occupational disease fueled a push for new OHS policy and legislation across much of the Western industrial world through the 1960s and 1970s (Quinlan 1999; Sirrs 2015; Storey 2004, 2005; Storey & Lewchuk 2000; Walters 1985). In Ontario, as in many other provincial and national jurisdictions (O’Grady 2000; Sirrs 2015), the government’s emphasis on self-regulation over the existing demand-control law was a key element of a ‘new’ approach nested firmly in neoliberal thinking. The joint OHS committee was a central anchor of this new policy, casting OHS governance as an internal self-regulating partnership between responsible individuals (employers, managers and workers) requiring minimal external regulation or enforcement (Gray 2009; Tucker 2003).

Along with the right to participate through advisory joint committees, the law gave workers a poorly specified right to know about hazards in the workplace coupled with an individual right to refuse unsafe equipment and substances, while broadly worded OHS regulations offered imprecise definitions of safety and health standards (Storey & Tucker 2006; Tucker 1995). While employers were obligated to ‘take every precaution reasonable in the circumstances for the protection of a worker’ (Ontario Occupational Health and Safety Act (OOHSA), Bill 70, 1978, Section 14(2g), the self-regulative orientation meant that it was largely left to workers and worker representatives to pin down what this meant in practice. While there have been several significant OHS legislative reforms and policy changes involving governments of different political stripes since 1978 in Ontario, the
history of OHS governance in Ontario has continued to revolve substantially around these same participative ideas and structures (Gray 2009; Ontario Ministry of Labour (OMOL), 1989, 2014).

As O’Grady (2000) and others have pointed out, this framing of JOHSCs and worker representatives in Ontario began in large part with a provincial inquiry into mine health and safety in 1975–1976 (Ham 1976), prompted by a wildcat uranium mine strike over cancer rates in the mine, which informed the creation of the OOHSA (1978/1990/2001) when committees were first mandated (see also Doern 1977; Gray 2002; MacDowell 2012; Storey & Tucker 2006; Tucker 2003). In discussing the need for joint OHS committees, the lone commissioner Dr. James Ham (1976: 157) stated ‘that there is emphatically no place for the adversary system of collective bargaining in dealing with matters of health and safety’, arguing further that without a ‘cooperative will’ to understand the complex issues of health and safety in the [mining] industry, it is unlikely that such committees can better the conditions of work. Ham (1976: 158–159) argued that a self-regulative IRS of governance was both possible and necessary grounded in worker auditors who would monitor when workers and their supervisors were following specified standard procedures and maintaining standard conditions and equipment, and separate structures of JOHSCs which would provide ‘constructive and critical reviews of the status of the health and safety of workers as reflected in the performance of the responsibility system, both internal and external to the local operations’. Although cautioning that joint committees should ‘give attention to policies, system performance, operations and conditions’ (Ham 1976: 159) rather than focusing on specific anomalies alone, his proposal for worker auditors was not included in the 1978 OOHSA, after opposition from many employers. Accordingly, joint committees and their representatives were given the role of conducting inspections of workplaces (OOHSA, Bill 70, 1978; Bill 208, 1990). The 1978 regulations and the subsequent 1990 Bill 208 reforms made no mention of Ham’s original argument that committees needed to focus on the larger picture to identify underlying and system-wide causes of unsafe conditions and practices (OMOL 1985, 1989, 1990).

The politization of OHS and the rise of political activism among representatives

While the State’s promotion of the IRS pushed from the outset a cooperative approach to committee operations and worker representation (OMOL 1985), this was not what happened in many workplaces through the 1980s. If anything, JOHSCs became a significant site for conflict as workers and worker reps. sought to exercise their new rights under OOHSA and discovered that many corporations and managers had contesting ideas about what those rights entailed (New Democratic Party (NDP), 1983, 1986; Hall 1989, 1993; OMOL 1985; Sass 1986; Storey 2004; Storey & Tucker 2006; Tucker 1995; Walters and Haines 1990). Much of the resistance during this period involved traditional labour strategies such as slow-downs, sit-down strikes and even sabotage. Reps. and their unions also tried filing grievances or large numbers of compensation claims as ways of pressuring management to address their concerns. These tactics pushed some employers and managers to pay attention to JOHSCs and worker rep. demands,
but they also often led to significant management reprisals, sometimes fueling in turn
further worker politicization and resistance (ACOHS 1986; Clement 1981; Hall 1989,
1991, 1993, 2021; NDP 1983, 1986; McKenzie & Laskin 1987; Storey & Lewchuk
2000; Walters 1983; Walters and Denton 1990). As shown in a 1980s case study of hard-
rock mining, some miner reps. organized what may have been some of the earliest ‘work
refusal’ campaigns, using the individual right to refuse unsafe work as a political tactic to
bring collective pressure on their employer (Hall 1993, 1996). There were also some
notable examples of Ontario workers in other industries in the 1980s employing work
refusals quite effectively, the most significant of which were the plant wide ‘strikes’ at
DeHavilland and McDonnell-Douglas in Toronto. Activist politics within workplaces
began developing by the mid-1980s into a much wider provincial OHS movement than
had been the case in the 1970s (Storey 2004; Storey & Lewchuk 2000; Storey & Tucker
2006; Walters 1983).

There were several reasons why the new law and IRS policy failed to stem the politi-
cization of OHS. As Robert Storey (2004) has argued, the OHS movement in the
1980s was in many ways an extension of the environmental movement of the 1960s
and 1970s into the workplace. This had begun before the legislation but took root in
Labour Unions much more substantially after the legislation was introduced in part
because the committees offered platforms in which these new emerging concerns could
be expressed. This happened partly as Unions drew several environmental activists into
their organizations, but also as other environmentalists made their own shifts to OHS
as focal points through the creation of community-based health and safety advocacy
groups such as Windsor Occupational Safety and Health (WOSH), the Toronto and
Hamilton OHS Workers’ Clinics and the Toronto Occupational Health Resource
Committee (TOHRC) (Adkin 1998; Deverell 1985; Storey 2004). While emphasizing
the importance of access to technical and medical information and, accordingly
engaged in worker and union outreach in an effort to do so, these OHS activists and
groups were also staunchly political in their orientation to change in health and safety,
with relatively little confidence in the government’s claims regarding cooperation and
internal responsibility (Brophy & Parent 1999; Hall 1991; Storey 2004). Accordingly,
these activists and groups had an outsized influence in shaping the politicized under-
standing that many reps. had about OHS at this time.

Just as important in fueling conflict was that the government had promised new par-
icipative rights (right to be informed, right to committees and right to refusal) but failed
to deliver widespread corporate willingness and/or capacity to adopt a more cooperative
stance on health and safety. This disaffection was well documented and publicized
through two commissions conducted by the opposition NDP (1983, 1986) using
detailed testimony from worker representatives across the province. Well into the 1980s,
the government failed to invest significantly in IRS orientation and training programmes
for management, unions or committees. Despite the government’s insistence that its
approach to corporate compliance was firmly grounded in education, it largely left the
industry-controlled prevention associations such as the Industrial Accident Prevention
Association (IAPA) in charge of most education and training in the province while pro-
viding comparatively little funding to labour-controlled training programmes (ACOHS
1986; McKenzie & Laskin 1987; Snider 2009; Tucker 1995). With weak enforcement
and limited inspection coverage, many firms were free to operate without paying attention to participation or consultation regulations (ACOHS 1986), a fact acknowledged in the 1989 government reform proposals (OMOL 1989: 4). Less acknowledged was that even when caught, violations of the law, especially around the new IRS rights, were rarely if ever punished (Tucker 1995, 2003).

While many unionized firms in key industries such as mining and steel had adopted joint OHS committees well before the 1979 OOHSA, those committees tended to function along union grievance lines focusing on worker complaints, with little systematic auditing procedures (Burkett et al. 1981; Hall 2021; Lewchuk et al. 1996). Unions contributed to this dynamic by appointing or electing current or past stewards to rep. positions with more adversarial backgrounds and little formal OHS training into these committee positions. Moreover, since many supervisors and managers had similarly learned to approach OHS within an adversarial labour relations or safety first framework, they were also not inclined, nor did many have the skills, to work ‘cooperatively’ with worker representatives as Ham had prescribed (see also Burkett et al. 1981; Clement 1981; Hall 1991, 1993; Walters 1985; Walters and Haines 1990). These conflicts also reflected continuing high rates of significant injury and compensation rates, especially in the early 1980s. In the mining industry, for example, high fatality and lost time injury rates prompted three major provincial/federal inquiries into mine safety during the 1980s (Burkett et al. 1981; Standing Committee on Resources Development 1988; Stevenson 1986). However, consistent with the government’s position, these inquiries explicitly criticized the companies and the unions for taking an ‘adversarial’ approach to health and safety. The Burkett commission, in particular, made several recommendations to ‘de-politicize these committees as much as possible’ (Burkett et al. 1981: 89).

As unions, worker reps. and workers learned that the OHS law and Ministry of Labour inspectorate offered little or no protection, they mobilized within their workplaces and provincially for changes in the law (Hall 1989; McKenzie & Laskin 1987; Martel 1994; NDP 1986; Sass 1986; Storey 2004; Storey & Tucker 2006). Ultimately, as workplace politics spilled more and more into the public sphere, unions, corporations, political parties and governments were pushed to respond. Thus, from a critical political economy perspective, the environmental movement, limitations in the state and corporate implementation of the IRS system, serious weaknesses in enforcement, continuing high rates of injuries and the initial adversarial union and management responses to the IRS were all instrumental in fueling the development of a political activist culture within many workplaces, which morphed into a significant OHS movement in the province as a whole (O’Grady 2000; Storey 2004, 2005).

From an LPT perspective, it is also important to recognize that labour process and management restructuring were largely just beginning in many of the high injury rate industrial sectors in the 1980s such as mining, steel and chemical production, manufacturing and forestry (Burawoy 1979, 1985; Clement 1981; Edwards 1979; Friedman 1977; Hall 1993; Gorman et al. 1993). As such, while declines in worker control over their work and shifts to core skill and security foundations were increasingly upending Fordist systems of labour consent and management control (Burawoy 1985; Clement 1981; Hall 1993), relative to the 1990s and 2000s, unionized workers and worker representatives were still better placed at this time in terms of conventional union power
resources (i.e. strike capacity and withdrawal of worker cooperation) to resist, in as much as many of the major declines in private-sector unionization in Canada were in their early stages.

**Depoliticizing OHS: the shift to technical-legal representation**

Reflecting its politicization, the reform demands of the 1980s OHS movement were focused on expanding, strengthening and protecting the rights of workers to refuse, to access information, and to participate more substantially in prevention decisions as workers and as worker representatives (Hall 1991; Storey 2004; Storey & Tucker 2006). The government’s initial reform proposals moved in this direction by proposing the mandating of highly trained ‘certified worker representatives’ who would have the unilateral power to stop unsafe work as well as broadening the definition of the grounds on which workers could refuse unsafe work (OMOL 1989). Although substantial emphasis within the reform proposals was placed on the importance of education and communication of information, the government initially acknowledged that worker reps. and workers needed more protected authority. As the government stated,

> The effectiveness of workers and employers’ involvement in health and safety depends a good deal on the level of training and knowledge they can bring to the task. They also need a set of rights and authority that permit this knowledge to be used effectively. (OMOL 1989: 8)

This included the recognition of the need for more enforcement and compliance incentives (OMOL 1989: 10).

However, as happened in 1978 when the government of the day had first proposed the individual worker right to refuse unsafe, small and large businesses were stridently opposed to giving worker reps. any powers beyond their current advisory status (e.g. Canadian Federation of Independent Business (CFIB) 1990; Canadian Manufacturers’ Association 1990; Dofasco Steel 1990; Hamilton Construction Association 1990; INCO Ltd. 19906), again largely on the grounds that this would ‘politicize’ health and safety, or as the CFIB (1990: i) put it, ‘frustrate the cooperation and teamwork between employers and employees that is crucial to the accomplishment of health and safety goals’. The government’s OHS discourse on partnership was in full display within these corporate submissions as firm after firm insisted that partnership and cooperation would be undermined if worker reps. were given the power to stop unsafe work. Somewhat ironically, after universally arguing against the right to refuse in 1979, most argued that no further powers for representatives were necessary *because* workers had the right to refuse (Hall 1991), although this didn’t keep some from also objecting to the broadening of that right. In responding to these concerns, the government tried to reassure businesses that the central focus of the reforms was on training and education so that workers and representatives would use their limited authority ‘responsibly’ or, as stated in the government’s main reform document, ‘the new authority will be provided for very limited circumstances and will be balanced by a set of procedures framed in such a way to ensure its responsible use’ (OMOL 1989: 8). As the Premier of Ontario stated in a letter
to Boeing of Canada Ltd., “Bill 208... builds on a growing inclination for employers to create greater levels of partnership with their workforce...and to give employees more opportunity to use their knowledge and training in ways that enhance the effective operations of the workplace” (Peterson, 1989).

However, reflecting the employer’s objections that unions and workers would abuse their new powers, the Minister of Labour was replaced and the final version of the reform legislation passed into law (OHHSA, Bill 208, 1990) required that the certified rep. could only stop unsafe work with the cooperative agreement of the management-certified representative. As such, rather than granting additional rights or powers to workers, the Bill was reduced largely to an expansion of committee and training requirements. Smaller workplaces and excluded industries such as retail were included under IRS provisions, with the exception of agriculture, and there were new training requirements for certified representatives, and new administrative regulations regarding committee meetings and inspections, including new reporting requirements (OMOL 1989: 6, 19–21).

A new employer–labour bipartite agency, the Workplace Health and Safety Agency (WHSA) was set up to provide expanded the certification training for worker representatives, managers and workers and to oversee the operation of newly established occupational health and safety medical clinics (Hall 1991; OMOL 1989; Storey 2004; Storey & Tucker 2006). Other than a concern about the representation of non-unionized workers on the Agency Board, Bill 208 was supported in the end almost universally by employers (Hall 1991).

As this analysis suggests, if corporate Ontario was not entirely on board in the late 1970s when the IRS was first introduced, they were much more so by the time Bill 208 was passed into law or soon after. This argument is supported by a comparison of two employer surveys done by government agencies on their compliance with the IRS regulation, one in 1986 and one in 1994 (ACOHS 1986; WHSA 1994; see also O’Grady 2000). Although most firms (93%) had nominally established committees by 1986, only 22% of firms were in full compliance with the law (see also NDP 1983, 1986; Standing Committee on Resources Development 1988). Although not entirely comparable, the 1994 survey suggested much higher levels of formal compliance, especially in manufacturing, mining and the public sector where only 20%–28% had low levels of compliance. Unionized workplaces in particular were less likely to have low compliance (20% vs 44%) as were larger firms. Although full compliance probably meant different things in different workplaces, this suggests that firms and managers had begun to realize the value of embracing the IRS model, not only as a way of reducing labour conflict, but also as reinforcing management and production shifts that were downloading increased responsibility to workers. The corporate large-scale adoption of the IRS model was in that sense part of a growing shift in management thinking and neoliberal governance around responsibilization, one which intensified in the 1990s as neoliberalism took greater hold of Ontario’s government and economy (Gray 2009; Hall 1993; Walters & Wadsworth 2019).

Corporations were not the only ones moving to embrace the government’s vision after Bill 208 was passed into law. While many of the more militant OHS activists opposed the acceptance of the downgraded 1990 reforms as a sell-out, most of the Labour Union leadership and some OHS activists argued that it was time to focus on making the IRS
work. In practice, this meant accepting the government and corporate positions that health and safety should be approached in a partnership manner with an emphasis on technical expertise and knowledge as the basis for cooperative decision-making (Hall 1991; Storey & Tucker 2006). This shift was especially evident in the new certification training programmes that came out of the new Bipartite Agency in as much as the Unions endorsed a technically oriented training curriculum which paid little or no attention to the workplace politics of health and safety. Although there had been significant disagreements between OHS activists and much of the union leadership through the 1980s, national and local union leadership support for militant OHS actions dropped quite precipitously after 1990 and, in some contexts, this meant conscious efforts to replace or undermine reps. who refused to cooperate (Hall 1991). This move by the unions largely signaled the end of the 1980s OHS movement and OHS militancy at the provincial level (Storey 2004; Storey & Tucker 2006). I suggest that this was also when worker representatives became increasingly TL oriented as committees became more integrated into employer-controlled OHS management systems (Hall 2021; Hall et al. 2006, 2013, 2016; Storey & Tucker 2006).

Several other province wide developments helped to cement the depolitization process over the course of the 1990s. One significant blow against the OHS movement and political activism came with the surprising election of the New Democratic Party (NDP) in 1992, in as much as the new ‘labour oriented’ government did very little to increase enforcement and even less in terms of meeting the demands of OHS advocates for more worker powers (Storey & Tucker 2006). This was in itself dispiriting as OHS activists were often discouraged by their unions from criticizing the NDP government (Storey & Tucker 2006), but things got worse in 1995 when the NDP were defeated by a probusiness staunchly neoliberal conservative government under Premier Mike Harris. The government’s threats to remove basic IRS rights never materialized in part because the union movement mobilized a series of general strikes in 1995–1996. While these actions temporarily re-politicized health and safety at the provincial level, these were largely defensive tactics aimed mainly at preserving bipartism and the IRS with little attempt to return to the demands of the 1980s OHS movement for more workplace authority for workers. While the IRS at the workplace level was maintained, most of the bipartite administrative OHS system created through the 1980s and 1990s reforms, such as the OHS agency and the Industrial Disease Standards panel, were dismantled by the Harris government. Other OOHSA reforms such as Bill 57 in 2001 further reinforced the government’s self-regulative message of ‘governing at a distance’ (Rose & Miller 1992) when worker inspectors were no longer required to actually visit a work site to address work refusals and complaints. While government enforcement statistics suggest that workplace inspections were increased, the thoroughness of the inspections was reduced by moving to inspections blitzes which relied more on company audit records than physical inspections (Storey & Tucker 2006; Tucker 2003). Perhaps more significantly, the Harris government passed legislation making it more difficult for workers to unionize, and easier for companies to encourage decertification, while at the same time freezing the minimum wage and enhancing the capacity of firms to increase working hours. As unions lost bargaining power and members, and as precarious forms of employment grew (Vosko et al. 2020), many workers and worker reps. were less and less able to assert
their IRS rights without reprisals, which further thinned the ranks of long-time OHS activists and/or their capacity to mobilize workers and their union organizations, if they still had them, to challenge management (Harcourt & Harcourt 2000; Lewchuk & Dassinger 2016; Lewchuk et al. 2009, 2011).

Drawing again from the labour process literature, it is also important to recognize that changes in the organization and management of production and service delivery accelerated over the 1990s, with significant implications for the ways in which OHS risks were produced and health and safety management was developing (Hall 1993, 2021; Landbergis et al. 1999; Leslie & Butz 1998; Lewchuk et al. 1996; Rinehart et al. 1997; Russell 1999; Yates et al. 2001). The adoption of OHS management systems with substantive participative component also expanded further into other sectors, including the service and public sectors (Leicht et al. 2009). Some of the growing corporate acceptance of the IRS form of participation was influenced as much by emerging human resource management and participative management models such as Quality of Work Life (QWL), high performance and continuous improvement (e.g. Rinehart et al. 1997; Russell 1999), as it was government encouragement. These moves were reinforced quite significantly later in the 1990s with the proliferation of flexible production models such as lean production, and as firms sought to meet global competition by finding additional ways of extracting more out of workers through participative management (Rinehart et al. 1997; Russell 1999; Yates et al. 2001). As noted in the labour process literature, downloading responsibility and self-regulation to workers allowed a thinning of middle management costs and the shift to more flexible production systems (e.g. Belanger et al. 2003). At the same time, as other researchers have noted, in some firms, direct worker participation mechanisms offered management opportunities to control workers more directly, making health and safety committees less relevant as sources of responsibilization and disciplinary control (Hall 2021; Walters and Wadsworth 2019).

Another key trend taking place more broadly within management theory and practice during the 1990s, which reinforced the technocratic and auditing aspects of the IRS, was the growth of quality assurance systems and their emphasis on auditing as major corporations sought to exercise more control down the increasingly complex global supply chain (Hall 2021; O’Malley 2004). Again, these changes reflected substantial shifts in production organization as automation, communication and other technologies enabled firms to take full advantage of trade liberalization and deregulation (Thompson 2010). These auditing systems became increasingly integrated within international systems of standard setting such as the ISO-9001, 14000 and most recently 22000. OHS management systems have since been elaborated to the point that governing and managing production and costs, accidents, injuries and close calls were all increasingly constructed as one set of costs which could be audited and controlled in unison. Joint committees of various sorts (e.g. ergonomic and back prevention committees, continuous improvement committees) were created to supplement or, in some cases, to supplant the legislated JOHSCs, all drawn into management control functions largely as information providers (Hall 2021; Nichols & Tucker 2000; Walters & Wadsworth 2019). Beginning with the 1990s reforms, Ontario have increasingly responded by either imposing requirements for these OHS management systems (e.g. through monitoring and record requirements, see OOHSA, 1990, Section 26 c, d and f, Regulation 243/95) or by providing incentives for best
management practices such as better compensation payment rates (OMOL 1989: 10). These changes helped to further push the integration of joint committees and representative practices within OHS management systems. In sum, while the state may have initiated the push for a technocratic partnership through its regulative and discursive structuring of the IRS around joint committees, and it continued to characterize the IRS in this manner (OMOL 2014), the eventual framing of worker involvement and participation in health and safety as a technocratic audit-based partnership was increasingly driven by larger shifts taking place in management thinking, labour process structuring and risk governance, driven in turn by globalization, neoliberalism and technological change.

**Explaining the development of TL and other captive forms of representation**

To understand how management captures joint committees and/or controls work reps. and workers within this technocratic partnership model, this section moves away from political economy to arguments grounded in Bourdieu’s (1977, 1990) social field theory. Although Bourdieu adopts many of the same starting positions of MPE and LPT with respect to structural constraints and the contradictions of labour-capital relations, his approach offers a way of bridging the structuralism of those approaches with a recognition of agency grounded in individual ‘practical knowledge of the world’ and the efforts of agents to ‘invest this practical knowledge in their ordinary [day to day] activity’ (Bourdieu & Wacquant 1992: 9). What this approach also offers are conceptions of class, power and interests organized around a complex interplay of economic, cultural, social and symbolic capital (i.e. power resources) rather than the tendency in MPE and LPT to centre the analysis around struggles over economic capital (Bourdieu 1977; 1990). As I seek to show, taking the analysis to this more grounded level allows us to better understand how control is being achieved, exercised and reproduced within workplaces and joint committees.

In terms of evidence, the section draws on observations and interviews with representatives and workers that I’ve conducted in several studies (Basok et al. 2014; Bornstein et al. 2019; Hall 1991, 1993, 2016, 2021; Hall et al. 2006, 2013, 2016). However, I also want to acknowledge that my understanding has been informed by my own personal experiences as a joint committee representative and co-chair and an active participant in a collaboration of Ontario OHS researchers and worker/union representatives called Labour Occupational Health Clinics, and Academic Research Collaboration (LOARC 2014). Although not planned or implemented as participant observations in any formal sense, these activities offered intensive opportunities to observe and interact with a range of worker and management representatives within and outside their workplaces, including those I would characterize as TL committees and representatives, while forcing me as an active participant to engage in a more direct way with the ideas I had been developing in my research. The core argument on this basis is that TL-based safety management systems, committees and forms of representation operate to conceal and obscure conflict between management and worker OHS interests to the extent that management is able to control the technologies, information and knowledge employed in joint committees.
and other participative processes (e.g. quality circles). This information and knowledge control (i.e. cultural capital) then allows managers to craft what workers and worker reps. understand as practical, possible or realistic solutions to production and OHS issues (Bourdieu 1990; O’Malley 2004). As the dominant actors in a workplace, managers are in a position to use participative, technical and bureaucratic rules to frame the safety discourse and structure what worker reps. do (i.e. conducting formal inspections with fixed lists of hazards, write and present hazard and risk assessment reports, attend meetings). As reps. reported, and as I observed in several committees, managers then cherry pick the information and claims of risk provided by worker reps. from inspections and worker complaints, presenting and accepting some claims (and recommendations) where the fixes are acceptable to managers while rejecting other claims on the grounds that they present unacceptable costs, technical challenges or threats to production goals (Facey et al. 2017; Hall et al. 2016; Størkersen et al. 2020). Over time, management reps. and other managers act to shape worker rep. knowledge and their assumptions about which OHS conditions are necessary and, what kinds of changes are possible or reasonable by channelling reps. activities and experiences. Representative claims which fit with management productivity and cost goals are selectively validated, while others are excluded by characterizing them as uninformed or ungrounded in scientific expertise, evidence and technical and medical knowledge, or as unreasonable or impractical in terms of firm economics and technical limitations (Basok et al. 2014; Hall et al. 2006, 2013, 2016; Hall 2016, 2021). As one rep. put it, ‘I can sit in a meeting right now and tell the production manager we need air conditioning for the plant . . . but he’s not going to be able to get funds for that, he’s not’. Reps. who resist or seek to challenge are pressured in various ways to conform or, as often happens, resign. Over time, the remaining reps. become in effect ‘captive’ within an internal logic that concedes to management’s constructions of what can be done and what can’t to protect workers (Walters & Wadsworth 2019). This framing is illustrated by the confined way that managers talk about committees and representatives. As one auto plant manager put it, when asked to describe the main contributions of the joint committee in his plant (see Hall 2021: 239–265),

As far as this facility goes and the joint health and safety meetings . . . , what they’ve done and not just the meetings themselves but the fact of having committee members out on the floor everyday who serve as that extra set of eyes and looking in the nooks and crannies. And being diligent, but not vigilant, if you know what I mean . . . having those people on the floor talk with their coworkers about safety issues and reminding them about the importance of wearing a PPE and working in a safe manner.

This manager’s focus on personal protective equipment (PPE) and worker behaviour constitutes the usual understandings that managers communicate to workers about how ‘safety’ is achieved and what is possible or reasonable. Over time, TL reps. internalize these understandings shaping over time what Bourdieu (1990) would call their habitus – that is, the cultural understandings or dispositions which form their underlying assumptions about work health and safety prevention, which in the case of TL, revolve around the maintenance of management constructed technical and behavioural controls. For example, in one joint committee, I observed a discussion about some dust
complaints from workers in one area of the plant. The management reps. insisted the ventilation system installed in what was a new plant was more than adequate to protect workers, noting how bad things were in ‘the old plant’. While no evidence or testing results were collected or presented, the worker reps. did not challenge this claim and indeed restated the same claim that the ventilation system was a huge improvement. The discussion ended when both management and worker reps. concluded that if the workers were ‘really concerned’, they should wear their dust masks.

Training and education programmes are generally crafted to reinforce a technical auditing role, playing a key part in shaping this TL habitus within a committee and firm. As noted, there is considerable evidence that governments and corporations have worked to frame the representation of rep. roles in apolitical technical terms within their training and communication programmes, while at the same time limiting the level of knowledge, understanding and skills (Hall 2021; Storey 2000; Storey & Tucker 2006). For example, reps. are taught in a relatively superficial way to use management hazard check-lists as the basis of their inspections without providing them with the technical knowledge or expertise to identify and judge risk levels and underlying causes. While training is important, the committees and the everyday relations that reps. have with workers, supervisors and managers are the principal sites where reps. are conditioned to accept the limited auditing and advisory role presented to them, or what Bourdieu would refer to as the unwritten ‘rules of the game’ (Bourdieu 1977; Bourdieu & Wacquant 1992). Again, drawing on my observations and interviews, TL rules and habitus are established and maintained within and outside the committee context through a variety of management strategies, tactics and reactions, which condition reps. through both negative and positive reinforcements of acceptable and unacceptable expectations, communications and practices (Hall 2021; Hall et al. 2013; see also Facey et al. 2017). As one rep. acknowledged, she’s learned not to ask for certain things that cost because they just say ‘it’s not feasible, so they are gonna farm the job out . . . to a scab shop’. Some of these rules are grounded in the inspection process itself, while others in the way that committee meetings are structured around inspection reports, so that reps. are constantly reacting to specific conditions, events or isolated identified hazards. It is noteworthy that two early Ontario inquiries into mine health and safety made essentially this very observation – that mine JOHSCs were focused entirely on identifying and correcting isolated ‘specific anomalies’ (Burkett et al. 1981: 61; Ham 1976: 156–160). As several studies show, this narrow focus continues to be a dominant feature of many JOHSCs across sectors (Blewett and O’Keeffe 2011; Facey et al. 2017; Hall et al. 2013; Størkersen et al. 2020).

If done well from a management control perspective, worker reps. come to fully embrace the idea that they are performing significant protective functions within an overall cooperative OHS management system umbrella, the parameters of which are defined largely by management and the state. Labour–management conflict is thus obscured or hidden. As one TL rep. insisted,

Management is always very willing to work with employee groups to resolve things in a satisfactory way. We’ve never had management say, ‘no we’re not going to do that, put up with it’. We’ve never had that.
However, when asked about the changes requested and made within these committee contexts, these reps. tended to report low or no cost items, seemingly unaware that they had predetermined a committee consensus by limiting or censoring their requests. Thus, recommendations for detected problems are understood as being necessarily conceived within the parameters of assumed often unstated practical realities such as cost and disruption to the production system. As another TL representative put it,

Well I mean common sense has to prevail and it has to be realistic and achievable. We don't look for the moon we look for the things that are realistic and achievable. (TL Worker Rep./Co-chair)

Although managers and firms differ in their capacity and ability to reinforce a TL habitus or culture (Hall 2021), those that do it well encourage worker representatives in relatively positive ways to think of themselves as ‘inspectors’ performing essential functions within the OHS management system by engaging in a narrowly defined TL exercise of hazard identification and advice. As one rep. reported when asked to describe his role,

What I do is I highlight all of these issues during our weekly safety audits. We note them in print, we take pictures, electronic pictures. We send the pictures to the superintendents of the departments. We send also copies to upper management staff. We present it at the joint health and safety committee meetings at the end of the month. So, we’re trying to do our part but as a safety committee . . . we only have a recommendations capability. (TL Worker Rep./Co-chair)

In the ideal scenario for management in creating a ‘captive’ committee, rep. advice might be still sought and even accepted by management on some issues or items but these issues or items are fit into a limited range of possibilities established by management rules and management habitus regarding what is possible or reasonable. In many committees, repetitive strain injuries (RSIs) can be discussed in engineering terms if it is possible to simultaneously increase efficiency on the production line, but if not, there can be no discussion of decreasing the pace or the workload. However, to the extent that the firm has embraced ‘multi-skilling’ as a flexible production strategy, it may be acceptable to suggest job rotation, but again only if output and quality are not affected.

From a management control perspective, management may even give reps. some limited space or responsibility to immediately fix surface or small issues such as housekeeping or mask or safety goggle wearing. However, what this often means is that worker reps. are in effect exercising supervisory control over workers through their monitoring and correcting of worker behaviour (Gray 2009; Hall 2021). When asked about committee impact, one TL rep. responded, ‘Being on a committee, a joint committee or whatever, is probably the biggest thing, where you would want to spend most of your time doing what you need to do to ensure that the rules are followed’.

The benefits of any preventive or disciplinary actions taken by reps. or management are often reinforced by the presentation of injury statistics, usually a common routine in most JOHSC meeting agendas, crafted again to focus on areas where the committee has set priorities. This establishes a kind of virtuous circle in which reps’. inspections focus
on certain defined sources of risk (i.e. lifting injuries) and/or causes of injury (i.e. worker carelessness, lack of PPE wearing or other rule breaking) and these efforts are then rewarded with statistics showing injury reductions. Often, these claimed gains are illusory or exaggerated since the same policing processes aimed at worker behaviours, such as wearing PPE, often discourage workers from reporting certain injuries and encourage concealment of 'risky' behaviours (Hall 1999; MacEachen 2000, 2005; Probst & Estrada 2009; Probst & Graso 2013). As a miner put it in one study, 'they (committee reps.) try to catch us without our glasses but we keep an eye out’ (Hall 2021).

The effects of these TL oriented committee activities can sometimes be positive in the sense that even relatively low-cost changes such as improved housekeeping or mask wearing can reduce injuries. The key limitation is that the longer term and costly engineering or labour process changes that could eliminate the risks entirely are not considered in any significant way; that is, unless they coincide with other production and efficiency interests such as the introduction of new technologies or work restructuring. Committees in these latter contexts can then become advocates for management-initiated restructuring on OHS grounds, while continuing in other ways to play disciplinary roles which responsibilize workers to prevent disruptive OHS incidents and injuries. As interviews with over 40 managers in two case studies (Hall 1993, 1999, 2021) suggested, joint committees are understood as functioning well when they help them to manage both worker behaviour and disruptive OHS incidents and injuries within certain cost and production parameters (see also Hall 2021; Walters and Wadsworth 2019). As one mine manager put it, ‘we try to respond to (JOHSC) committee recommendations because we know they can make a difference, but everything I do has to fit my budget and they know that’.

Still, large-scale changes were less likely to be a product of worker rep. advocacy in TL contexts, largely because political thinking, solidarity and strategy among worker representatives as well as broader strategic thinking about underlying or system-wide causes were actively discouraged. As one TL co-chair in the cluster study stated (Hall et al. 2013),

I find we don’t need a strategy. Now when we do our inspections we come up with a recommendation and we send an inspection form to the supervisors involved with the recommendation and say, ‘this is the hazard we found, here’s what we recommend what you do about it, please respond’. (TL Worker Rep./cochair)

As this co-chair later also reported, there was a time when the worker reps. had started to meet separately before committee meetings. This followed a suggestion by some informal contacts the co-chair had made with reps. outside their local union (Hall et al. 2013). Management immediately reacted negatively arguing that this was contrary to the cooperative principle underlying JOHSCs. Not only was this accepted; the TL rep. also stopped connecting with the rep. network.

Critically, to the extent that reps. concede these arguments, they begin to think of themselves as being part of management, distancing themselves from fellow workers and their union, thus losing potentially important sources of worker power (i.e. economic and social capital). As one stated,

We find we really don’t need the union. Like we keep the union up to date like the union president gets copies of all our minutes and reports uh inspections. But we find we don’t need
to go to the union to get assistance, on rare occasion we’ve contacted union representatives to say what’s going on with this in other areas or, is this an issue someplace else. (Worker Rep., Manufacturing, see Hall et al. 2013)

What this also means in Bourdieu terms is that if conflict over conditions emerge, reps. don’t have access to the capital or power resources they need to mount any kind of opposition (Snider 2009). Without confidence in their own power resources, reps. are hesitant or uncertain whether to act even when they recognize an uncontrolled major hazard and, consequently, often fall back on interest rationales and assumptions (i.e. habitus) to justify their lack of action. As one TL rep. in the cluster study (Hall et al. 2013) put it,

We’re kind of struggling with what we should do with it [asbestos in a building], where we should go with it, should we bring it to management and tell them this is an issue and we need it rectified? It’s one of those things where you know you want to bring it up [but] we’ll worry what happens when we bring it up. I mean what’s going to happen to the person who brings it up you know. That’s one of the problems we’re having is, with the way things are and obviously money being tight everywhere that could be a major issue that could cost a lot of money to fix and it’s like do we want to rattle that chain. (Worker Rep., Public School)

The TL conditioning or acculturation process can be extremely powerful, and certainly, borrowing again from Bourdieu (1977, 1990), it is important to recognize that any resulting habitus can be quite resistant to change even when political conditions shift, in part because change involves questioning often long-established taken-for-granted assumptions about their role, their interests, their capacity in terms of power, and their potential impact. Nevertheless, as Bourdieu (1977, 1990) also always emphasized, continued dominance within any given social field such as a workplace is always contingent on a range of factors and dynamics operating within or on the context in question, which can disrupt a consent-based habitus and the rules of the game. Indeed, as documented elsewhere, the same transforming forces leading to technocratic management-controlled partnerships can also yield rep. and committee politicization (Hall 2021: 273–4).

**Conclusion**

This analysis provides insights into how technocratic apolitical forms of worker representation and JOHSCs have been shaped by large-scale changes in state and corporate governance coupled with major labour process, technological and employment restructuring, while also identifying the strategies and tactics that firms use on the ground to capture representatives. As shown, the capacity of government and firms to depoliticize JOHSCs is tied to macro- and meso-level changes in labour and capital power relations, leaving workers and worker representatives with weak or no labour union protections, and substantially less security and leverage in their day-to-day relations with management. The IRS discourse and the regulative apparatus are framed and structured precisely to ignore power imbalances, focusing instead on claims of common labour/management interest
and technocratic control over risk as the basis for achieving workplace health and safety. Many workers and likely most union leaders and reps. are experienced enough to recognize at least some of the limits of these claims but, within their various contexts of weak and declining power, they often continue to play by the participation rules established by their governments and their employers. While ideological or cultural hegemony are important aspects of how this control is exercised and maintained, it is crucial to remember that objective power structures and resources are instrumental in constraining the possibilities of change. Certainly, some workers and union leaders buy into the IRS partnership more fully than others, but ultimately, even when reps. and workers perceive OHS conflicts and dangers, they will not challenge the rules of the game unless they have accessible power resources.

Given the weakened state of organized Labour and the persistence of the weak forms of government enforcement built into the IRS, it will not be easy to counter the prevailing government discourse or the management conditioning of reps. and capture of committees. However, the more Labour understands how captures are achieved and reproduced, the more likely counter-hegemonic strategies, including of course substantial changes in labour education programmes, can be developed and sustained. Still, it is important to recognize evidence reported elsewhere that some worker representatives have maintained a political understanding of their role and have been able to affect more change than their other colleagues using a range of knowledge-based strategies and tactics to exploit the political spaces for persuasion and pressure within the IRS (Hall et al. 2016; Walters et al. 2016). From a research perspective, we need to better understand how those representatives and committees have succeeded in mounting more effective challenges (Hall et al. 2013, 2016; Hall, forthcoming; Walters et al. 2016) not only in terms of resisting the dominant IRS discourse but also in mobilizing enough power to affect changes without suffering the reprisals that many representatives have (King et al. 2019). It is encouraging to note that several major unions (CUPE, ONA, OPSEU, and UNIFOR) and key OHS institutions such as the OFL (Federation of Labour), OHCOW (Occupational Health Clinics for Ontario Workers) and WHSC (Worker Health & Safety Centre) have supported the research and educational work done by LOARC (2014) and have moved to build on this work to develop education and intervention efforts on a range of issues, including mental health, violence, and COVID-19 (see, for example, https://actionreport.ofl.ca/fall-2020-vol11-issue4/knowledge-activism-seminars). Although non-unionized workers have not yet been a focus of these efforts, there is at least an acknowledgement among these organizations that institutional support and education is especially needed in these workplaces. Yet, there are persistent pressures from government, corporations and even labour itself against these attempts to teach and support political strategies and tactics in OHS. This brings us full circle back to the importance of province wide activist collaborations such as LOARC and the need for continuing research aimed at understanding the broader political economic forces and dynamics shaping OHS law and institutional-level union and state policy and politics.
Notes

1. Interviews were conducted in 1991–1992 with 31 occupational health and safety (OHS) activists, union staff and officials, and government/ministry of Labour officials (Hall 1991). Archival research included review of media reports and union/employer submissions to Ministry of Labour and Standing Legislative Committee of Resources Development related to Bill 208, An Act to Amend the Occupational Health and Safety Act and the Workers' Compensation Act. A study conducted in 1985–1986 had involved the review of submissions and inquiry reports preceding and following the original 1979 Ontario Occupational Health and Safety Act (OOHSA) (Hall 1989).

2. The evidence employed for this section are drawn from the following studies and sources: Basok et al. (2014), Hall (1989, 1993), Hall (2016), Hall (2021) and Hall et al. (2013, 2016). A full description of the methods and analysis for these studies is provided in Hall (2021: 26–31). The observational data involved four different mine committees in one company and two different plant committees in another company observed multiple times over the period of a year. In the mine study, worker and management representatives (reps.) were also observed in the workplace. All the management and worker reps. in these committees were interviewed. In two other separate studies, 36 and 888 worker representatives, respectively, were surveyed along with 21 and 40 follow-up qualitative interviews again, respectively.

3. In practice, technical-legal (TL) representation means that the reps. approach their role largely as technocrats, sticking to the limited legal standards and the government’s description of their role as inspectors and advisors working adopting the maxim that they were in partnership with management. For example, the study of 888 reps. across a variety of unionized workplaces identified a cluster of reps. based on their tendency to spend all or most of their time doing scheduled inspections or audits of the workplace, writing inspections reports and advising management on technical remedies for hazards (Hall et al. 2013, 2016). While varying in their activity levels, these reps. shared a tendency to focus on relatively minor low-cost issues, spent more time interacting with management than workers, and rarely, if ever, confronted management when recommendations were denied or changes delayed.

4. By anecdotal, I mean my own experiences as a union health and safety chair and committee rep. and co-chair and my numerous conversations with Union OHS directors and staff who service the worker representatives and locals in their unions through my involvement in the LOARC group.

5. Some key political economic dynamics fueling the perceived need for regulative change in Canada and elsewhere included growing compensation and health system costs especially around occupational disease and growing public and labour awareness of the occupational and environmental links to cancer (Walters 1985) but my focus here is on understanding the focus on worker participation and technocratic auditing controls.

6. Canadian Federation of Independent Business (CFIB 1990), Canadian Manufacturers’ Association (1990), Dofasco Steel (1990), Hamilton Construction Association (1990) and INCO Ltd. (1990) all were submissions to the Standing Legislative Committee on Resource Development, January, 1990.

7. Cultural capital refers to the knowledge, practices and skills which people use to demonstrate and assert their social standing. Cultural capital may be ‘embodied’ (integral aspects of their being established through lifetimes of socialization), ‘objectified’ (material objects which represent status/accomplishments) or ‘institutionalized’ (socially ranked positions or qualifications). Social capital refers to the social ties or connections that people have, while symbolic capital is the form that economic, cultural and social capital take when they are valued as legitimate (Bourdieu & Wacquant 1992: 119).
8. Canadian Union of Public Employees, Ontario Nurses Association, Ontario Public Service Employees Union, and Unifor.

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