

Frontline safety: understanding the workplace as a site of regulatory engagement

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Frontline Safety: Understanding the Workplace as a Site of Regulatory Engagement

ABSTRACT

The concept of *frontline safety* encapsulates an approach to occupational health and safety that emphasizes the 'other side of the regulatory relationship' – the ways in which safety culture, individual responsibility, organizational citizenship, trust, and compliance are interpreted and experienced at the local level. By exploring theoretical tensions over the most appropriate way of conceptualizing and framing frontline regulatory engagement, we can better identify the ways in which conceptions of individuals (as rational, responsible, economic actors) are constructed and maintained through workplace interactions and decision-making, as part of the fulfilment of the ideological and constitutive needs of neoliberal labor markets.

INTRODUCTION

Workers on the frontline often face difficulties in convincing those higher up in the organization of the credibility of their local knowledge. The result is that frontline actors, with valuable information, are often reluctant to speak up and voice their concerns to those higher in the organizational hierarchy. The issue is further exacerbated by a tendency in traditional regulatory research towards a top-down approach that focuses on the management systems that frame the actions of employees rather than closely examining the experiences of those employees on the frontline. Recently, the activities of frontline workers have begun to receive increased attention among scholars on regulatory compliance, including the various ways in which safety cultures, individual responsibility, citizenship, and compliance are interpreted and experienced by

employees on the frontline. We suggest that the concept of frontline safety encapsulates this emerging approach to understanding the workplace as a site of regulatory engagement.

A frontline safety approach takes seriously the relationships between individuals at the local level, between individuals and broader systems/institutions in which they are embedded, as well as between individuals and their even wider social and political contexts. For instance, how are conceptions of individuals as rational, responsible, and economic actors constructed and maintained at these levels? Frontline safety looks at how the local realities of risk and responsibility are constructed, but also at the ideological and constitutive needs of neoliberal labor markets that are fulfilled through interactions and decision-making at the level of the workplace. In this paper, we put forth the need for a frontline focus. We do so by first providing a critique of traditional top-down approaches to regulation research that neglect or ignore the experiences and interpretations of those on the frontline.

However, as the second part of the paper shows, even if one adopts a frontline safety approach, theoretical tensions among scholars over how they should conceptualize the study of frontline safety still exist. These theoretical tensions are most pronounced between normal accidents theory and high reliability theory, as well as between new governance and neoliberal responsibilization understandings of regulation on the frontline. A subtle tension also exists between researchers who adopt a constitutive understanding of law in practice versus those who incorporate an instrumental, or ‘effective’, view of law on the frontline. A common link, often acknowledged in these theoretical debates, is that studies of frontline safety tend to be either managerially-focused or employee-focused in nature, within the parameters of each of these tensions. Less commonly acknowledged, however, is the underlying difference between the positions taken on each axis according to the degree to which the individualizing of participants

and workers is viewed as desirable and constructive, or as constraining and detrimental for communication and engagement.

These tensions over how to theoretically approach the study of frontline safety lead to variations in the nature of our conceptual understanding of the frontline, but also point to a more fundamental factor that underpins each of these tensions, namely, the widespread lack of genuinely deliberative and participatory engagement with regulation that exists within contemporary neoliberal working practices. This deficit is entrenched and embedded by the political and ideological context of contemporary regulatory policymaking, which tends to exclude and downplay the role of organized forms of employee representation and mobilization, thus weakening opportunities for deliberative engagement still further. The tendencies towards hierarchy, power differentials, and restrictive informational practices found within contemporary workplaces all point to the conclusion that more participatory, and more structured institutional arrangements for communication between the frontline and other levels of organizational structures are of central importance if the benefits promised by the optimistic accounts of frontline safety practices are to be realized, and the pitfalls highlighted by the more pessimistic accounts are to be avoided.

I: The Need for a Frontline Focus

Regulation has largely been understood as a matter of systems, processes, cultures, and developments that occur at a high level between government (via regulatory agencies) and business (either as strategic actors, or as a ‘business constituency’). This predominantly two-way interaction, it is assumed, can be mediated in order to bring about desired outcomes, to a greater or lesser degree. Under this view, the nature of, preconditions for, and variations in, regulatory compliance have been widely studied, with emphasis being placed upon the contributions made

by regulatory style and approach (Ayres and Braithwaite 1992; Bardach and Kagan 1982; Braithwaite 1985; Hutter 2001; May and Burby 1998), the inherent and contextual features of organizations (Genn 1993; Gunningham and Rees 1997; Hawkins and Hutter 1993; Thornton, Gunningham and Kagan 2005), and the socio-cultural and legal context within which regulatory interactions occur (Gunningham, Kagan and Thornton 2003; Haines 2011a; Hawkins 2002; Parker 2012; Simpson and Rorie 2011).

This regulatory literature has generated a range of key insights into the methods that are employed within the regulator-regulated relationship to try and bring about compliance, and into the differences that exist in the approaches and compliance motivations of regulated entities. For instance, in a classic study, firms were classified as either amoral calculators, political citizens, or organizationally incompetent (Kagan and Scholz 1984). Taken as a whole, these studies provide insights into the relative capacity of regulatory actors to secure compliance on the part of regulated companies, and the strategies of regulation which best achieve these goals (Gray and Scholz 1993; Hopkins 2007; Nielsen and Parker 2009; Simpson 2002; Thornton, Gunningham and Kagan 2005). However, by focusing predominately on the interaction between government and business, the approach taken within the regulatory studies literature often leaves four fundamental areas of inquiry relatively untapped.

Firstly, it regards the regulated entity ('the firm') as a unified singularity, a distinct and coherent actor that has core interests and patterns of behavior that are both singular and easily identifiable (c.f., Kagan and Scholz 1984). This singular view of organizational activity is certainly embodied in the ways that different legal systems deal with corporate actors and violations, and its validity and restrictive consequences have been widely debated (XXX 2013; Glasbeek 2004; Wells 2001). But corporate organizations are complex and diversified, and

regulations are internalized, applied, and understood in different ways at different levels of the organization, in different sites and localities, and by different internal constituencies whose fundamental interests are not always identical. As XXX (2011, 2014) note, there is a need for research to look inside the organization and account for the effects of hierarchy, differentials of power, authority and expertise, and conflicting individual/group interests upon compliance behavior. In other words, as Rochlin observes, safety behaviors are “not capturable as a set of rules or procedures...a great deal of how [employees] operate, and, more importantly, how they operate safely, is a property of the interactions, rituals, and myths of the social structure and beliefs of the entire organization” (1999, 1558). These interactions and beliefs can only be studied effectively by looking beyond the frame of the unified organizational actor.

Secondly, the focus on high-level regulator-organization relations fails to acknowledge that most compliance-oriented behavior occurs outside of the regulator-regulated relationship, and in the regulator’s absence. This is particularly so within risk-based or self-regulatory systems, where limited regulatory resources are allocated to interventions that are prioritized according to assessments of the risk and benefits involved (c.f., Ayres and Braithwaite 1992; Black 2005; Black and Baldwin 2010; Gunningham and Johnstone 1999). Most of the time, in most systems, the regulator is not present or exercising immediate oversight; this is exercised instead via secondary reporting mechanisms, processes of audit, and occasional (often scheduled) interactions. Within such systems, points of contact with safety regulators can be few and far between, particularly during times of state retrenchment (Tombs and Whyte 2007, 2013), and tend not to penetrate much further than the organizational representatives who maintain the firm’s relationship with the regulator (Gunningham, Kagan and Thornton 2003; Haines 2011a; Parker 2002). But what happens when regulators are not present? Regulatory research needs to

understand how individuals negotiate compliance in the absence of the regulator, and how employees and role-holders manage the gap between regulatory ideals and reality (Huising and Silbey 2009).

Thirdly, the top-down view of regulation dictates a particular way of viewing the nature of organizational action and the purposes of regulation, which is necessarily limiting and occasionally deleterious. The ‘macro-fetish’ found within the regulatory studies literature in general reflects a view of the regulatory process as strategic, top-down, and instrumental in nature. On this view, regulation is “consciously viewed by people and groups as a tool or means with which to achieve ends” by changing behavior in pursuit of public interest goals (Tamanaha 2006, 6; also Nonet and Selznick 1978). Regulation is thus a process of pursuing specific measurable outcomes, which must be defined and understood in suitably objective terms, utilizing the methodologies of economics and social sciences, as a means of correcting market failures and economic inefficiencies (Baldwin, Cave and Lodge 2010; Breyer 1982; Veljanovski 1983). Regulatory interventions are quantitatively measured and assessed in either economic (such as Regulatory Impact Assessment processes: Black and Baldwin 2010; Löfstedt 2004; Radaelli 2005) or scientific (such as risk assessment and risk-based processes: Black 2005; Coglianese and Marchant 2004) terms, and regulatory agencies instigate bureaucratic processes of risk audit and compliance monitoring. On this view, then, regulation is a problem-solving system which is focused on the systematized production and rationalization of instrumentally beneficial outcomes (Habermas 1988; Haines 2011a; Teubner 1987).

Fourth, by focusing on the construction of regulatory outcomes via the relationship between the state (regulator) and business (regulated), and seeking to understand this as a matter of harnessing ‘drivers of compliance’ and ‘co-constructing’ regulation within a relatively tightly-

defined interactive space (for example, Edelman and Talesh 2011; Gilad 2014; Simpson and Rorie 2011; Thornton, Gunningham and Kagan 2005), regulatory studies tends to downplay the role of other factors in this process. Most significant among these might be the influence of organized labour as a driver of positive change, both through political pressure and engagement (Tombs and Whyte 2013, 757-8; Tucker 2003), and through direct action at the level of implementation via safety representatives and committees (James and Walters 2002; Walters 1996). The tendency is thus to downplay the influence of these factors and, in doing so, to marginalise them from the policy process. At the same time, the wider political surround is also a key component of the regulatory process, shaping the balance of policy influence, the parameters of acceptable risk and precaution, and the social framing of the regulatory process (XXX 2015; Hawkins 2002). Changes at the political level, either of policy or of climate, such as a recent movement towards a more avowedly deregulatory, neoliberal conception of the role of the state, impacts directly upon outcomes, not least as the powers, resources, and priorities of regulators are redefined (Tombs and Whyte 2013). Again, these factors are downplayed by much of the regulatory literature as they run contrary to the prevailing conception of regulation as scientific, structured, and strategic in nature, rather than organic, messy, or contingent.

It is thus unsurprising to note that most regulatory endeavour focuses on regulation from the top-down – as it is at this level that the strategic shaping of outcomes and the alignment of incentives and costs can take place. If policymakers hold the view that “regulation is necessary because social and private costs and benefits, and hence incentives, are misaligned” (Stiglitz 2009, 13), then it is at the macro-level that intervention should take place. Similarly, if the purpose of regulation is the pursuit of democratically-mandated policy goals, then it is at the level of government, where the connections between the public mandate to act and the

institutional capacity to do so coexist, that attention is naturally focused. This has led to an increased conceptual focus on the ‘regulatory state’ as the principle unit of analysis within regulatory studies (Braithwaite 2000; Levi-Faur 2013; Majone 1997; Moran 2003; Sunstein 1990). But it must be recognized that this instrumental approach to regulation does impose certain limitations upon subsequent analysis, in that it overlooks the meanings and values attached to regulation by those who participate within it. First, variations in compliance behavior between and within different contexts and localities are fundamentally relevant to the ways in which these top-down concepts are manifested in practice. Regulation can be understood as a source of alliance, threat, or obstacle, and reacted to accordingly, depending upon the way that the relationship with the regulator is interpreted and understood with that local culture (XXX 2014). Second, regulation involves the communication of symbolic meanings, and it fulfils important expressive purposes for those who engage with it, particularly workers and the public (Hawkins 2002). By protecting individuals’ health and safety, it expresses important statements about the quality of social citizenship in a civilized society (XXX 2013: Ch.6), about the answerability of organizational actors to the law (Parker 2002), and about social and political solidarity, and commitment to the normative ‘reasons for’ regulating in that area (Haines 2011a). For example, classifying workplace fatalities as homicide offences communicates a message about the value of human life and the wrongfulness of endangering it via the pursuit of economic self-interest (XXX 2013: 164).

Despite this, the systematic, instrumental rationality of regulation tends to colonize the ‘lifeworld’ of regulatory practices, marginalizing consideration of what regulation means to those who engage with it (Habermas 1988; Teubner 1987). This valorizes a reductionist and economically utilitarian model of regulation as a matter of rational and efficient intervention,

rather than of fundamental social or personal values. Here, workplace safety becomes one of many “economic and bureaucratic spheres...in which social relations are regulated only via money and power” and where “[N]orm-conformative attitudes and identity-forming social memberships are neither necessary nor possible” (Habermas 1987, 154). The result is that the normative standing of the regulatory system is undermined and it is left vulnerable to degradation by dominant interests, which have the capacity to constrain and shape these calculations of economic effectiveness and value (XXX 2013; XXX 2009; Tombs and Whyte 2007). A top-down approach is thus an ideological choice as well as a strategic one, in that it marginalizes consideration of social meanings, individual experience, and agency.

Regulatory research can in general be accused of overlooking the issue of individual worker agency, assuming that the organization, as the top-down unit of analysis, has a clear mandate and capacity to respond to external influence and context, producing compliance in an unmediated form (XXX 2006). A range of regulatory scholars have sought to engage with the issue of worker agency, bringing the capacity of individuals to shape and undermine institutional compliance within the scope of regulatory studies. Setting aside for the moment the literature focused on the role of individual trade union activism (Tucker 2003; James and Walters 2002; Walters 1996), the approach taken has been to predominantly focus on representative risk managers and those who interact with regulators to construct compliance at a more formal level (Gunningham, Kagan and Thornton 2003; Haines and Gurney 2003; Haines and Sutton 2003; Hawkins 2002; Parker 2002). In particular, the role of business professionals as mediating actors within endogenous legal relationships, who construct and frame managerial processes and the risks of non-compliance, and transmit business practices into legal processes, has been debated (Edelman, Uggen and Erlander 1999; Edelman and Talesh 2011; Gilad 2014). More recently, the

role of ‘sociological citizens’ in performing acts of relational regulation and pragmatically implementing regulatory requirements across different organizations and locales, has been identified (Silbey 2011; Huising and Silbey 2011). These individuals possess the agency required to reach beyond their immediate context and working tasks; they develop, experiment, and adapt in order to fulfill their professional obligations, and they can do this because they are aware that the world they inhabit is the outcome of cumulative human actions, and is thus malleable and can be shaped according to their own needs.

While this conception of agency-based action within regulatory interactions is valuable, its limitations are indicated by the use of the term “professional obligations” (Silbey 2011, 1); these sociological citizens are actors who possess the autonomy, status, and organizational traction needed to allow them to exercise this agency, and as such, are likely to be high-level actors or middle-managers. Not all employees have the capacity to exercise the “high levels of reflexivity and goal-directed action” (Haines 2011b, 139) that the term connotes; most workers have more narrowly-defined working roles, and less leeway to exercise autonomy of this sort. Indeed, this limitation is acknowledged by those developing this concept; Silbey calls for further work to understand how exceptional the status of sociological citizenship is (2011, 8), and Haines recommends more attention be paid to the structural constraints that limit the human agency of such workers (2011b, 140). For instance, XXX (2014) observed that middle managers may be compliance promoting or compliance limiting for those below them in the hierarchy, with the latter making it more difficult for frontline workers to exercise agency.

So while frontline safety, as a concept, builds on the recognition of organizational action and sociological citizenship that has gone before, it does not frame the issue of agency solely in terms of those who are empowered to act ‘on behalf of’ the organization in any formal sense;

instead it seeks to interrogate the power structures and differentials, and the tensions between organizational constraint and individual responsibility, at all levels of the regulated firm. Up and down an organization, from senior decision-makers, to middle-managers who exercise decision-making for specific purposes, to workers on the shop-floor, it is vital that the negotiation of individual action, and the relationship of this process to wider structural and contextual factors, is understood. This is particularly true of those whose sociological citizenship is not formalized or recognized; those who take risks and face them at the frontline.

II: Three Theoretical Tensions at the Frontline

Frontline safety studies can be differentiated according to the extent to which they focus either on the managerial systems that frame the actions of employees, or on the experiences of employees at the frontline (see Table 1). Studies falling into the former category are more optimistic in the way that they characterize management systems and organizational hierarchies as *facilitative* factors, and are more focused on the possibilities that mutual and organic relationships have in terms of risk management (Barton and Sutcliffe 2009, 1328-9). The latter category takes a more pessimistic view of these systems and hierarchies as *limiting* factors, and focuses more on their role in the structuring of risk across working populations. At the same time, however, the other side of the structure-agency debate (Hay 1995; Hay and Wincott 1998) posits that manifestations of individual agency are central to the creation of structures as social phenomena, and that a failure to accord centrality to agency obscures the origins of social and institutional change. So while the former view may be accused of taking too benign a view of structure, and of overlooking the influence of power and hierarchy, the latter view also needs to be augmented by an awareness of the agency of individual workers, and the transformative potential of information generated from the bottom-up.

By engaging with the empirical realities of frontline safety, and looking beyond the limitations of each of these broad positions, it will be argued that it is possible to obtain a clearer and more nuanced understanding of the role that structure, position, autonomy, expertise, and relationships can have in generating, sustaining, and undermining compliance. While a focus on the experiences of workers at the frontline has become a key feature of different approaches to safety studies, much can be gained from recognizing the inherent limitations of these approaches and from the use of ethnographic, in-depth methodologies to augment and contextualize the findings that they generate (XXX 2009).

Table 1: Theoretical Tensions in Frontline Safety Studies

	MANAGERIAL FOCUSED [optimistic]	EMPLOYEE FOCUSED [pessimistic]
A	High Reliability Theory [dynamic organizing]: regards failures as learning opportunities	Normal Accidents Theory [interactive complexity]: exposes power relationships at micro-level of safety
B	New Governance [positive agency]: worker viewed as autonomous agent	Neoliberal Responsibilization [negative agency]: worker viewed as constrained by limited agency
C	Effective View of Law in Practice [rights mobilization]: worker rights constrain risk-exposing dynamics	Constitutive View of Law in Practice [rights in everyday practice]: worker rights create risk-exposing dynamics

A: High Reliability Theory vs. Normal Accidents Theory

One of the key contributions made by studies that engage with safety at the frontline has been an understanding of the preconditions and causes of major systems failure. Two perspectives have emerged, which are often viewed as either conflicting, or at least, not straightforwardly compatible (Perrow 2009; Shrivastava, Sonpar and Pazzaglia 2009; Turner and Pidgeon 1997;

Vaughan 1999). Normal Accidents Theory was developed by Perrow (1984), and explains the tendencies towards accidents and failure as ‘inevitable’ (if not common) within structured systems. Perrow views accidents as low-level incidents which become institutional or systemic in scope due to failures in the local safeguards and mechanisms designed to prevent escalation. These failures, Perrow argues, are more likely in organizational systems which are characterized by *interactive complexity* (system components are multifunctional or have the capacity to affect one another in unexpected ways) and *tight coupling* (there is little slack or time lag between the elements of the system to accommodate failures); these features increase organizational uncertainty and decrease organizational responsiveness (Perrow 1984). A low-level failure can thus produce unpredictable, fast, and cascading failures elsewhere via this complexity and immediacy of interaction, leading to widespread and uncontrollable system breakdown.

On this view, then, the conditions for major safety failures lie in the structural factors which pattern and shape the distributions of risk and interaction across the levels of an organizational system (parts, units, subsystems); the design and maintenance of complex, tightly-coupled models of operation, but also the influence of hierarchical pressures (of money, of elite goals and interest, of authority preservation) which limit the range of possibility in terms of accident prevention (Shrivastava, Sonpar and Pazzaglia 2009, 1365). One key outcome of these tendencies is the recasting of frontline workers as key units of analysis; ‘parts’ which have the capacity to fail or malfunction (either via error, misconduct, or environmental pressure), thus causing wider system failure (Perrow 1984; Vaughan 1999, 294). On this view, organizations possess a rigidity of structure, and permeability to contextual and hierarchical pressure, which renders them vulnerable to patterned failure – and it is frontline actors who are regularly

identified as the source of these failures, and who have to contend with the problems of working within such complex systems.

The alternative approach taken towards understanding major safety failures is High Reliability Theory, which seeks to understand how organizations working in risky fields successfully manage complex system hazards (Rochlin, Laporte and Roberts 1987; Rochlin 1999). According to this view, organizations of this sort (nuclear power stations, air traffic control systems, military facilities) sustain long periods of successful accident avoidance even in challenging risk contexts via their emphasis on reliability and the use of dynamic organizing to prevent negative occurrences. The emphasis on ‘reliability’ requires that safety be prioritized strategically, that trial-and-error learning and continuous training take place, and that a culture of vigilance and responsiveness be inculcated (a set of attributes collectively termed ‘mindfulness’: Weick, Sutcliffe and Obstfeld 1999). Dynamic organizing involves the monitoring and reporting of indicators of problems, and responding flexibly and dynamically to these signals (Weick and Sutcliffe 2006). According to this perspective, organizations manage risk by being open to the flow of information to and from the frontline; spotting signals, adjusting action to reflect experience, and cultivating relationships as a basis for ongoing safety management (Barton and Sutcliffe 2009: 1329).

Communication and feedback, dialogue and decentralization, are central to the successful adoption of these approaches; decision-making can be ‘migrated’ to frontline workers, and traditional hierarchies bypassed, in order to ensure that structure remains subordinate to the organizational need for responsiveness (Weick, Sutcliffe and Obstfeld 1999). This perspective places great weight upon the development of autonomous frontline workers – who are empowered to contribute to risk management processes (Barton and Sutcliffe 2009; Schulman

1993). As such, the role envisaged for individual workers is different from that described in Normal Accident Theory; less bound by hierarchy, and more open to autonomous contribution. But, as Vaughan and others have documented, this flexibility can inculcate other kinds of error, as too much information is produced, focus becomes lost, and practices are institutionalized which normalize deviance (Vaughan 1999, 297; Shrivastava, Sonpar and Pazzaglia 2009, 1364).

What is particularly valuable about Normal Accident Theory is thus its capacity to identify the ways in which relationships and structures of power act upon frontline workers and contribute to the production of safety risks; High Reliability Theory points to the ways in which these risks can be managed through communication and the cultivation of open relationships. High Reliability Theory tends to focus on exceptionally high-performing organizations and Normal Accident Theory on the abnormally disastrous, meaning that the lessons to be drawn from each are best expressed in ideal/non-ideal terms. So while there is a key regulatory tension over the extent to which structure or agency might be central, the primary lesson is in what can be achieved via the empowerment of frontline workers, and what can be lost by subjecting them to constraint. Organizational learning, the goal of employee interaction within the High Reliability Theory model, exists in tension with the exercise of power, which produces the passivity and limited capacity that the Normal Accidents model identifies.

B: New Governance vs. Neoliberal Responsibilization

A second tension within research into the frontline of workplace safety regulation exists between different conceptions of individual agency. Systems of workplace safety regulation (and regulation more generally) in many jurisdictions increasingly frame individual employees as participating actors within risk-management processes, rather than as their passive beneficiaries.

The question remains: to what extent is this individual agency empowering, as opposed to constraining? Perhaps the most influential contemporary account of regulatory process is provided by the ‘new’ governance school, in which the apparatus of the regulatory *state* is viewed as one of many interconnected loci of risk management. As well as regarding top-down, command-and-control regulation as inefficient, inflexible, and ineffective (Baldwin, Cave and Lodge 2010; Braithwaite 2006; Holley, Gunningham and Shearing 2012; Jordana and Levi-Faur 2004; Lobel 2005; Scott 2009), this approach sees the increasingly complex, flexibilized, and multifaceted reality of contemporary social and business relations as requiring regulatory solutions which are ‘decentered’ from the state and so capable of responding to these challenges (Black 2008; Levi-Faur 2013, 37).

This means utilizing decentered (or ‘polycentred’: Black 2008; Grabosky 2013) modes of regulation to shift responsibility for performance to autonomous duty-holders, and a limiting of the state’s regulatory role to one of oversight via arm’s-length techniques such as codes of practice, advice and guidance, and processes of audit, ranking and shaming. It also involves a rejection of state-centric enforcement-oriented regulatory strategies as well as of the notion that governments have any monopoly on the exercise of regulatory power. Power is shared with, and delegated to other institutional actors at different levels. Regulation occurs ‘beyond the state’ and ‘in many rooms’ and so, on this view, “the ‘public sphere’ of the regulatory universe is but a small part of the process through which society regulates itself” (Aalders and Wilthagen 1997, 427). For critics of this school of thought, the decentralization of regulatory power to non-state actors is indivisible from a neo-liberal reordering of regulatory relations, in that it legitimates the delimiting of regulatory systems according to the interests of powerful economic and political actors (Tombs and Whyte 2013; Tucker 2013). Self-regulation encourages the removal of

effective and impartial oversight, and promotes the degradation of welfare-oriented protections in favor of the promotion of economic efficiency, further embedding private interests.

On this view, then, employees may be understood as one of many sources of ‘government beyond the state’. Rule-making, goal-setting, and enforcement can all be relocated to the individual level, and individuals can be empowered to take responsibility for bringing about compliance with regulatory goals. Just as the public have the capacity in the digital age to participate in polycentric regulatory networks (by monitoring performance or engaging with consultations: Grabosky 2013), so individual workers are increasingly recast as participants in, rather than subjects of, regulatory systems. Empowered workers oversee corporate conduct, and are given rights of *voice* in order to hold employers to account (Lobel 2005, 1128-1140); these mechanisms of workplace democratization offset the tendency for corporate interests to exert decision-making dominance, and counter the ‘worker apathy’ identified by some as causing health and safety violations (Robens 1972, para. 28). So, for example, Aalders and Wilthagen characterize health and safety as “very much the affair of employers and employees”, whereby regulators must use “‘the big stick’ to stir employers *and employees*” (1997, 418, 432, *emphasis added*). Governance approaches involve both empowering workers to become involved in regulating, and holding them responsible for doing so.

Of course, the idea of worker participation has long been a feature of modern regimes for the regulation of health and safety, via the involvement of trades unions and worker representation (Robens 1972; Tucker 2003; Walters 2006); what is new in the ‘new governance’ approach is arguably the shifting of the primary responsibility for formalizing this role away from the field of class-solidaristic social movements, which are increasingly deemed to be outmoded, unaccountable, and incompatible with the contemporary political norm of self-

determining individualism (Tombs and Whyte 2013), and onto notions of legal and criminal responsibility. Trade unions have retained a relatively prominent position in formal policy structures, such as the UK Health and Safety Executive Board, which retain a broadly tripartite nature and profile, meaning that they have been able to influence the creation and development of legal structures of worker *protection* rights; at the same time, however, the frontline mechanisms via which they are able to ensure worker *participation* rights have been slowly eroded over time (Tucker 2003). Contemporary reforms in this area have moved away from a reliance upon formal, prescriptive statutory arrangements for union involvement in health and safety management, and towards more partnership-based, informal, and individualized modes of engagement and self-regulatory consultation (James and Walters 2002; Tucker 2003). This has reduced the capacity of organized labor to facilitate effective participation and opened the door for frontline approaches which instead emphasize the individual as the primary unit of engagement. Direct, individual worker engagement seems to function at best as an effective supplement to collective representation efforts, and as part of the broader, participatory and dialogic culture of a particular firm, thus assisting in improving safety performance, but to a lesser degree than more formalized collective efforts (James and Walters 2002: 146).

Ethnographic study of frontline safety interactions has shown how ‘legalized’ worker governance is liable to lead to the ‘responsibilization’ and blaming of individual workers for safety violations, and the shifting of accountability to the frontline (XXX 2006; 2009). For XXX, arguments about internal empowerment are optimistic and easily-distorted, and have two detrimental tendencies. First, by locating regulatory responsibility within a workforce which is structurally less powerful than other actors, and which often lacks positional security, ‘empowerment’ can render workers complicit in non-compliance activity. In particular, they can

be pressured into concealing breaches of the law (XXX 2006: 855), and left to deal with localized risks, which become normalized as part of the overall culture of the organization (XXX 2011, 130). In this way, frontline engagement *creates* worker violations of the law by forcing self-identification with ongoing corporate wrongdoing.

Secondly, the increased focus on individual workers serves to redefine them as subjects of enforcement in their own right. On this view, “employees are instructed to become prudent subjects who must ‘practice individual responsibility’ by asking questions, making complaints and legally exercising safety rights” (XXX 2009, 327). Failures to perform these functions (even by failing to refuse unsafe work after pressure from an employer) become actionable and lead to the sanctioning power of the regulatory system being applied to individual workers. And this is problematic because viewing employers and employees as ‘equal partners’ is to conceal the structural patterning of power, risk, and exposure within an organization. The complexity and distance between levels of a hierarchical system can be deliberate, insulating features, serving to contain responsibility for risk at the frontline and prevent managerial levels of the organization from similar exposure (XXX 2009; XXX 2014; Perrow 1984). This forms part of a strategy of enforcing neo-liberal individualism as the basis of economic and regulatory organization; as rational actors exercising free choice, it is workers who decide what risks they wish to be exposed to, and who manage their own exposure.

For Tucker (2013) and others (XXX 2014; Tombs and Whyte 2013), models of ‘new governance’ are inherently vulnerable to this kind of neo-liberal degradation in the absence of meaningful worker activism because they fail to adequately reflect the distribution of power, and rest upon hopeful aspirations about what will happen to the input from frontline individuals (that it will be used to co-regulate, rather than to discipline). In essence, it is more necessary within

contemporary neo-liberal work regimes to have individuals who fill institutional needs than to have effective participation. This critical insight places a question mark over the aspirations that new governance models embody. Degrees of capacity, motivation, expertise, and autonomy vary across any organizational structure (XXX 2011, 131), and there is evidence to suggest that meaningful, open, and ongoing engagement between different parties in the workplace can improve the distribution of all of these factors, leading to the development of better systems of risk management and better outcomes (James and Walters 2002; Lobel 2005).

While advocates of new governance approaches argue that they do not have any inherent political alignment (Levi-Faur 2013, 40), it is precisely the space given for their adoption under a range of different political regimes that renders them vulnerable to degradation. Corporate actors have the power to reshape their own environment, and exert influence over those subject to their oversight. This is exactly the diffused regulatory capacity that new governance approaches aim to harness, but implicit in this dynamic is a need for hierarchical authority to be utilized to bear down upon risk handlers at the frontline. Spaces within regulatory arrangements that are open to input from empowered stakeholders are prone to being colonized by powerful interests (Hendriks 2007; Sanders 1997; Silbey 2009), embedding notions of self-determining individual responsibility that are central to the contemporary neoliberal workplace. Unless interactions are given a meaningfully democratic quality (Aalders and Wilthagen 1997, 432), they will tend towards the coercive. This is the insight that frontline ethnography generates; that upwards sharing of regulatory insight under new governance regimes is too often offset by the reality of a more prominent downward distribution of responsibility and risk exposure (XXX 2009).

C: Effective vs. Constitutive Conceptions of Law in Practice

While regulatory studies of frontline safety tend to be either management- or employee-focused, they also tend to implicitly adopt competing conceptualizations of law. From a more optimistic perspective, it is possible to conceive of legal rights as a means of achieving a particular set of outcomes (a certain level of protection). On this view, the law is an ‘effective’ tool that can be wielded by interest groups, legal actors, and social movements in order to advance their causes; for example, disadvantaged groups seeking formal equality and institutional pluralization often use litigation to advance their causes (Scheingold 1974). Law, in the form of judicial and institutional decision-making, sanctions in pursuit of these outcomes, and is shaped by (and reflects) wider contextual forces. Crucially, however, the ability to drive this process resides in the agency and capacity of the rights-bearing individuals. A review of the literature on rights mobilization is not offered here; it suffices to recognize that this approach advances a model that stresses agency, pluralization, and rights-based participation.

All of these notions are reflected in subsequent perspectives that position workplace safety regulation as a process that extends beyond the parameters of state-based command-and-control. From the 1970s onwards, there has been a movement towards casting regulation as a participatory process, based upon the empowerment of individuals and companies to self-regulate and manage their own health and safety in accordance with their own, overlapping and mutually constitutive, interests (Robens 1972; also XXX 2013; Tucker 2013). The state’s involvement would be secondary, occurring at a distance (XXX 2009: 328), and making use of formal enforcement action as a ‘last resort’ (Hawkins 2002). This model of decentered regulation underpins much of the ‘new governance’ literature, which, in turn, envisages an increasingly active role for employees as mobilized, rights-holding agents within a pluralized regulatory network (Black 2008; Grabosky 2013; Scott 2009). Law here is a tool to be wielded by

responsible rights-holders, rational actors who pursue their own best interests via the mobilization of those rights.

One implication of these participatory modes of rights regulation is the expectation that this mobilized engagement will lead to the embedding of self-sustaining internal value systems that respond to the normative expectations of safety that individual rights give rise to. Notions of safety culture (the perceptions, beliefs, and self-sustaining basic assumptions that underpin an organizational commitment to safety: Guldenmund 2000), valorize the notion of workers as having the agency to shape and embody an organizational commitment to safety from the bottom-up. They are thought to do this by sharing information, learning from experience, committing to the ‘basic assumptions’ that underpin safety practices, and exercising appropriate responsibility. The notion of ‘safety culture’ is problematic, however, not least because it assumes that individuals are free to exercise choice around their own behavior and risk exposure as part of this process of cultural generation; something that is absent from many frontline workplace settings. In particular, the idea of ‘safety culture’ arguably locates responsibility for safety at the lowest level of the organization, and takes an idealistic view of the conditions under which these ‘cultures’ are enacted (Silbey 2009). In fact, organizational norms and ‘cultural’ assumptions around what level of risk exposure is tolerable, how safety should be balanced against other considerations (like the need to ‘get the job done’), and the proper distribution of responsibility for risk, are constructs that emerge from the top-down, based on a narrower set of powerful organizational interests that center around a profit-driven conception of the workplace.

The example of ‘safety culture’ also highlights the way that rights of this sort are conceptualized and enacted. Because ‘safety culture’ is understood primarily in instrumental terms, as an engineered structure which causally shapes outcomes, it also “reproduce[s]

individualist and reductionist epistemologies” (Silbey 2009: 343). Mobilization is left to individuals, and is responsabilized at the same level; this exposes those rights to the contextual pressures of cultural conflicts and competing interests within the regulated firm, and allows the power differentiations between individual employee and employer to exert influence, constraining the transformative capacity of that mobilization. This contrasts with the more cumulative capacity and increased political impact that systems of collective rights-mobilization and representation are able to muster (Walters and Nichols 2007), but which the contemporary neoliberal policy agenda has increasingly marginalized (Tombs and Whyte 2013; Tucker 2003). This ‘practical politics of rights’ (Fudge and Glasbeek 1992) means that, in the absence of concerted collective representation, measures intended to empower workers (like safety rights) actually undermine the ability of rights-holders to challenge the social and political culture in which individual responsibility is embedded, by channeling their claims into the narrow spaces allowed for such representation within existing hegemonic structures. These claims are thus reshaped so as to conform to the expectations of the “substantive priorities of the modern corporate state” (Fudge and Glasbeek 1992: 57), losing their radical character and instead facilitating current practices. Workers are thus encouraged to tolerate risk, to be complicit in its maintenance, and to internalize the subordination of safety to profit (XXX 2006; 2009), thus perpetuating and normalizing a neoliberal conception of risk as part of the workplace context (Silbey 2009). As such, we must question whether worker rights are indeed open to mobilization in the ways suggested by ‘effective’ views of law in practice.

Indeed, an alternative account of worker rights in practice recognizes the constraint of these rights by external context. On this view, law and rights are part of the wider social processes that surround them, and their exercise is dependent upon their context (Ewick and

Silbey 1998; Merry 1986; Scheingold 1974). Formal, protective legal rights such as those that relate to workplace safety are limited and framed by workplace power relations and the political interests that circumscribe them, in particular, the broader financial imperatives of the workplace. In these areas, the act of invoking a formal right (to halt a process, for example) is viewed as a challenge to the authority of employers, and indeed as an indirect threat to the livelihoods of those whom the right protects (as any disruption to production has financial implications for the employer). Within this context, the limited rights that individuals possess narrow their capacity as agents. So, rather than being rights-bearing subjects, workers can thus be understood as possessing a *rights-defined identity*. Invoking narrowly-defined ‘rights’ becomes an *obligation* placed upon those who hold them, and thus becomes the *only* legitimate mean through which individuals can act in accordance with wider interests (Ewick and Silbey 1998; Merry 2003).

So, for example, workers may hold a right to refuse unsafe work, but the invocation of this right quickly becomes the sole means of demonstrating a personal commitment to safety; failure to do so can leave the individual worker open to prosecution, and be taken as an acceptance of unsafe practices (XXX 2002; 2009; also Tucker 2013). In particular, the non-invocation of rights also circumscribes their potential applicability in future, limiting the obligation to ensure safety to the right to refuse. Employees are instructed to become prudent subjects who must ‘practice individual responsibility’ by policing safety behaviors and legally exercising their rights (XXX 2009, 327). And systems of criminal law and sanctioning around health and safety (including nascent corporate homicide offences) remain focused on individual offenders rather than organizational failures (XXX 2013). Similarly, the notion of safety culture also focuses on the contribution of individual employees to the organizational factors that shape

unsafe practices; safety is presented as contingent on the commitment of workers to safe behaviors, and breakdowns in safety are viewed as originating at this level (Silbey 2009). Crucially, like the ‘effective’ view of law in practice, this perspective sees these rights as individualized and thus as lacking a collective basis; the notion of a rights-defined identity is more explicit in acknowledging that this process is constrained by the organizational and political context, particularly as existing legal systems of responsabilization and sanctioning are predicated upon a methodological individualism that leaves no room for the mediation of individual exposure via organized labor or representation.

This ‘rights in practice’ model thus recognizes that the empowerment of workers is a process which entrenches the inherent patterning of risk within workplace environments. Like the understandings of frontline safety focused on normal accidents and on responsabilization as a corollary of ‘new governance’ approaches, it views such systems of rights pessimistically, as a means of exerting downwards pressure within an organizational hierarchy which moves both risk and responsibility to the frontline. Rights-talk around health and safety is formulated in practice so as to decenter the locus of regulation from organizational factors to issues of personal choice. In doing so, it returns to the market-liberalism of a previous regulatory era (XXX 2013, ch.4; Tucker 1995) and normalizes the concept of individual risk-taking. These tendencies also illustrate the degree to which regulatory practices are shaped by the ongoing, and increasingly influential, external political and cultural framing of concepts of ‘regulation’ in accordance with a deregulatory ideological outlook founded upon the concept of individual self-reliance and economic rationality (XXX 2009, 2015; Tombs and Whyte 2013). Across all of the aspects of frontline regulation outlined here, this has proved to be central, suggesting that the frontline of safety provision is in fact *essentially* liberal, decentered, and pluralised in approach.

III: The Nature and Quality of Frontline Engagement

We have seen how the responsabilization (as opposed to empowerment) of frontline workers, the entrenchment of institutional pressures (as opposed to learning opportunities), and the delineation (as opposed to the advancement) of regulatory rights, all reflect the ways that organizational structure, hierarchy, and power relations limit worker engagement with issues of safety. By way of example, rates of employer engagement with health and safety are much higher (95-99% of UK employers have relevant policies and processes: EU-OSHA 2014) than rates of employee participation (73.4% of UK employees participate in safety management: EU-OSHA 2012), suggesting that practices around workplace safety remains deeply hierarchical in nature. It can also be seen in the evidence gathered from ethnographic studies of frontline safety interactions, where management engagement with workers is portrayed as a ‘normal’ feature of organizational life, but also as invasive and coercive (XXX 2002, 2006). These constraints are influential in reconstituting frontline work as a site of limited autonomy and reduced professional status, and are also important in terms of outcomes; uneven interactions between organizations and individuals play a central role within accounts of systems failure (Barton and Sutcliffe 2009; Perrow 1984; Vaughan 1999; Wells 2001). In many cases, the immediate precursors of a failure reside at the operational level, in behaviors of frontline workers which seem to demonstrate a degree of culpability. It is often politically or economically expedient to limit responsibility-finding processes to this first stage of investigation (Chikudate 2009; Tombs and Whyte 2007; Wells 2001), and this precludes investigation of wider contributing factors. Failure to conduct checks, operator errors, and individual decision-making lapses are established as the ‘causes’ of major disasters, ignoring the complex organizational pressures, systemic faults, and failures of training and operative support that underpin them.

This focus on immediate causes leads to individual employees being characterized as ‘faulty components’ (Perrow 1984) which cause system failure, or as elements in ‘dynamic organizing’ processes (Weick, Sutcliffe and Obstfeld 1999) which must be borne down on in order to achieve compliance. In either case, the ‘problem’ which underpins non-compliance is confined to the frontline of organizational activity rather than attributed to the organizational complexity that underpins it, leaving those maintaining factors unresolved (XXX 2013; Chikudate 2009; Wells 2001). Importantly, however, the complexity and distance between the levels of hierarchical organizations, which make it difficult to look beyond frontline attributions of fault, can be a *deliberate*, insulating feature of those organizations, serving to contain accountability at the frontline (XXX 2009; XXX 2014; Perrow 1984). Many organizational failures are the outcome of a decoupling of practice between management and the frontline, something that can be strategically useful in containing investigative processes at a level where responsibility can be attached to individual employees rather than to the organization or its managers.

A second observation is that the characterizations of frontline safety practices set out here (particularly as a matter of normal accidents, responsabilization, and constitutive rights) all critique organizational practices for their pervasive tendencies towards thinking and acting in ways that reflect ‘instrumental’ forms of rationality (Habermas 1988; Teubner 1987). The conceptualization of social relations and legal processes as a means of bringing about strategically desired outcomes, specifically, the advancement of the interests of ‘systemic’ imperatives of money and power (Habermas 1987, 1988), is useful in understanding the contemporary neoliberal drift towards a restrictive conception of workers’ roles. Instrumentalism here refers to the tendency inherent in modes of regulation towards the pursuit of outcomes that

are defined in primarily economic and bureaucratic terms, such as correcting market inefficiencies, redistributing costs and benefits, and demonstrating organizational efficiency (Stiglitz 2009). This focuses attention onto factors which relate primarily to the continued existence of the regulatory system and the social relations it governs, and away from the advancement of the normative ends that those regulatory systems were set up to pursue. On this view, regulation is a steering mechanism which passes decision-making capacity into the hands of managers and bureaucrats, whose primary role is to limit the potential for crisis posed by regulated risks, and so ensure the reproduction of the economic and political systems (XXX 2013, ch.3).

When we relate this insight to the experience of frontline safety, we see that the common features of our account, such as the decentering of responsibility and oversight, the replacement of formal law with informal and tacit forms of control, and the use of organizational communications as a means of reinforcing hierarchies, all bear the imprint of the primacy given to systemic imperatives. Efficiency, effectiveness, and rationalization are lauded as core values that regulatory arrangements should embody, and this places a particular value upon instrumental monetary imperatives (XXX 2013, 83; Tucker 2013); similarly, the reduction of systems of worker rights and external accountability to tools of internal discipline, reflects the influence of prevailing power relations. For instance, Normal Accidents Theory identifies how organizational responses to failure tend to leave hierarchical factors unexamined, while allowing for close interrogation of low-level factors (Perrow 1984). Workplace interaction is recalibrated in order to service these considerations, rather than to facilitate genuine engagement from a wider range of stakeholders and actors, who thus become the *subjects* of decision-making processes rather than *participants* in them (Habermas 1988, 217).

What is particularly interesting, however, is to consider the effects that these factors have upon the *quality* of the agency and engagement they engender, particularly when contrasted with the aspirations of the optimistic, management-centered view of frontline safety. It is inherent to the notions of new governance and High Reliability Theory that there should be participatory engagement between employees and organizations, with workers having the capacity for open, constructive, and reciprocal involvement, mirroring the notions of deliberative engagement found within notions of communicative regulation (Habermas 1987, 1988; Teubner 1987). The latter approach views regulation as a forum within which bureaucratic outcomes are grounded in participatory public discourses via the engagement of a wide range of stakeholders (XXX 2013, ch.3; Black 2000; Parker 2002). While this has an instrumental element, in that it reflects a shift towards ‘responsive’ law that gives effect to external values, it does claim a more principled value, namely, that introducing a deliberative component to regulatory processes democratizes them and ensures “the permeability of private organizational systems and social power directly to civil society and the public sphere” (Parker 2002, 40), offsetting democratic deficits that result from their technical-instrumental imperatives.

Deliberative approaches are an inherent feature of new governance regulation, where they are harnessed as part of the broader drive towards accountability and the creation of an open, flexible, ‘non-majoritarian’ state infrastructure (Levi-Faur 2013, 35; Moran 2003; Prosser 2010, ch.10). By opening processes of decision-making to a range of influences, it is argued, regulation is rendered more responsive, more transparent, and more easily internalizable into the day-to-day operations of external constituencies (Levi-Faur 2013; Lobel 2005; Moran 2003; Scott 2009, 164-5). But there are inherent risks associated with this process (Tucker 2013), not least that it makes regulatory processes open to politicized and marketized external input, allowing the

interests of actors who wield economic and political power to exert influence. Deliberative regulatory processes tend in practice to be formal and hierarchical in nature, seeking ‘input’ rather than outsourcing ‘decisions’, and place a premium on the social capital attached to ‘professional’ representation techniques; they are thus open to domination by interests whose capacity to wield representative resources is greatest, leading to partisanship, instrumentalism, and regulatory capture (Hendriks 2006; Sanders 1997).

The problem with the type of engagement undertaken within many new governance models is that it is ‘thin’ in scope, being focused more on the bureaucratic needs of those managing the regulatory process, and less on a determination to ensure that otherwise excluded voices are heard (XXX 2015; Black 2000). It is bounded by its regulatory context, and is less radically democratic in nature than the Habermasian vision of ‘thick’ deliberation, which valorizes open, truthful, and ongoing relationships of non-hierarchical communication (Habermas 1987). Having voice in a ‘thin’ process is qualitatively not the same as having influence in a ‘thick’ one; this is visible in the different areas of interaction and tension outlined in this paper. The ‘normalization’ of hierarchies of input, which privilege certain actors and marginalize the experiences of others, appears to be a central factor in the breakdown of safety systems; bottom-up input is often overlooked in favor of top-down frames of reference, meaning that localized, grounded insight is lost (Barton and Sutcliffe 2009; XXX 2006; Perrow 1984). This undermines claims as to the ‘mindfulness’ of organizational practices found in High Reliability Theory.

Beyond this, however, is the observation that the *types* of input privileged within hierarchical organizational decision-making around safety are distinctive in nature. Returning to the notion of instrumentalism, information must take a suitably rationalized form if it is to

influence organizations which are dominated by considerations of money and power. Complex information must be translated into a form that is compatible with this frame of understanding, meaning that quantified, cost-benefit analysis, and insights originating at a managerial level, exert a much greater influence than frontline, experiential, operative-led knowledge (XXX 2006; Haines and Sutton 2003; Huising and Silbey 2011; Vaughan 1999). In part, this is because the former are more attuned to economic considerations, particularly those relating to profitability, a pressure which acts upon decision-making in all manner of organizations (Vaughan 1999). Vaughan's study of NASA decision-making in the lead-up to the Challenger shuttle disaster (1997) highlighted the ways in which production pressures and the incremental normalization of the trade-offs involved in economic thinking about risk led the organization into a culture of erroneous decision-making. Similarly, XXX (2006) identified that risk-tolerance in manufacturing plants was heavily shaped by a pervasive organizational commitment to 'the job', and the need to keep the production line running. On both accounts, knowledge and information generated at the frontline was recast in line with an overarching commitment to instrumental, organizational imperatives. Employee engagement is thus vulnerable to being tied to the protection of those imperatives, even within systems that notionally prioritize safety and reliability.

It is clear that, in many cases, the exercising of employee 'voice' within organizational contexts is affected by internal dynamics that are shaped by the pursuit of the interests of money and power. These dynamics reflect the inherent tendencies towards notions of self-reliance, economic rationality, a rejection of universal protection, a sidelining of collective and unionized frontline engagement mechanisms, and the rejection of state-level interventions that are found within a neoliberal framing of workplace safety (XXX 2015, 229). These conditions mandate a

more limited role for engagement, containing responsibility for regulatory compliance at the individual, delegated, level of frontline workers. They also operate predominantly in one direction, transmitting communications *down* the hierarchy, limiting the capacities of those same actors to communicate *upwards*, or to influence organizational outcomes. Because the criteria for genuine deliberative engagement (rational, open, and ongoing: Habermas 1987; Black 2000, 611) are not met, employee voice is lost, and so are opportunities for High Reliability practices (*reliability* and *dynamic organizing*), and for effective rights mobilization.

From blue collar jobs in industrial factories, truck driving, and firefighting (XXX 2014; Barton and Sutcliffe 2009), to professionals in white-collar settings such as science labs (Huisin and Silbey 2011) and hospitals (Singer et al. 2011), the capacity of individuals to participate in effective safety management is constrained by the tendencies of organizations to construct limited regulatory roles for frontline individuals when it comes to issues of voice, and broad ones when it comes to responsibility. This is the nub of the ‘double-shift’ found in many accounts of regulation under conditions of neoliberalism; a diminution of mainstream regulatory engagement, coupled with an increased emphasis upon mechanisms of criminalization and responsibility for marginal, individual actors (XXX 2013; XXX 2009; Tucker 2013). The fact that the pessimistic and optimistic sides of our dichotomous table of tensions in frontline safety both highlight these dualized dynamics appear to suggest that they are an *inherent* feature of this political context, and are exacerbated by the increasingly instrumental approach taken within contemporary regulatory regimes.

IV: Conclusion: Pushing Back from the Frontline?

We have argued, and sought to demonstrate, that the conceptions of the frontline worker found within much of the existing regulatory literature are unduly optimistic in their assessment of the capacity that those individuals have to act as empowered agents within the allegedly ‘participatory’ frontline safety arrangements that this literature endorses (High Reliability Theory, new governance models, and ‘effective’ modes of rights mobilization). These mechanisms are much less open in practice than is often portrayed, meaning that information, and organizational authority, flow much more effectively down the hierarchy than they do upwards, serving to entrench rather than challenge existing power relations. If mechanisms of worker engagement with health and safety can be made to more fully reflect the democratic principles of ‘thickly’ proceduralized variants of regulation (Black 2000), and to allow for the effective communication of knowledge up as well as down the organizational structure, then systems of risk management can be made more fully representative of the interests and needs of all levels of organizational life. There is a need for regulatory solutions and outcomes to be restructured around greater recognition of, and engagement with, the entire regulatory landscape, but especially actors at the often-neglected frontline.

More fundamentally, a frontline focus allows for the identification of the political context against which these processes of role-construction and engagement take place, and for analysis of the framing ideologies that create and sustain them. In particular, the tendencies, identified here, of ‘participatory’ frontline safety arrangements to degrade into suboptimal neoliberal formations (Normal Accidents, responsabilization, and constitutive conceptions of rights) suggest that these forms of regulatory organization serve to *reinforce*, rather than challenge, existing limits on effective communication and participation within the workplace. Individual input into the management of complex systems is recast as the source of the problem in question;

individual empowerment gives way to responsabilizing and blame; and individual rights are deployed so as to facilitate and legitimate existing workplace practices which are structured by the dominant considerations of money and power, rather as reflective of the normative interests of the full range of constituencies, actors, and interests that participate in them.

At one level, this is due to the instrumental focus of regulatory scholarship and policymaking, whereby measurable changes are sought within the terms of the regulatory system, which is itself focused largely on the macro-level of the firm. Mechanisms which allow for frontline participation, when deployed, are thus designed primarily to empower and facilitate organizational actors in pursuit of their goals and interests, but do not necessarily do the same for the individual actors involved. As such, the potentialities associated with individual forms of action are more readily recognized within the dominant regulatory literature than the ways in which this is influenced and constrained by contextual and relational factors. This is itself reflective of the broader regulatory context, which has seen a movement in recent years towards a more avowedly individualized and neoliberal political climate around health and safety regulation, with steps increasingly taken to reduce the scope and influence of traditionally collective actors and constituencies (state-level regulators, trade unions), and replace them with more marketized, differentiated, and individualized modes of governing and regulating (XXX 2015; XXX 2009; Tombs and Whyte 2013; Tucker 2013).

Reduced rates of regulatory intervention and enforcement, the narrowing of regulatory laws and requirements, and a political hostility towards ‘interventionist’ regulation, are all premised upon this individualized model of regulation. Within this model, participation and engagement are recast as the preserve of autonomous individual actors pursuing their own economic rationality, rather than of coordinated constituencies and groups that are able to

participate in the regulatory process on a broadly equal footing to the dominant interests of business. This broader politics of regulation is legitimated, in part, by the claim that it provides a greater footing for engagement and involvement from a wider range of actors, being decentered, pluralized, and increasingly premised on partnership working between private actors. As such, the claims made about frontline safety practices within High Reliability theory, new governance approaches, and rights-mobilization models, play a key role in providing intellectual leadership to this broader political project of regulation, and must be reexamined with an increased skepticism regarding their potential and capacity to empower individuals.

As we have shown here, the narrow and limited role given to frontline employees within the orthodox literature on the new governance and its associated regulatory variants overlooks the crucial features that define the frontline experience in practice. Effective employee representation has long been recognized as a fundamentally important element of workplace safety management, but, in practice, has become both practically limited, and highly politicized, in nature (Lobel 2005; Tucker 2013; Walters and Nichols 2007). The imperfect realization of these ideals of worker involvement means that the hopes of both relationship-based and new governance models are unfulfilled and undermined. But there is a broader resistance towards recognizing the role that the politics of the frontline play in this process; the self-declaratory and self-reliant capacity of workers is more limited by culture and context than is often acknowledged. We have seen how, in different contexts, individual actors are cast as ‘responsibilized’ economic actors, as ‘faulty components’ in flawed systems, and as rights-holders whose capacity to act is limited by the parameters of the rights that they hold. This occurs as a result of the influence that dominant interests of money and power exert over the participatory processes involved, particularly through the cultural and localized shaping of

frontline interactions, and the relative lack of ‘deliberative’ engagement that is undertaken. A clearer and more informed focus on the nature and quality of frontline workplace engagement around safety allows us to better respond to these cultural components, and to recognize the limitations of existing arrangements.

One particularly important observation to emerge from the review of frontline practices undertaken here concerns the need to ‘push back’ from the frontline, and the paucity of easily available measures through which this can be achieved. Redressing the tendency for frontline interaction to responsabilize and constrain workers, rather than empower and free them, will likely require a renewed recognition of the importance of alternative forums for communication and engagement, particularly those (such as organized labor representation) which transcend the individualized norms of contemporary workplace formations. For if individualization is a central requirement of the movement towards a narrower and more restrictive ordering of workplace dynamics, then evidence as to the contribution that organized labor and formal safety representation make to safety performance suggests that reversing this trend is central to reversing this trend. There is a need to offset the localized construction of frontline roles in accordance with the dominant framing pressures within the organization (around profitability, money, and power), and outside it (at social and cultural levels), via less instrumental, more participatory modes of organizing and mobilizing. A focus on frontline safety as a *collective* endeavor allows us to transcend both of these limitations, bringing context and agency together in the study of the lived reality of safety as experienced in real workplaces.

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