Ministerie van Sociale Zaken en Werkgelegenheid

The Power of the Regulator

What is the Regulators role in the development of Health and Safety Science and Profession?

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Introduction

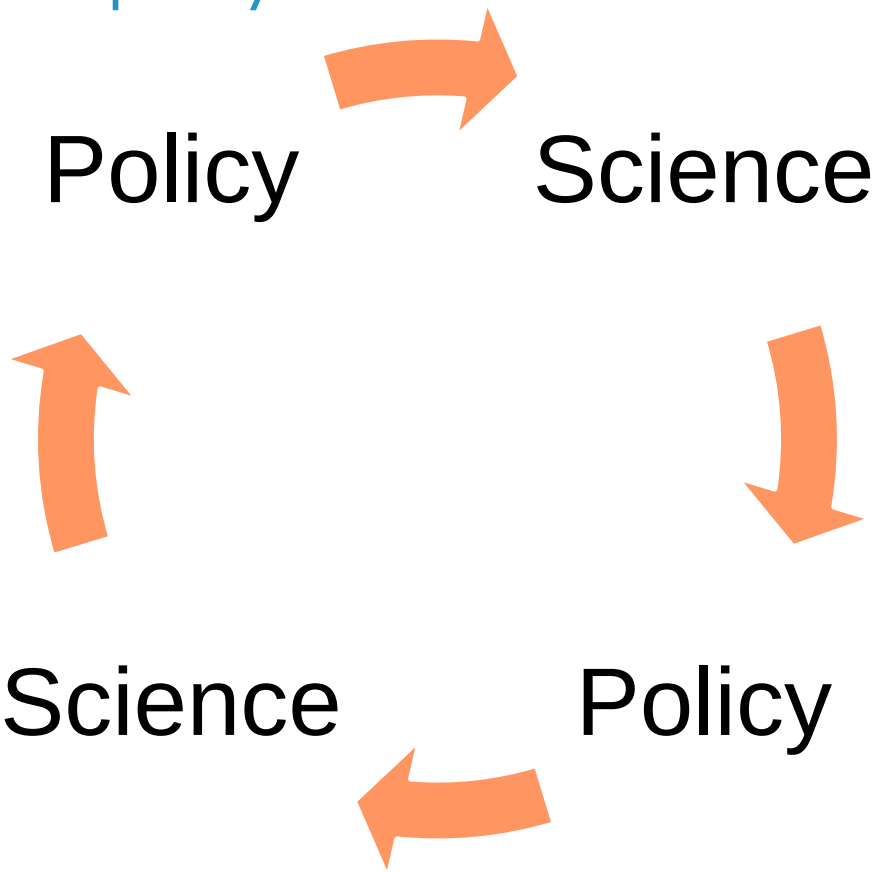
• Policy Decision is made after a process in which framing, consultation and negotiation play important roles: takes time

•Research results are obtained after a process of hypothesis, model development testing and application in the policy process: takes even more time

•Ideally both processes are linked and policy research questions can be answered quickly

• More often they are not and the regulator will have to shop for quick answers

Policy and Science should not be two separate worlds: Evidence based policy



Focusing Events

- *A focusing event is an event that is **sudden**; relatively uncommon: can be reasonably defined as harmful or revealing the possibility of potentially greater future harms; has harms that are concentrated in a particular geographical area or community of interests; and that is **known to the policy makers and the public simultaneously**.* (Birkland, 1998 p.54)

- A focusing event could bring more attention to the policy issue that the regulator is promoting

Using focusing events

Piper Alpha (1988)

- 228 people on the platform - 167 died
- The victims suffocated in toxic fumes
- Lord Cullen's report into the disaster severely criticised **safety procedures** on the rig
- 'I quickly realised that fundamentally, and running through everything, was the **management of safety**.' (Lord Cullen)
- **Strikes**: thousands of offshore workers took the campaign for safety improvements onto the streets

- Boosted the development of QRA, Risk Assessment, Safety Management and education of Safety Professionals

Get Health and Safety issues on the political and policy agenda

- Ministers and their departments have a political vision and set of goals
- Health and safety issues do not always have political priority
- Dependency on the individual regulator: he/she should be an engaged policy entrepreneur

Tasks of the Health and Safety Regulator

- Overall: work towards a safer and healthier workplace
- How to get your policy idea on the (political) agenda?
- Prioritising by agenda-setting strategies: framing and the collaboration between science and policy
- Develop policy and regulation
- Communicate with science and industry

Shifts in Policy Paradigms: What happened in the past 30 years?

<1980 →Traditional Public Policy:

- Guardian of Society
- The government as a knowledge centre
- Regulators part of the solution. Public officers claimed more discretionary power.

Shifts in Policy Paradigms: What happened in the past 30 years?(II)

1980-1990 -> Transition to **New Public Management**

- NPM in the Netherlands - “Thatcher doctrine”
- Emphasis on the responsibility of the social partners
- Degradation of technical knowledge in the government

Shifts in Policy Paradigms: What happened in the past 30 years?(III)

1990-2010 ->Governance

- Working in networks
- Government as a network-director
- The scientific community becomes part of the networks

Shifts in Policy Paradigms: What happened in the past 30 years? (IV)

Current -> Establishing New Relations

- The government as a facilitator
- Self-regulation: employers-employees
- New social initiatives: social media

What are the consequences for knowledge management and the relationship with the scientific community?

Science and shifts in policy paradigms

- The transformation from government tot governance has **consequences** for the scientific community
- Government in need of applied science; awareness of the evolving role: But is the scientific community also aware?
- Missing link with fundamental research

Science and shifts in policy paradigms

- Knowledge: Two objectives in policymaking:
- Short term: satisfying political needs
- Long term: questioning the system
- Scientist focusses especially on the systemic dimension: not on (short term, practical) solutions

How to get health and safety issues on the (political) agenda?

- A regulator uses the political climate and the internal climate of the organization

- Collaboration to get your policy issues on the political/policy agenda

- Different strategies can be applied, within the paradigms mentioned before

Agenda-setting strategies of the regulator

Communication & Framing

- The negative effect of insufficient health and safety management: accidents, casualties.
- E.g.: In the Netherlands every hour there are a hundred occupational accidents (with absenteeism) rather then 220.000 a year. 3000 work related death's every year, more then in traffic or at the home.
- Framing: using incidents to create awareness.

Integration

- Internal and external safety:EU projects IRISK & ARAMIS.
- Collaboration between national directorates.
- Government as a facilitator: get industries to talk to each other, start improvement programs.

Toulouse: AZF disaster 2001

- 300 tonnes of ammonium nitrates exploded
- 31 deaths
- 4.000 injured
- 862 people hospitalized
- 1 hospital and 13 schools destroyed
- 27.000 houses damaged, 11.000 houses destroyed
- 40.000 people without shelter
- 6.343 businesses damaged, 300 temporarily closed, 134 closed permanently
- 7.000 people unemployed

Focusing Events

Disasters like those in Piper Alpha and Toulouse did have an immense impact on the Health & Safety Policy field, and the scientific community.

- France's risk prevention management is the result of 200 man years of legislation
- This legislative process originates mainly from the political debate that industrial disasters generated
- After Toulouse change from deterministic to probabilistic approach
- Extensive land use planning police
- Large budget to facilitate this (which is now exhausted)
- After the Toulouse disaster the French institutes on health and safety got leading in this field of research

Historical development

Government

- Technical: laws and regulation, enforcement, permits and fundings

New Public Management

- Organisational: efficiency and effectiveness, privatization, decentralizing

Governance and New Relations

- Human factor: culture, recognize the human as an asset

Using focusing events as a regulator

Seveso (1976)

Enschede (2000)

23 deaths
95 injured
200 houses destroyed
1500 houses and 500 business damaged
1250 people without shelter

Post Seveso developments

- Seveso I: Safety report and Risk Assessment

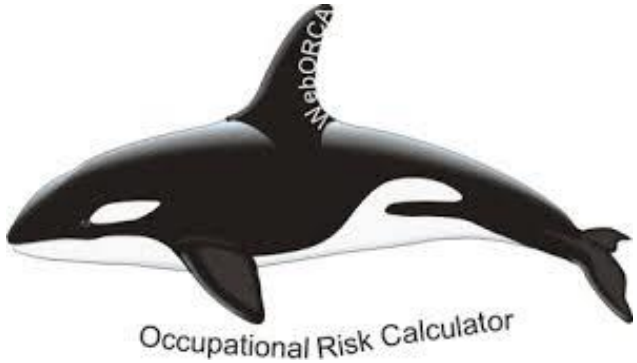
- Seveso II: Land use planning, use of risk contours, safety management systems

- Seveso III: Safety Performance indicators. Sadly no Safety Culture

Post Enschede developments

In the Netherlands:

- Development of Storybuilder. A tool for underlying causes of accidents
- Determining the exposure of workers to occupational hazards
- Development of a QRA for Occupational Risks: WebORCA
- The start of extensive cultural and behavioural change programs



Non-corresponding expectations: regulators and the scientific community

• Policy is in need of scientific knowledge to handle complex policy issues

• The scientific output is often too abstract, general and lacks of recommendations: we are in need of people who can ‘translate’ scientific knowledge into policy input

•Policy often see’s science as a retail store: can that be the case?

Sometimes we miss the train, we are too late

Example: Nano technology

- Millions of euro´s spend on risk and hazards research
- No policy or regulation yet
- Nano technology now is an integral part of our life
- New regulation will by defintion be weak.

- Emerging risks?

- Will Health and Safety regulation survive the next 20 years?

Building bridges between science & policy

- Technical, social scientists and humanists that are capable of translating scientific knowledge to the policy field in which that knowledge can be applied

- Consultants and practical scientists can build bridges between policy and science

- Requires investment of all parties concerned

Conclusions (1)

- **Yes** the regulator can influence the development of health and safety profession.
- By drawing up policies and goal orientated regulations containing:
- Codes and standards eg: incident investigation, (quantatative) risk assessment, land use planning, safety managment systems, certified health and safety professionals etc.
- By facilitating discussion between science, research, social partners and industry with the development of networks, knowledge and a little bit of money
- By putting these subjects on the political agenda: focussing events, framing and communication

BUT

Conclusion (2)

- We can not do this alone!!

We are in need of:

- A scientific network of universities, consultants, regulators and industry
- We need lots of publication, not only in peer reviewed journals, but in magazines, papers, social media
- Political commitment
- Management commitment
- **Champions:** active professionals

Keyword: **Engagement**