



JOHN CULVENOR

Unsafe decision makers

If the concept of "unsafe behaviour" has any value in OHS it is in the realm of unsafe behaviour of decision makers, writes John Culvenor.

Throughout Australia there is a basic requirement for employers to "make the workplace safe". In Victoria, for instance: "An employer shall provide and maintain so far as is practicable for employees a working environment that is safe and without risks to health."

BUT WHAT IS SAFE?

"Secure from liability to harm, injury, danger or risk." That's how the Macquarie Dictionary defines 'safe'. If some harm or injury occurs then obviously things have been unsafe. Each year in Australia there are: 500 traumatic occupational fatalities; 650 to 2200 occupational cancer deaths; 650,000 occupational injuries and illnesses; and, 160,000 occupational injury and illness compensation claims.

In the June edition of *Complete Safety Australia* Richard Johnstone argued succinctly that the focus of prosecution has been aimed too strongly, almost exclusively, on the 'event' aspect of safety. However, with the definition of safe being "no liability to harm or injury" then clearly events (accidents) provide positive evidence that situations were not safe. The problem is that an absence of events does not prove the opposite, things may still be unsafe even without the occurrence of an accident. Nevertheless with the simple definitions we have, the data shows that Australia has an abundance of unsafe workplaces.

Despite these figures, as both Johnstone and Michael Quinlan commented, there is little chance of an individual facing prosecution for a breach of OHS legislation.

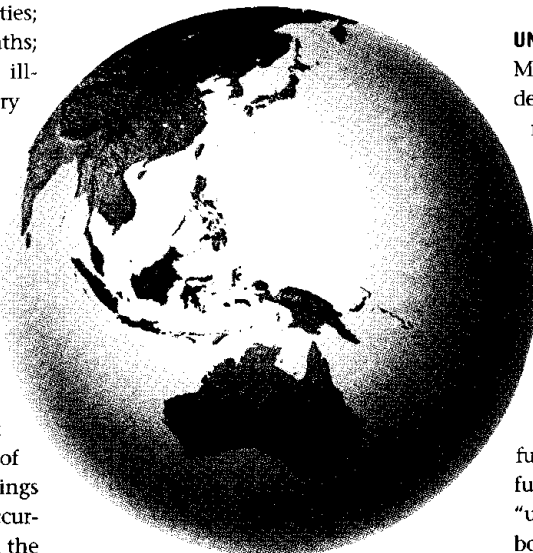
THE 'FINE' PRINT

The answer might be in the "so far as is practicable" component to the legislation. Usually this means that a workplace should be made safe having regard to: size of the hazard; knowledge of solution; availability and suitability of solution; and, cost of solution. Given that injuries and diseases

are common, one could argue that the hazards must therefore be large enough to warrant attention.

It would also be unreasonable to suggest that there is a genuine lack of knowledge about how to solve most OHS problems or that the solutions are unavailable.

That leaves us with the cost as being the prime reason why apparently unsafe workplaces are perhaps in compliance with the legislation. The relative importance of these four points in mitigating the requirement to make the workplace 'safe' should be outlined in a much clearer way.



SAFETY FOR SOME, PERIL FOR OTHERS

The number of accidents as a total is disturbing enough on its own, but once the distribution of these accidents is taken into account the data are even more compelling. This distribution of injuries and disease among workers is quite unbalanced.

Safety it seems is fairly selective. Business professionals suffer few injuries compared with those who work as stationary plant operators and labourers.

Theoretically, workers in different jobs are offered similar protection by the law, however, the reality is a climate where there are vast differences between occupations.

The most dangerous jobs are 40 times more dangerous than the safest jobs.

"Danger money", the concept of paying workers extra for dangerous jobs, is an outdated idea. The theory now is that workplaces for all people should be rendered safe. This seems like a fair, egalitarian idea. In practice the outcome is very different.

There is no doubt that danger money was a process likely to stifle improvements to health and safety. But nevertheless it seems ironic that now the reality is that those in, arguably, the lowest paid jobs are taking the biggest risks. Is this reality OK?

UNSAFE DECISION MAKER BEHAVIOUR

More often than not those making decisions about health and safety investments are in the low accident/high income category. One could argue that their own perception of the safety problem is flavoured with a personal experience of the relative rarity of accidents. After all the decision makers themselves manage to work relatively safely; why can't everyone else?

Patrick Kinnerly and John Mathews wrote of the "myth of the careless worker". With the eventual (and hopeful) quashing of his myth, it could be usefully replaced with the notion of the "unsafe decision maker"; a phrase I have borrowed from Dennis Else, chairman of the National OHS Commission.

The concept is that if "unsafe behaviour" has any value in occupational health and safety it is in the realm of unsafe behaviour of decision makers.

This could reflect organisation decision making and community based decision making.

Australian decision makers have been called to be leaders by the 'Karpin' report. Addressing health and safety problems, especially those of the most at risk occupational groups could be one place to direct some of that leadership energy.

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