

THE NEED FOR ETHICAL REASONING IN OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT: A ROMANIAN PERSPECTIVE

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Abstract: There is always an ethical dimension insufficiently explored beyond the list of identified causes of occupational accidents. This leads to a sequence of inappropriate or wrong decisions, adopted at the organizational, human and/or technical level, leading to tragic events, often with consequent loss of lives. Appropriate risk management is not only necessary for the development of techniques and processes, but also required for considering the "human nature" at the organizational level. It is also necessary to establish appropriate mechanisms to reconcile the public interest with the risk management process. This paper proposes an analysis of the moral values and principles applied in decision - making and carrying out actions that will increase the occupational safety and health. Since there is no single answer to the question of safety, the purpose of this paper is to systematize a number of alternatives and ways to guide judgments on some fundamental aspects of occupational health and safety management in Romania.

Keywords: ethical principles, decision - making, occupational health and safety, risk management

Introduction

A basic aspect of the security management regards the fundamental human values, such as human life protection, property, dignity, personal liberty protection, as well as the protection of the needs associated with the sustainable development [2]. In the process of treating the issue of occupational risks, the moral aspects cannot be avoided. The main questions are the same: What are the causes of the accidents at work? And, more important, what do we have to do in order to avoid them? Is it necessary to develop new methods of risk management? Is it necessary to elaborate new instruments for risk analysis? Is it necessary to adopt a more restrictive legislation? No doubt, every aspect mentioned above must be included, but it will not be enough.

In this article we wish to explore the different faces of the risk management, the technical and human aspects in a perspective that has been neglected or treated as subsidiary in the literature so far, i.e. from ethical point of view. Indeed, all the accidents have a human cause, i.e. regardless the number of laws, rules and standards available, the minor or major industrial accidents will continue to happen, because the human beings are not infallible. Both at individual level and at organisational level it will be necessary to take more into account the aspects related to the human nature. The proper mechanisms will have to become

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operational in order to reconcile “the public interest with the risk management”. Thus, it will be necessary to define, implement and improve a series of processes and, most important, to provide guidelines for the managers.

The synthesis of the main categories of occupational risks

Human error

The human error is the most frequent cause of the accidents, according to most of the statistics and scientific papers in the field [4, 6, 7, 9]. Some of the typical conditions that lead to human errors are as follows:

- the improper qualification and education of the personnel;
- minimization of the influence of the psycho-social risks;
- inefficient security programmes and instructions for operation;
- inefficient implementation of the instructions for operation and security;
- improper or vicious maintenance practices;
- insufficient planning and improper execution of the changes that come in procedures, operation parameters, equipments etc.

Such dysfunctions, closely related to the organisational errors, are frequent in Romania and, unfortunately, still are the main causes of a large number of occupational accidents.

Technical and technological failures

The technical and technological failures are frequently cited in statistics and scientific articles as basic causes of the occupational accidents and of the major accidents [3]. These technical failures are real but, in many cases, the managers reported potential risks to which – for obscure reasons – no attention has been given at the right time.

The main categories of technical and technological causes can be described as follows:

- the high complexity of the systems, equipments and procedures;
- the insufficient study of the technological processes;
- the vicious conception, design, construction and exploitation of the equipments;
- the insufficient control of the way the data and information are processed.

There is a lack of scientific certainty concerning the possible effect of the introduction of new technologies, new working methods, new products etc. on the environment and the health of the present and future generations. Diversification means that the new approaches of the risk management should be *holistic, integrated, intuitive and heuristic* in order to ensure the participation of all the factors involved in the working system.

Organisational dysfunctions

The organisational dysfunctions also represent frequent causes of work accidents. The Centre for Chemical Process Safety in USA presents in its web published

article “*A managerial approach for creation of a solid safety culture*” [1] the following key-conditions of an organisational safety culture:

- maintaining awaken the sense of vulnerability;
- setting the security as imperative;
- realisation of valid and on-time risk assessment;
- providing an open and sincere communication;
- ensuring the learning and the evolution of culture.

The influence of the national legal regulations on the occupational risks management

The objective of the specific legislation and regulations is to prevent or reduce the occupational accidents and occupational diseases. It is obvious that, in spite of a rich and strict legislation concerning this issue (see figure 1) the occupational accidents continue to happen.

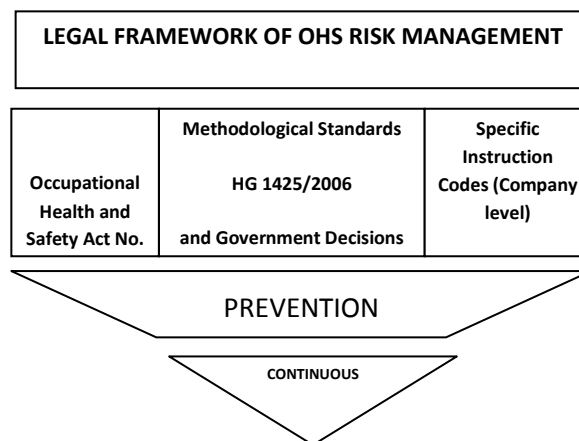


Figure 1. Legal frame of the risk management for the Occupational Health and Safety in Romania

Romania had to transpose in national regulations the whole acquis communautaire regarding the occupational safety and health in a short period of time, in order to accomplish the necessary conditions for joining the European Union. Thus, in the year 2006, the Framework Directive 89/391 was transposed in the Law regarding the occupational safety and health no. 319. The special directives coming from the Framework Directive were transposed in the Romanian legislation by decisions of the Government of Romania. One of the shortcomings of the regulation process in Romania was that it took place in a situation of insufficient developed culture for occupational health and security and a weak participation of the social partners on the debates. The national legislation aimed not only aspects regarding the health and security of the workers during the working process, but also those regarding the insurance for occupational accidents,

occupational diseases, as well as the organisation and functioning of the specialised institutions of the state.

In some sectors (constructions, public works, agriculture, transportation) the SMEs have a weak level of security. The SME's usually needs to access external competences in order to integrate the prevention of the risks in their economic administration, acting on the principle that prevention is a value and not a cost. Nowadays, we have to admit that the concern for security, health and well-being in the enterprises remain low and that very rarely the actions regarding the improvement are realised directly and spontaneously by the employers and by the employees themselves. We must also admit that the evaluation methods proposed to be used by this category of business are more likely to discourage them, as they are too complex, take too much time, too much and useless oriented towards quantification or even written in an incomprehensible style.

The way in which the whole occupational safety and health regulation process took place lead to an incomplete legislation, hard to be understood and applied, often needing changes and updates. The effects of the quality of the legislation are more severe especially when it must be applied and respected.

The responsibility of the factors involved and ethical reasoning

A fundamental aspect of the security management is the **protection of the basic human values**, as the protection of life and health of the individuals, of property, of human dignity, of personal freedom and the need to adjust the requirements regarding the sustainable development. When approaching the risk issue, taking into consideration of the moral aspects is unavoidable.

The first stage of the industrial era was dominated by the profit „*laissez faire*”, without taking into consideration the human life and suffering, except for the isolated voices of some philanthropic organisations. The previous century represented a continuous struggle for social security, regulations for health and environment and control of the industrial capitalism, struggle that was lead by the social movements of the workers, and later on, by the environmentalist organisations. As we know, many organisations have implemented – during the last decades – systems for occupational safety and health management, but these must be consolidated in order to achieve their finality and not to represent just a way to achieve other objectives (e.g. participation to auctions).

One of the main interested factors, the government, must enforce the key-mechanisms of risk management by improving the legislation regarding the occupational safety and health also in connected domains (environment, protection of goods, prevention and extinction of fires).

In the following we will approach the problem concerning the responsibility of the human factors in the economic organisations. How should the managers think flexibly when they approach the risks in their organisations from ethical point of view? The stages of such an approach are illustrated in the figure no and detailed in the following.

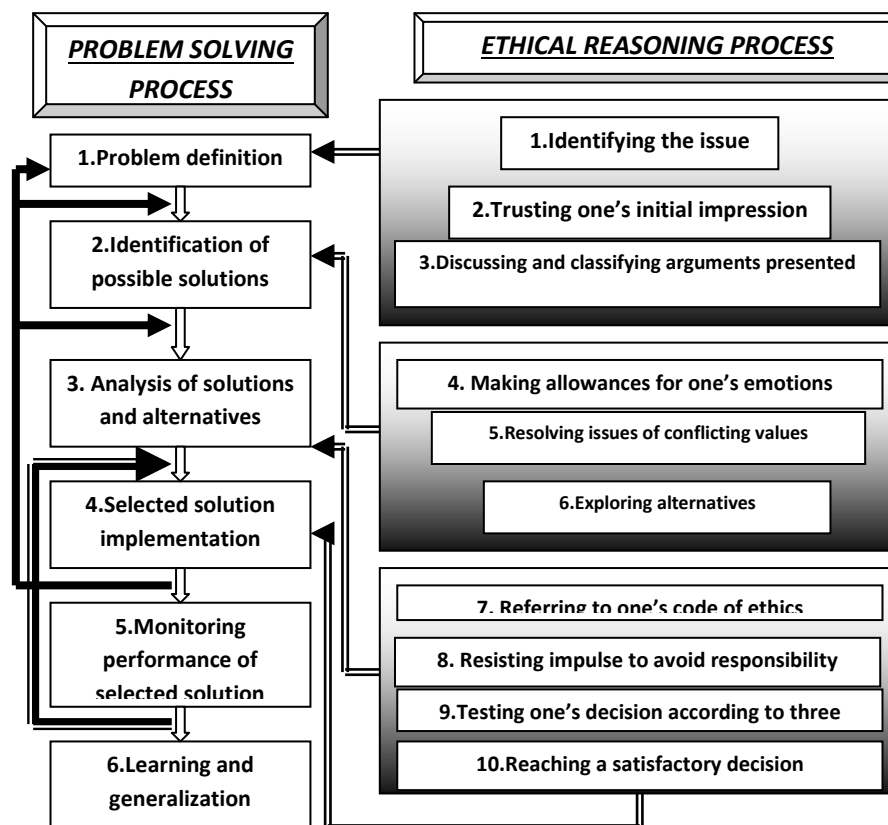


Figure 2. The structure of the problem solving process by taking into consideration the ethical reasons

Source: adapted from Lacoursiere et al., 2003

- **Problem identification:** must be focused on the manager and on the moral dilemma that must be solved, including the main aspects that must be taken into consideration.
- **The degree of trust in the initial perception (impression):** what is happening to the initial perception of a person, when confronted with similar situations, depends on the moral attitude, on the initialisation of a awareness process that is a mix of competence and social responsibility. This initial “impression” must be verified and possibly modified, but it would be wrong to label it too quick as nonconforming under the pressure of the productive restrictions and constraints.
- **The role of the information, communication, consulting, participation and negociation during the stage of ranking the arguments:** the lack of communication or even the *fear to communicate* is quite frequent in some companies, in which the silence, the restraint or secrecy prevail. The vicious circle must be broken at the top-management level of the company. The communication funcction is very wide, in all its forms that are

connected to the risk management. In most of the cases, the communication in different forms is essential for the ethical risk management. It is important to give a high attention to the arguments used to justify a certain position. These arguments are situated on different levels and therefore it is preferably to select and prioritise them instead of treating them exclusively based on the hierarchy [10].

Ethic principles and dilemma of the safety reasoning

The moral is guiding and regulating the behaviour. The legislation, the regulations and rules perform essentially the same function. Nowadays happens a change of vision, from a control “*compensations/final results-oriented*” towards a “*prevention/decision rules-oriented*”. In a way, this change can be considered as passing from the ethics of consequences to the ethics of reasoning (e.g. “punishing” the one who does not try rather than the one who does not get the expected results). In order to synthesize the main approaches of ethics in the wide philosophical literature and correlate them to the occupational safety, we will take into consideration four groups of approaches or thinking directions or moral traditions, based on the following aspects [10]:

- **Utility:** based on rational choices, risk-cost efficiency, own human interest, safety maximisation. The utility ethics, or the *utilitarianism*, begins with what is good and concentrates on the ways to maximise the good things, simultaneously diminishing the bad things. Nowadays, the utilitarian ethics offers the arguments for reasonable selection patterns, for cost-benefit analysis in decision processes, for the “management by objectives” etc.
- **Duty:** obligations, responsibility, guilt and punishment, human integrity, good intentions. Good moral behaviour is not seen as a consequence of virtue or wisdom, but as a *duty* (deontological ethics).
- **Justice:** distribution of risk, politics (benefits and disadvantages), „maximization of minimum”. Based on the intuition and moral reason, justice means that „*we will prefer this society, even if we are completely uncertain on our own position within it*” [14]. This approach will lead frequently to recommendation for actions different from those issuing from the principle of utilitarianism, giving birth to controversies in the conflicts concerning the safety politics, raised between the capital and the workers, between the industrialists and the popular environmentalist action groups etc.
- **Discursivity:** participation, free consent, belief, democracy, socio-cultural reasoning. An alternative to the approaches based on moral intuition is represented by the ethics of speech, considering that as they live in the society, people do not act as isolated individuals. The validity of ethics, in this case, is connected to the structures of power and knowledge, the answer to the issue of occupational risks being expressed by the consensus got as a result of the *opened, informed and democratic debate*.

Most of the decisions concerning the safety of the individuals, organisations or society do not fit perfectly in a perfect moral frame. The difficulty to adopt decisions is generated by various reasons. The pros and cons can be equally distributed without being incompatible, facts can be affected by uncertainty, the results of certain actions can be unpredictable etc. The safety is a “good” unfairly distributed in the society: for instance, the workers in constructions and mining are occupations much more exposed to risks of accidents than the ensemble of the labour force.

The nowadays trends in business administration and strategic management define a net difference from the perspective of the functional importance between [8]:

- the risk seen as an opportunity that must be approached by strategic initiative by the top management;
- the risk considered as an operational uncertainty, that must be managed by the line management (hierarchical structure);
- the risk, in terms of danger and losses (accidents, diseases, damages, image, reputation) that must be controlled by compliance, anticipation and prevention by the operators of the primary processes and the internal safety auditors, appointed workers, internal and external services for prevention and protection.

Often, by insufficient correlated decisions, that separate the possibilities in relation with the dangers, the confrontation between different ethic aspects is avoided, the essence of the strategies is concentrated on the utility, while the aspects concerning the justice and duty are delegated to the lower levels of the organisation or even externalised. We consider such an approach as obsolete and harmful. In our opinion, the component occupational safety and health must be treated equally and balanced, as an integrative part of the strategic initiatives and operational performance.

The principle of equality, according to which all people should be treated equally from the point of view of the occupational safety and health, can be expressed in three ways by different arguments, that must be confronted and balanced between them during the decision taking process that aim at reducing the occupational risks. Briefly, we talk about:

- ***equality of results***, i.e. the democracy of risks, whose aim is reaching optimal and equal levels of risk for all the members of the society. This approach means the concentration of the efforts on small groups, exposed to extremely high levels of risk, so it derives from the ethics of justice. Taken to the extreme, the principle of uniform distribution of the risks can lead to an inefficient allocation of the available resources for providing the safety;
- ***equality of treatment***, i.e. the efficiency cost-risk mitigation, meaning directing the resources in order to have an optimum mitigation of risks per invested monetary unit, approach flowing from the utilitarian ethics. Taken to the extreme, this principle becomes – probably – politically unacceptable, especially when considered as: “*Efficient from the point of view of the costs, but for whom?*”.

- *the risk – benefit equity*, connected to the compensation of risk. For instance, the distribution of risk and benefit (economic compensations granted for work in extremely dangerous conditions or in unacceptable conditions for exposure, by insurance, additions to the salary etc) should be, as much as possible, equal for the whole population. This argument is based on the utilitarianism of the market economy, but can include aspects of the ethics of justice and speech.

Safety is a “good” unfairly distributed in the society: for instance, the workers in constructions and mining are occupational categories much more exposed to injury risks than the overall labour force. The scarce financial resources are allocated to the prevention of the high number of accidents by an increasing number of elderly people. Of course, a small supplementary volume of money would have a maximum impact concerning the statistics of the lethal accidents. The question is if this small supplementary effort is based on implicit economic considerations regarding the value of the human life? Usually, in the industry, the workers exposed to a high level of risk have low incomes; in other words, these workers have negative compensations regarding the risk. In the same time, they are the most exposed to risks in traffic, at home and in the local communities to which they belong.

By taking into consideration the ethic aspects *justice and duty*, the problem of distribution of risks becomes even more complex, in terms connected to the principles of absolute norms and democratic processes. The combination of dimensions time, space, and culture of the risk represents a very difficult ethic dilemma. Most of the people will give priority to the current problems and to the aspects of security that can affect directly the person and their dear ones. This attitude of self-interest is the foundation of the utilitarian arguments, but can be – and often is – opposed to the arguments of justice or duty ethics.

Summary

The moral guides and regulates the behaviour. The resultant shared beliefs and their way of expression within the groups represent the central element of the concept of “*culture of security*”. The role of the legislation, of the regulations and rules is to express and impose norms and standards based on morality. Ideally, the legislative and the moral component should be coherent and not obstruct each other, as the objectives of a company should reflect the corporative culture and the associated cultural aspects. The legislation, regulations and rules should have the same aim. Most of the decisions regarding the safety of the individuals, organisations or the society do not fit perfectly in an ideal moral frame.

We can state that the concept of saving the “statistical lives” is a logical contradiction. Death is unavoidable, but the expectations regarding the increase of the life expectancy is a measure of the performance of the investments and priorities regarding the allocation of resources, in a framework marked by the necessity of efficiency from the point of view of the costs. Most of the people will refer to a completely different ethics of mind when it comes about personalised

individuals, exposed to extreme dangers (cases of rescuing operations after an accident or medical treatment of severe diseases); it is considered as an obligation “to make everything humanly possible, regardless the costs” to save an individual. When the risk of death is considered high enough, most of the people will be willing to pay no matter how much, for the slightest hope that represents a chance to survive.

As the structural complexity of the society, of the industrial, political, communicational and administrative systems increases, the changes of the technical and technological systems gets faster, it becomes more and more important to refer to different ethic arguments and political arrangements, in view of keeping the trust and ensuring the control. It is necessary to develop a mechanism to balance the positivist rational justification of the risk analysis on one side and the variety of perceptions and reasoning regarding the subjective risk assessment on the other side. We consider that the elaboration of such a mechanism should start from the following three basic ideas:

- acceptance of the explicative and predictive force of the risk analysis, as a decision-making support, simultaneously with the awareness of the inherent limits of the instruments used;
- taking into consideration of the specific criteria of each situation, including the ethic arguments;
- the best answers to the problem of occupational risks can be obtained by exposing the risk assessment and the decisions to an intelligent debate, critics and amendments by the scientific community and the population that can be affected by the materialisation of the risk, in this case talking about the participative risk management.

The choices we will make will always include value judgements and negotiations based on ethic hypothesis.

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POTRZEBA ETYCZNEGO ZASTOSOWANIA ZARZĄDZANIA BEZPIECZEŃSTWEM I HIGIENĄ PRACY: PERSPEKTYWA RUMUNII

Streszczenie: Zawsze występuje pewien etyczny wymiar, jakim jest niedostatecznie zbadanie przyczyn, które nie znajdują się na liście zidentyfikowanych przyczyn wypadków przy pracy. Prowadzi to do sekwencji niewłaściwych lub błędnych decyzji, przyjętych na organizacyjnym, ludzkim i / lub technicznym poziomie, co prowadzi do tragicznych wydarzeń, a często, w konsekwencji utraty życia. Właściwe zarządzanie ryzykiem jest nie tylko konieczne do rozwoju technik i procesów, ale również, biorąc pod uwagę wymagania "natury ludzkiej", na poziomie organizacyjnym. Konieczne jest także ustanowienie odpowiednich mechanizmów, aby móc pogodzić interes publiczny z procesem zarządzania ryzykiem. W artykule proponuję analizę wartości i zasad moralnych, stosowanych w decyzji - podejmowanie i prowadzenie działań, które zwiększą bezpieczeństwo i higienę pracy. Ponieważ nie ma jednej odpowiedzi na pytanie dotyczące bezpieczeństwa, celem tego artykułu jest usystematyzowanie szeregu alternatyw i sposobów przeprowadzenia oceny niektórych podstawowych aspektów zarządzania bezpieczeństwem i higieną pracy w Rumunii .

Słowa kluczowe: zasady etyczne, podejmowanie decyzji, bezpieczeństwo i higiena pracy, zarządzanie ryzykiem

道德推理在職業健康與安全管理的必要性：羅馬尼亞視角

摘要：總是有不夠探索超越的鑑定職業事故原因列表中的倫理維度。這導致的不當或錯誤的決定，在組織，人力和/或技術層面採用，從而導致悲劇事件的順序，往往與人的生命因此而喪失。適當的風險管理不僅是必要的技術和工藝的發展，但也需要考慮“人性”在組織層面。也有必要建立適當的機制，以協調公共利益與風險管理過程。本文提出了在決策施加的道德價值觀和原則的分析 - 制定和執行行動，將加大職業安全和健康。既然有安全問題沒有唯一的答案，本文的目的是系統化了一些替代品和方法來指導在羅馬尼亞職業健康和安全管理的一些基本方面的判斷。

關鍵詞：道德原則，決策 - 決策，職業健康和安全管理，風險管理。