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REGULATING WORKPLACE SAFETY

SYSTEMS AND SANCTIONS

Neil Gunningham
Richard Johnstone

OXFORD SOCIO-LEGAL STUDIES

Regulating Workplace Safety System And Sanctions

Great Britain: Law Commission



Regulating Workplace Safety System And Sanctions:

Regulating Workplace Safety Neil Gunningham, Richard Johnstone, 1999 Drawing from experience internationally on recent and important developments in regulatory theory and upon models and approaches constructed during the author's empirical research this book addresses the question how can law influence the internal self regulation of organisations in order to make them more responsive to occupational health and safety concerns In this context it is argued that Occupational Health and Safety management systems have the potential to stimulate models of self organisation within firms in such a way as to make them self reflective and to encourage informal self critical reflection about their occupational health and safety performance This book argues for a two track system of regulation under which enterprises are offered a choice between a continuation of traditional forms of regulation and the adoption of a safety management system based approach on the other The book concludes with a discussion of the use of criminal and administrative sanctions to provide organisations with incentives to adopt effective Occupational Health and Safety management systems The book proposes a wider range of criminal sanctions and sentencing guidelines to ensure employers receive sentencing discounts where they have introduced effective management systems

Regulating Workplace Risks David Walters, R. Johnstone, Kaj Frick, Michael Quinlan, Geneviève Baril-Gingras, Annie Thébaud-Mony, 2011-01-01 State of the art research into the state of the art of occupational health and safety management and inspection Its authors provide a warts and all assessment of the possibilities and limits of regulating health and safety in an increasingly challenging environment A must read for anyone concerned about improving workplace health and safety in the new world of work Eric Tucker York University Canada This book long in gestation provides a profound analysis of the challenge to labour inspection of regulating OHS through a focus on management systems Its detailed analysis of 5 disparate countries is a treasure trove of research providing a rich opportunity for learning across jurisdictions It provides a masterly dissection of the increasingly complex competitive and pared down context of globalisation and then challenges it Recording some successes but more shortcomings it is food for deep reflection by inspectorates and politicians internationally Andrew Hale Hastam UK and Emeritus Professor Delft University The Netherlands Despite the complaints of neo liberal ideologists about the burden on business this book argues that there is no justification for reduced regulation and regulatory surveillance of health and safety at work Drawing on analyses of the role played by labour inspection in Australia Sweden Canada France and the UK the authors provide a timely examination of the contemporary organisational and other challenges it faces with particular reference to the inadequacy of self regulation and the rise of systematic occupational health and safety management Theo Nichols Cardiff University UK An impressively broad and sophisticated study of a critical aspect of OHS regulation This is the best socio legal analysis available of the contexts strategies and practices involved in inspection of approaches to managing health and safety in the face of change Neil Gunningham Australian National University Canberra Regulating Workplace Risks is a study of regulatory inspection of

occupational health and safety OHS and its management in five countries Australia Canada Quebec France Sweden and the UK during a time of major change It examines the implications of the shift from specification to process based regulation in which attention has been increasingly directed to the means of managing OHS more systematically at a time in which a major restructuring of work has occurred in response to the globalised economy These changes provide both the context and material for a wider discussion of the nature of regulation and regulatory inspection and their role in protecting the health safety and well being of workers in advanced market economies With its comparative nature and empirical studies this book will appeal to OHS policy makers and regulators all over the world as well as students in the field of occupational health and safety regulation internationally

The Regulation and Management of Workplace Health and Safety Peter Sheldon, Sarah Gregson, Russell Lansbury, Karin Sanders, 2020-07-12 The book provides a collection of cutting edge multi disciplinary research based chapters on work workers and the regulation and management of workplace health and safety Featuring research from Australia Europe and North America the chapters traverse important historical examples and place important emerging contemporary trends like work in the gig economy into wider international and historical perspectives The authors are leading authorities in their fields The book contributes to advancing our knowledge empirical and theoretical of the ways in which labour market dynamics management strategies state regulation and public policy and union organisation affect outcomes for workers It features in depth exploration of and reflection on some of the major labour market challenges facing workers and analysis of strengths and weaknesses of responses to those challenges whether via management state regulation or collective employee voice The chapters highlight shifts in in equality of outcomes access to security and flexibility at work genuine access to workplace voice and decision making and the implications of different avenues and mechanisms for regulating work and employment The text is aimed at researchers undergraduate and postgraduate students in work and organisational studies industrial employment relations and human resource management workplace or occupational health and safety employment law and labour history It will also be of particular interest to policy makers and practitioners working in the field of workplace health and safety

The Oxford Handbook of Regulation Robert Baldwin, Martin Cave, Martin Lodge, 2012-07-19 Regulation is often thought of as an activity that restricts behaviour and prevents the occurrence of certain undesirable activities but the influence of regulation can also be enabling or facilitative as when a market could potentially be chaotic if uncontrolled This Handbook provides a clear and authoritative discussion of the major trends and issues in regulation over the last thirty years together with an outline of prospective developments It brings together contributions from leading scholars from a range of disciplines and countries Each chapter offers a broad overview of key current issues and provides an analysis of different perspectives on those issues Experiences in different jurisdictions and insights from various disciplines are drawn upon and particular attention is paid to the challenges that are encountered when specific approaches are applied in practice Contributors develop their own distinctive arguments relating to the central

issues in regulation and apply scholarly rigour and clear writing to matters of high policy relevance The essays are original accessible and agenda setting and the Handbook will be essential reading both to students and researchers and to with regulatory and regulated professionals

Measuring Compliance Melissa Rorie, Benjamin van Rooij, 2022-02-24 Compliance or the behavioral response to legal rules has become an important topic for academics and practitioners A large body of work exists that describes different influences on business compliance but a fundamental challenge remains how to measure compliance or noncompliance behavior itself Without proper measurement it s impossible to evaluate existing management and regulatory enforcement practices **Measuring Compliance** provides the first comprehensive overview of different approaches that are or could be used to measure compliance by business organizations The book addresses the strengths and weaknesses of various methods and offers both academics and practitioners guidance on which measures are best for different purposes In addition to understanding the importance of measuring compliance and its potential negative effects in a variety of contexts readers will learn how to collect data to answer different questions in the compliance domain and how to offer suggestions for improving compliance measurement

Corporate Law and Financial Instability Andreas Kokkinis, 2017-11-20 Virtually all large banks and other financial institutions in the UK and internationally are public limited liability companies whose shares are listed on one or several stock exchanges As such their corporate governance and in particular the incentives faced by their directors and senior managers are to a significant extent determined by corporate and securities law rules such as directors duties directors liability in insolvency takeover regulation disclosure obligations shareholder rights and rules on executive remuneration At the same time systemically important financial institutions in the UK are licensed regulated and supervised by the Prudential Regulation Authority PRA This book explores the relationship between on the one hand the broader corporate law corporate governance and securities law framework and on the other the prudential regulatory framework Although the book s main focus is on UK law much of the policy argumentation is relevant globally and therefore appropriate international comparisons are drawn and analysis of EU law and regulation is included The book argues that the corporate law regime which focuses on shareholder empowerment and profit maximisation operates as an antithesis to prudential regulatory objectives thus undermining the safety and soundness of banks and other financial institutions by encouraging risky behaviour that may be in the best interests of their shareholders but is clearly not in the public interest

Explaining Compliance Christine Parker, Vibeke Lehmann Nielsen, 2011 Taking a broad view of regulation and covering a wide range of issues and industries this collection is the most innovative effort to date to understand the responses of business firms to regulation The book brings together an impressive group of scholars who analyze the concept of compliance and offer theoretically informed studies of its assumed links to regulation A must read for both academics and practitioners this ground breaking collection firmly establishes a scholarly field of compliance studies Ronen Shamir Tel Aviv University Israel Business responses to regulation is a key area of social science research Parker and

Nielsen's collection brings together an excellent group of scholars with innovative and I believe highly influential contributions that problematize the relations between regulation and compliance. The collection is a highly welcome addition to our field that will redefine the research agenda on compliance. A significant achievement that will help to improve policy making and frame the scholarly research agenda for the years to come.

David Levi Faur, The Hebrew University of Jerusalem, Israel and the Free University of Berlin, Germany. A timely and important set of analyses on how and why businesses respond to regulation in the way that they do from some of the leading authors in the field covering business responses to both state and non-state regulatory systems.

Julia Black, London School of Economics, UK. Explaining Compliance consists of sixteen specially commissioned chapters by the world's leading empirical researchers examining whether and how businesses comply with regulation that is designed to affect positive behaviour changes. Each chapter consists of reflective summaries on business compliance with different state or voluntary regulation and the theoretical lessons to be drawn from it. As a whole, the book develops understanding and explanations of how, why, and in what circumstances firms come to comply with regulation and when they do not. It also uncovers the complexity, ambiguity, and transformation of regulation as it is interpreted, implemented, and negotiated by firms, their stakeholders, and internal constituencies in everyday business life. This unique and detailed resource will appeal to academics, graduate students, and senior undergraduates in law, political science, sociology, criminology, economics, and psychology, as well as business and interdisciplinary areas such as law and society and law and economics. Anyone researching business regulation, corporate social responsibility, regulation and compliance, enforcement, and public administration will also find this book beneficial.

Handbook on the Politics of Regulation, David Levi-Faur, 2011-01-01. Political science has leapfrogged law, economics, and sociology to become the dominant discipline contributing to regulatory studies. David Levi-Faur's volume taps the rich veins of regulatory scholarship that have made this the case. It brings together the talented new network of politics scholars intrigued by the importance of the changing nature of state and non-state regulation. Their fresh insights complement important new work by established stars of the field. Definitely a book to have on your shelf when in search of exciting theoretical approaches to politics.

John Braithwaite, Australian National University. Regulation in its manifold forms is the central process of contemporary governance as it seeks to blend the dynamism of market economies with responsiveness to political and normative demands for health, safety, environmental protection, and fairness. Understanding regulation's varieties, vulnerabilities, and virtues has become a significant focus of academic research and theory. This volume provides an extraordinary survey of research in that field, a survey remarkable in its comprehensiveness, outstanding in the quality of the contributions by leading regulatory scholars from different nations and academic disciplines.

Robert A. Kagan, University of California, Berkeley, US. An authoritative collection by a range of contributors with outstanding reputations in the field.

Michael Moran, WJ MacKenzie, Professor of Government. This is an extraordinarily useful one-stop shop for a wide range of traditions and approaches to the

political aspects of regulation David Levi Faur has assembled a fine collection that by reporting on the state of the art also shows the way ahead for a discipline that has to capture and explain dramatic changes in real world regulatory philosophies and policies Claudio Radaelli University of Exeter UK This is an unusually impressive edited volume Its contributors include the leading academic experts on government regulation from around the world Its several clearly written and informative essays address the most important topics issues and debates that have engaged students of regulatory politics I strongly recommend this volume to anyone interested in understanding the breadth and depth of contemporary scholarship on the political dimensions of regulation David Vogel University of California Berkeley US This unique Handbook offers the most up to date and comprehensive state of the art reviews of the politics of regulation It presents and discusses the core theories and concepts of regulation in response to the rise of the regulatory state and regulatory capitalism and in the context of the golden age of regulation Its ten sections include forty nine chapters covering issues as diverse and varied as theories of regulation historical perspectives on regulation regulation of old and new media risk regulation enforcement and compliance better regulation civil regulation European regulatory governance and global regulation As a whole it provides an essential point of reference for all those working on the political social and economic aspects of regulation This comprehensive resource will be of immense value to scholars and policymakers in numerous fields and disciplines including political science public policy and administration international relations regulation international law business and politics European studies regional studies and development studies

Law as Last Resort Keith Hawkins, 2002 This is a book about the life of the legal system Its concern is legal decision making its focus the handling of prosecution cases in a regulatory agency In almost all legal disputing formalities are employed as a last resort for a small proportion of cases Case attrition is a constant feature in the legal system whether criminal or civil since extensive pre trial negotiations search for solutions to problems that avoid the costs risks and delays of trial This book analyzes the attrition of cases by studying decisions made about their creation handling disposal and prosecution Exploring these issues asks questions about the public face of law the meaning of formal processes and their impact on pre trial legal manoeuvring To prosecute is to enforce the law in both a public and a consequential way In enforcing regulation prosecution visibly takes sides in the fundamental dilemma of regulatory control about how far law should justifiably intervene in business Using extensive data collected over a fifteen year period and with privileged access to the UK Health and Safety Executive the book presents a multi level analysis of decisions about prosecution policy and individual cases in a variety of inspectorates

Responding to Environmental Crimes Mark Wright, 2021-11-09 This book provides a critical study of environmental regulation and its enforcement in New Zealand situated within green criminology It seeks to address the question of whether the offences in the Resource Management Act 1991 are working by drawing on a range of sources including central government data local government policies and reports on enforcement information requests of councils studies of local authority enforcement behaviour and case law to Through

highly layered and richly textured analysis the project exposes the problems that can arise when an expansive approach is taken to offences penalties and institutional arrangements in an environmental regulatory statute It emphasizes how discussions of harm and what should be unlawful will ensure that law makers enforcement tools will align with their goals for punishment It examines higher level issues such as wrongfulness and criminality in the environmental regulatory context and explores the relevance of its findings to jurisdictions outside of New Zealand It also discusses the pros and cons of criminalisation and punishment versus restoration It speaks to those interested in green criminology regulatory compliance and enforcement and applications of criminal law

The SAGE Handbook of Human Resource Management Adrian Wilkinson,Nicolas Bacon,Scott Snell,David Lepak,2019-04-08 The new edition of this SAGE Handbook builds on the success of the first by providing a fully updated and expanded overview of the field of human resource management Bringing together contributions from leading international scholars and with brand new chapters on key emerging topics such as talent management engagement e HRM and big data the Handbook focuses on familiarising the reader with the fundamentals of applied human resource management while contextualizing practice within wider theoretical considerations Internationally minded chapters combine a critical overview with discussion of key debates and research as well as comprehensively dealing with important emerging interests The second edition of this Handbook remains an indispensable resource for advanced students and researchers in the field

PART 01 Context of Human Resource Management PART 02 Fundamentals of Human Resource Management PART 03 Contemporary Issues

Workplace Health and Safety David Walters,Theo Nichols,2009-10-29 A cutting edge look at the experience of worker representation in the employment relations of workplace health and safety Examining the extent to which existing arrangements deliver results this book reflects on whether the effectiveness of worker representation is eroded or enhanced by current regulatory and organizational constructs

The Oxford Handbook of Political Institutions R. A. W. Rhodes,Sarah A. Binder,Bert A. Rockman,2008-06-13 The study of political institutions is among the founding pillars of political science With the rise of the new institutionalism the study of institutions has returned to its place in the sun This volume provides a comprehensive survey of where we are in the study of political institutions covering both the traditional concerns of political science with constitutions federalism and bureaucracy and more recent interest in theory and the constructed nature of institutions The Oxford Handbook of Political Institutions draws together a galaxy of distinguished contributors drawn from leading universities across the world Authoritative reviews of the literature and assessments of future research directions will help to set the research agenda for the next decade

Criminal liability in regulatory contexts Great Britain: Law Commission,2010-08-25 In this consultation paper the Law Commission sets out the case for reducing the scope for criminal law to be used in regulated fields such as farming food safety banking and retail sales Criminal sanctions should only be used to tackle serious wrongdoing and it is out of proportion for regulators to rely wholly on the criminal law to punish and deter activities that are

merely risky unless the risk involved is a serious one There has been a steep increase in the number of criminal offences created since the late 1980s to penalise risk taking The areas regulated cover a wide range of risk posing activities and involve millions of people and thousands of businesses By turning to civil penalties for minor breaches regulators could reduce costs to themselves and the criminal justice system by 11 million a year In some cases criminal prosecution can cost almost twice what the courts obtain in fines The paper proposes that i regulatory authorities should make more use of cost effective efficient and fairer civil measures to govern standards of behaviour ii a set of common principles should be established to help agencies consider when and how to use the criminal law to tackle serious wrongdoing and iii existing low level criminal offences should be repealed where civil penalties could be as effective Where criminal offences are created in regulatory contexts they should require proof of fault elements such as intention knowledge or a failure to take steps to avoid harm being done or serious risks posed

A Malaysian Study of Mixed Methods Ruhizal Roosli, 2017-05-11 This book consists of ten chapters focusing on how to combine quantitative with qualitative methods in a research project The approach of combining both methods is called Triangulation In the social sciences triangulation is often used in combining several research methods to study one subject However it is not in itself a method in the same way as a quantitative or qualitative approach with a specific paradigm Triangulation is a plan structure and investigation strategy deployed to obtain answers to problems identified at an earlier stage and is widely used by researchers due to its capability in cross checking the validity of findings and its minimal risk of bias This book details the triangulation approach through its use in a real research project Although there are a number of books which discuss general research guidelines and methods there is a notable lack of such books in social sciences which provide an example of integrating quantitative and qualitative methods in one research project As such the contents of this book will be useful to students academicians and practitioners conducting research work **na**,

Shades of Green Neil Gunningham, Robert A. Kagan, Dorothy Thornton, 2003 This in depth study of fourteen pulp manufacturing mills in the United States Canada Australia and New Zealand provides the most extensive and systematic empirical examination to date of the reasons firms achieve the levels of environmental performance that they do **The Oxford Handbook of British Politics** Matthew Flinders, Andrew Gamble, Colin Hay, Michael Kenny, 2009-07-16 The study of British politics has been reinvigorated in recent years as a generation of new scholars seeks to build upon a distinct disciplinary heritage while also exploring new empirical territory and finds much support and encouragement from previous generations in forging new grounds in relation to theory and methods It is in this context that The Oxford Handbook of British Politics has been conceived The central ambition of the Handbook is not just to illustrate both the breadth and depth of scholarship that is to be found within the field It also seeks to demonstrate the vibrancy and critical self reflection that has cultivated a much sharper and engaging and notably less insular approach to the terrain it seeks to explore and understand In this emphasis on critical engagement disciplinary evolution and a commitment to shaping rather than re stating the

discipline The Oxford Handbook of British Politics is consciously distinctive In showcasing the diversity now found in the analysis of British politics the Handbook is built upon three foundations The first principle that underpins the volume is a broad understanding of the political It covers a much broader range of topics themes and issues than would commonly be found within a book on British politics This emphasis on an inclusive approach also characterises the second principle that has shaped this collection namely diversity in relation to commissioned authors The final principle focuses on the distinctiveness of the study of British politics Each chapter seeks to reflect on what is distinctive both in terms of the empirical nature of the issue of concern and the theories and methods that have been deployed to unravel the nature and causes of the debate The result is a unique volume that draws upon the intellectual strengths of the study of British politics reflects the innate diversity and inclusiveness of the discipline isolates certain distinctive issues and then reflects on their broader international relevance and finally looks to the future by pointing towards emerging or overlooked areas of research

A Reader In Health Policy And Management Mahon, Ann,Walshe, Kieran,Chambers, Naomi,2009-06-01 This reader offers instant access to fifty classic and original readings in health policy and management Compiled by experts the editors introduce a framework setting out the key policy drivers and policy levers giving a conceptual framework that provides context for each piece

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