

Financial incentives, injury prevention and return-to-work in the unionized electrical construction sector

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Purpose

- Discuss financial incentives in the electrical construction sector and consequences on:
- Safety-related behaviour
- Reporting and claims management practices
- Based on G. Majesky's experience as a workers' compensation specialist at IBEW LU 353 – largest electrical union in Canada
- Our study on the role of co-workers after a work-related injury

- Collaborative project between researchers at IWH, U of Waterloo and IBEW LU353
- Study involved two focus groups with IWHs and union stewards
- Interviews with electricians who experienced working with an injured colleague who RTW
- Focus on RTW experiences of injured electricians
- Role and perceptions of co-workers in this process
- Also learned a great deal about the behaviour of employers/supervisors

The Electrical Construction Sector in Ontario

- The electrical sector, a part of the construction industry, employs ~ 29,000 workers
- Industrial, Commercial and Institutional (ICI) sectors, Line & Power, Green Energy (wind farms & solar), Utility and Residential (new homes & high rises).
- scope of work includes the installation, construction, operation, maintenance and repair of all electrical systems
- Electrical sector work can take place outdoors, indoors and on large or small worksites.

- Physically taxing work
- Heavy lifting of materials, repetitive tasks, working in uncomfortable positions, near debris, wet, cold or hot conditions and around moving vehicles
- Contact with live circuits = electrocution and burns
- Mentally taxing work
- Work requires concentration, following complex instructions, constant communication with others

Employment Environment – Collective Agreement and ESA coverage

- Under the Collective Agreement - Concept of seniority does not exist
- Right to lay off electricians with 25 years service before more recently hired electrician
- Electrical contractors have great flexibility – can hire healthy workers and lay off sick, injured or unproductive workers
- ESA *notice* and *severance* rights – construction workers exempt

IBEW LU 353 Union Hiring Hall Dispatch Job Referral System

- Historically 100% of electricians hired from union hiring hall
- Electricians dispatched in order of out-of-work date
- In 1998 move to a 50/50 job referral system
- One electrician hired from hall and 2nd is a name hire regardless of out-of-work date
- Employers have greater flexibility in the hiring process
- Electricians have less job security

Financial incentives and penalties

- Penalties for breaches of provincial safety legislation
- Increased insurance premiums when a worker off work on workers' compensation (CAD -7)
- Rebates when an employer has a “clean” record
- SIEF – cost relief for pre-existing condition that enhances or prolongs a work-related disability

What are the consequences of some of these FIs?

Focus on due diligence and documentation

- Pre-occupation with documenting the training workers received, hazard info provided, procedures discussed
e.g. Safety meetings – working live
- Disjuncture between info at meetings and on the job expectations when time pressures exist
e.g. “Reporting” of injuries – “Report everything!”
- Internal reporting, reporting to WSIB was discouraged

I ended up cutting my hand on a stud, when I, I think it was like second year apprentice. So, I went to my foreman he started laughing at me you know, come on you're a big baby. I am like I am not a big baby, you told me I have to report all accidents so I am doing what I am supposed to do. Are you going to fill out the report or you're not going to fill out the report? Oh, you're a big baby, so I am kind of, I am left there - what do I do? (Darren, interview)

Internal reporting and safety meetings seem an accounting exercise and not about protecting worker health

Very early RTW – to avoid LTC

- Where there is a visible, witnessed injury, easier to get a worker back to work immediately rather than to suppress a claim
- Internal claim management practices viewed as normal and good business practice
 - Good for the business – kept costs low, kept everyone employed
 - Good for worker – kept worker engaged socially

- But...little meaningful, modified, sustainable work
- Some electricians still considerably injured when they RTW (straight from hospital to work)
 - Could not do their regular jobs
- Increased workload for uninjured co-workers
 - “Replacement” worker could be added but avoided because increased pre-determined project costs
- IW drifted into regular duties quickly and quietly
- IW sent to office or “put in a room” by themselves
 - Isolation & RTW with unfamiliar co-workers
 - “Doing nothing” led to resentment from others

I know it really burned a lot of people...I mean just knowing that he is sitting there not doing anything for 8 hours, you know, and you've got to pick up that slack. (James, interview)

You hate like hell going into work because you know, your co-worker is going to give you a rough time because 'oh, well you know, you're got a cushy job, oh it's cold out, oh it's muddy out so you've got a cushy job'...you're going to hear stuff like that all the time...(Colin, Injured worker focus group)

Injured worker as liability

- View that IWs hurt the bottom line, the company and everyone's job security

The success of the company is directly related to their success and everybody knows that. So there's a fear that the company will suffer from an injury. (Larry, interview)

- Affects how IWs are treated in the workplace – resented, ridiculed
- Easy to get rid of IWs – no job security, employer can claim shortage of work
- Contractors' ability to name hire = IWs lose out

Some other thoughts...

- Financial incentives and penalties for *safety behaviour* of *employer* could shift view of IWs
- Important to consider how behaviours driven by experience rating may affect social relations, including relationship with co-workers
- Consequences of financial incentives will be shaped by industry and workplace characteristics
 - No job security/seniority means it's easy to get rid of “costly” IWs
 - 50/50 job referral system makes it easy to not re-hire workers who have pursued a WC claim
- Difficulty studying consequences of experience rating