Workshop Title: Same rules, different games: Designing effective regulatory systems across national boundaries

Moderator's name: Andrea Shaw

Moderator's affiliations: Director, Shaw Idea Pty Ltd, Ballarat, Australia and Adjunct Associate Professor, Centre for Ergonomics and Human Factors, Faculty of Health Sciences LaTrobe University, Victoria, Australia

Theme: Organisational Design and Management

Objectives: To discuss different models for investigating and implementing new regulatory systems; and To identify and share tools for determining more effective regulatory approaches in different contexts.

Abstract: Globalisation has established international markets for multi-national companies, working across national boundaries. The extent to which regulatory systems have kept pace with these changes has been less evident. The Australian and South African mining industries provide a graphic example of the potentially negative consequences of this contrast. The two industries are closely linked – the key players in the Australian mining industry are also present in South Africa and the global market for skilled mining professionals has resulted in considerable professional labour mobility between the two countries. Mining occupational health and safety (OHS) legislation is also similar, with the basic principles of risk-based regulation common on both sides of the Indian Ocean. And yet the health outcomes could not be more different. Even before the Marikana massacre (http://www.marikanacomm.org.za/), the stark contrast between rates of occupational fatalities from trauma and disease provided tragic evidence that the same rules with the same players were not resulting in the same game.

One approach to understanding this seeming paradox uses the frame of “regulatory character” to suggest possibly more effective approaches to engendering change. “Regulatory character” describes the ways in which social norms interact with the formal rules of a given context and, further, how individuals interact with both social norms and the formal rules (Haines 2005: 34) as a means to understand how different regulatory contexts might operate and change.

Social norms describe normal everyday practice at the workplace. We know there is always a gap between the rules and what actually happens in any regulatory context – in that sense, we are all criminals. The interesting questions are: ‘How big is the gap?’ and ‘How are the boundaries of what is acceptable negotiated?’

This workshop will share participants’ experiences dealing with different regulatory contexts to create more effective regulatory systems and institutions. Given the similarity between the formal rules in many contexts, why have the outcomes been so different? What differences in the norms of place and individual interactions appear to have been critical and how could the interactions between these social relations and formal rules be changed to address the serious problems besetting labour and OHS regulation of different jurisdictions?