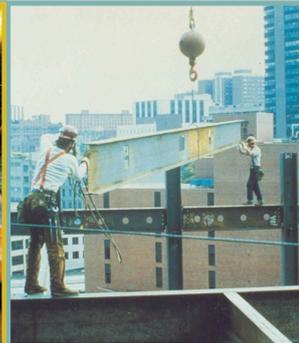
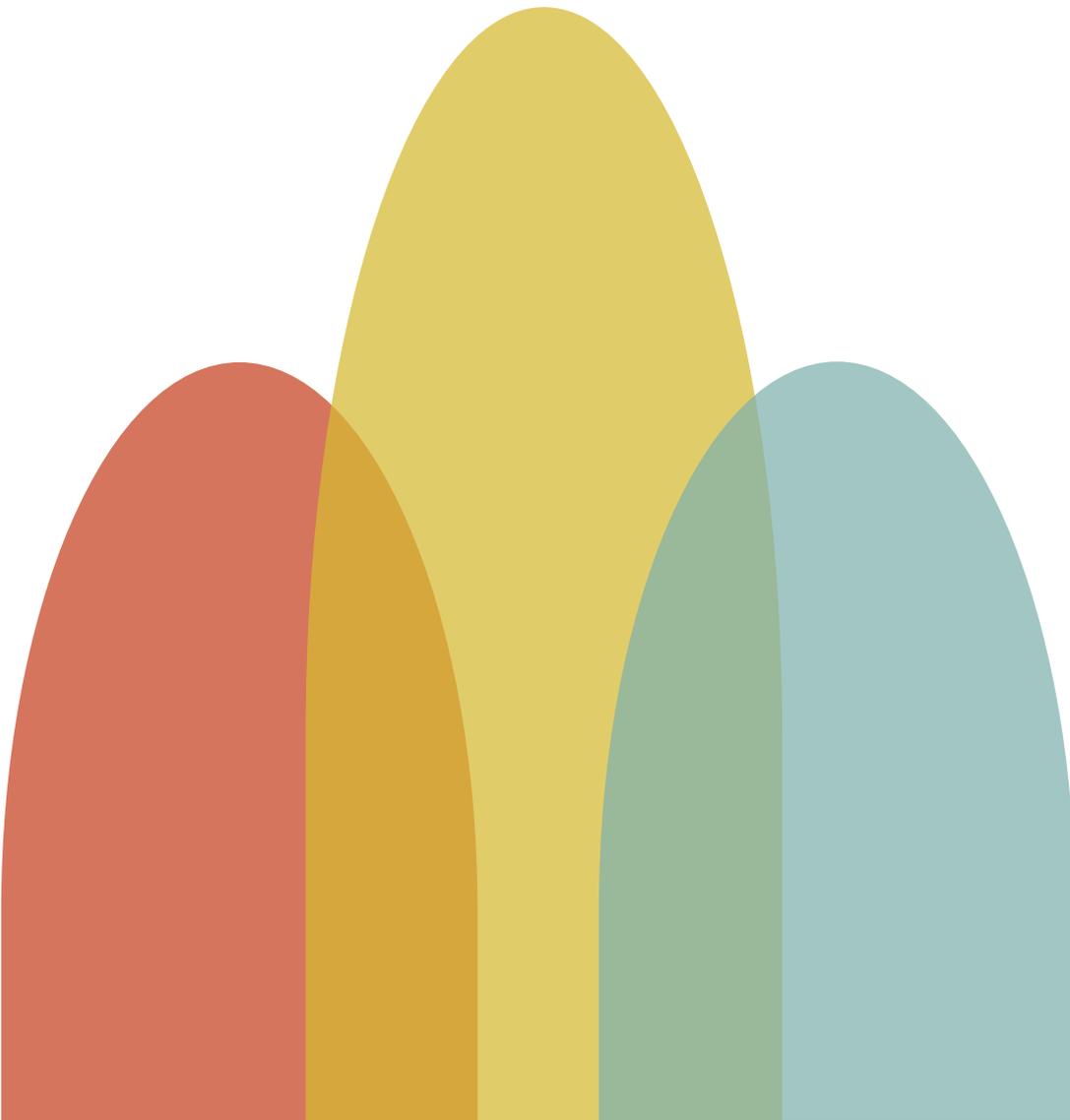


INTERNATIONAL SYMPOSIUM ON GOVERNANCE, CHANGE AND THE WORK ENVIRONMENT

Cardiff University, U.K. June 30th- July 2nd, 2014



uOttawa

INTERNATIONAL SYMPOSIUM ON GOVERNANCE, CHANGE AND THE WORK ENVIRONMENT

Cardiff University, U.K. June 30th- July 2nd, 2014

MONDAY 30th JUNE

Committee Rooms, Glamorgan Building

18.00 - 19.30

WELCOME RECEPTION

TUESDAY 1st JULY

Council Chamber, Glamorgan Building

9.00 - 11.00

Overview of the Symposium and Short Introductions by Participants

Welcoming presentation: David Walters

11.00 - 11.30

REFRESHMENTS

11.30 - 12.45

SEMINAR 1 - Precarious Employment Discussant: Phil James

'The influence of work arrangements on work health and safety: a study of Australian and United Kingdom horticulture' | Annabelle Bamford » **Pg5**

'Employment-related mobility patterns, precarious employment and Newfoundland home care workers: Implications for the eligibility of workers compensation' | Kathy Fitzpatrick » **Pg6**

12.45 - 1.45

LUNCH

1.45 - 3.30

SEMINAR 2 – Resistance Discussant: Andrew King

'The role of trade unions in supporting and promoting worker participation in health and safety within a globalised industry: dock workers' experiences in container terminals in two regions' | Emma Wadsworth, Syamantak Bhattacharya and David Walters » **Pg7**

'Unionising Precarious Workers: the example of unionised seafarers from the Philippines' | Ralph Buiser » **Pg9**

'Québec unions' mandate with respect to complaints of psychological harassment in the workplace: poisoned chalice... or path to union renewal?' | Rachel Cox » **Pg10**

3.30 - 4.00

REFRESHMENTS

4.00 - 5.00

Discussion and Wrap Up Chair: Theo Nichols



WEDNESDAY 2nd JULY

Council Chamber, Glamorgan Building

9.30 - 10.45	SEMINAR 3 - Regulation Discussant: Malcolm Rimmer ‘Effectiveness of the enforcement and implementation of the Philippine Overseas Employment Administration’ Jean Pia » Pg11 ‘How are Australian SMEs implementing their duties in the WHS Acts and what shapes their responses?’ Liz Bluff » Pg12
10.45 - 11.15	REFRESHMENTS
11.15 - 1.00	SEMINAR 4 - Mobility Discussant: Barbara Neis ‘Invisible workers’ blood and tears: Chinese seafarers’ compensation claims for occupational health and safety injuries’ Desai Shan » Pg13 ‘Exploring the relationship between occupational injuries and time into tour in the seafaring industry’ Helen Devereux » Pg14 ‘Itinerant Foreign Harvest Workers in Australia: The Impact of Precarious Employment upon Occupational Health and Safety’ Elsa Underhill and Malcolm Rimmer » Pg15
1.00 - 2.00	LUNCH
2.00 - 3.00	Discussion and Wrap Up Chair: Michael Quinlan REFRESHMENTS
3.00 - 5.00	Synthesis and next steps Chair: Katherine Lippel
5.00	Close





ANNABELLE BAMFORD

PhD Candidate
Australian School of Business
The University of New South Wales, Sydney Australia

Home Discipline: Work Health and Safety

Research Interests: My research interests centre on the effects of precarious work on workers' health and safety. My research examines the influence of employment arrangements on agricultural pesticide exposures.

Related publications to current research: Grzywacz JG, Lipscomb HJ, Casanova V, Neis B, Fraser C, Monaghan P & Vallejos QM 2013, 'Organization of work in the agricultural, forestry, and fishing sector in the US southeast: implications for immigrant workers' occupational safety and Health', *American Journal of Industrial Medicine*, 56(8): 925-939.

The influence of work arrangements on work health and safety: a study of Australian and United Kingdom horticulture

This paper examines the impact of work arrangements, especially expanded contractual chains, on work health and safety (WHS) with particular emphasis on agricultural pesticide exposures. This subject is explored through a comparative study of Australian and United Kingdom (UK) horticulture. Data are drawn from semi-structured interviews with seasonal horticultural workers, together with key respondents who employ or provide labour, and industry, union, migrant worker and government representatives. The evidence suggests workers lack knowledge of potentially hazardous exposures and are at greater risk of indirect pesticide exposures when employed by some level of contractor. Workers' tenuous employment relationship and work disorganisation through the fracturing of tasks into separate contractual units appeared to contribute to this. There was further evidence that the nature of short-term contracts, combined with increased competition, applies downward pressure on workers' pay and standards of work. Conditions of recruitment and the omnipresent power imbalance between contractor and worker were considered especially problematic. Moreover, regulatory scrutiny was far from adequate, with suggestion that the effectiveness of regulations is compromised by insufficient monitoring and enforcement. The paper concludes by considering strategies that might be used to reduce pesticide exposures amongst seasonal horticultural workers.



KATHY FITZPATRICK

PhD Candidate
Department of Sociology
Memorial University, Canada

Home Discipline: Industrial & Employment Relations

Research Interests: My research examines the impact of employment-related geographical mobility on Newfoundland home care workers' employment conditions and health and safety. Other research areas of interest include gender and work, precarious employment, temporary and triangular employment relationships.

Related publications to current research:

Vosko, L. (Ed.) (2006) *Precarious Employment: Understanding Labour Market Insecurity in Canada* Montreal & Kingston, London, Ithaca: McGill-Queen's University Press.

Temple Newhook, J., Neis, B., Jackson, L., Roseman, S., Romanow, P. (2011) *Employment Related Mobility and the Health of Workers, Families, and Communities: The Canadian Context*. *Labour/LeTravail* 67(Spring): 121-156.

Employment-related mobility patterns, precarious employment and Newfoundland home care workers: Implications for the eligibility of workers compensation.

In the Canadian province of Newfoundland and Labrador, home care workers engage in a spectrum of employment-related geographical mobility (E-RGM) (daily mobility as well as temporary interprovincial and international migrations) and experience precarious employment along a continuum from employment within the informal sector to unionized employment. Overwhelmingly performed by women, home care work covers a broad range of duties enabling the client to stay home. Based on findings from a review of workers compensation policies and 51 semi-structured interviews with home care workers and representatives from government, home care agencies and unions, this paper examines how E-RGM and precarious employment interact to influence eligibility for workers compensation benefits. Mobility is an important factor when considering eligibility. Newfoundland home care workers are not eligible for compensation for injuries or death incurred while commuting to and from work or while traveling between client's homes because they are not considered to be 'at work.' E-RGM and precarious work spectrums intersect to influence the degree and nature of eligibility/ineligibility. All home care workers participating in the informal sector, those engaged in temporary international and interprovincial migration, and nonunion workers involved in daily commutes are at risk for not being covered by workers compensation.



EMMA WADSWORTH

Cardiff Work Environment Research Centre
Cardiff University, UK

Home Discipline: Psychology / Epidemiology

Research Interests: My research interests include various aspects of the work environment, in particular workplace health and safety and its management and regulation, and work and wellbeing.

Related publications to current research:

Walters D, Wadsworth EJK (2012), Managing the health and safety of workers in globalised container terminals: A preliminary study of the experience of health and safety arrangements and outcomes in container terminals operated by Global Network Terminal Operators, International Transport Workers' Federation

Walters D, Wadsworth EJK, Johnstone R, Quinlan M (2014), A study of the role of workers' representatives in health and safety arrangements in coal mines in Queensland, Construction, Forestry, Mining and Energy Union (CFMEU) Mining and Energy Division



SYAMANTAK BHATTACHARYA

Associate Professor in International Shipping and Port Management Seafarers
International Research Centre
Plymouth University, UK

Home Discipline: OHS

Research Interests: Globalisation, State regulation and management of workplace health and safety
Employment practices and industrial relations
Risk management and safety culture in high-reliability organisation
Human Resource Management, State, Capital and Labour
Supply chain influence in organisational management
Sociology and organisational practice

Related publications to current research:

Bhattacharya S & Tang L (2013) 'Fatigued for safety? Supply chain occupational health and safety initiatives in shipping' Economic and Industrial Democracy 34(3), 382 - 398

Bhattacharya S (2012) 'Sociological factors influencing the practice of incident reporting: the case of the shipping industry' Employee Relations 34(1) 4 - 21 [Won 2013 Highly Commended Paper Award from Emerald LiteratiNetwork]

The role of trade unions in supporting and promoting worker participation in health and safety within a globalised industry: dock workers' experiences in container terminals in advanced and advancing economies

External trade union support is one of the key pre-determinants of effective worker representation and consultation in occupational health and safety (OHS). This paper draws on data from a preliminary study and the initial findings of an ongoing follow-up project to consider union support for participative OHS in container terminals in two regions. Within globally determined corporate approaches, the studies identified distinctly different models of participation and varied extent, reach and focus of external union support, reflecting local labour relations' conditions and arrangements. The data suggest that both the unions and the terminal operators are using the globalised nature of the industry as part of their OHS strategies, but that for the unions this is only possible where they are mature and well-established. The paper concludes that, given this imbalance and a prevailing climate of increasingly international corporatisation with a preference for direct consultation on OHS both within the industry and beyond, consideration of how external union support for participative OHS can be maintained and extended to the less conducive work environments that are increasingly the norm is urgently needed.





RALPH BUISER

PhD Fellow, Seafarers International Research Centre
Cardiff University, UK

Home Discipline: Industrial & Employment Relations

Research Interests: My current research interests revolve around trade unions and decent work in the maritime sector, and more broadly, workplace representation and collective bargaining in developing countries. My thesis is an exploratory study on Filipino seafarers' perceptions and experiences on unionisation.

Related publications to current research:

Lillie, Nathan (2006). *A Global Union for Global Workers: Collective Bargaining and Regulatory Politics in Maritime Shipping*. London: Routledge

Lindio-McGovern, Ligaya (2012). *Globalization, Labor Export and Resistance: A study of Filipino migrant domestic workers in global cities*. London: Routledge

Unionising Precarious Workers: the example of unionised seafarers from the Philippines

Recent studies have indicated a negative relationship between precarious work and unionisation. Intuitively, the diminishing number of long-term employment caused by a regulatory environment that promotes work flexibility (casual, temporary jobs) leaves less room for workers to unionise and engage employers into collective bargaining. While this is indicative in some industries, unionisation in other sectors such that in seafaring is thriving despite of precarious working conditions. This paper illustrates that precisely because seafaring is a highly precarious occupation, there is much incentive for workers to unionise.

Empirical data in this study suggests that precarious workers, empowered by a global network of maritime trade unions (MTUs), gain some crucial benefits from union memberships that are traditionally experienced by non-precarious workers. Findings indicate that these workers experience long-term job security, receive full medical insurance coverage extended to their immediate dependents, report high ratings of decent working conditions, and in some cases are given retirement packages – all while being employed on a temporary and casual basis on ocean-going ships. Overall, this paper is located within the wider discussion on the unionisation of workers who are situated in precarious employment conditions, and the role of unions in alleviating these unfavourable conditions, seen through the lens of the unionised worker. Findings presented here are part of a fully-funded mixed methods study on the subjective work and employment experiences of unionised Filipino seafarers, combining survey data, in-depth interviews, and key informant interviews.



RACHEL COX

Professor of Law

Faculty of Political Science and Law Seafarers International Research Centre
Université du Québec à Montréal, Canada

Home Discipline: Law

Research Interests: I am interested in change in the workplace: what makes it happen, why it so often doesn't happen (at least not for the better), what the role of law is. My research interests include several themes related to health and equality at work (psychological harassment, psychosocial risks, discrimination) and interdisciplinary research projects in partnership with unions, women's groups and community groups.

Related publications to current research:

My Ph.D. thesis (see above), as the interviews I did with union reps were extremely eloquent in illustrating the challenges facing union activists as well as in revealing their strategies in promoting action based on solidarity and a collective vision rather than competition and individualism.

Cox, Rachel. 2010. « Psychological harassment legislation in Québec: The First Five Years ». 32 *International Comparative Labor Law and Policy Journal* 55

Québec unions' mandate with respect to complaints of psychological harassment in the workplace: poisoned chalice... or path to union renewal?

Since June 2004, the Québec *Labour Standards Act* provides that every worker has a right to a work environment free from psychological harassment. The Act incorporates these provisions into collective agreements, making grievance arbitration the exclusive recourse for a unionized worker experiencing harassment. Unions' duty of fair representation explicitly extends to a worker who believes he or she is being harassed. Unions must conduct inquiries into and resolve or litigate complaints of harassment, including ones in which both the alleged harasser and the alleged victim are union members. Québec unions have thus been propelled to the fore of the struggle against psychological harassment. We conducted 16 semi-directed interviews with 22 union representatives who handle harassment complaints in different workplaces (public and private sector; blue and white-collar; male and female-dominated; etc). The interviews were recorded, transcribed and coded using NVivo software with methods guided by grounded theory. In workplaces with generally poor labour relations, union representatives expressed frustration over their limited capacity to prevent harassment, given management prerogatives over work organisation and other issues identified as being at the root of many harassment complaints. In workplaces with better labour relations, several representatives described bipartite initiatives to deal with complaints of harassment that could be qualified as best practises. However, when other representatives were asked about importing these models into their workplaces, they were skeptical about their capacity to obtain satisfactory outcomes for their members within workplace-level bipartite decision-making structures. A bipartite model of harassment complaint management thus appears to be both a cause and a result of good labour relations. The absence of a legislative framework allowing unions to intervene, not just in response to complaints, but with regard to the psychosocial work environment in general, appears to have had a particularly detrimental effect in workplaces with poor labour relations... ironically, the very workplaces where workers are most at risk of experiencing harassment.



JEAN PIA

PhD Fellow, Seafarers International Research Centre
Cardiff University, UK

Home Discipline: Regulation, labour standards, and labour relations

Research Interests: My research interests have developed in relation to issues of regulation, globalisation, and seafarer health, safety and well-being. In my Ph.D. thesis, I am interested in seafarers' work and employment experience; specifically on how the standard employment contract (POEA-SEC) prescribed for seafarers trading onboard overseas ships is effectively implemented and enforced by the government and the employers. My interest is likewise geared towards seafarers as migrant labour in order to illustrate their position in the global world industry.

Related publications to current research:

Bercusson, B., and Estlund, C. (2008). Regulating labour in the wake of globalisation: New challengers, new institutions. In *Regulating Labour in the Wake of Globalisation*, B. Bercusson, and C. Estlund, eds. (Oxford Hart Publishing)

Quinlan, M., Mayhew, C., and Bohle, P., (2001). The global expansion of precarious employment, work disorganization, and consequences for occupational health: A review of recent research. *International Journal of Health Services* 31, 335-414.

Rodriguez, R.M. (2010). *Migrants for export: How the Philippine state brokers labor to the world.* (Minneapolis, Minnesota, USA: university of Minnesota Press).

Effectiveness of the enforcement and implementation of the standard employment contract for seafarers (POEA-SEC)

The research focuses on studying the effectiveness of the enforcement and implementation of the Philippine Overseas Employment Administration standard employment contract or POEA-SEC. The POEA-SEC is the regulatory safeguard prescribed by the Philippine government containing the amended standard terms and conditions governing the overseas employment of Filipino seafarers on-board ocean-going ships. It is implemented and enforced in the context of globalisation and influenced by neoliberal imperatives and implemented in light of global labour demand for flexible, short-term, contractual and extremely mobile labour. As a leading provider of seafarer workers in the global labour market, it shows one of the institutional mechanism put in place by the government to protect its vulnerable contractual workers which it mobilize by way of temporary employment agencies. Using legal documentary analysis, semi-structured interviews and focus group discussions, the presentation will discuss how the participants of the research coming from a developing country such as Filipino seafarers, crewing managers, shipowners and government regulators perceive the employment contract in terms of protecting the health, safety and well-being of the seafarer. This presentation will show that the POEA-SEC is not just a document which pertains to the specific employment of an individual seafarer onboard a particular ship. It shows the symbolic attempt of the state to protect its workers as revealed by evidence on its failure to effectively implement specific provisions of the contract. Equally, and more crucially, it shows the employment contract as a codification of the motivations underpinning the Philippine labour migration policy.



LIZ BLUFF

Australian National University
Canberra, Australia

Home Discipline: Occupational Health and Safety (OHS)

Research Interests: My research interests centre on occupational health and safety (OHS) regulation including standard setting, compliance support, inspection and enforcement policy and practice, and organisational responses to OHS regulation. Specific areas of interest include safe design, health and safety risk management, and systematic management of OHS.

Related publications to current research:

My doctoral research concerned response to regulation by firms designing and manufacturing workplace machinery. A publication relating to this is:

Bluff E, 2014, 'Safety in machinery design and construction: Performance for substantive safety outcomes', *Safety Science*, vol. 66, pp 27-35. (Copy supplied as PDF).

My current research is investigating how organisation compliance with OHS regulation is shaped by motivations, attitudes, perceptions, knowledge, skills and other socio-psychological factors. A publication relating to this is:
Bluff E, 2011, *Something to Think About: Motivations, Attitudes, Perceptions and Skills in Work Health and Safety*, Safe Work Australia, Canberra. (Copy supplied as PDF).

I am also working on several research projects examining the implementation of harmonised OHS legislation in Australia. A publication relevant to this is:
Bluff E and Gunningham N, 'Harmonising work health and safety regulatory regimes', *Australian Journal of Labour Law*, vol 25(2), pp 85-106.

How are Australian SMEs implementing their duties in the WHS Acts and what shapes their responses?

Australia's Work Health and Safety Acts place high level responsibility for WHS matters on persons who conduct businesses or undertakings (PCBUs) and officers. PCBUs may be legal entities (eg public and private companies) or individuals (eg in partnerships), and officers are individuals who make or participate in making decisions that affect the whole, or a substantial part, of a business or undertaking (eg CEOs, board members). To comply with their duties and obligations, PCBUs and officers must implement preventive processes and arrangements to manage WHS matters. This paper will present preliminary findings from empirical research which is examining whether, and if so how, small and medium enterprises (SMEs) are implementing core elements of their statutory duties. These core elements include processes and arrangements for eliminating or minimising risks, providing information and training to workers, consulting workers, and acquiring and keeping up-to-date knowledge of WHS matters. The paper will also discuss key factors that shape SMEs' actions on WHS, and the effectiveness of the regulatory framework in improving WHS.



DESAI SHAN

PhD Fellow, Seafarers International Research Centre
Cardiff University, UK

Home Discipline: Law and sociology

Research Interests: Desai’s research mainly focuses on the compensation system of seafarers’ work-place casualties in China, especially on seafarers’ experiences during claim processes, and difficulties confronted by seafarers in negotiating damages with shipping companies and in accessing labour and judicial authorities.

Related publications to current research:

WALTERS, D. & BAILEY, N. 2013. *Lives in Peril*, Basingstoke, Palgrave Macmillan.

LIPPEL, K. 2007. Workers describe the effect of the workers' compensation process on their health: A Quebec study. *International Journal of Law and Psychiatry*, 30, 427-443.

Invisible workers’ blood and tear: Chinese seafarers’ compensation claims for occupational casualties

This research explores the experiences of Chinese seafarers and their close relatives in the process of claiming compensation following workplace injury and/or death. For a long time, issues regarding seafarers’ rights in such cases have failed to attract substantial public attention. International and Chinese studies indicate that seafarers suffer higher risks of work-related injuries compared with ordinary land-based workers. Studies conducted in Australia and Canada show that claimants under Workers’ Compensation System suffer extra psychological harm in the process. However, there is little attention, in academic discourse, paid to the struggles of Chinese seafarers and/or their families in the processes of claiming compensation for work-related casualties.

This research aims to examine the procedures for compensation claims and to explore individual experiences of the compensation claims process to determine whether Chinese seafarers suffer extra harm during claim processes. Two major qualitative research methods, documentary analysis and semi-structured interview, are applied in this research. Preliminary findings based on an analysis of legal claims process documents and records and interview data with the key informants, including claim handlers in shipping companies, maritime lawyers and maritime court judges in China, suggest that the compensation standards for occupational casualties of seafarers are not unified and the current social welfare system does not provide effective assistance for Chinese seafarers. The initial results therefore show that Chinese seafarers and their families are most likely to suffer extra harm in the process, including intensive psychological pressures caused by the lack of procedural transparency and stigmatisation by employers.



HELEN DEVEREUX

PhD Fellow
Seafarers International Research Centre
Cardiff University, UK

Home Discipline: Occupational health and safety

Research Interests: As a seafarer my primary research interest is occupational health and safety in the seafaring industry. In particular I am interested in how temporal factors such as time on task and time into tour relate to seafarers' occupational incidents.

Related publications

to current research: Hansen, H. L., Nielsen, D., & Frydenberg, M. 2002. Occupational accidents aboard merchant ships. *Occupational and environmental medicine*, 59(2), pp. 85-91.

Exploring the relationship between occupational injuries and time into tour in the seafaring industry

Research into occupational accidents tends to focus on the points of space in which accidents occur with relatively few studies looking at the time period in which accidents happen. Seafaring however presents a rare example of an around-the-clock industry where the *priori* risk remains constant, and thus the study of occupational accidents in relation to time may be of particular interest to those who work at sea. Literature indicates that seafarers are most at risk of injury during the early stage of their tour and this risk decreases as length of time onboard decreases. Whilst empirical data obtained from a large European multi-national shipping company corroborates this, there are a number of peculiarities. In order to examine these apparent discrepancies this paper draws on a number of distinct bodies of literature including occupational accidents in relation to inexperience and work related fatigue. Such a synergic approach is required as data indicates that whilst the last twenty five per cent of time into tour is the least risky for offshore seafarers, there is little evidence of a relationship between occupational injuries and time into tour for deep-sea seafarers. This paper thus concludes that the suggestion that seafaring occupational accidents are most likely at early stages of time into tour is too simplistic.



ELSA UNDERHILL

Deakin Graduate School of Business
Deakin University, Melbourne Australia

Home Discipline: Industrial Relations

Research Interests: My research focuses upon the employment and OHS implications of precarious employment. Current research projects include a study of temporary migrant workers in Australian horticulture (with Malcolm Rimmer), and a study of workplace OHS interaction amongst casual, temporary and permanent workers in Victoria.

Related publications to current research:

Gallagher, C. and Underhill, E. (2012) 'Managing work health and safety: recent developments and future directions' *Asia-Pacific Journal of Human Resources*, 50 (2): 227-244.

Underhill, E. and Quinlan, M. (2011) 'How Precarious Employment Affects Health and Safety at Work: The Case of Temporary Agency Workers' *Relations Industrielle*, 66 (3): 397-421.



MALCOLM RIMMER

Faculty of Business, Economics & Law
La Trobe University, Victoria, Australia

Home Discipline: Trained in Philosophy, Politics & Economics (Oxford), my graduate studies were in Industrial Relations (Warwick)

Research Interests: Over four decades my research interests have spanned trade unions, wages policy, bargaining, organisational change, and much else, appearing in 13 books and monographs and more than 50 journal articles and book chapters. My current research (with Elsa Underhill) concerns migrants in Australian horticulture.

Related publications to current research:

'The Psychologisation of Workplace Relations: Why Social Context Matters', *Asia Pacific Journal of Human Resources*, 52 (4), December (forthcoming) with Tatiana Kasyanenko, Pedro Nevado and Eduarda Soares.

Underhill, E. & Rimmer, M. (2014) 'Temporary Migrant Workers In Australian Horticulture: Boosting Supply But At What Price?' in Tilly, C. and Sperotti, F. (eds.) *Global Migration and the Workforce Diversity Equation*, ADAPT Labour Studies Series, Cambridge Scholars Publishing (forthcoming)

Itinerant Foreign Harvest Workers in Australia: The Impact of Precarious Employment upon Occupational Health and Safety (OHS)

Australian horticultural jobs are distinguished by short-term casual hiring and mobility between jobs – characteristics that place a premium upon accurate and timely job information for farmers' demands to be met and workers to be properly informed about job availability and work features such as OHS risk. Over the past three decades workforce demographic changes have accentuated the problem of adequate labour market information. Australian harvest workers were first replaced by young international 'backpackers' on temporary working visas, who are now being replaced by 'undocumented' workers brought in by Asian contractors who are said to engage in illegal employment practices.

In this labour market context the protection of harvest workers from occupational health and safety risks has become more difficult. In this paper we explore this problem by drawing upon an analysis of formal OHS regulation and empirical research data drawn from an online survey of harvest workers and an extensive focus group program involving harvest workers, farmers, and other labour market participants.

While formal OHS regulations place considerable responsibilities upon farmers and contractors, our evidence demonstrates a considerable shortfall in the extent to which harvest workers are trained about OHS risks and tasks are designed to minimise those risks. In consequence, the industry experiences a high incidence of OHS injuries – mainly muscular-skeletal strain, sunburn, dehydration and falls – but also fatalities.

The problems of regulatory failure and inadequate farm level risk management are compounded by those characteristics of the labour market discussed above – especially job churning amongst working holiday makers (who lack both job experience and OHS training) and the emergence of a 'black' labour market beyond regulatory influence.





PHIL JAMES

Professor of Employment Relations
Business School, Middlesex University, UK

Home Discipline: Industrial Relations

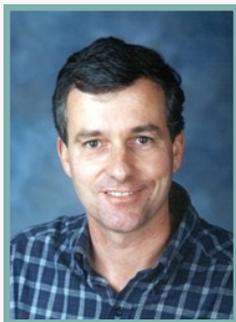
Research Interests: Philip's research interests focus on employment relations and occupational health and safety. Current and recent topics of research include, regulatory policy in the field of health and safety at work, employee participation in workplace health and safety, the human resource strategies and policies of multinationals; absence management, the financial and employment consequences of outsourcing in the social care sector, work-life balance, trade unions and migrant workers, and supply chain management.

Related publications to current research:

Walters, D. and James, P. (2009) Understanding the role of supply chains in influencing health and safety at work. Wigston, Leicester: IOSH.

Walters, D. James, P. (2011) What motivates employers to establish preventive management arrangements within supply chains? *Safety Science*.

James P, Walters D, Wadsworth E, Sampson H. Protecting workers through supply chains: lessons from two construction case studies. In press *Economic and Industrial Democracy* March 2014.



RICHARD JOHNSTONE

Faculty of Law
Queensland University of Technology, Brisbane, Australia

Home Discipline: Law (with a strong socio-legal bent)

Research Interests: My research interests are in work health and safety regulation, and in particular, ensuring the health and safety of precarious workers, the reach and implementation of general duties of care, approaches to work health and safety enforcement, and worker participation in health and safety.

Related publications to current research:

Richard Johnstone, Occupational Health and Safety, Courts and Crime: The Legal Construction of Occupational Health and Safety Offences in Victoria, Monograph Series on Labour Law, The Federation Press, Sydney, 2003, xxii, 314pp

Richard Johnstone, 'Paradigm Crossed? The Statutory Occupational Health and Safety Obligations of the Business Undertaking' (1999) 12 Australian Journal of Labour Law 73-112

ANDREW KING

Home Discipline: Law. 2014 LLM(UOttawa); former United Steelworkers Union Canadian health, safety and environment department leader; executive director, occupational health clinic (OHCOW Toronto); workers' compensation training officer, OFL; community legal clinic and private practice. Chair, Labour Occupational Health Clinics and Academic Research Collaboration (LOARC).

Research Interests: Law reform, health, safety and environment, injured workers rights, knowledge activism, worker participation, unions, workplace democracy, the role of inspectors and community organizing.

Related publications to current research:

(Chair, lead author) "Writing workers back in" a guide for worker health and safety representatives 2014.

"Making Sense of Law Reform - A Case Study of Ontario Workers Compensation 1980-2012. Unpublished Master's Thesis 2014.

"Secrecy is Toxic, Building Community Right-To-Know in Canada's Largest Municipality." *New Solutions*, 2011 Vol. 21(3) 417



KATHERINE LIPPEL

Canada Research Chair on Occupational Health and Safety Law, Faculty of Law, University of Ottawa, Canada

Home Discipline: Law

Research Interests: Her research interests focus on the law and policy dimensions of the following themes: Work and mental health; health effects of compensation systems; precarious employment and occupational health; interactions between law and medicine in the field of occupational health and safety; disability prevention and compensation systems; women's occupational health; regulatory issues in occupational health and safety; globalization and occupational health and safety. Much of her work is in French.

Related publications to current research:

K. Lippel, «Preserving workers' dignity in workers' compensation

systems: an international perspective», (2012) 55 (6) American Journal of Industrial Medicine, 519-536

K. Lippel, Ellen MacEachen, Ron Saunders, Natalia Werhun, Agnieszka Kosny, Liz Mansfield, Christine Carrasco and Diana Pugliese, «Legal protections governing occupational health and safety and workers' compensation of temporary employment agency workers in Canada : reflections on regulatory effectiveness», (2011) 9 (2) Policy and Practice in Health and Safety 69-90

Ellen MacEachen, Katherine Lippel, Ron Saunders, Agnieszka Kosny, Liz Mansfield, Christine Carrasco, Diana Pugliese, Workers' compensation, experience-rating rules and the danger to workers' safety in the temporary work sector, (2012) 10 (1) Policy and Practice in Health and Safety 77-95



BARB NEIS

Department of Sociology and Senior Research Associated in the SafetyNet Centre for Occupational Health and Safety Research
Memorial University of Newfoundland, Canada

Home Discipline: Work Environment

Research Interests: Professor Neis received her Ph.D. in Sociology from the University of Toronto in 1988. Her research focuses broadly on interactions between work, environment, health and communities in rural and remote contexts. She has researched many aspects of the Newfoundland and Labrador fisheries including gender and fisheries, occupational asthma to snow crab, participatory ergonomics, and fishing vessel safety. Her current research responsibilities include acting as Project Director on a 7-year Partnership grant from SSHRC entitled On the Move: Employment-Related Geographical Mobility in the Canadian Context. She is also a co-investigator, theme co-lead and member of the Research Management Committee of the Marine, Environmental, Observation, Prediction and Response Network of Centres of Excellence, and co-chair of the Newfoundland node of the SSHRC-funded Centre for Research on Work Disability Policy.

Related publications to current research:

Dana Howse, M. Jeebhay and B. Neis. 2012. The changing political economy of occupational health and safety in fisheries: lessons from Eastern Canada and South Africa. *Journal of Agrarian Change* 12 (2-3), pp. 344-363.

Julia Temple, B. Neis, L. Jackson, S. Roseman, P. Romanow, C. Vincent. 2011. Employment-Related Mobility and the Health of Workers, Families, and Communities: The Canadian Context. *Labour/Le Travail*, 67 Spring, pp. 121-156.

S. Bornstein and B. Neis (co-editors). 2010. Special Issue of Policy and Practice in Health and Safety based on SafetyNet Research 8(1), 109 pp.



THEO NICHOLS

Distinguished Research Professor,
Cardiff School of Social Sciences, Cardiff University, UK

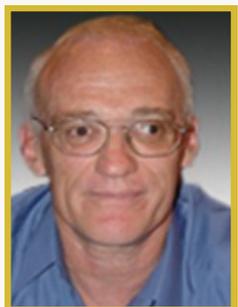
Home Discipline: Economic Sociology

Research Interests: He has written widely on a variety of subjects in the general field of economic sociology – including class relations, management and productivity and has a special interest in labour relations in Turkey and China. He was one of the first sociologists in the UK to research health and safety at work.

Related publications to current research:

Nichols, T. and Walters, D. (eds.) (2013) Safety or Profit? International Studies in Governance, Change and the Work Environment. Amityville, New York: Baywood Publishing.

Nichols, T. (1997) The Sociology of Industrial Injury, London: Mansell.



MICHAEL QUINLAN

Director Industrial Relations Research Centre,
School of Management, University of New South Wales, Australia
Adjunct Professor, Business School, Middlesex University, UK

Home Discipline: Industrial Relations

Research Interests: My research primarily focuses on the relationships between work organisation and regulation on occupational health and safety. I am also interested in the history of work and worker organisation.

Related publications to current research:

Quinlan, M. Mayhew, P. & Bohle, P. (2001) The Global Expansion of Precarious Employment, Work Disorganisation and Occupational Health: A Review of Recent Research, International Journal of Health Services, 31(2):335-414.

Quinlan, M. (2013), Precarious and Hazardous work: The health and safety of merchant seamen 1815-1935, Social History 38 (3):281-307



HELEN SAMPSON

Director Seafarers' International Research Centre
Cardiff University, UK

Home Discipline: Sociology

Research Interests: Work; migration; global regulation; health and safety; gender; education and training; social space.

Related publications to current research:

Sampson, H. (2013) International seafarers and transnationalism in the twenty-first century, Manchester University Press (MUP), Hardback and paperback (released 2014)

Sampson, H., Walters, D., James, P., Wadsworth, E. (2014) 'Making headway? Regulatory compliance in the shipping industry', *Social & Legal Studies*, DOI: 10.1177/0964663914529684 online 23 April.

Bloor, M., Sampson, H., Gekara, V. (2013) 'Global governance of training standards in an outsourced labour force: The training double bind in seafarer license and certification assessments', *Regulation & Governance*,

Bloor, M., Sampson, H., Baker, S., Walters, D., Dahlgren, K., Wadsworth, E., James, P. (2013) 'Room for Manoeuvre? Regulatory Compliance in the Global Shipping Industry', *Social & Legal Studies*, 22 (2): 171-189.

Sampson, H. (2011) 'Spilling oil, spilling blood: Cost and corporate decision making concerning safe working practices', *Policy and Practice in Health and Safety*, Vol 9, Issue 1, pp17-32 (16).



DAVID WALTERS

Professor of Work Environment
Cardiff Work Environment Research Centre
Cardiff University, UK

Home Discipline: Sociology of Work

Research Interests: His research and writing is on various aspects of the work environment and he has particular interests in employee representation and consultation on health and safety, the politics of health and safety at work, regulating health and safety management, chemical risk management at work and health and safety in small firms.

Related publications

to current research: Nichols, T. and Walters, D. (eds.) (2013) *Safety or Profit? International Studies in Governance, Change and the Work Environment*. Amityville, New York: Baywood Publishing.

Walters D, Wadsworth EJK, Johnstone R, Quinlan M. (2014) A study of the role of workers' representatives in health and safety arrangements in coal mines in Queensland. Research Report for the Construction, Forestry, Mining and Energy Union (CFMEU) Mining and Energy Division

Walters, D. and Bailey, N. (2013) *Lives in Peril: Profit or Safety in the Global Maritime Industry?* Basingstoke: Palgrave Macmillan.

Unable to attend:



LAURA PORRAS

Biography: Laura Porras Santanilla is a lawyer and she holds a master in Law from Los Andes University (Bogotá- Colombia). She is currently a PHD Law student under the supervision of Professor Marie-Eve Sylvestre (University of Ottawa- Canada). She is a professor of law at El Rosario University (Bogotá, Colombia) since 2014. She received the Vanier Scholar (2011-2014) and was a COLFUTURO beneficiary (2010-2011). Her work focuses on precarious employment, and she is working particularly with *rebuscadores* in two deprived areas of Bogotá. In Spanish, *buscar* means to look for something. *Re-buscador* is a made up word which suggests that someone is continually looking for something. In this case, for a way to survive.

The encounters of precarious workers with law: the case of *rebuscadores* in Bogotá.

The presentation will focus on the type of encounters that *rebuscadores* have with law, to conclude that law works more like a sword (that hurts) than as a shield (that protects). I will start with a brief characterization of *rebuscadores* to put the hypothesis in context. In Spanish, *buscar* means to look for something. *Re-buscador* is a made up word which suggests that someone is looking all the time for something (for a way to survive). Women are a majority. They labour excessively and might take several jobs at the same time, partly to earn more money, partly for insurance or risk management. They usually come from poor families of dispersed origins, have low educational status, and live (not necessarily work) in stigmatized districts of the urban periphery. The whole family lives on a daily basis working to achieve what they call *el diario* (daily income needed to cover life's basic necessities). As they need to comply with a basic daily income, they cannot afford the unemployment gaps between temporary or part-time jobs typical of the globalized era. Their social security rights are severely restricted. They don't have any real access to health and safety protections, disability benefits, or social pension. According to my calculations, *rebuscadores* can add up to 30% of the working population in Bogotá. They are, by no means, marginal.

My hypothesis about their encounters with law will be divided in two parts. In the first part I will argue that protective regulatory frameworks that could theoretically be used by *rebuscadores* as a shield - such as employment and constitutional law - are not able to influence their working regulatory arrangements for basically two reasons: they were constructed without having *rebuscadores* in mind (for instance, employment



law has been constructed mainly to protect wage-earners in a bilateral employment relationship while most rebuscadores are self-employed), and they require knowledge and financial means (both scarce for rebuscadores) to access. Furthermore, law is not only the law of the state. As legal pluralists argued, the deregulation or lack of enforcement of one form of legality may be counteracted by the increase of regulation or superimposition of another form of legality. For instance, it's mandatory that small children work for many hours helping with the survival strategies of the household. External legislation that prohibits small children from working could not be expected to have the intended effects, not only because it's poorly enforced, but because the internal legal ordering of the social field in which it operates is strong enough to deflect the operation of external law. In sum, the law of the state that is supposed to work as a shield is not working as such, leaving space for local legal orderings that can be even worse in terms of protecting the rights of those most in need.

State law includes other regulatory frameworks that from the beginning work more as a sword. The daily working strategies of rebuscadores, for instance, are thoroughly policed by different administrative agencies. Rebuscadores depend on the emission of administrative permits that are not easily obtained (e.g. hygienic permits to sell food, permits to operate small businesses even in urban slums, to play music to attract clients, etc.), and lack of permit triggers policing mechanisms. That kind of administrative law is very similar to criminal law as it is skillfully used to police, control and discipline their working strategies. More interestingly, that kind of state law is clearly superimposed over their internal legal ordering by coercive means. Therefore, rebuscadores end up with the worst of both internal and external legal orderings. State law that works as a sword easily penetrates by imposing limits over their daily working strategies, while state law meant to work as a shield stays at the margin and is superimposed by internal orderings which can be very violent and lack the potentiality of protecting the rights of those most in need.

The encounters of rebuscadores with both internal and external legal orderings are consistent with and perpetuate class apartheid. They are also consistent with and perpetuate the notion of second class or non-citizens with limited rights, with citizenship being a central concept in the pursuit of political and social equality.



INTERNATIONAL SYMPOSIUM ON GOVERNANCE, CHANGE AND THE WORK ENVIRONMENT

.....
June 30th - July 2nd, 2014, Cardiff University, U.K.

