Copyright is owned by the Author of the thesis. Permission is given for a copy to be downloaded by an individual for the purpose of research and private study only. The thesis may not be reproduced elsewhere without the permission of the Author.

A dissertation presented in partial fulfilment of the requirements for the degree of Doctor of Philosophy in Social Science at Massey University, Palmerston North, New Zealand.

John Wren

1997
The international literature on change in occupational safety and health policy contains a multiplicity of divergent and opposing disciplinary approaches and theoretical explanations for the various change outcomes that have occurred in advanced industrialised nations. However, commonalities in determining factors and policy debates across all advanced industrialised countries can be discerned. Analysis of the literature also indicates that, when compared to the general literature on public policy, there is an absence of ‘process-orientated’ theories and theories of the ‘middle-range’ about change in occupational safety and health policy. Furthermore, the current body of knowledge lacks any discussion or definition of what ‘occupational safety and health policy’ means. In terms of New Zealand, robust academic discussion of occupational safety and health policy is virtually absent, except for a few analyses in industrial relations textbooks and journals. Furthermore, the New Zealand analyses are also usually descriptive and lack critical analysis. This thesis begins the task of rectifying these criticisms by providing an original contribution in three areas.

The first area of contribution is the provision of a thorough critical review of the current state of international knowledge concerning the process of change in occupational safety and health policy. The second area of contribution is the provision of a detailed analysis that characterises, describes and explains the New Zealand experience of change in occupational safety and health policy between 1981 and 1992. The final area of contribution is the presentation of a theory of the ‘middle range’ of change in occupational safety and health policy in advanced industrialised nations. In conjunction with the theory,
A set of propositions are formulated concerning the origins and determinants of change, the policy issues that dominate debates, and the relationship between policy and the management of occupational safety and health in the workplace. The initial validity of the propositions is assessed by discussing them in the context of the international literature and the New Zealand experience.

The conclusion is that there is a high degree of convergence between the policy debates in New Zealand and those occurring overseas - irrespective of cultural differences and institutional arrangements. Various comments by observers of the occupational safety and health policy process and debates in the United States, Canada, Great Britain, and Australia, can be seen to have direct relevance to New Zealand. The clear link between these countries is that they all have inherited the British legal system and ideas about industrial relations and property rights. The comparison highlights the fact that at the core of occupational safety and health policy there is conflict, inherent within the capitalist system of production, over the forms of control of the social relations of health and safety in the workplace. At the centre of this conflict are the representatives of workers and employers. Resolution of the general direction of the debates is ultimately determined by the political party in power. Equally important though, are the views of the representatives of government whose job it is to advise Government, and provide the policy details.
ACKNOWLEDGEMENTS

One of the main interests at the centre of this thesis is the question of the origins of change in occupational safety and health policy. In the case of the New Zealand union movement, the arrival of two informed and interested individuals were critical to the beginning of the process. The same is equally true for this doctoral thesis, in this case in the form of one person, the visit of Professor Tom Dwyer from Sao Paulo Brazil to Massey University in 1993. Without Tom’s encouragement and support at the end of my Honours year, this thesis would never have been started - thank you Tom for your interest and guidance.

I also wish to thank my supervisors Dr Paul Perry and Dr Carol Slappendel for their willingness to act as supervisors, for their patience in correcting my grammar, and for letting me pursue my studies at my pace and in my areas of interest. Dr Slappendel has particularly had to carry the major part of the supervision burden in the last ten months.

Thank you also to the examiners for their work, I hope the effort was worth it.

Many thanks to officials within the New Zealand Council of Trade Unions and the OSH Service of the Department of Labour who provided access to documents and willingly gave of their time.

Last but by no means least, thanks to my family and friends in Otaki and Palmerston North, and my cat Pizza, who have supported and encouraged me in their own ways over the last three and half years.
# CONTENTS

ABSTRACT ............................................................................................................... II

ACKNOWLEDGEMENTS .................................................................................. IV

CONTENTS ........................................................................................................... V

TABLE OF FIGURES .............................................................................................. VII

ABBREVIATIONS COMMONLY USED ............................................................... VIII

CHAPTER 1: INTRODUCTION ........................................................................ 1

INTRODUCTION ..................................................................................................... 1

HISTORICAL BACKGROUND .................................................................................. 3

CHAPTER OUTLINES ............................................................................................. 6

CHAPTER 2: RESEARCH METHOD - ANALYTIC INDUCTION ........................ 11

INTRODUCTION ..................................................................................................... 11

PHILOSOPHY ......................................................................................................... 11

METHODS ............................................................................................................... 13

THE PRACTICE ....................................................................................................... 17

Research strategy ................................................................................................ 17

The data and its collection ..................................................................................... 19

Data analysis ........................................................................................................... 22

Research problems encountered ........................................................................... 24

SUMMARY ............................................................................................................. 26

CHAPTER 3: EXAMINING THE LITERATURE .................................................. 27

INTRODUCTION ..................................................................................................... 27

Introducing the literature on occupational safety and health policy ................... 28

THE LITERATURE .................................................................................................. 38

Pluralist oriented explanations .............................................................................. 39

Marxist oriented explanations ............................................................................... 51

Historical-legal method explanations ................................................................... 60

Studies with a social history emphasis ................................................................. 63

Studies with a legal interpretation emphasis ....................................................... 75

Industrial relations perspectives on occupational safety and health policy ...... 85

IDENTIFYING GAPS IN THE LITERATURE ..................................................... 91

Conclusions .......................................................................................................... 95

CHAPTER 4: THE NEW ZEALAND EXPERIENCE - WHAT CHANGED? ........ 104

INTRODUCTION ..................................................................................................... 104

IDENTIFYING AND ASSESSING WHAT CHANGED ....................................... 104

Government management .................................................................................... 107

Tripartite management ......................................................................................... 109

Employer hazard management ............................................................................ 111

Significance ............................................................................................................. 112

SUMMARY OF ANALYSIS .................................................................................. 119

CHAPTER 5: DESCRIBING THE NEW ZEALAND EXPERIENCE .................... 121

INTRODUCTION ..................................................................................................... 121

Describing the process and identifying the actors and policy debates ................ 121

Historical background ......................................................................................... 122

Summary of historical background ...................................................................... 128
CHAPTER 6: EXPLAINING THE NEW ZEALAND EXPERIENCE........................................193

INTRODUCTION ........................................................................................................193
INITIAL INSIGHTS ......................................................................................................194
Summarising the views of participants ......................................................................194
Unions’ perspective ....................................................................................................194
Employers’ perspective ...............................................................................................195
Officials’ perspective .................................................................................................196
Professionals’ perspective ..........................................................................................197
Others’ perspective ....................................................................................................197

Initial insights - policy debates, roles, explanations ..................................................198
Policy debates and outcomes ......................................................................................198
Origins of change.......................................................................................................204
Perceptions of the ‘roles’ played by various actors in determining the eventual outcomes........................................................................................................206
Participants explanations for the outcomes ...............................................................209

EXPLAINING THE NEW ZEALAND PROCESS OF CHANGE ..................................215
Origins of change - crises of rationality and integration .............................................216
Determinants of change - rational reconciliation and political power .........................221
Rational reconciliation: the influence of individuals and organisations .......................223
Political power .........................................................................................................241

OTHER CONCLUSIONS ABOUT THE NEW ZEALAND PROCESS ..........................244
Sequencing of legislative and administrative reforms ................................................245
Supremacy of OSH ....................................................................................................246
Why legislative reform under a National Government and not Labour .......................247

SUMMARY OF CONCLUSIONS ..............................................................................254

CHAPTER 7: THEORISING THE PROCESS OF CHANGE IN OCCUPATIONAL SAFETY AND HEALTH POLICY IN ADVANCED INDUSTRIALISED COUNTRIES: A SYNTHESIS. 256

INTRODUCTION ........................................................................................................256
THEORISING SOCIAL ACTION ....................................................................................257
Philosophical underpinning.........................................................................................257
Touraine’s three levels of social action .......................................................................259
Social change ............................................................................................................265
APPLYING THE THEORY .........................................................................................269
Propositions about the occupational safety and health policy process .........................269
Propositions about occupational safety and health policy debates and issues .................271
Propositions about the relationship between policy and workplace management ..........272

ASSESSING AND DISCUSSING THE VALIDITY OF THE PROPOSITIONS .................273
Discussion of the propositions and alternative explanations ........................................273
Summary of discussion ..............................................................................................284
Discussion of the propositions about the policy issues ...............................................284
Similarities in policy experience between New Zealand and other advanced industrialised nations ...................................................................................................286
Summary of discussion ..............................................................................................292
Discussion of the propositions about the relationship between policy and workplace management ...................................................................................................292

SUMMARY AND CONCLUSIONS ............................................................................294

CHAPTER 8: SUMMARY AND CONCLUSIONS .........................................................297

REFERENCES .........................................................................................................309

Speeches ..................................................................................................................309
REFERENCES .........................................................................................................309
### Table of Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-1</td>
<td>Types of Occupational Safety and Health Policy Research</td>
<td>33</td>
</tr>
<tr>
<td>4-1</td>
<td>Summary Description and Characterisation of New Zealand’s OSH Legislative and Administrative Arrangements as at December 1981, 1990, 1992</td>
<td>106</td>
</tr>
<tr>
<td>5-1</td>
<td>Flow Diagram of Events and Debates – Historical Background</td>
<td>123</td>
</tr>
<tr>
<td>5-2</td>
<td>Flow Diagram of Events and Debates – Initial Period of Change</td>
<td>124</td>
</tr>
<tr>
<td>5-3</td>
<td>Flow Diagram of Events and Debates – Second Period of Change</td>
<td>125</td>
</tr>
<tr>
<td>5-4</td>
<td>Flow Diagram of Events and Debates – Final Period of Change</td>
<td>126</td>
</tr>
<tr>
<td>6-1</td>
<td>Relationship Between Occupational Safety and Health Policy and Industrial Relations Policy</td>
<td>202</td>
</tr>
<tr>
<td>6-2</td>
<td>Current New Zealand Occupational Safety and Health Policy Connections</td>
<td>204</td>
</tr>
<tr>
<td>6-3</td>
<td>Conceptual Model of Spheres of Influence and Action. Adapted from “Life and Death at Work” (Dwyer, 1991: Figure 1)</td>
<td>242</td>
</tr>
<tr>
<td>7-1</td>
<td>Diagram Adapting Touraine’s Theoretical Model of Society (in “Voice and the Eye” 1981:76)</td>
<td>260</td>
</tr>
<tr>
<td>7-2</td>
<td>Diagram Illustrating Pairs of Social Action Comprising the SHA</td>
<td>262</td>
</tr>
<tr>
<td>7-3</td>
<td>Diagram Illustrating Points of Social Crisis and Associated Axis of Social Action</td>
<td>266</td>
</tr>
</tbody>
</table>
### ABBREVIATIONS COMMONLY USED

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACC</td>
<td>Accident Compensation Corporation (Commission)</td>
</tr>
<tr>
<td>ACOSH</td>
<td>Advisory Committee on Occupational Safety and Health</td>
</tr>
<tr>
<td>AHBs</td>
<td>Area Health Boards</td>
</tr>
<tr>
<td>CoP</td>
<td>Code of Practice</td>
</tr>
<tr>
<td>CSU</td>
<td>Combined State Unions</td>
</tr>
<tr>
<td>CTU</td>
<td>Council of Trade Unions</td>
</tr>
<tr>
<td>DoL</td>
<td>Department of Labour</td>
</tr>
<tr>
<td>EF</td>
<td>New Zealand Employers Federation</td>
</tr>
<tr>
<td>F and CPB</td>
<td>Factory and Commercial Premises Bill 1980</td>
</tr>
<tr>
<td>F and CP</td>
<td>Factory and Commercial Premises Act 1981</td>
</tr>
<tr>
<td>FoL</td>
<td>Federation of Labour</td>
</tr>
<tr>
<td>HSE Act</td>
<td>Health and Safety in Employment Act 1992</td>
</tr>
<tr>
<td>HSE Bill</td>
<td>Health and Safety in Employment Bill</td>
</tr>
<tr>
<td>MoE</td>
<td>Ministry of Energy</td>
</tr>
<tr>
<td>MoH</td>
<td>Ministry of Health</td>
</tr>
<tr>
<td>MoT</td>
<td>Ministry of Transport</td>
</tr>
<tr>
<td>OSH Bill</td>
<td>Occupational Safety and Health Bill 1990</td>
</tr>
<tr>
<td>OSH Service</td>
<td>Occupational Safety and Health Service of the Department of Labour</td>
</tr>
<tr>
<td>PCO</td>
<td>Parliamentary Council Office</td>
</tr>
<tr>
<td>SEQ</td>
<td>Cabinet Social Equity Committee</td>
</tr>
<tr>
<td>SOP</td>
<td>Supplementary Order Paper</td>
</tr>
<tr>
<td>SSC</td>
<td>State Services Commission</td>
</tr>
</tbody>
</table>