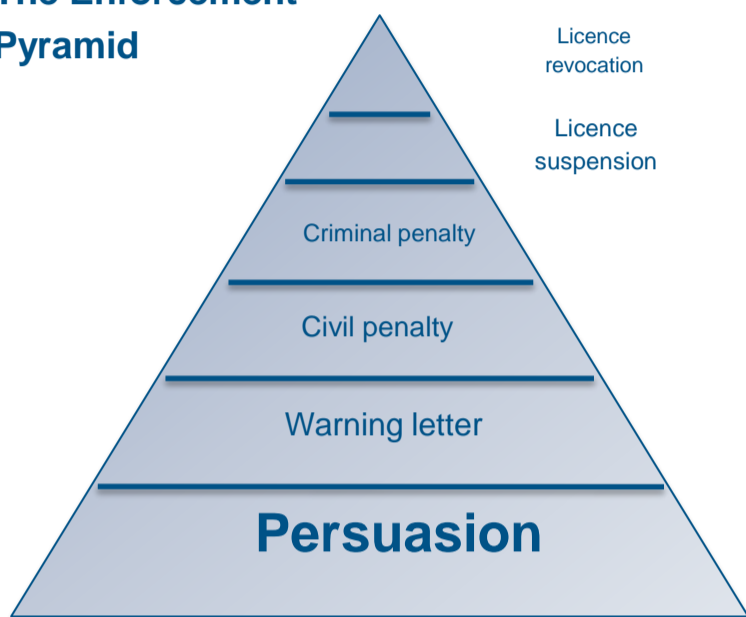


Learning from the positive: can non-punitive approaches encourage compliance in the construction industry?

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The Enforcement Pyramid



Aims: In Australia, current national policy endorses a responsive approach to work health and safety regulation, combining positive motivators (education and advice), with compliance monitoring and enforcement to encourage and secure compliance with legislation.

There is limited evidence regarding how to achieve responsive regulation in practice. Using **positive psychology** as a novel paradigm, this study aims to investigate how the non-punitive aspects at the lowest levels of the enforcement pyramid can be improved to **more effectively encourage and assist regulatory compliance** and promote safety in construction.

Methods: As part of a larger project, data were collected with 35 inspectorate staff¹ and nine managers and employees from the Queensland construction industry. Using an inductive approach, qualitative investigation was conducted to identify positive psychological principles which underpin non-punitive regulatory actions.

Results: *Inspectors varied in their approach* when interacting with industry. There was **little evidence of systematic use of non-punitive activity**. Inspectors and industry **agreed upon several key principles** that facilitated effective non-punitive activity. Barriers to achieving compliance using such activity in practice were identified as well as several industry needs.

Agreed principles

- If a business is willing to cooperate and no imminent risk, give an opportunity to comply
- Need to provide advice and guidance in addition to identifying the breach
- Importance of engaging and building a working relationship with the business
- Techniques to facilitate interaction: build rapport, clear communication, how to present yourself and approach a new interaction, and credibility
- Praise good practices and empower business to take ownership of safety

“What we want to do is create a relationship where it’s an opportunity for both parties...if it’s critical no problem but if it’s not then give us 24 hours...”

“Give us some positives with our company, what we’re doing right and what we’re doing wrong...”

“The more the inspectors visit a site the more the subcontractors see the inspectors as human beings”

“...the way that we do that is fairly flexible depending on what we come across in regards to the capacity of the business and also their willingness”

“Establishing a rapport right away can sometimes be very important... if you do that well they will listen to what you’ve got to say”



Inspector barriers

- Attitude of the business and capacity to comply
- Lack of time and resources and focus on reactive work
- Preference of the inspector on approach and use of tools

Industry needs

- More proactive interaction with inspectors
- Change negative stigma of the regulator
- More advice on how to comply and best practice solutions

Conclusion: This study provides fresh insight into key principles supporting non-punitive regulatory interactions. The findings contribute to a better understanding of how the inspectorate can enhance regulatory interactions with the construction industry. More effective engagement, provision of solution-focused advice and guidance, and positive praise offer key pathways.

References: ¹ Preliminary results reported in: Edwards, J., Thorning, P., Williamson, A., Armstrong, K., & Davey, J (2016). An evidence based approach to improved regulation by positively influencing interactions between industry and the regulator. Draft report. Centre for Accident Research and Road Safety Queensland, Brisbane, Australia.