

University of Windsor

## Scholarship at UWindor

---

Electronic Theses and Dissertations

Theses, Dissertations, and Major Papers

---

1992

### A comparative review of the pluralist, rational choice and neo-institutional theories in Ontario's occupational health and safety policy.

Chris. McIntyre  
*University of Windsor*

Follow this and additional works at: <https://scholar.uwindsor.ca/etd>

---

#### Recommended Citation

McIntyre, Chris., "A comparative review of the pluralist, rational choice and neo-institutional theories in Ontario's occupational health and safety policy." (1992). *Electronic Theses and Dissertations*. 538.  
<https://scholar.uwindsor.ca/etd/538>

This online database contains the full-text of PhD dissertations and Masters' theses of University of Windsor students from 1954 forward. These documents are made available for personal study and research purposes only, in accordance with the Canadian Copyright Act and the Creative Commons license—CC BY-NC-ND (Attribution, Non-Commercial, No Derivative Works). Under this license, works must always be attributed to the copyright holder (original author), cannot be used for any commercial purposes, and may not be altered. Any other use would require the permission of the copyright holder. Students may inquire about withdrawing their dissertation and/or thesis from this database. For additional inquiries, please contact the repository administrator via email ([scholarship@uwindsor.ca](mailto:scholarship@uwindsor.ca)) or by telephone at 519-253-3000ext. 3208.



National Library  
of Canada

Acquisitions and  
Bibliographic Services Branch

395 Wellington Street  
Ottawa, Ontario  
K1A 0N4

Bibliothèque nationale  
du Canada

Direction des acquisitions et  
des services bibliographiques

395, rue Wellington  
Ottawa (Ontario)  
K1A 0N4

*Your file - Votre référence*

*Our file - Notre référence*

## NOTICE

The quality of this microform is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.

Reproduction in full or in part of this microform is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30, and subsequent amendments.

## AVIS

La qualité de cette microforme dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.

La reproduction, même partielle, de cette microforme est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. C-30, et ses amendements subséquents.

A Comparative Review of the Pluralist,  
Rational Choice and Neo-Institutional Theories  
in Ontario's Occupational Health and Safety Policy

by

Chris McIntyre

A Thesis

Submitted to the Faculty of Graduate Studies and Research  
Through the Department of Political Science  
in partial fulfilment  
of the Requirements for the degree of  
Master's of Arts  
at the University of Windsor

Windsor, Ontario, Canada  
1992

(c)1992 Chris McIntyre



National Library  
of Canada

Acquisitions and  
Bibliographic Services Branch

395 Wellington Street  
Ottawa, Ontario  
K1A 0N4

Bibliothèque nationale  
du Canada

Direction des acquisitions et  
des services bibliographiques

395, rue Wellington  
Ottawa (Ontario)  
K1A 0N4

*Your file - Votre référence*

*Our file - Notre référence*

**The author has granted an irrevocable non-exclusive licence allowing the National Library of Canada to reproduce, loan, distribute or sell copies of his/her thesis by any means and in any form or format, making this thesis available to interested persons.**

**L'auteur a accordé une licence irrévocable et non exclusive permettant à la Bibliothèque nationale du Canada de reproduire, prêter, distribuer ou vendre des copies de sa thèse de quelque manière et sous quelque forme que ce soit pour mettre des exemplaires de cette thèse à la disposition des personnes intéressées.**

**The author retains ownership of the copyright in his/her thesis. Neither the thesis nor substantial extracts from it may be printed or otherwise reproduced without his/her permission.**

**L'auteur conserve la propriété du droit d'auteur qui protège sa thèse. Ni la thèse ni des extraits substantiels de celle-ci ne doivent être imprimés ou autrement reproduits sans son autorisation.**

ISBN 0-315-78894-1

**Canada**

## ABSTRACT

The primary purpose of government is to develop and administer policy in an expansive array of issue areas. For many decades the state has generated an enormous volume of policy activity that has influenced virtually every segment of society. The nature of the state's extensive presence in private affairs is reflected by the current view that state inactivity in many specific policy areas is generally perceived as a significant policy change. The need to understand what causes certain types of policy activity, or inactivity, has been described in a variety of theoretical formulations. As most public policy is produced by legislative, judicial or bureaucratic actors a primary research issue revolves around the factors that will stimulate individual preferences in policy issues. Three prominent policy theories will be compared and ordered in their ability to explain the cause of policy change in Ontario's occupational health and safety policy between 1974 and 1979.

The number of potential theories is rather extensive but they have been grouped together according to their unique perspective of how policy is advanced, formed, implemented and evaluated. Causal policy phenomena are described as arising from three primary sources. The pluralist theory is associated with the society orientation, the rational choice theory represents the economic orientation and the recent neo-institutional theory derives from the state orientation.

In the case of Ontario's occupational health and safety policy it was changed by state policy actors as a means of reducing the state's fiscal vulnerability to real and potential rising costs of maintaining the policy status quo. The policy actors engaged in a rational process that isolated and recognized a small number of concepts that embodied the apparent policy costs shouldered by the state. Thus it appears that the state, the vehicle implemented by the political community to serve its collective needs, has transformed itself into a dominant self-serving actor that behaves according to the satisfaction of its own imperatives.

"There was only one catch and that was catch-22, which specified that a concern for one's own safety in the face of dangers that were real and immediate was the process of a rational mind. Orr was crazy and could be grounded. All he had to do was ask; and as soon as he did, he would no longer be crazy and would have to fly more missions. Orr would be crazy to fly more missions and sane if he didn't, but if he didn't want to he was sane and he had to".

-Joseph Heller, Catch-22

Printed on recycled paper

## TABLE OF CONTENTS

ABSTRACT . . . . .	iii
ABBREVIATIONS . . . . .	vii
INTRODUCTION . . . . .	1
THE NATURE OF THE THEORETICAL ISSUE . . . . .	1
NATURE OF THE POLICY ISSUE . . . . .	6
ORGANIZATION OF THE STUDY . . . . .	9
REVIEW OF THE LITERATURE . . . . .	16
PUBLIC POLICY ORIENTATIONS . . . . .	19
THE PUBLIC POLICY PROCESS . . . . .	23
THE PLURALIST THEORY . . . . .	27
POLICY COMMUNITIES . . . . .	31
THE RATIONAL CHOICE THEORY . . . . .	38
STATE THEORY . . . . .	45
THE NEO-INSTITUTIONAL THEORY . . . . .	54
THE RESEARCH DESIGN . . . . .	65
STUDY METHODOLOGY . . . . .	66
RESEARCH QUESTIONS . . . . .	69
THEORETICAL PROPOSITIONS . . . . .	71
VALIDITY AND RELIABILITY . . . . .	78
FINDINGS OF THE RESEARCH . . . . .	82
THE POLICY DEVELOPMENT PROCESS . . . . .	85
THE COMMON LAW PERIOD . . . . .	88
THE INTERNATIONAL DEMOCRATIZATION ERA . . . . .	92
THE INTERNATIONAL ENVIRONMENTAL ERA . . . . .	93
THE ONTARIO DEMOCRATIZATION ERA . . . . .	102
REFINEMENT OF THE DEMOCRATIZATION ERA POLICY . . . . .	104
THE ONTARIO ENVIRONMENTAL ERA . . . . .	108
DISCUSSION . . . . .	132
CONCLUSION . . . . .	159
APPENDICES. . . . .	167
BIBLIOGRPAHY . . . . .	177
VITA ACTORIS . . . . .	187



## ABBREVIATIONS

AFL-CIO	American Federation of Labor-Congress of Industrial Organisations
CLC	Canadian Labour Congress
CUPE	Canadian Union of Public Employees
LIB	Liberal Party
NDP	New Democratic Party
OFL	Ontario Federation of Labour
OSH Act	Occupational Safety and Health Act
OSHA	Occupational Safety and Health Administration
PC	Progressive Conservative Party
UAW	United Autoworkers
US	United States

## INTRODUCTION

Political science is an expansive discipline that seeks to find reason and order in the intricate, dynamic and passionate human activities that constitute the fabric of governance. The evolving relationship between the individual and the state and the subsequent impact on the concept of individual freedom is cloaked in conflict. It is a frustrating pursuit that denies participants and observers the luxury of achieving universal truths. This research effort will concentrate on examining and comparing three public policy theories in the context of a specific policy case. In particular, the pluralist, rational choice and neo-institutional formulations will be arranged according to their relative ability to explain why Ontario changed its occupational health and safety policy during the mid 1970s.

## THE NATURE OF THE THEORETICAL ISSUE

Although theoretical analysis is sometimes considered an intellectual ivory tower exercise unrelated to the "real" world, it offers a foundation of knowledge and understanding necessary to approach the public policy process. Therefore, a comprehensive review of public policy theory is an important and valuable task for both theoretical and practical reasons. A valid and rigorous theoretical explanation should serve as a map or atlas to the varied geography of the public policy process. Richard Simeon encouraged the pursuit of public

policy theory in the context of why a particular public policy proposal was adopted or not (Simeon 1976). Larry Wade described public policy analysis as an effort to describe and explain "the various patterns of indulgences and deprivations, of costs and benefits, that emerge among classes, groups and individuals in society" (Wade 1989:10). The ability to accurately chart the course and rationale of the public policy process will serve an influential role in guiding the activities of those actors and organizations who seek to affect public policy formation, outcomes, implementation and evaluation. Additionally, valid theories should provide explanations that account for the adoption of ineffective or socially unacceptable public policy outcomes.

On a practical level, valid theoretical formulations should contribute to the crafting of public policy that is better suited to accomplish the objectives it was designed to attain. Wade argued in addition to the theoretical motivation policy analysis should "develop recommendations as to what sorts of patterns are most desirable and how they might be best achieved" (Wade 1989:10). Unfortunately, greater understanding of the public policy process does not promise policy outcomes that satisfy a larger percentage of the community, resolve the specific needs of defined groups within the polity or resolve specific policy problems. Nonetheless, the study of public policy should not be constrained or restricted by the practical needs of crafting better public

policy.

It is important to approach public policy as a multi-dimensional process composed of two interrelated, and separate phases, described as policy development and policy implementation, which are composed of several distinct stages. Public policy scholars have not unanimously endorsed this type of conceptual disaggregation although the omission to do so will result in the generation of overly simplified, if not unsupportable, propositions about the theoretical nature of the policy process. Policy implementation and policy evaluation are the two stages of the policy process that have received a significant amount of scholarly attention in the public policy literature.

The policy formation stage encompasses an important though poorly understood dimension of the policy development phase which involves a determination to develop and implement a specific type of policy behaviour. In one way or another the critical dimension of policy involves the generation of state behaviour that departs from the status quo. In almost every instance this represents change. Of particular importance for public policy scholars are policy changes which involve significant substantive variation of a long standing policy. There has been virtual indifference in the literature to constructing theoretical explanations for the policy formation stage and particularly when the policy status quo is altered. A sizable portion of the policy literature

concentrates on specific policy instruments and the factors that contributed to the choice an instrument. Development of an understanding of the causal forces of policy change should provide more precise and accurate criteria by which to evaluate the effectiveness of a policy determination that is adopted.

Aside from the lack of theoretical attention focussed on policy change another factor encouraging a review of public policy theory stems from the relative small number of comparative efforts conducted in the public policy research that utilized models representative of the full theoretical spectrum. A review of the pluralist, rational choice and neo-institutional theories will identify either society, the state or the economic orientation as the primary source of the phenomena that explain one segment of the policy process. Based on the evidence reviewed in this comparison the economic orientation is the primary source of the factors that caused the change of Ontario's occupational health and safety policy.

By design this narrow scope of analysis will simply provide an indication of the most appropriate theoretical model that explains why policy was changed in a particular issue area at a certain time. Occupational health and safety policy in Ontario represents an excellent example of a longstanding policy which was substantially changed in 1979.

The dominant role of well organized, class based groups in the health and safety issue area leads to the initial

assumption that the policy is best explained by the pluralist theory. Yet there is disagreement in the policy literature! In the sparse amount of research dedicated to exploring the theoretical dimensions of Ontario's health and safety policy different stages have been explained by different theories. The development of regulations has been studied in the context of the state model (see Tucker 1984). The development of the Occupational Health and Safety Act has been described as a representation of the pluralist theory (see Walters 1983) and the creation of the Ham Commission has been observed as a reflection of the pluralist theory (see Doern 1978). Through the process of gaining an understanding of the change of Ontario's health and safety policy, this study will reveal that the rational choice model is the most effective theory in its ability to account for the policy change.

This study reviews a wide assortment of phenomena which represent the pluralist, rational choice and neo-institutional theories. This study demonstrates that policy actors changed the health and safety policy because of an intellectual process, derived from the economic orientation, revealed that the financial costs of maintaining the policy status quo grew beyond the level that the state was willing to sustain. Moreover, the state sought to improve workplace health and safety conditions in a large proportion of Ontario workplaces, adopted new standards and enforcement provisions, and promoted a cooperative employer-employee relationship, which would

result in fewer injuries and illness thereby reducing the costs of maintaining workplace safety policy. Such behaviour is entirely consistent with the fundamental tenet of the rational choice theory that actors seek to achieve their objectives while using the least amount of resources.

#### NATURE OF THE POLICY ISSUE

Occupational health and safety policy is highly representative of the conflicting interests and values that compete in society. Primarily the health and safety issue captures the ongoing challenge of accomodating the evolving concept of individual freedom. The Ontario health and safety policy formally changed in 1979 had existed for nearly one hundred years and the new policy has remained fluid and dynamic since 1979. The policy was subjected to a Royal Commission inquiry in 1982 (see Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos in Ontario, 1982). It formed part of the content of the formal accord between the Liberal Party and the New Democratic Party in 1985 which permitted the formation of a Liberal minority government for two years (see Grossman 1988). The administration of the policy was reviewed in 1987 after allegations of misconduct were directed at the implementation of the policy (see the "Report on the Administration of the Occupational Health and Safety Act, 1987"). The policy change enacted in 1979 spawned a progeney of policy activity which preserved and expanded the

underlying principles adopted in 1979.

The Occupational Health and Safety Act is a complex, comprehensive legislative tool which outlined the substantive and procedural aspects of health and policy. The legislation provided for the long term health of workers for the first time ever. The formal policy incorporated a number of principles including the right of workers to be informed of workplace hazards, the central role afforded to workplace safety committees and the right of workers to refuse to engage in dangerous work (see Brown 1982 for a detailed review of occupational health and safety legislation in Canada). The entire policy framework is constructed upon the concept of self-compliance and recognition of the principle that the prime focus of responsibility to control occupational risks rests with the employer, the supervisor in the workplace and the worker (McKenzie and Laskin 1987:6).

The internal responsibility system has been described as "keeping with our social and political values, and is likely to be more productive than regulation imposed by a third party" (McKenzie and Laskin 1987:6). However, the policy provided very little substantive policy guidance on the precise issue of how safe a workplace should be maintained. The occupational health and safety policy required that employers shall "take every precaution reasonable in the circumstances for the protection of a worker" (Occupational Health and Safety Act R.S.O 1980 c. 321, s.14(2)(g)). The



authority to issue regulations was reserved to the Cabinet without any guidelines or factors governing the relative prioritization of worker, employer or other interests. In contrast, the United States placed the "benefit of worker health above all other considerations save those making attainment of this benefit unachievable" (Tucker 1984:288 quoting from the majority opinion in American Textile Manufacturers Institute Inc. v. Donovan 452 U.S. 490 (1981), 509).

The value of reviewing Ontario's health and safety policy is enhanced by the negative evaluation of the of the effectiveness of the United States policy (see "The Impact of OSHA Inspection on Manufacturing Injury Rates" Smith 1978; "Government comes to the Workplace: An Assessment of OSHA" Nichols and Zeckhauser 1979; and "The Impact of Occupational Safety and Health Regulation" Viscusi 1979). In spite of the narrow, technical character of health and safety policy, the issue represents a critical ideological test case. In addition to the questionable effectiveness of workplace health and safety policy "workers perceive themselves as ambiguous winners from controls on occupational health hazards" (Tuohy and Trebilcock 1982:4.18).

There are two primary ideological issues associated with health and safety policy. The policy formally enacted in 1979 embodied the debate over the appropriate role of the state in an essentially free market economy. Primarily the issue has

been discussed in the literature within the context of the pluralist, state and rational choice theories.

Although the actual extent of the state's penetration into the activities of business has been restrained, workplace health and safety policy nonetheless permits a vast state intrusion into private property and private contractual realations. The dominant rise of the neo-conservative philosophy in most industrialized countries' governments has effectively stymied and clawed back the growth of state regulatory intervention in the market system as approximately seventy countries have launched massive privatization programs (Globe and Mail editorial December 24, 1991). The maintenance of Ontario's health and safety policy remains a critical measurement of the perceived range of tolerable state intervention in the market system.

#### ORGANIZATION OF THE STUDY

The literature review is the first chapter of this study. It explores current public policy literature that examines the policy process and the various contemporary theoretical formulations. Within this chapter there are seven sub-units which concentrate on a particular aspect of the policy literature. The structure of this analysis is guided by several basic questions. First, what policy was changed and to what extent was the policy changed? Second, how was the policy changed and which actors enacted the change? Finally,

why did the actors change the policy?

The first section discusses the state and society as policy orientations which describe the approximate source of influence for the various theories that fall under either of the orientations. For the most part policy scholars have attributed policy outcomes to either societal based or state based factors. The pluralist theory is included in the societal orientation. The rational choice theory is drawn from the economic orientation while the neo-institutional theory represents the state orientation. The seemingly competitive nature of this comparative study is not designed to question the basic legitimacy of any of the theories. Each one represents a valid attempt to explain public policy.

The second part of this chapter examines the various definitions of public policy which are present in the literature. In varying degrees, most writers define public policy as some form of action, or inaction, undertaken by government. The policy process is far too complex to be treated as a unified body and some researchers have segregated the process according to policy development and policy implementation. The specific phenomenon of policy change has not been extensively studied in the literature but it falls into the policy development stage. Policy change is a significant event that requires greater research in order to understand the factors that promote or constrain policy

innovation.

The third section sets out the definition of the pluralist and Marxist theories. In both instances the primary unit of study are organized groups and the conflict amongst groups which seek to promote their own specific interests and objectives. Policy is influenced by organized group activity to the extent that the groups are capable of imposing their priorities on policy actors through communications or electoral activity. Group based theoretical explanations have sustained criticism because they fail to account for the definition and articulation of policy objectives for unorganized segments of society.

The fourth component of this chapter explains the rational choice theory. Although this model is a recent contribution to public policy theory it has gained a wide level of acceptance because of its relatively simple premise. Rational choice theorists assert that policy is caused by an intellectual process used by policy actors that involves the identification and determination of the costs, benefits and available resources associated with a particular issue. Actors will seek to achieve their policy objectives through the least expenditure of resources. The rational choice theory has led to the development of a number of refinements, such as the principal-agent concept and the public choice model, which permits it to be used in a variety of circumstances. An important element of the rational choice theory rests on the

method by which costs are calculated. In as much this process is left largely to the determination of individual actors it allows for the implementation of arbitrary limits on the actual valuation of alternative costs and benefits and the development of language that represents previously ignored benefits.

The fifth section defines and examines the state theory. This model promotes the view that the state is capable of engaging in the policy process as would individuals or organized groups. Theorists who promote this model are challenged by the difficulty of defining the state. The state achieves its greatest role in the policy process during periods of economic crisis or war. This particular theory is experiencing growing pains as it becomes more sophisticated and responsive to the complex nature of the policy process. Some researchers have treated the state as a disaggregated structure comprised of several bodies that constitute the state.

The sixth section explores the neo-institutional theory which is essentially a revised version of the traditional institutional approach to political science. Within the framework of this theory the primary unit of analysis are institutions such as rules, regulations and appropriate roles of behaviour. Institutions are believed to influence policy because they represent the compelling values or standards which influence the preferences of policy actors.

The critical dimension of an institutional based theory relies on the ability of the institutions, in whatever shape they might take, to compel behavioural compliance with enshrined values or standards. Perhaps the greatest contribution of this theory is that it refutes the pluralist and rational choice suppositions that institutions are simply a reflection of choices made by actors and exert little influence on their own.

The final portion of this chapter reviews policy communities. This tool is based on the notion that different types of policy issues will involve different actors and different resulting patterns of policy activity. In their current form policy communities are a refinement of the pluralist model. However, this need not be their sole function. For the purposes of this study policy communities will be used to highlight the primary participants in the health and safety issue. The distinctiveness of certain policy issues can only be determined in a comparative exercise. As well, the findings of this study will be limited to the phenomena stemming from the occupational health and safety policy community.

The second chapter contains the research design for this study. The structure of this analysis follows the model developed by Robert Yin in Case Study Research: Design and Methods. Three questions are posed which ask for an approximate quantification of the phenomena associated with

each theory that existed during the period of policy change. Additionally, each question asks whether policy actors responded to the presence of the various phenomena by changing the policy. Key terms and concepts used in this analysis are defined. Health and safety policy is used as the dependent variable while the three theories serve as the independent variables. Since the underlying purpose of this study is to determine the cause of policy change it is necessary to focus on legislative policy actors, as a the unit of analysis, which were responsible for enacting the policy change.

The third chapter includes the data necessary to conduct a comparative analysis. The entire health and safety legacy is presented according to the parameters of a three stage historical model. The data presented in this chapter represent various factors associated with one of the three theoretical models. To ensure an accurate analysis multiple data are used for each theory. The data for Ontario policy developments are presented separately from the data for international developments in health and safety policy.

A discussion of the findings is contained in chapter four. Each particular unit of data is reviewed and judged whether it exerted a positive causal relationship on the change of policy. Next, the individual conclusions for each phenomenon are evaluated to determine the effectiveness of each theory to account for the policy change. Finally the conclusions for each theory are compared and ordered to

determine which theory best explains why the workplace health and safety policy was changed.



## REVIEW OF THE LITERATURE

This study will examine and compare the society, state and economic orientations and the principal theoretical formulations that are associated with each orientation. The principal purpose of this review is to offer a comparative examination of the principal scholarly explanations for the public policy process and order them in the context of how well each theory describes and explains why occupational health and safety policy was changed. To varying degrees all of the theories discussed herein are valid and legitimate. Nonetheless, all of the theories do not equally nor effectively explain the entire range of the public policy process. However, when the various theories are viewed compatibly they appear as a slow-merging body, which offers the best opportunity to explain the public policy process. The contrasting features amongst the various perspectives are not irreconcilable and Stephen Brooks cautioned that "it would be a mistake, however, to see these perspectives as mutually exclusive" (Brooks 1989:59).

The mutuality of the various theories appears to stem from their separate establishment and evolution. Theoretical development has occurred in a historically responsive manner. Each orientation and paradigm has developed as a response to existing theories and built upon the perceived shortcomings of those earlier formulations. In public policy studies this intellectual evolutionary process has produced a variety of

contrasting theories that emphasize or identify actors, phenomena or factors that earlier models ignored or minimized. In order to facilitate analytic comparisons between contrasting theories, standard features identified in the literature should be highlighted. An important common feature shared by the principal theories is their tendency to accept certain fundamental characteristics of the political community as existing in a state of nature (Shepsle 1989). This perspective requires theorists to make assumptions about fundamental elements in the structure of political systems. Although these assumptions simplify policy research they cast a shadow over the validity of the public policy literature because significant political properties are accepted as givens, rather than the result of specific political phenomenon which should be attributable to a specific theory.

The policy research literature was studied in relation to the ultimate objective of this study, which is to determine which theory most effectively addresses two critical theoretical queries. The first issue is a descriptive inquiry; What type of political phenomena existed prior to or concurrent to the policy change in occupational health and safety? The second question is prescriptive; what conditions or phenomena directly caused policy actors to change the policy status quo in occupational health and safety? The precise political issues examined in this study embody the preference formation of policy actors and subsequent policy

change.

Since the mid 1970s public policy studies have narrowed and specialized their focus on the separate and distinct stages of the public policy process. A logical and perhaps obvious juncture to commence this review is with a definition of the public policy process and public policy and its elements.

Second, the current popular approaches to public policy will be surveyed. In order to effectively present the current state of policy knowledge the most recent literature will be reviewed first, moving next to earlier pioneering research. The specific theories and writings discussed herein were initially culled from recently published general survey sources. The most widely used theories include the pluralist/Marxist model, the rational choice theory and the statist theory (Simeon 1976; Wilson 1980; Doern and Aucoin 1979; Pal 1988; and Brooks 1989). The pluralist and Marxist models will be merged together under the pluralist label.

Third, the emerging neo-institutional model will be reviewed. Although this concept is not fully developed as an actual theory, it is based upon one of the oldest approaches to political science. Further, it has received considerable attention in the recent literature that merits examination in this review.

Fourth, in order to limit the potential scope of the causal relationship between policy change and the various

phenomena in a practical and legitimate manner, the concept of policy communities and policy networks will be examined. Recently, scholarly attention has been directed to the non-formal organizations and structures, which define the breadth of an issue and the direct participation of interested actors. A policy community is a small elite level group that collects and exchanges information related to a specific policy issue. The policy community is the primary source of the actors who explore and define the phenomena associated with an issue. Most of the research has classified policy communities as a refinement of the pluralist theory, but the concept can be used independent of the pluralist model.

#### PUBLIC POLICY ORIENTATIONS

Since the advent of activist interventionist government, during the Depression in the 1930s, academics, participants and interested parties have exerted considerable effort to the study of why particular public policies are developed and implemented (Lowi 1967). There is little doubt that the various instrumentalities of the modern state proffer an inestimably profound impact on virtually every aspect of human interests and activities (Ceaser 1982; Skogstad and Coleman 1990). It is just as true that the state was largely absent from most of the issue areas prior to the 1930s. The stark variation in the level of state intervention during the past one hundred years vividly demonstrates that certain factors

caused the change in state activity. The state does not operate in a vacuum and it would be simplistic, deceptive and incorrect to describe it as the foremost causal agent for policy activity. The state simply performs the requisite mechanical acts that constitute policy.

Public policy originates from state implements, but a large number of other actors, structures and processes influence the policy process. This gives rise to public policy analysis and research, which is one of the most imprecise and frustrating academic pursuits. One of the most enigmatic questions confronting public policy theorists is; what is the principal factor or phenomena causing certain types of policy activity?

Two dominant theoretical orientations have developed to identify the causal agents and actors in this area. The first attributes public policy to societal factors, such as elections or organized group activity. The second and more recent orientation looks to the state as the dominant source of influence on the public policy process. These policy orientations ignored the rise of information and the intellectual activity to develop knowledge as a source of policy influence. Therefore an intellectual process, based on economic reasoning, represents the third orientation.

Beyond describing the obvious scope of state activity, it is extremely difficult to empirically assess the impact of society, the state and economic forces on the policy process

and policy change. The immense complexity and variety of state and societal behaviour seems to have defied any type of reasonably valid, rigorous and thorough explanation for public policy outcomes (Lowi 1967). In fact, the difficulty of establishing a valid theoretical explanation for the policy process is compounded by the absence of any type of consensus about the appropriate roles and relationships between the state and society in a liberal democratic society. A discussion of the state and society is thoroughly shrouded by normative considerations, which substantially shape the perspective of participants and interested parties in their approach to the policy process. Additionally, normative factors contribute to the determination of which issues merit research funding and scholarly analysis.

Within the parameters of each theoretical orientation, there is generally at least one specific theory that effectively represents the factors associated with that orientation, although there could be more than one theory that emphasize different factors deriving from that orientation. The policy orientations are macro-level that summarize the origin of policy causal phenomenon. Several different competing paradigms have been advanced to explain the policy process.

To some extent the variety of different orientations reflects the diverse and complicated relationships amongst the various institutions and actors in the political, legal, academic, and economic realms of the community. The various

predominant paradigms reflect fundamental principles, which deal as much with how one wants the world to appear as with the functional reality that exists. There appears to be a relationship between the public policy outcomes and the choice of theory or analytical instrument in that certain theories are capable of promoting certain desired outcomes or more often the status quo (National Law Journal 1991; Ross 1991). The potentially expansive impact of theoretical analysis compels an intimate appreciation for the intent, focus and methodology of theoretical models. A rigorous examination of the principal theories will expose both the practical validity of the approach, as well as the normative characteristics they implicitly promote. Reduced to their most basic components, the different theories, or elements of those theories, should prove to be adaptable to explaining at least some aspects of the policy process. The normative features of the various theories seems to promote a single-minded, exclusive affection, among some scholars, for a particular approach even though, "...there is a strong implication that at some point in the evolution of a discipline, a synthesis must occur among the competing approaches" (Portney 1986:3). The development of comparative theory is best accomplished by reducing the policy process to its basic parts and identifying the causes of activity within each segment.

## THE PUBLIC POLICY PROCESS

The decision to concentrate on public policy, as the principal nexus of research, assumes that governance is a process primarily dedicated to the production of substantive products in the shape of outcomes or outputs. However, given the considerable importance afforded the symbolic aspects of political participation by the membership of the polity, this emphasis may be problematic, yet it remains a legitimate proposition that the purpose of governance is intended to produce tangible policy outcomes or outputs (Easton 1953; Dye 1966; Lowi 1972; Wade 1989). The importance of policy was recognized by Lowi who asserted one must approach politics with the "assumption that policies determine politics" (Lowi 1972:299). Public policy is a broad term that specifically refers to the decisions or non-decisions of government or a collateral organization of the state. David Easton described policy in the context of behaviour which is important to the survival of a political system (Easton 1953). Pal explained public policy as a "course of action chosen by public authorities to address a given problem or interrelated set of problems" (Pal 1988:5). More expansive conceptions of public policy have been advocated which include;

the broad framework of ideas and values within which decisions are taken and action or inaction is pursued by governments in relation to some issue or problem. (Brooks 1989:16)

Peter Aucoin offered a much broader definition of public policy which



encompasses the actual activities undertaken by a government whether or not a government's objectives and strategies are explicit, or are congruent with its activities. (Aucoin 1979:2)

Aucoin also defined public policy to include the maintenance of the status quo through a determined choice not to act (Aucoin 1979). Policy manifests itself in two principal forms.

Easton differentiated between policy outputs and outcomes. An output refers to policy decisions and their intended effects, whereas outcomes include unplanned, less important consequences of policy outputs (Easton 1953). On the other hand Dye dispensed with the distinction between the terms by defining policy outcomes as the "value commitments of the political system which are the chief output of that system" (Dye 1966:4). Simeon believed the distinction between output and outcome was "impossible to maintain" and preferred the term outcome (Simeon 1976:557). Policy outcomes are the final product of the earlier policy stages. The resolution of a problem affecting the public is the critical determinant that distinguishes public policy from other types of private policy (Portney 1986). Private policy adopted by corporate bodies or non-government organizations can significantly affect the course of the public policy process resulting in the erosion of the chasm segregating public and private policy (Wilson 1980). But even as these differences diminish the literature shows a well developed trend to breakdown the public policy process.

To some degree the term public policy fails to accurately describe the complicated and multi-faceted nature of the public policy process. In the mid 1970s some of the public policy literature began to dissect the policy process, instead of treating it as unified monolithic process (MacRae 1975; Van Meter and Van Horn 1974; Gray 1983; Robertson 1984; Pal 1987). This theoretical disaggregation is worthwhile because it permits greater understanding of the distinct and specialized functions that collectively constitute the public policy process. This literature described public policy as a process involving two separate, though closely related phases comprised of a number of constituent elements described as stages. Each stage represents a valid independent scholarly pursuit, with a growing body of literature dedicated to each area. The first phase, policy development, includes the problem formation, policy formation and policy adoption stages. The second phase, policy implementation, includes the policy implementation and policy evaluation stages (Gray 1983; Portney 1986).

Policy development refers to the appearance of a problem in a certain issue area. The source of the problem largely depends upon which particular theory is applied to a given set of circumstances. It is during this stage that the dimensions of the problem are defined. Subsequent policy responses are developed according to the parameters of the definition of the problem at the outset of the process (Portney 1986). Policy

formation is one of the most visible aspects of the policy process as it encompasses the creation and deliberation of alternative policy proposals. It is at this stage that various competing interests clash over the determination of the substantive content of the desired policy. Accordingly, at this juncture policy can be characterized as maintaining the status quo or changing it. The policy adoption stage describes the formal acceptance and application of a substantive policy outcome by the legislature or the appropriate judicial body (Gray 1983; Portney 1986). Policy implementation involves much more than the mere application of a policy instrument. In a chronological analysis, implementation "...takes place only after legislation has been passed and funds are committed or after a judicial ruling and accompanying decree" (Van Meter and Van Horn 1975:448). The implementation stage represents an opportunity for policy outcomes to be shaped in an easily observable manner as it

is seen as a continuation of the political game played out in the formation of policy, albeit in another arena and also to some extent involving different actors. (Winter 1989:24)

Palumbo and Calista studied the significance and impact of the implementation process and found "...that policy outcomes were not only shaped by the implementation process itself, but, in some instances, were actually determined by it" (Palumbo and Calista 1990:9).

Breaking down the public policy process into its constituent elements facilitates the testing and examination

of the alternative theories in that the specific causal properties can be isolated and identified in a precise fashion.

#### THE PLURALIST THEORY

One of the oldest and most appealing theories to explain the policy process concentrates on organized groups as the principal unit of analysis. The principal form of interaction among groups involves conflict and conflict resolution. Pluralism is a society oriented approach (Pal 1988). David Truman is credited with developing the contemporary version of the pluralist model in The Governmental Process: Political Interests and Public Opinion. He promoted interest groups as an integral element in the political process. He defined interest groups as "any group that, on the basis of one or more shared attitudes makes certain claims upon other groups in society..." (Truman 1951:33). Interest groups influence individual preferences with varying shades of effectiveness depending on "the degree to which habitual patterns of interaction persist" (Truman 1951:43). The pluralist model envisions the polity as being divided into a number of constituent groups, which may or may not compete against each other to promote a particular policy issue, instrument or modification of a particular public policy. Organized political groups have been viewed as "...pervasive and necessary links in the process of communication that bind

government and people." (Pross 1975:1) As such, individuals in society can be divided and categorized according to their membership in groups that are generally predicated upon factors such as religion, age, gender, occupation, sexual orientation, ideology, and ethnic background to name a few. It is a theory that neatly coincides with the emphasis and priority placed on the exercise of democratic rights. It embodies the character of the political process in the United States and to a lesser extent Canada. Doern classified the creation of the Ham Commission in Ontario as part of an elaborate regulatory issue that centred on the extensive relationship between representatives of the various affected health and safety groups (Doern 1977). Tucker attributed the development of the initial version of Ontario's workplace safety policy to factors deriving from pluralist model (Tucker 1984).

The pluralist theory is normatively tainted as it represents a cherished "ideal emphasizing liberal democracy, individual liberties, equality, toleration and so on..." (Wilson 1980:52). During the early 1960s, which witnessed the entrenchment of behaviouralism in political science research, pluralism suffered considerable criticism. It was revised by some theorists who argued that the distribution of power within particular groups enhanced the position of social elites who possessed the resources to significantly direct and control the activities of an organized group. Concern about

the elitist tendencies of society and interest groups prompted C. Wright Mills to disparage the notion of pluralism in the United States where:

men are free to make history, but that some men are indeed much freer than others...and if men do not make history, they tend increasingly to become the utensils of history-makers as well as the mere objects of history. (quoted in Woll, ed. 1972:5)

Analytic recognition of the formation and activity of groups failed to adequately address the disparities that exist among different groups or in some cases the absence of representative groups resulting in "...a competition of business groups, other groups rendered ineffective" (Lowi 1967:96). Pluralism has declined, as a rigorous theoretical explanation, because it did not

generate related propositions that can be tested by research and experience and the findings of studies based upon any one of them are not cumulative. (Lowi 1967:25)

Lowi argued that pluralist policymaking tends to "cut out all that part of the mass that is not specifically organized around values strongly salient to the goals of the program" (Lowi 1967:17). In fact, Charles Lindblom, considered a principal advocate of pluralism, believed that pluralism failed to establish itself as a central characteristic of the political system because:

the central tendencies in politics, a dominant ideology, and interests in protecting the status quo overwhelm the touted diversity. (Lindblom 1968:319)

Skocpol criticized the pluralist theory for failing to explain

"how economic and political institutions variously influence group formation and intergroup conflicts" (Skocpol 1980:15). In Canada organized group activity within the policy process has been modified by the concept of elite accommodation (Presthus 1973; Pross 1975). Full acceptance of the pluralist theory has been retarded by the parliamentary form of government where intra-party competition and issue generation are less important because pluralism

places a premium on access, and access need not be a function of publicity. Depending on the strength of the source of a demand, inputs may be channelled through a broad range of communications facilities or through very few...The Canadian system, then, tends to favour elite groups, making functional accommodative, consensus techniques of politics. (Pross 1975:14)

In the context of occupational health and safety policy in the United States and Sweden, Steven Kelman found that pluralist influences were minimized:

in an environment where an agency hears from more than one organized interest group, the values of agency officials appear to be more important in determining the content of decisions than interest-group pressures. (Kelman 1980:255)

Another society oriented theory, which preceded pluralism, is the Marxist model. This theory views public policy, indeed politics as a whole, as a consequence of the competition between groups of people according to their economic class (Poulantzas 1975; Block 1987). Due to an inequality between the classes, which favours the capitalist class or wealthy, the lower classes, particularly workers, will be disadvantaged by the political process. In

her study of the development of the Occupational Health and Safety Act, Walters argued that this introduction of the legislative policy resulted from the conflict between the capitalist and working class (Walters 1983).

In a similar type of analysis Pal grouped together the pluralist and Marxist theories under the pluralist banner. This amalgamation appears appropriate in comparative research efforts because both theories identify organized group activity as the primary causal factor. In accord with Pal in his study of unemployment insurance the pluralist and Marxist theories will be grouped together as a common theoretical approach (Pal 1988). This does not deny the existence of the substantial differences between the two. The pluralist model suggests an element of voluntary assumption of membership in an organized group that represents the person, whereas Marxist theory describes a situation where individuals are members of an economic class as a consequence of factors that are largely beyond their individual control. In both theories the unit of analysis is substantively the same, thereby permitting a merger of the two perspectives (Pal 1988). However, dissatisfaction with the results of group based policy theories prompted the development of theoretical tools which concentrated on the links between organized groups.

#### POLICY COMMUNITIES

Different types of policy areas and the relationships



that form among the actors affected by a particular policy issue constitute an increasingly important feature in the public policy literature (Coleman and Skogstad 1990; Kingdon 1984; Jordan and Richardson 1983; Atkinson and Coleman 1989). Two prominent issues are identified in the policy communities literature. The first issue concerns the composition of a policy community. In other words, which actors belong and which do not. The second issue involves the type and impact of the relationships that exist among the group actors within a defined issue area on the policy process.

Policy communities are issue oriented conceptual structures. They are considered to be the avant garde theoretical tool in political science. Although the term "policy community" is recent, the concept of a policy issue classification system is firmly entrenched in a longstanding body of related research literature. In the traditional sense a policy community represents a variation of the pluralist theory. In an effort to examine the relationship between the state and economic interests, Banting described the "links that develop between private and public decision makers" as constraints on the scope for reform in the relationships between the state and economic interests (Banting 1986:2). Wilson classified the dominant categories of policy analysis according to the policy process which was considered to be a dependent variable. The other category focussed on policy content which was designated as an independent variable

(Wilson 1981). Different types of policy and policy areas are marked by unique characteristics that influence policy-making in that particular area.

Lowi forged one of the original public policy classification systems based on the nature of the policy instruments. Wilson believed this typology transformed the study of politics in that by examining policy content first:

one is making a basic assumption that policy can and does affect politics; that is, policy can be construed as an independent variable. (Wilson 1981:173)

Lowi categorized policies according to whether they were regulative, redistributive, distributive or constituent. His four public policy categories were structured on the probability that the state would use coercion to achieve a policy objective (Lowi 1972). Lowi's typology is useful and provocative but it is burdened with a defect that similarly affects subsequent efforts to develop an analytic system that use policy as the independent variable. It is difficult to ascribe many policies to any particular category due to their fluid and overlapping character thus resulting in conflicting descriptions of the same policy. Moreover, Lowi's system does not offer much insight as to why certain policies are developed and implemented or which policies are likely to be adopted in the future. The shortcomings of Lowi's system prompted the development of alternative systems which examined policy according to the eclectic groupings of actors who gravitate around specific issues and the resulting relational

structures that developed between those actors.

Kingdon established a restrictive concept of the actors within a policy community. In this view he limited a policy community to "specialists in a given policy area...who are scattered both through and outside of government" (Kingdon 1984:123). He believed that the members of a policy community shared two features; they were concerned with one specific well-defined area of policy problems; second, they shared their interactions with each other (Kingdon 1984). The concept of policy communities appears to be emerging as an important analytical tool in Canada. Coleman in particular developed an affection for the usefulness of approaching policy studies according to a definition of the relevant actors fixated on a particular policy. In their effort, Coleman and Atkinson defined the range of policy study by use of industrial sectors (Coleman and Atkinson 1990; see Vogel 1990). In a comprehensive effort dedicated to the study of various Canadian policy issues Coleman and Skogstad expanded the definition of policy communities beyond the narrow range of issue specialists to include:

all actors or potential actors with a direct or indirect interest in a policy area or function who share a common policy focus and who, with varying degrees of influence shape policy outcomes over the long run. (Coleman and Skogstad 1990:15)

There is agreement in the literature concerning the variation in the cohesiveness of policy communities, although the variations are explained differently. In his early effort

Kingdon introduced the concept of fragmentation to describe the level of cohesiveness, which refers to the proximity of the actors to one another. Kingdon argued that policy community fragmentation results in issue fragmentation and instability (Kingdon 1984:16). On the other hand, little or no fragmentation leads to integration and the adoption of common policy outlooks, orientations and ways of thinking (Kingdon 1984:17).

Coleman and Skogstad's depiction of policy communities incorporated many more actors than Kingdon's version, thereby requiring a more elaborate explanation of the variation that occurs in policy communities. They urged the use of the concepts of sub-governments and an attentive public. A sub-government envisions a small group of participants who are autonomous actors (Heclo 1978). A sub-government is composed of "government agencies, interest associations and other societal organizations such as business firms" (Coleman and Skogstad 1990:18). The attentive public is less structured than a sub-government and it is comprised of interested media and experts who attempt to influence specific policy matters, but do not participate as formal actors in the policy process (Coleman and Skogstad 1990:19).

The nature, extent and quality of the relationships between the actors in a policy community are embodied in a policy network. This builds on the concept of iron triangles which were "informal but enduring series of iron triangles

linking executive bureaus, congressional committees, and interest group clienteles with an interest in particular programs" (Heclo 1978:46).

A policy network "describes the properties that characterize the relationships among the particular set of actors that forms around an issue of importance to the policy community." (Coleman and Skogstad 1990:23) There is disagreement among the authors who utilized this concept. Some defined the relationships among the actors according to the level of state autonomy and coordinating capacity (Coleman and Skogstad 1990 and Skocpol 1985).

Alternatively, another avenue of research looks at the level of integration of a policy network (Wilks and Wright 1987). Both of these approaches are valuable for their insights into the structure of society-state relations, but the policy communities concept suffers from a form of circular logic. An elaboration of the former approach results in three patterns; pluralism, closed networks or state directed networks (Coleman and Skogstad 1990). In each case the resulting patterns reflect traditional pluralist explanations of policy. Nevertheless, Coleman and Skogstad rejected

the societal-centred argument that public policy is a function of the preferences and influence of social forces or interest groups, and that state officials or institutions have little autonomy to shape public policy in their own vision. Equally, we do not accept that characteristics of the state alone-its institutional structures and/or the capacities and goals of political officials within it- can explain policy outcomes. (Coleman and Skogstad 1990:314)

Policy communities have been adopted by several state agencies as a formal policy instrument. It is been incorporated into legislation as a procedural requirement. The process has been described as a regulatory negotiation group or committee which develops technical regulations in complicated issue areas such as pollution discharge standards. In the United States the Environmental Protection Agency has used the "reg neg" system eight times since 1982 (National Law Journal 1991b). The United States' regulation negotiation process involves formal consultation and help from "outsiders who share a stake in the law" (National Law Journal 1991b:30). In a limited manner the Ontario government implemented a variation of the regulation negotiation process in the Occupational Health and Safety Act in the form of an Advisory Council which has the power

to make recommendations to the Minister relating to programs of the Ministry in occupational health and safety and to advise the Minister on matters relating to occupational health and safety which may be brought to its attention or be referred to it. (R.S.O. 1980 c. 321 s. 7)

Tuohy and Trebilcock encouraged the Ontario government to delegate workplace health and safety to an "issue-specific body the tasks of generating relevant information, mobilizing institutional authority, negotiating with affected interests" (Tuohy and Trebilcock 1982:4.32).

The latent dissatisfaction over the effectiveness of the societal and state orientations gave rise to theories which were derived from other sources such as the rational process individuals use to guide their activities.

## THE RATIONAL CHOICE THEORY

The intellectual and behavioral revolution that swept political science in the post World War II era encouraged the development of theoretical approaches that provided a rigorous scientific body of knowledge. Economic analysis has achieved considerable dominance in political research. The economic orientation does not represent a unified theory but rather:

a large family of diverse theories related by shared analytical foundations, chief among them; a focus on the individual as the unit of analysis; the assumption of rational, utility-maximizing behavior; a concern for efficiency, optimality, and equilibrium; and a preference for mathematical modelling over other approaches to theory construction (Moe 1984:741).

The economic approach is concerned with the use of resources to promote or constrain certain types of behaviour (Moe 1984; Williamson 1985). An important model deriving from the economic orientation, which has become very prevalent in public policy and other disciplines, is the rational choice theory. It emphasizes the logical, efficient decisions of individuals when they act.

Ontario's occupational health and safety policy has been subjected to rational choice analysis within the context of research that ascribed the policy to the pluralist and state theories (Walters 1983; Tucker 1984). Walters' article is interesting because of her conclusion that the principal factor causing the adoption of the Occupational Health and Safety Act was a rational response by the state and the capitalist class to the advent of rising health care costs

(Walters 1983).

The rational choice theory is intuitively attractive and has firmly entrenched itself as an accepted theoretical explanation for a wide variety of conditions. It shares some characteristics with the pluralist model and it has been described as a revised version of the pluralist model (Brooks 1989). According to the rational choice perspective the actor seeks to satisfy its self-interests exclusively. The actor is considered rational because it attempts to minimize the costs of attaining a benefit. The critical concepts of the rational choice model were developed by Anthony Downs in An Economic Theory of Democracy. Downs introduced the representative actor homo economicus to political studies. Homo economicus refers to an individual

who moves toward his goals in a way which, to the best of his knowledge, uses the least possible input of scarce resources. (Downs 1957:5)

Shortly after Downs' effort, James Buchanan and Gordon Tullock further advanced the application of the rational choice model to political matters in The Calculus of Consent: Logical Foundations of Constitutional Democracy. Buchanan and Tullock sought to explain the behaviour of individuals in group decision making. Paralleling Downs' theory, they argued that individual choice, described as "methodological individualism", can be predicted making an assumption that when



reduced to its barest essentials, the economic assumption is simply that the representative or the average individual, when confronted with real choice in exchange will choose more rather than less. (Buchanan and Tullock 1962:18)

An important factor that promotes the use of the rational choice perspective is its ability to explain and bridge micro-level and macro-level behaviour (Atkinson and Nigol 1989). In the context of the public policy process Buchanan and Tullock accommodate the presence of collective behaviour or institutions in the form of the state by explaining it "as the action of individuals when they choose to accomplish purposes collectively rather than individually..." (Buchanan and Tullock 1962:13). However, Buchanan and Tullock did not envision a world of uncontrolled, unaccountable actors who consistently pursue their own self-interest at the expense of others. Individuals are subject to the restraining force of "...ethical or moral principles whenever social institutions and mores dictate some departure from the pursuit of private interests" (Buchanan and Tullock 1962: 27). The concept of self-interest should not be automatically equated with selfishness as "...the welfare of other people may be part of one's satisfactions" (Posner 1981:52). Even in the absence of a guiding morality Aucoin believed that self-interested individual behaviour could be harnessed through the introduction of incentives (Aucoin 1979). Thus, social order is preserved and the attainment of collective goals is possible.

The principal-agent model represents another relationship that is used to maintain order. Simply stated, the principal-agent model holds that a principal will procure the services of another party, known as an agent, in order to advance his interests, through the mechanism of a contract (Moe 1988). Moe has argued that the ability of the principal to obtain his or her objectives, and subliminate the objectives of the agent, was directly related to and dependent on the "incentive structure imposed in the contract." (Moe 1988:756)

The incentive principles can be applied to a variety of situations, such as business firms and bureaucracies, that involve the conjunctive pursuit of goals. The premise of the principal-agent model provides an organizational manifestation of the incentive structure discussed in the rational choice model.

Part of the allure of the rational choice theory rests on its effective adaptability. In addition to policy studies it has been applied in a number of different pursuits including history, law, management studies and communications. In particular, election studies and the bureaucracy have proven to be the most fertile ground for the exploitation of the rational choice methodology. Posner believed that economic analysis has exerted profound influence on the legal process. He argued that certain areas of law, such as criminal law, torts, contracts and a variety of specific legal doctrines follow economic principles (Posner 1981). However,

some of the literature (Niskanen 1971; Aucoin 1979; Pal 1988; Brooks, 1989) has shown the concepts of the rational choice theory manifested in the behaviour of bureaucrats who seek to "expand their organizational scope, to increase their budgets and to monopolize information..." (Aucoin 1979:9). This variation is known as the public choice model. Niskanen argued that this process, known as maximand, was the consequence of rational bureaucrats who sought to increase their "salary, perquisites of the office, public reputation, power, patronage, output of the bureau..." (Niskanen 1971:38). Pal has described the rational choice model as inexorably connected to the bureaucracy and the "internal dynamics of the state and in particular on the conflicts among bureaucrats over income, prestige and organizational integrity" (Pal 1988:10). Brooks has argued that bureaucrats seek "promotion and/or more control over their environment within which their organization is situated" (Brooks 1989:51).

Some researchers have rejected the exclusive emphasis on self-interest, which is only a partial explanation for individual action. The rational choice theory fails to address alternative motivations such as organizational attachments (Wilson 1979). Atkinson and Nigol expressed reluctance to fully accept the primacy of rational choice in public policy making. In the article "Selecting Policy Instruments" they discussed some problems associated with rational choice. Their first criticism of the rational choice

model focused on its portrayal of policy as a consequence of politicians and bureaucrats which is "a rather acute abstraction of the policy process" because "they are not the only critical actors." Moreover, politicians and bureaucrats are not as representative of society as rational choice theorists believe (Atkinson and Nigol 1989:112).

There is virtual uniform agreement in the rational choice literature concerning the construct and role of institutions. In accordance with this agreement a brief statement will suffice to explain the rational choice perspective. In the rational choice model the state is viewed as the source c. the rules of the game but little else. The minimalist role afforded to the state by the rational choice theorists is demonstrated by Buchanan and Tullock who described the state as "...something that is constructed by men, an artifact. Therefore, it is by its nature, subject to change, even perfectible" (Buchanan and Tullock 1962:13).

The notion of transaction costs was developed to describe the circumstances that promote change. Political institutions are seen as a reflection of the individual choice of political actors. Accordingly, individuals will choose to modify existing rules or arrangements when the costs of doing so are less than the predictable reward for attempting such behaviour (Atkinson and Nigol 1989; Coleman and Skogstad 1989; Pal 1988; Skocpol 1985; Posner 1981). However, Herbert Simon dulled the sheen of the rational choice model when he introduced the

concept of bounded rationality. Simon argued that in any given situation an individual does not consider the full range of available alternatives; instead the actor satisfices, relying on acquired responses or rules of thumbs which may be imposed through an individual's past experiences or organizational affiliation (Simon 1979). The important consideration to note is that there has been some recognition of factors which constrain the idealized model of a rational actor (March 1988).

The rational choice theory offers a reasonably effective manner to pursue explanatory research about the nature and extent of change; in some cases it might even provide predictive information. But the rational choice theory has been criticised for appearing to support existing public policy determinations.

The core of criticism against rational choice rests upon the view that it permits the maintenance of a system dedicated to the status quo. In a harsh critique of rational choice DeGregori argued that rational choice

is more ideology than economics. It provides a justification for a very conservative approach to modern social and economic problems. (DeGregori 1974:223)

He elaborated on the normative aspects of rational choice observing that there is a "hidden assumption that honoring tastes expressed in the marketplace is freedom; honoring those expressed in the voting booth is repression" (DeGregori 1974:219). There is a demonstratable limitation to the

ability of economic analysis to help people or institutions determine whether a particular public policy proposal is appropriate or should be undertaken. At the very most, this theory can show the efficiency of prohibiting, permitting or adopting certain types of policy, but not the desirability of such action (Posner 1981). The rational choice theory appears more effective at explaining, in hindsight, why certain proposals were adopted. But it seems less capable of explaining why certain inefficient public policies were adopted (Mohr 1989; Welch and Comer 1988).

The latent concern over the sources of influence in addition to an actor's self-interest indicates that the rational choice theory on its own is incapable of fully explaining the behaviour and outcomes of the policy process. Accordingly, the state, which is the arena where the policy process occurs, has received greater attention in the literature as a source of influence on the policy process.

#### STATE THEORY

Awareness of factors other than societal-based forces represented by the pluralist, Marxist and rational choice models, fostered a systemically different orientation known as the statist orientation. This orientation also doubles as one of the emerging statist theories (Skocpol 1985; Block 1987; Almond 1988; Deutsch 1986 and Brooks 1989). The statist theory uses macro-level analysis that focuses on the state and

its various instrumentalities as the principal unit of analysis. It is very much a hybrid approach combining aspects of pluralism and rational choice, but it depicts the state apparatus as an independent actor possessing various characteristics which raise it to a level of influence equal to or greater than the other perspectives (Skocpol 1985; Almond 1988; Block 1987 and Hall 1986). Moreover, statism does not yet represent a definitive model in-and-of itself. Different theories such as neo-institutionalism have emerged as direct descendants to ascribe theoretical meaning to this orientation. In the late 1970s state theorists directed:

increasing interest in the state as a focus for political inquiry, as well as by the recognition of the need for improved institutional analysis of politics (Block 1987:21).

Often the state is seen as the various formal divisions of government. In Tucker's article, which opposed the use of cost-benefit analysis in the development of occupational health and safety standards in Ontario, he argued that the policy process was best explained by the state theory. Departing from the traditional Marxist view of the state Tucker described it as a

relatively autonomous from the capitalist class by identifying both the supports for independence of state power and the limits on its exercise (Tucker 1984:264)

Most researchers attached different and more comprehensive meanings to the state. Skocpol defined the state in two manners; the first is consistent with the

rational choice view of the state as a vehicle to facilitate the actions of others; her second and preferred vision of the state portrayed it as "...configurations of organization and action that influence the meanings and methods of politics for all groups and classes in societies" (Skocpol 1980:160). Consistent with Skocpol's work, the state has also been defined in greater detail as the:

central administrative and legal apparatus, including central decision-making institutions of a polity, the network of institutional ties, behavioral regularities and values that knit together public and private actors who play some role in formulating and implementing authoritative decisions. (Krasner 1988:86)

Deutsch offered an interesting definition of the state based on its functions which include enforcement and service activities (Deutsch 1986). He drew attention to the significant difference between the state and the political system. He conceived of the political system as an arena which is populated by the

state and quasi-state organizations, but also elites and interest groups, including social classes and strata and we find-importantly-the mass population with its compliance habits". (Deutsch 1986:163)

An exploration of the varieties of state definitions is instructive, because it highlights the complexity of the statist approach. This inherent complexity limits its practical use. One noteworthy aspect of the state theory is that it describes the state as a legitimate, and in some cases dominant, actor in the public policy process. The literature



illustrated that state theorists have acknowledged and accepted the complex task of developing testable findings about the state.

To a large degree one person has pioneered and promoted the state as the primary determinant of the political process.

Skocpol dedicated considerable effort to the exploration of the role of the state in the public policy process. In the groundbreaking article "Political Responses to the Capitalist Crisis: Neo-Marxist Theories of the State and the Case of the New Deal", (for a differing interpretation of the New Deal legislation see Goldfield 1988) she examined New Deal legislative reforms and observed that "insufficient weight (had been given) to state and party organizations as independent determinants of political conflicts and outcomes." (Skocpol 1980:156) She argued that the New Deal pressures for greater state power during the Depression were limited by:

existing political constraints - specifically the U.S. government and political parties of the 1930s-limited the possibilities of politicians to use the new political energies and the new domains of state power. (Skocpol 1980:197)

Skocpol did not dismiss outright the importance of organized groups in politics, but she argued the "distinctive dynamics of American social politics have been rooted in shifting political coalitions that include, but necessarily go beyond, business and labor" (Skocpol 1989:16). In this perspective, the state should be viewed as "an independent, and often dominant, actor in the policy process pursuing its own

interests" (Pal 1988:8). The functions of an independent state have been described as initiative learning:

through which a state mobilizes major resources to start something not forced upon it by the environment and not an adaptation to conditions in which one has no choice, but something the state has chosen to do. (Deutsch 1986:167).

The critical elements of the state theory involve the concept of state autonomy and state capacity as an actor.

State autonomy refers to the transitory characteristics of government when bureaucratic elites and administrators "mobilize their own potentials for autonomous state actions" (Skocpol 1985:14). More specifically, state theorists predicted certain conditions and characteristics, which permit the accession of the state. Skocpol argued that the development of state autonomy is largely facilitated by the phenomena of crisis and structural potentials of the government (Skocpol 1985). Block reinforced the view that the state experiences variation in its role as an actor in the policy process in "certain periods-during wartime, major depressions, and periods of postwar reconstruction" (Block 1987:66). Coleman and Skogstad defined state autonomy as "the degree of independence from societal groups possessed by the state actors when they formulate policy objectives" (Coleman and Skogstad 1989:15).

Unlike the society orientation but consistent with the economic orientation, the state theory treats the state and subsidiary state institutions as legitimate, equal policy

actors. But the ability of the state to exercise its power is limited by a concept described as state capacity.

Skocpol identified three general attributes that contribute to state capacity; they are sovereign integrity and stable administrative-military control of a given territory, the retention of loyal, skilled officials and plentiful financial resources (Skocpol 1985). Coleman and Skogstad succinctly defined state capacity as the

ability of the state to draw on sufficient institutional resources both to design policies that will realize its policy objectives and to implement these policies. (Coleman and Skogstad 1989:16)

Another important factor in the state theory is the role of historical choice on future actions. Implicit in this factor is an element of circularity in the political process as prior decisions to implement, or not, a policy instrument will preclude or promote the use of other policies in the future. As well, future state and societal action is significantly influenced and constrained by the implications of existing public policy. In this setting there is a constant interaction among the interested actors that contributes to changes in the:

goals and capacities of politically active groups, in part because of the effects of earlier state policies on subsequent political struggles and debates. (Skocpol 1985:27)

Within this framework there is evidence that a dominant state status may be eclipsed by societal actors who were previously subjected to the hegemony of the state in an earlier stage of

the policy relationship (Pal 1991).

Thus far this discussion has treated government as a unified coherent actor. Several works, which accepted the rationale of the state theory, promoted a disaggregated view of the state to account for the significant variations throughout state structures according to the extent that the state is able and willing to intervene in the market place and social welfare issues (Atkinson and Coleman 1989; Coleman and Skogstad 1989; Campbell and Pal 1989). The Balkanized nature of the state is extreme. This is an important intellectual process for a researcher to undertake in order to develop feasible methodologies for the study of states (von Beyme 1985). Given the incredible size of modern state structures, it is impractical and most often incorrect to envision the state as a unified, coherent actor. There is a relatively high degree of fragmentation among bureaucratic agencies and departments within the state. Each is characterized by its own unique institutional mission, ambitions and operating procedures. Generally, the behaviour of state actors will reinforce the "prerogatives and collectivities of state officials" and policies "different from those demanded by societal actors will be produced" (Skocpol 1985:15). On occasion the diversity within the state will manifest itself in policy disputes that pit one instrumentality of the state against another in the pursuit of radically different policy outcomes. A vivid example of this phenomenon recently

occurred in the U.S. when the Environmental Protection Agency initiated litigation against the Department of Energy for violations of environmental legislation at nuclear production facilities where uranium was produced for the armed forces nuclear arsenal (New York Times 1991). Although this particular type of inter-government conflict appears astonishingly divisive, detailed study of the state reveals a multi-dimensional state character. In policy areas where the state assumes a dominant or expansive role there will be greater numbers of, and more intense, policy disputes within the state. The theoretical recognition of the fragmented nature of the state is promoted by the development of theoretical institutions known as policy communities that offer great hope for developing a rigorous understanding of the fractious character of the state.

The development of the state theory has tacitly encouraged efforts to describe and account for the influence of institutions on the development of policy. As mentioned earlier, rational choice theorists view institutional rules as human products which can be changed if actors perceive some advantage to assume the costs of amending the rules (Atkinson and Coleman 1989; Grafstein 1988). In contrast, statist view institutions as influencing political struggles and policy outcomes (Skocpol 1989; Grafstein 1988).

Some of the literature, Skocpol's work in particular, has restricted itself to a discussion and study of traditional

formal state institutions such as legislatures, bureaucracies, committee systems and courts (Skocpol 1980, 1985, 1989). There has not been explicit agreement on the treatment or construct of institutions. As such, nothing precludes the inclusion of non-structural artifacts, such as political-party conflict, electoral systems, parliamentary procedures, or degree of centralization (Pal 1988) or recently recognized nebulous theoretical phenomena such as policy communities. Even Skocpol intimated the existence of discrete political institutions, which contributed to group formation and goal establishment, "...at the meeting points of states and societies" (Skocpol 1985:27). Additionally, an expansive notion of institutions permits flexibility and imaginative potential for the integration of the existing orientations. The state approach appears to provide an effective explanation for policy process in virtually all policy areas and at each stage of the policy process including policy formation.

The state model offers the analytic framework to develop a theory that takes into account institutional rules, values or procedures that cause policy change.

## THE NEO-INSTITUTIONAL THEORY

The development of the state theory tacitly fostered efforts to formulate a viable theory that accounts for the influence of institutions on the policy process. It is difficult to ignore the wide body of literature promoting neo-institutionalism that has recently appeared. Taken together, the literature offers the diverse ingredients for the construction of a viable theory. Traditionally, the usefulness of institutions as an analytical tool was limited to the largely descriptive understanding of political structures. The formative years of political science were characterized by a strong commitment to the study of formal political and legal institutions (Simeon 1976). The institutional approach was displaced by the development of alternative theories, but institutions per se could not be ignored. Thus, institutions were described in a manner that was consistent with the methodological context of the various theories. For example, a constitution establishes the division of powers, therefore government could be understood from the provisions of the constitution. Theorists conceived of institutions as forums for activity, which established rules and regulations that governed policy behaviour.

The incorporation of institutions into the study of public policy has experienced a revitalization, albeit with some important modifications, during recent years (March and Olsen 1989; Atkinson and Nigol 1989; Almond 1988; Scott 1987;

Schotter 1981; Riker 1981 and Selznick 1957). Perhaps one of the most appealing aspects of the institutionalist theory is its remarkable agility. It offers the potential to bridge the gap between the rational choice, pluralist and state theories resulting in an effective comprehensive public policy theory.

Lowi's "The End of Liberalism" not only indicted the pluralist model, but it also recognized the influence of institutionally induced values, norms and standard operating procedures on actors in the policy process, which were not strictly predicated on a formal rule of law issued by the legislature. Lowi described a paradox where bureaucratic institutions acquired a preeminent position in the public policy process, even though liberal philosophy has "opposed privilege in policy formulation only to foster it, quite systematically, in the implementation of policy" (Lowi 1969:292).

As a theoretical model neo-institutionalism has been used in a diverse range of academic pursuits including preference formation in political science (Wildavsky 1987) organization studies (Hall 1987 and Pfeffer 1982) and law (Posner 1990). Neo-institutional theorists view institutions as being able to "determine to a large extent both the character of political order and the direction of political change" (Grafstein 1988:577). In their seminal effort "Rediscovering Institutions", March and Olsen argued that:



Bureaucratic agencies, legislative committees, and appellate courts are arenas for contending social forces, but they are also collections of standard operating procedures and structures that define and defend values, interests, identities and beliefs. (March and Olsen 1989:17)

The preferences of individuals are shaped by institutions through a process that demands certain modes of behaviour through:

a repertoire of procedures, and they use rules to select among them. The rules may be imposed and enforced by direct coercion and political or organizational authority, or they may be part of a code of appropriate behavior that is learned and internalized through socialization or education. (March and Olsen 1989:22)

The standard of "appropriate behaviour" resembles the reasonable prudent person standard which governs the conduct of actors in the area of tort law (Wright, Linden and Klar 1990). Although the standard often appears vague it nonetheless established a prototype of conduct measured against the anticipated conduct of individuals in similar circumstances. In a similar vein, Riker predicted that social outcomes are just as much a result of institutions as personal behaviour (Riker 1980). Indeed, it has been hypothesized that:

institutions are the building blocks of social and political life. The preferences, capabilities and basic self-identities of individuals are conditioned by these institutional structures. (Krasner 1988:67)

Simeon defined institutions as:

the formal rules and regulations of the political system. The way in which government is organized, the degree of centralization or decentralization, the way authority is shared, the formal mechanisms for registering decisions. (Simeon 1976:553)

Some of the literature has restricted itself to the discussion and study of traditional formal state institutions such as legislatures, bureaucracies, committee systems and courts (March and Olsen 1989; Skocpol 1985). There has not been explicit agreement on what constitutes an institution. Nothing precludes the inclusion of non-structural artifacts such as political-party conflict, electoral systems, parliamentary procedures, or the degree of centralization (Pal 1987) or nebulous theoretical phenomena such as policy communities. Although Coleman and Skogstad insist on promoting policy communities as a feature of the pluralist theory, which is not necessarily true, they make an insightful observation stating that:

policy communities are institutions in themselves and become integrate to greater or lesser degrees by developing a set of shared values, norms and beliefs which shape the policy networks that emerge and, ultimately, the policy outcomes in the given sector. (Coleman and Skogstad 1990:29)

Moreover the expansion of the neo-institutional theory offers an opportunity to fully incorporate and rationalize the relationship between the practical realm and the academic world, which is entirely consistent with the efforts of Aucoin who promoted the use of ideas or information as a vital aspect of government and public policy (Doern and Aucoin 1979:14). Accordingly, institutions have been seen as "regularities in

behavior which are agreed to by all members of a society and which specify behavior in specific recurrent situations" (Schotter 1981:9). March and Olsen offered a loose definition of institutions which emphasized:

the part played by political structures in creating and sustaining islands of imperfect and temporary organization in potentially inchoate worlds. (March and Olsen 1989:17)

They are emphatic in their definition of what an institution is not. They refuted pluralist and rational choice suppositions, stating that institutions are "not simple reflections of current exogenous forces or micro-level behavior and motives" (March and Olsen 1989:168). Grafstein departed from the formalistic approach to institutional meaning when he encouraged a behavioural perspective that presented institutions as:

a certain aggregate of time-slices of human beings. Less ambitiously, an institution literally is the aggregate or sum of human time slices. (Grafstein 1988:580)

He subtly adopted information and knowledge as a legitimate institution when he acknowledged that institutions are more than:

merely artificially delimited physical entities. They are also politically meaningful entities with causal powers. It can be understood as a connected group of such entities be they classes, committees, or political roles. Their interactions and thus their effect on participating individuals constitute the constraints of the institution. (Grafstein 1988:591)

The neo-institutional perspective offers hope for developing a coherent theory of the policy process within the context of

elements extracted from other existing models. Preferences, the bedrock of modern political theory, are the primary subject matter that institutions shape. Preferences are temporary desired objectives of actors, and serve as a revealing guide to future political activity. Institutions are able to shape individual "preferences because they represent bundles of rules that establish incentive systems for self-interested actors" (Atkinson and Nigol 1989:110). Beyond the realm of individual actors, institutions further shape preferences through their ability to "structure patterns of interaction (among groups or social factors) in society" (Peters 1988:21). The adoption of specialized roles and functions that occurs in institutions is important because it creates boundaries that minimize conflict and relevant actors foster identities with the appropriate institutions (March and Olsen 1989). As well, institutions are important because their longevity retards the ability of other actors to change existing institutional arrangements. Thus, it is conceivable that an institution will exist far beyond the lifespan of those who contributed to its creation. Indeed it is important to interpret current institutional constructs in light of the actors' objectives who originally designed and implemented the institution (Shepsle 1989). Institutional creation usually forms part of more comprehensive policy and symbolize visible form of policy change. Yet the resilience of institutions permits them to influence policy in a variety of unintended

relationships.

The desire to develop theoretical explanations for the public policy process has stimulated the creation of many diverse theories supported by a vast progeny of research literature. Too often, research efforts have been conducted without reference or testable comparisons to the other theoretical options. Additionally, public policy analysis has only recently recognized the beneficial utility of approaching policy according to the parameters of the separate stages of the policy process. Although this step necessarily complicates an already confusing process, it facilitates a more accurate and thorough understanding of the various units that comprise the total process. It is worthwhile to compare and order the pluralist, rational choice and neo-institutional theories according to their ability to account for a specific policy change in Ontario's occupational health and safety policy.

The three theories selected for this comparative analysis represent the general theoretical orientations that exist in the policy literature. Each theory is supported by a substantial body of research literature that tends to ignore the value of the other theories. The existing theories can be placed within the broad influences of the state or society or economic orientations. The pluralist theory is part of the societal orientation, while the rational choice theory represents the economic orientation. The neo-institutional

theory falls under the state orientation. In a liberal democratic society such as Canada it is important to measure and review the fundamental assumptions normally associated with the process of governance. The articulation of the theoretical orientations serves as an approximate guide of the interests that shape the execution of the policy process and what interests are served by policy. However, the value of distinguishing between these orientations is diminishing as the borders are becoming increasingly blurred by the ongoing integration of the various theoretical perspectives and the increasing complexity of policy issues.

The pluralist theory has strongly established itself as the most widely accepted theoretical model. This theory focussed on the interest articulation and competitive behaviour of groups that represent people according to specific characteristics. As such, groups will achieve their policy goals according to their organizational strength and the type of relationship that exists between the group and policy actors. However, research has revealed the vulnerability of organized groups to the narrow concentration of decision making in the hands of a limited number of individuals who manage the group. Certain dynamics of the Canadian political process, such as the parliamentary system and party discipline, have diminished the persuasiveness of the pluralist theory. Nevertheless, the attachment to a modified conception of the pluralist model remains strong in

the contemporary policy literature.

Policy classification systems have existed for many years as a means of describing public policy outcomes. The most recent version of this device has been included in the policy communities literature. The application of policy communities to a policy issue strengthens the effectiveness of the pluralist model. Beyond that, the policy community concept is useful as a conceptual organizing tool that identifies all of the possible causal variables that influence the decision to change policy or not.

The rational choice theory developed as a useful and practical tool to describe the factors that influence individual decisionmaking. This theory holds that rational people will engage in policy activity that requires the least amount of available resources compared to other considered alternatives. The relative shortcoming of this theory rests upon its apparent inability to explain policy preferences that are not rational within the context of its own definition. The validity of the rational choice theory is enhanced if it is combined with the concept of bounded rationality.

The state orientation has fostered two related theories. The state theory identifies the state, or its subsidiaries, as an actor capable of influencing the policy process. The state's policy capabilities are determined by the level of state autonomy and state capacity. This is a transitory theoretical phenomena that generally asserts itself during

incidents of crisis or post war reconstruction. The application of the state theory is not generally warranted unless the unusual circumstances exist during the time that the policy change occurred.

The neo-institutional theory promotes the view that a particular set of stable factors determine the public policy process. It is based on one of the oldest approaches to political science. But it has gained some legitimacy amongst some policy scholars and the understanding and meaning of institutions has expanded. For the most part, institutions are important because of their ability to shape and determine individual preferences through the creation of cultural expectations which are manifested by the behavioural standard of appropriateness. The standard is supported and defined by institutional rules, norms and standard operating procedures.

This model is handicapped by the absence of a clear, established methodology but this should not entirely preclude its use in public policy analysis.

The models reviewed herein represent the dominant theoretical explanations for the advent of change in public policy system. In order to compare and order the pluralist, rational choice and neo-institutional theories it is necessary to apply them to a policy issue has experienced a substantial a substantial policy change.

Moreover the policy issue should be characterized by two factors which ensure that the research findings can be applied



to variety of other policy areas. First, the policy issue should display a minimum level of theoretical exclusiveness. The issue should not be insulated from the sets of forces or phenomena outlined in the alternative theories. As well, the issue should be reasonably representative of other policy issues. If the collection of the data is conducted according to the precise meaning of each perspective then scholars will be able to develop a more holistic understanding of the entire policy process.

## THE RESEARCH DESIGN

The development of a research design is an integral element of the research process. This chapter outlines the construction of the particular research methodology for the present analysis. This chapter is divided into six sections. Each part examines a necessary element of a valid research design and outlines the specific approach adopted in this study.

The first part outlines some of the reasoning which supports the value of a carefully crafted research model. Furthermore, it reviews the basic components of a research design as indicated in political science research literature.

The second part of the chapter identifies the case study method as the research tool for this analysis. The unique attributes of the case study methodology are outlined in order to demonstrate the appropriateness and effectiveness of a case study for a comparative theoretical analysis. Additionally a number of critical terms for this analysis will be defined.

The third section of this chapter outlines the three research questions that will guide this research inquiry. The research question are based upon a general inquiry that seeks to identify the presence of certain types of phenomena that are associated with the pluralist, rational choice and neo-institutional theories. This is followed with three specific questions that seek to measure the relative ability of the three theories explain why Ontario's occupational

health and safety policy was changed. This effort is intended to question the applicability of the dominant theoretical propositions which have evolved in public policy analysis. As each research question is predicated upon a well defined theoretical model there are propositions which accompany each research question. In an abbreviated fashion, these propositions represent the substantive content of the theories.

The fourth section enumerates the type of data that was gathered to address the research questions. As well, the source of the data will be identified. The criteria for measuring the data will be defined, and the appropriate tests for implementing these criteria will be examined.

The two part causal test, of cause-in-fact and proximate causation which are used extensively in tort law, will be applied in this analysis. Effective research and the accumulation of knowledge can only be achieved through strict adherence to research principles that ensure impartial and rigorous investigative methods. The research design constitutes one of the most appropriate evaluative dimensions of scholarly research.

#### STUDY METHODOLOGY

There is a wide variety of research strategies available to the investigator, but not every strategy is appropriate for all types of studies. Simply stated, various research

strategies, such as experimentation, history or case studies, represent different methods to collect and analyze empirical evidence (Yin 1984). The application of research strategies to a certain body of evidence has been governed largely by the specific purpose of the research, although this mechanical application has diminished. The three most common research motivations include; exploratory research of an emerging issue, descriptive analysis of an issue and an explanatory or causal investigation (Yin 1984). Yin urged the adoption different criteria for determining the selection of certain research strategies. In Yin's view the dispositive factors should be based on the

type of research question posed; the extent of control an investigator has over actual behavioral events and the degree of focus on contemporary as opposed to historical events. (Yin 1984:16)

In studies that use questions such as "why or how" it is appropriate to use case studies, experiments or histories. Additionally, the case study is the preferred research strategy for contemporary events, when "the relevant behaviors cannot be manipulated" (Yin 1984:19). Based on the criteria suggested by Yin and in light of the primary question posed in this study, this investigation will use the case study research design.

In the past, the case study method has not been viewed as a particularly useful or highly scientific methodology. Even scholars who used case studies questioned their utility, thereby casting a critical pall on a very useful and dynamic

research tool (see Lowi 1964). As indicated earlier, case studies represent one type of research option. On their own, each research option offers its own array of advantages and disadvantages and represents a legitimate and viable research methodology. It is fruitless to treat the various options as competing against one another. Most important, each research strategy is designed to elicit answers about different questions, from different sources of information. In this respect it is essential to evaluate a research strategy in the context of accepted definitions. Yin defined a case study as:

an empirical inquiry that investigates a contemporary phenomena within its real life context; when the boundaries between phenomenon and context are not clearly evident and in which multiple sources of evidence are used. (Yin 1984:23)

Johnson and Joslyn, supporting Yin, affirmed the versatile character of case studies for their ability to effectively serve all three possible research motivations. They argued that the case study,

although often considered only exploratory or descriptive, may be used for explanatory purposes as well. In some situations a single case may represent a critical test of a theory (Johnson and Joslyn, 1986:112; see Yin 1984).

Case studies are effective tools for revealing a panoply of excruciating details about a particular subject. But the theoretical and empirical utility of the findings from case studies are substantially limited, for use in other research, by the unique characteristics of the studied issue. As early as 1965 Lowi questioned the ability of case studies to

"...formulate theories that will convert the discrete facts of the case-studies into elements that can be assessed, weighed and cumulated" (Lowi 1965:678). Wilson echoed Lowi's concerns as he stated that "...conceptual approaches to the study of public policy serve one purpose only, and that is to provide useful insights into the subject matter under study" (Wilson 1979:178).

#### RESEARCH QUESTIONS

An important task of a research design requires that the key concepts of the study be defined. Policy actors will refer to those individuals who serve in the legislative, executive and bureaucratic branches of the state. It will not include actors who participate in organized groups such as unions or business groups or industrial hygiene organizations. The term government will be used in reference to the political party that has a plurality of seats in the legislature and has formed the official government. The term state refers to the entire structure dedicated to the process of governance including the executive, legislative, judicial and bureaucratic agencies. The concept of preferences will be represented by the specific public policy choices made by a policy actor during the performance of responsibilities directly related to their official position in the state.

This study poses two types of research questions. The first inquiry is designed to identify the presence of a

variety of theoretical phenomenon associated with the assorted theories, although it is limited to the extent which there was a reasonable probability of a relationship existing between a specific phenomenon and the policy change. This general inquiry naturally leads to a determination of which theory most effectively explains why occupational health and safety policy was changed.

The general research question will be stated as, what types of political, social, state and economic phenomena existed prior to the formal adoption of the Occupational Health and Safety Act in 1979. An attempt to respond to the general question will produce an eclectic variety of potential phenomena that hold up different actors, agents and factors as the potential causal source for policy change. In order to develop a systematic organizational structure for a comparative examination of the various causal factors, they should be constructed within the established parameters of the appropriate theoretical models which are being compared and ordered.

Therefore, it is necessary to compare the phenomena associated with each of the competing theories and inquire specifically of each model how much impact it had on changing the policy status quo.

The first specific question asks; how much group based disagreement occurred over occupational health and safety policy; and whether policy-makers responded to group based

preferences by changing existing policy? The second question asks, what were the financial costs of maintaining workplace health and safety policy; and whether policy-actors responded to those costs by changing existing policy? The final question asks, what institutional factors, such as legislative rules, regulations and routines, existed in the area of workplace health and safety policy; and whether policy actors responded to those institutional factors by changing existing policy?

#### THEORETICAL PROPOSITIONS

Collectively and individually these research questions raise a number of alternate propositions about the nature of the policy process. The predominant underlying theme of the propositions asserts that public policy actors' preferences, as demonstrated by their policy activity, such as the decision to change a policy, are shaped by distinct, identifiable factors. These factors can be described as organized group advocacy, rational economic analysis or institutional arrangements, enshrined in rules, norms and standard operating procedures. These three phenomena will serve as the independent variables in this study.

The first proposition, derived from the pluralist model, isolated and identified the tendency of policy actors to respond to the values, objectives or priorities of organized groups who possess the requisite features, such as membership



size, resources and knowledge to communicate with the policy actors or influence electoral outcomes. In situations of widely based organized group agreement in a policy area the particular characteristics of affected groups are less important than when there is disagreement amongst organized groups. Moreover, it follows that the responsiveness of policy actors to group-based disagreement should increase as the level and scope of debate increases.

The second proposition is based on the rational choice theory which identified the seemingly obvious inclination of policy actors to make policy determinations according to an assessment and identification of the fiscal costs and benefits associated with a particular activity. In the case of policy change the most relevant costs are those experienced directly by the state through the administration and maintenance of a policy. Policy change will occur, particularly during periods of fiscal restraint, when the costs of an existing policy become more expensive than originally projected or when less costly options can be developed.

The third proposition is based on the alternative proposition pioneered by the neo-institutional theory. In this conceptualization, policy actors' preferences are shaped by the influence of certain rules, regulations or long standing routines, such as statutes or precedent. These factors affect policy actors' preferences and govern the acceptable range of policy behaviour through the cultivation and dissemination of

the concept of reasonability when policy actors engage in decision making. Policy issues or problems that contradict relevant rules or routines of acceptability might serve as a catalyst for policy change. In the case of policy formation very often the rules, regulations or routines will help to define the range of policy options which can be reasonably administered in a given set of circumstances.

As stated earlier, the primary nexus of this study concentrates on the significant alteration of Ontario's occupational health and safety policy, which formally culminated in 1979. Due to the choice of the case study research tool in this analysis, it is critical to carefully define the precise case that is being examined. Yin noted that this element of case studies has represented a vulnerable dimension that "has plagued many investigators at the outset of case studies" (Yin 1984:31). In order to clarify and simplify the definitional aspect of this case, it will be constrained to the events that were directly related to the specific change of Ontario's workplace safety policy. This effectively limits the temporal dimension of this case to those events which transpired between July 1974 and December 1979, or factors that were reasonably related to events contained in the transition period. Although in geographic terms this case will concentrate on workplace health and safety policy, which affected the entire province of Ontario, some of the pluralist data will be limited to factors which

originated in Northern Ontario. This limitation is legitimate because the primary orientation of the health and safety debate was centred on the conditions of mining operations in Northern Ontario. The presentation and analysis of data is limited to those phenomenon that are associated with the three theories examined in this study. In the case of the neo-institutional theory this mandates the use of a historical narrative, but only to the extent that the narrative is reasonably related to the change of Ontario's workplace safety policy.

Accordingly, the definition of the unit of analysis should follow from the framing of the initial research questions and the outline of the case. Each of the research questions addresses the issue of public policy change according to the factors associated with the principal theoretical explanations.

Fundamentally, the variables are intended to explain the causes and motivations for the behaviour of policy actors who occupy some type of position that permits them to determine when policy will change and how it will change. In the present case the decision to change Ontario's workplace health and safety policy was formally determined by the legislative branch. This should not be seen as a dismissal of the significance of bureaucratic actors who contribute significantly to the substantive formation of public policy and dominate the implementation stage. But most bureaucratic

activity is initiated, directed and managed by legislative and executive level actors.

The composition of the executive branch, or the cabinet, is generally derived from the elected legislature. For the purposes of this study the legislative branch was included as part of the legislative branch. The Ontario policy actors will serve as the primary unit of analysis in this study.

It is important to note that the process of governance brings together a wide array of individual actors possessing different values, objectives and priorities. Through some discrete and largely imperceptible mechanism the disparate individuality and preferences of policy actors are translated into policy activity that symbolically, if nothing else, represent the collective character of society. It is not unreasonable to view specific policy activity as a revealing dimension of a community's capacity to tolerate and promote the development of individual freedom.

The symbolic importance of public policy as a barometer of a democratic community contributes to the formation of a hypothesis that seeks an explanation for the cause(s) of policy change. The focal point of this study is oriented to an examination of potential explanations for an individual policy change. This orientation lends itself to the use of a causal hypothesis. This form of hypothesis asserts three distinct claims which

posits either the absence or presence of a connection between one phenomenon and another...that one phenomenon (the cause) preceded the other phenomenon (the effect) in time and that the effect was dependent upon or could not have occurred in the absence of the cause. (Johnson and Joslyn 1986:45)

In particular, it is believed that the pluralist theory most effectively explains why the occupational safety policy was changed. Further, policy will change when policy values and objectives are articulated and imposed upon policy actors by organized groups who possess the size, resources, specific issue-oriented information and organizational capability to effectively influence electoral outcomes in a meaningful manner or contributes unique information. The natural corollary to this hypothesis is that public policy change is not caused by factors related to a rational based analysis nor institutional based factors.

Evidence in the form of data that are associated with the theoretical models was compiled from a variety of sources. However, for the purposes of introducing the general nature of the data at this point they are organized according to the outline of each theory. As well, except where otherwise noted, the data relate specifically to events before or during the period from 1974 until 1979.

Four different types of data will be presented in support of the pluralist theory. These data include the results of Ontario elections, particularly ridings in Northern Ontario. This information was drawn from the Ontario

Elections:Return from the Records. The level and source of campaign contributions donated to the Conservative, Liberal and New Democratic Parties will be presented. These data were gathered from the Annual Reports of the Commission on Election Contributions and Expenses Administering the Election Finances Reform Act. Data relating to union membership and union activities will also be examined in the context of the total number of people employed in certain employment sectors. This information was found in various articles and volumes concerned with organized labour. Finally, the number and volume of submissions, segregated according to source of author, made before the Ham Commission will be documented. This information was found in the Report on the Health and Safety of Workers in Mines.

Data relating to the rational choice theory are more limited in the number of sources it was gathered from, but the data effectively represent the most important and relevant costs of workplace safety policy prior to 1974. The total number of lost work days suffered by working people will be presented. Additionally, the direct financial costs of delivering workers compensation programs to eligible injured worker is examined. A portion of the costs of administering the workers compensation program was directly assessed on employers. The level of employer contributions is presented as an additional cost which indirectly impacts policy actors. These data was collected from Annual Workers Compensation

Reports and some unpublished information contained in the policy literature.

The neo-institutional theory was supported with narrative and chronological data that outline the development of workplace health and safety policy in Ontario and international jurisdictions. These type of data were drawn from existing policy instruments in a variety of jurisdictions. Legislative rules or practice which require certain procedural steps such as committee hearings, formal inquiries of commission and informal or formal consultation with affected issue groups. These data were extracted from legislation and established, customary parliamentary practice in the Ontario legislature.

#### VALIDITY AND RELIABILITY

In as much as a causal hypothesis is used in this study, the criteria for determining the validity of the findings of this study are defined by the nature of the inquiry. It is worth restating both criteria. First, the proposed causal factor must precede the phenomena in time. This criterion is clear and should be applied initially as it will serve as a filter that can effectively discount obviously inapplicable factors.

The second criterion requires that the phenomenon must have been dependent upon the presence of the causal force. This particular criteria is more problematic due to

the apparent subjectivity of determining the presence and strength of a relationship between a potential cause and the effect(phenomenon). In order to clarify the test of causation a legal concept from tort law will be used.

In tort litigation, conduct can be held to be the cause of an injury only if it is the cause-in-fact and the proximate cause. A factor which is promoted as a causal phenomenon must be the cause in fact. In circumstances where there are multiple factors it is determined by the "more likely than not" test. A potential causal phenomenon can be defined as the cause-in-fact only if the act is of the character that generally increases the likelihood of the event or activity. This is a factual determination that can be evaluated on the face of the facts with a minimum of subjectivity. Cause-in-fact must also be accompanied by a finding of proximate cause.

This is a legal term of art which means that a causal factor must be close in time or space to the event or activity to be classified as the proximate cause. The applicability of the alternative theoretical propositions will be measured according to these criteria and tests. Both of these tests are flexible and defined enough to ensure that the interpretation of the data will be conducted according to reasonably exact standards.

Reliability refers to the replicability of an experiment or study (Johnson and Joslyn 1986). Thus, one of the most



important characteristics of a research study is predicated on the type and accessibility of data that is used. In this analysis only data from readily available sources was used. This will facilitate similar efforts in the future.

The fundamental integrity of research derives from the quality of the methodology. In an explanatory or causal study the use of a case study is an effective and worthwhile methodological choice that permits a detailed examination of policy within the framework of the actual circumstances that existed in a given period of time. Moreover the case study permits one to engage in a comparative ordering of the dominant policy theories.

This study is guided by two types of research questions. The first is general in nature and seeks to identify which theoretical phenomena were present prior to or concurrent to the change of Ontario's occupational health and safety policy between 1974 and 1979. The specific research questions seek to measure the relative ability of the pluralist, rational choice and neo-institutional theories to explain why Ontario policy actors changed occupational health and safety policy.

The criteria for measuring the data is a three part test used in tort law. Variables must precede the policy change in chronological terms. Furthermore the phenomena must be the cause-in-fact and the proximate cause of the policy change. The use of a relatively strict test will ensure that this case study generates findings that can be utilized in other

studies.

## FINDINGS OF THE RESEARCH

This chapter outlines the presence of the phenomena that represent the pluralist, rational choice and neo-institutional theories prior to the initiation, or during the period, of change in Ontario's occupational health and safety policy. A wide assortment of variables associated with each theoretical formulation was present during the policy change. The majority of this data is derived from the official record. The information was compiled and maintained by the Ontario government and other related state agencies. Interestingly, the collection of some of the data was mandated by legislation such as the Election Finances Reform Act. It is not uncommon to rely on official information in research, but it certainly permits one to speculate about the vulnerability of policy research to government information management techniques. For the most part the data are original and are perfectly suitable for a comparative analysis such as this case study.

This chapter is divided into six separate sections. The development of occupational health and safety policy will be examined separately in Ontario and in jurisdictions outside of Ontario. The various events which occurred outside of Ontario are treated as a manifestation of an emergent policy value or policy norm. As such these factors will be classified as part of the neo-institutional phenomenon. At a cursory level analysis factors associated with the three theories were present prior to the change of Ontario's occupational and

safety policy and appear as legitimate causal phenomena.

The first section outlines the organization of the policy development process according to a historical model comprised of three different eras. It should be noted that this model is used to organize the development of the Ontario policy and other jurisdictions separately. The first is described as the common law, which includes all of the social traditions that were incorporated into common law doctrines. This stands out as the genesis of the work place safety policy. The second, is described as the democratization period. The initial legislative formulations were adopted during this time as the state made one of its first interventionist forays into the marketplace. The third and current one is called the environmental period. During this time expansive state regulatory and enforcement schemes were implemented.

The second section reviews the common law era. The earliest formal workplace safety policies were established in the common law system. Although many common law principles still govern occupational health and safety policy, most have been supplanted by other legislative policy formulations. The basic character of the earliest policies created a systemic imbalance between the rights of workers and the rights of employers.

The third section briefly examines health and safety policy development outside of Ontario during the democratization period. The substantive content of these

policies are not detailed. It suffices to note that similar policy instruments were adopted in a number of different provinces and countries at approximately the same time. More important than the policy outcomes was widespread initiation of policy change at approximately the same time. It is reasonable to interpret this phenomenon as the advent of common policy norms.

The fourth section reviews the environmental period. Once again, the general policy developments which occurred outside of Ontario will be examined. However, special attention will be directed to the policy process in the United States, which adopted the first environmental era policy change. Due to the level of integration between the United States and Ontario it is reasonable to expect that the policy norms pioneered in the United States would affect Ontario.

The fifth section isolates the development of Ontario's occupational health and safety policy during the democratization period. The provincial government enacted legislation that regulated worker safety in factories and established an administrative bureaucracy. As well, the subsequent refinement of the democratization policy will be reviewed. Several important features were implemented after the adoption of the workplace safety policy such as workers compensation. The Factories Act spawned a progeny of policy that confirmed the adoption of a policy norm.

The final section of this chapter presents in detail the

development of Ontario's policy during the environmental period. The specific variables associated with each of the theoretical models will be discussed. For the pluralist theory this includes electoral campaign contributions made by organized labour and business, their activities relating to health and safety policy and electoral results. Rational choice variables include the number of workplace injuries, the government's costs of maintaining the policy status quo and the costs borne by businesses. The neo-institutional theory is represented by occupational health and safety policy development, the influence of procedural legislation and the activities of the Ham Commission. The range of variables discussed in this study were limited to the extent that there was a reasonable probability of a relationship existing between a variable and the policy change.

#### THE POLICY DEVELOPMENT PROCESS

For the purposes of this study, the mere implementation, at a certain point in time, of similar types of policy instruments can be observed and stated as a variable. Given the current trend of international political integration and commercial globalization it is increasingly vital to develop theoretical explanations that are capable of accounting for similarly occurring policy activity in various nations and their political sub-units, such as provinces and states.

A survey of international occupational health and safety

policy shows the existence of several common phases of policy development and activity. During the history of this policy issue the regulation of workplaces, in order to improve employee safety and health, emerged on the policy agenda at a point in time when workplace technology advanced and at generally the same time workplace accident levels increased. Policy development in the workplace health and safety sector has been clustered in three principal phases (Kearley in Bercuson, ed. 1987 and Tucker 1984). Interestingly, the three phases appear equally appropriate in their application to policy development in Ontario and other political jurisdictions.

The first phase incorporated the development of the social customs and traditions prior to the articulation of formal legal standards in the common law. During the common law phase workplace safety regulations were judicially created and maintained. The courts developed a theory of employment rights that was predicated upon the primacy of contracts. Individuals provided their labour to the production process in exchange for monetary compensation, which was paid by a much smaller group of people who invested in and controlled the industrial and commercial production apparatus. Since the advent of contract labour the fundamental balance of bargaining power tended to favour the smaller group of employers. This exchange relationship was governed according to the doctrines and theories of contract law.

The second stage, which can be called the democratization phase, occurred in the latter part of the nineteenth century. The first legislative efforts to mandate safe working conditions were enacted during a time when the voting franchise was extended to greater numbers of people in Europe, the United States and Canada. On the face of it the legislation was designed to ameliorate the levels of workplace accidents and injuries which resulted from the introduction of new production technology during the Industrial Revolution. However, the typical policy response involved a modest state interventionist, regulatory framework that preserved the fundamental basis of the contractual relationship between workers and investors.

The third and current phase of workplace health and safety policy reform took root during the era of awakening environmental awareness in the mid 1960s. During this stage, policy actors throughout the industrialized world adopted and implemented comprehensive policy instruments that generally consisted of expansive state based regulatory schemes. A substantive change took place during this phase as workplace policy expanded beyond the narrow concerns of safety. The long term health and well being of workers was raised as collateral concern to workplace safety in the policy debate. Thus, the actual descriptive name of this policy issue changed to occupational health and safety. These legislative enactments reflected a greater understanding of the long term



health risks associated with the productive and service processes that advanced dramatically after the end of World War II. Moreover, the administrative and enforcement policy was greatly expanded and increased the presence of state agents in private commercial operations. As a result, master and servant employment law, which served as the principal instrument governing employer-employee relations, was exposed to public scrutiny, revision and regulation.

The collection and presentation of data related to Ontario's workplace policy will be organized according to the parameters of the two most recent phases. The common law phase existed prior to the formal organization and independence of Ontario. Therefore, the substantive common law that applied to Upper Canada, as Ontario was called, derived from the British judicial system.

#### THE COMMON LAW PERIOD

Before the advent of legislative policy instruments there was an established body of common law in Ontario which regulated the relationship between employers and employees vis a vis workplace safety (Tucker 1984). However, the obligation of owners to care for the well being of workers can be traced to workplace safety initiatives which were adopted by the Roman Empire. Many of the legal doctrines developed in the common law were replaced ultimately by formal legislative policy instruments. However, the common law principles are

preserved in many areas of workplace health and safety policy administration.

The first reference to regulations and appliances for the purpose of diminishing the hazards of mining were made during the Roman period between 117-138 A.D. These regulations required the safe maintenance of mine workings. Severe punishments were inflicted on anyone who damaged or destroyed the props and pillars that supported the galleries (Rosen 1943:37). The general notion of providing moderately safe work conditions developed into an obligatory custom that was imposed upon employers.

The feudal customs and traditions of providing a safe workplace were captured in Anglo-Saxon common law in the early nineteenth century. The common law placed "an obligation on the employer to provide reasonably safe working conditions." (Tucker 1984:266) Even though the state governed the organization and operation of the judicial system it was not directly responsible for the development of legal doctrine or specific rulings. In this respect workplace safety policy was judicially determined and society based during the common law period. Essentially, the common law basis of policy represented the state's policy to do nothing. However, the common law requirement imposed upon employers to provide a reasonably safe work place was significantly curtailed through the judicial development of three exceptions to the general rule. Each of these liability limiting devices was based on

a judicial philosophy which promoted and upheld the primacy of contractual principles and which were entirely consistent with laissez faire economic principles which prevailed until the Depression in the 1930s. These specific exceptions are essential to discuss because they represented the critical shortcomings of this judicial based policy.

The first exception was based on the relationship of the victim's behaviour to the actual harm suffered. People whose conduct which fell below a specific judicially created standard were determined to have been the negligent cause of the injury. This represented an absolute bar to an injured person's judicial claim (Wright, Linden and Klar 1990). In this doctrine the courts ruled that the worker was the actual cause of his or her injuries and not the employer. Accordingly, the injured party was denied recovery or compensation. The other two exceptions were related by their similar focus on the rational analysis of workers' behaviour.

The second exception to the general rule sought to prevent workers from recovering twice for experiencing a single act. It was based on the existence of a perceived exchange that occurred between the workers and employers based on the unique features of each workplace. As such, the worker was incapable of recovering damages post facto for injuries caused by known physical risks. This was described as assumption of risk (Wright, Linden and Klar 1990). This concept required that a worker who knew of a risk would obtain

higher wages in exchange for assuming the risks. Due to the presumed presence of wage premiums for riskier occupations the courts refused to award damages to injured employees. (This type of reasoning still attracts research support particularly in the United States, see Thaler and Rosen 1976; Smith 1976 and Viscusi 1979)

The third limitation on employee recovery for workplace accidents was based on the failure of the injured party to react to certain conditions of risk. It is known as the fellow-servant rule and it applied to situations where the injury was caused by other workers or their actions. It was assumed that workers would demand higher wages or choose to avoid the dangerous work conditions created by careless workers. In both of the latter defenses jurists argued that higher wage demands would be paid by employers or they would take steps to eliminate the safety risks if the costs of doing so were less than paying the wage premium (Wright, Linden and Klar 1990). In this type of situation:

the level of health and safety conditions in the workplace would be determined by discrete voluntary transactions between workers and their employers, and not by the imposition of external standards generated by courts or legislatures. (Tucker 1984:271)

The common law principles regulating work place safety offered the only opportunity for workers to redress their workplace safety concerns. It was a limited opportunity that cultivated dissatisfaction due to the perceived unfairness of the common law and the increasing number of workplace accidents.

## THE INTERNATIONAL DEMOCRATIZATION ERA

The prevalence of the common law doctrines over workplace safety issues began to erode during the latter portion of the nineteenth century. The democratization era lasted from 1870 until approximately 1960. However, the initial burst of legislative activity in the late nineteenth century was followed by an extended period of minor policy adjustments. Alternative policy formulations were adopted that involved limited state intervention into the private contract relationship between workers and employers. During the last quarter of the nineteenth century voting rights were extended to the people, mainly unpropertied working class males, who were most vulnerable to workplace hazards. Most of the legislation was very narrow in scope and barely went beyond the parameters of the common law doctrines already established. The initiation of state activism in this policy area stood out as an important precedent. As a consequence the primary venue of workplace policy development shifted more clearly and extensively to the state.

During the democratization phase the workplace safety policy issue matured first in Great Britain. It was the leading economic performer in international commerce and possessed the most advanced industrial infrastructure. The first state response to the workplace safety issue consisted of a public policy that required the state to regulate certain aspects of the bi-partite employment relationship between

employers and workers through a statutory instrument. Although the actual democratization period occurred in the second half of the nineteenth century, the general type of legislative policy instrument was pioneered in the early nineteenth century.

The first statute was the Health and Morals of Apprentices Act was passed in 1802. The legislation was modest in scope, it imposed only minor sanitary requirements on owners and limited the working hours of apprentices. However, this piece of legislation established the principle of limited state intervention in the previously private realm of employment contracts solely for the purpose of protecting workers (Rosen 1943). Many European nations instituted variations of the British work place safety legislation.

In the late 19th century West Germany and Sweden implemented safety legislation which regulated worker safety in factories (Wokutch 1990). By the "turn of the century, most of the industrialized states had some sort of occupational safety legislation" (Kelman 1980: 238). The very first Ontario workplace safety statute was passed in 1884 in the form of the Ontario Factories Act.

#### THE INTERNATIONAL ENVIRONMENTAL ERA

The third period of work-place safety policy evolution developed during the mid 1960s when increased public and government attention expanded to include environmental

concerns about the ecological consequences of modern technology. Tucker argued that the "environmental movement is often pointed to as one of the factors that spurred demand for workplace safety, and helped create a receptive political environment" (Tucker 1984:286 and see Ashford 1976). In this modern period a significantly new policy instrument was chosen to build upon the policy instrument adopted during the democratization period. The new policy was developed in the United States, which was one of the leading economic performers in global commerce following the end of World War II. Confronted with evidence that the widespread devastation of the atmosphere, lakes, rivers, forests, and many of the life forms found within those natural environments, was caused by modern industrial processes, workers realized that they were similarly vulnerable to the destructive agents that caused the environmental devastation. For many years after the end of World War II immense quantities of new chemical products were introduced into the production process without any precise understanding of the human or ecological health implications. However, advanced technology also played an important role in identifying workplace hazards and occupational illness and the development of safer industrial practices. The painful integration of science, law and public policy in workplace health and safety policy resulted in a transitory policy during the environmental phase.

The United States' policy instrument consisted of

comprehensive formal legislation, known as the Occupational Safety and Health Act. This statute established specific exposure safety standards combined with an extensive quasi-judicial administrative and enforcement program. The OSH Act's administrative provisions are in stark contrast to the procedural standards developed in other jurisdictions including Ontario. But, the underlying principle of improved workplace safety and health was established in the US legislation and quickly repeated in other jurisdictions.

Saskatchewan was the first Canadian jurisdiction to enact a comprehensive legislative policy in 1972. In fact Saskatchewan's Occupational Health Act was dramatically amended in 1978 by the Occupational Health and Safety Act. The Saskatchewan legislation consolidated workplace safety responsibility under the aegis of the Ministry of Labour. Work place health and safety committees were required in places of employment:

at which ten or more persons are employed, the person in charge of the operation of the place of employment shall cause a committee to be established to be known as an occupational health committee. (S.S. 1972 c. 86, s.20)

The adoption of comprehensive health and safety legislation occurred in many European nations. West Germany enacted a Work Safety Act in 1972 which was a general health and safety law. In 1974 the Health and Safety at Work Act was passed in the United Kingdom. This statute created a Health and Safety Commission, which was charged with administering the



legislation. Sweden legislated a Worker Protection Act, which increased the power of safety committees and safety delegates. Japan passed an Industrial Health and Safety Law in 1972 (Wokutch 1990: 102-103).

The evolution of workplace safety policy was not exclusively restricted to the state arena. As the relative bargaining strength of workers and employers balanced, some organized labour groups attempted to return safety issues to the private domain of contract relations. Labour success in this area was initially limited to one powerful and well organized union. During the early 1970s the United Autoworkers and the "big four" U.S. automobile manufacturers (General Motors Corporation, The Ford Motor Company, Chrysler Corporation and American Motors Corporation) agreed to include collective agreement provisions that "standardized and significantly extended worker participation in safety and health matters" (Wokutch 1990:52). Under these agreements health and safety representatives were drawn from management and the UAW to form plant health and safety committees (Wokutch 1990).

The change of workplace safety policy in the United States signalled the beginning of the environmental phase. The United States' alteration of the policy status quo was repeated in many different jurisdictions throughout the industrialized world. Beyond this factor, the United States' experience should be explored because of the close

relationship that existed between Stephen Lewis, leader of the Ontario New Democratic Party during the policy change period, and US health and safety specialists and advocates (Walters 1983).

The passage of the OSH Act was novel for three reasons. First, the legislation was conceived and nurtured in the Executive branch. The influence of interest groups was largely reactionary to the policy proposals of the Administration. Second, the bill received a large amount of bipartisan support in Congress. Finally, the legislation placed the federal government in the field of widespread workplace safety regulation for the first time ever, thereby displacing the state level of governments who traditionally dominated this policy area (Wilson 1985).

Workplace health and safety appeared on the policy agenda as knowledge increased about the medical, economic and social toll of exposing people to hazardous work places. Wilson asserted that there was some form of popular angst over the level of industrial injuries that promoted a "general acceptance of the need for action in the face of a perceived crisis..." (Wilson 1985:36). The actual appearance of health and safety policy was apparently unexpected by the state actors most closely associated with the issue including, the Department of Labor and the Congress. In this area policy discussions were advanced by the Executive Branch (Wilson 1983 and Vogel 1989). The Executive level initiative was almost

entirely attributable to the efforts of one person, who managed to translate the disparate concern among worker safety specialists into a tangible policy formulation (Page and O'Brien 1973). Occupational health and safety was promoted within the Executive by Robert Hardesty, one of President Lyndon Johnson's speechwriters. Hardesty's brother worked at the Bureau of Occupational Safety and Health in the Department of Health, Education and Welfare and sought some form of recognition of the problem confronting workers (Vogel 1989; Kelman 1980; Page and O'Brien 1973). Between June 1964 and late 1967 President Johnson spoke about the need for improved workplace safety on several occasions and encouraged the establishment of a task force on worker security, unemployment and disability insurance and job health and safety (Page and O'Brien 1973 and Kelman 1980). Subsequently, the Department of Labor prepared draft legislation which was submitted to President Johnson who, without consulting with the Department of Labor, decided to adopt the proposal (Kelman 1980). The proposed legislation was lost in the social turbulence of 1968 that ultimately led to President Johnson's exit from the Presidential campaign. Nonetheless, support for the OSH Act was revitalized in November 1968 after a catastrophic workplace accident, which resulted in the death of seventy-eight workers, in a coal mine explosion in West Virginia (Page and O'Brien 1973). In August 1969, two Republican Congressmen, with the support of President Richard

Nixon, introduced an occupational safety and health bill in the House of Representatives and the Senate. The Republican proposal essentially co-opted an earlier Democratic Party proposal (Page and O'Brien 1973). After several revisions the legislation passed through Congress and the Occupational Safety and Health Act was signed into law on December 29, 1970 by President Nixon (Kelman 1983).

The development and implementation of the OSH Act received the support of two different presidential administrations, representing both the Democratic and Republican parties. Executive level support was followed by similar bipartisan support in Congress, even though the legislation was initially greeted with indifference from labour and business.

The widespread support for the legislation from both major political parties constituted significant political recognition of the occupational health and safety policy issue. The OSH Act passed the House of Representatives by a vote of 384 to 5 and the Senate 83 to 3 (Kelman 1983). In some respects it is surprising that the legislation was passed in light of the "tepid" "indifferent" and "minimal" responses offered by organized labour and segments of the bureaucracy to President Johnson's original suggestion for legislation (Page and O'Brien 1973 and Kelman 1980). The perceived catalyst for the enthusiastic Executive level support for policy change and the OSH Act stemmed from the competition between the

Democratic and Republican parties for the "working class vote" (Wilson 1985). After the introduction of the 1968 policy proposal the Congressional hearings "produced a relatively uncomplicated confrontation between trade unions and business groups" (Kelman 1980). The 1970 Republican legislative proposal was considered weaker than the Democratic bill and received the support of business groups who realized the inevitability of some form of federal legislation and they wished to "preserve their stake in the health and safety market by making sure that their role would not be abolished or reduced by any new legislation" (Page and O'Brien 1973:94). However, labor groups vigorously opposed the Republican bill and they strengthened their commitment to the Democratic bill (Kelman 1980). In its final form Kelman described the legislative product as far more reflective of the Democratic than the Republican version (Kelman 1980).

The U.S. occupational health and safety legislation developed as an issue that was promoted by a very small number of individuals, mainly professional occupational health and safety experts, into a prominent national policy debate. The legislative language was expansive and sweeping but clearly indicated the state's intention to assume control over worker-employer relations as they related to health and safety. Authority for the federal legislation was based on the interstate commerce clause. Indeed, the US Congress appeared to erect a high standard that the state would impose

on employers as the

Congress declares it to be its purpose and policy... to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources. (Pub.L. 91-596, s. 2, 1970)

The administration and enforcement of the legislation was placed under the direction of the Secretary of Labor who was also directed to establish occupational health standards. The policy instrument acknowledged the need for developing workplace coordination between workers and owners by "encouraging joint labor-management efforts to reduce injuries and disease arising out of employment" (Pub.L. 91-596 s.2(13), 1970). The legislation specifically identified the responsibilities of employers and employees. In addition to complying with the various provisions of the statute, employers were required to:

furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees. (Pub.L. 91-596, s.5, 1970)

The drive for policy change survived different successive Administrations, initial widespread interest group indifference and serious questioning of the fundamental effectiveness of the proposed policy instrument. The change established the important symbolic intention of the state to assume absolute control of the workplace health and safety issue through the application of standards coupled with enforcement activities.

## THE ONTARIO DEMOCRATIZATION ERA

The initial democratization period workplace safety policy instrument in Ontario was adopted in 1884. A modest state interventionist program was authorized by the Factories Act. Although the legislation was limited in scope, it signalled the beginning of state intervention and regulation of the relationship between workers and employers in the workplace. Most importantly, the Ontario government "guaranteed that no worker could be legally exposed to hazards that it judged to be unreasonable." (Tucker 1984:276)

The Factories Act was similar to the British legislative model passed in 1878. The Act applied

primarily to women and children, and the Act was designed to limit the access and hours of work of those whose injury or death provided the most horrific examples of the results of poor industrial safety." (Devine 1975:6)

However, it would be inappropriate to examine the Factories Act without some consideration of a number of related legislative reforms, which preceded the adoption of the Act.

In 1874 the Ontario legislature mandated certain safety precautions for machines that operated with horse power (An Act to require the owners of Thrashing and other Machines to Guard Against Accidents, quoted in Tucker 1984). Further workplace safety provisions were required by the Railway Accidents Act which was passed in 1881. The legislation was a specific rejection of railroads' efforts to reduce workplace accidents. The preamble of the legislation stated that

frequent accidents to railway servants and others are occasioned by the neglect of railway companies to provide a fair and reasonable measure of protection... (quoted in Tucker 1984:278)

The adoption of the Factories Act has been explained in the context of the pluralist model (see Tucker 1984). Tucker attributed the adoption of the Ontario legislation as a legislative response to the increasing political power of the working class. The advent of universal male suffrage in 1888 facilitated the introduction of competing electoral demands upon political actors that challenged the ability of government to satisfy the public. Tucker argued that "Workers developed effective political organizations and by the 1880s they had close ties with the ruling Liberal Party." (Tucker 1984:275) However, other causal factors were present which appeared to influence the policy choice made in 1884. The persuasiveness of Tucker's conclusion concerning the applicability of the pluralist model to the adoption of the Factories Act is tempered by the legislative developments which occurred before workers gained any significant role, mainly the establishment of the franchise, in the political process. Further, the Factories Act was adopted four years prior to the establishment of universal voting rights in Ontario.

The development of workplace safety legislation at the end of the nineteenth century was consistent with legislative reforms which were implemented first in other countries. Given the dominant position of the pluralist school during



most of the twentieth century it should not be surprising that the limited amount of research which examined the original workplace safety legislation identified the pluralist theory as the most appropriate model for the policy choice made by the Ontario government (Tucker 1984).

The Ontario workplace safety policy did not remain stagnant during the period following the enactment of the Factories Act even though public interest waned. After the adoption of the initial policy instrument in 1884 many minor legislative amendments, which preserved the basic thrust of the policy, were made.

#### REFINEMENT OF THE DEMOCRATIZATION ERA POLICY

After the adoption of the Factories Act, Ontario experienced a number of tumultuous events including World War I, the Depression and World War II. For the most part, social, political and legal attention was diverted to other policy issues related to economic recovery and both World Wars. The principal characteristic of the legislative changes during this period involved an expansion of the application of workplace safety provisions to work locations other than factories. Yet, the actual panoply of statutory rights and protections afforded to workers did not expand beyond the standards contained in the Factories Act.

One of the most important related legislative developments after the adoption of the Factories Act occurred

in 1914 when the Workmen's Compensation Act was passed. Workers injured on the job sustaining lost work days were provided with a modicum of financial support. Thus, funding was drawn from insurance premiums imposed upon employers according to the likelihood of workers being injured on the job. Therefore, the provincial government instituted a compensation program that created incentives for employers to minimize workplace accidents. The provision of compensation was predicated upon the surrender of workers' right to sue employers for their negligence in workplaces. The period of modest state activity was temporarily reversed by an ambitious bureaucratic response to an industrial tragedy which involved the death of many workers.

In 1946, a grain elevator explosion killed twenty two people. This event served as the catalyst for the implementation of a set of comprehensive regulations "specifying in detail everything from the design of the structure to the proper ventilation, dust control, and fire protection systems" (Devine 1975:49). The regulations were developed by bureaucratic actors, independent of any legislative activity. Interestingly, this represented the first use of the Factories Act's regulatory provisions, which were added to the legislation in 1913. However, these regulatory powers returned to their dormant status and they were not exercised again until 1963.

The stimulus for the next substantial policy amendment

was another deadly workplace tragedy. In 1960, a subway construction accident at Hoggs Hollow in Toronto resulted in the death of five workers (Devine 1975 and Tucker 1984). The Ontario legislature responded by creating a Royal Commission on Industrial Safety (McAndrew Commission) which was directed to:

Inquire into and report upon all statutes and regulations administered by the Department of Labour that govern the safety of workers with a view to the improvement, simplification, clarification and modernization of such statutes and regulations. (quoted in Devine 1975:54)

The McAndrew Commission delivered its report in 1961 and it exerted both short-term and long-term influences on the substantive content of workplace safety legislation in Ontario. Tucker believed that the McAndrew Royal Commission was a watershed in Ontario workplace safety policy (Tucker 1984). One of the lasting proposals from the McAndrew Commission resulted in the establishment of the Labour Safety Council of Ontario. It was created to serve as an "advisory body to the Labour Minister on the matter of the safety of workers" (Devine 1975:57).

The combined effect of the Royal Commission and a 10% increase in workplace accidents contributed to the passage of the Industrial Safety Act in 1964 (Devine 1975). This statute restructured the relationship between employers, employees and the provincial government by establishing worker safety as the principal priority of the state's intervention into the workplace. The Industrial Safety Act contained a number of

innovative provisions that remain in the current legislation. Instead of developing a comprehensive state administrative apparatus, responsibility for worker safety was placed squarely on the shoulders of both employers and workers as:

Any person who had reasonable cause to believe that any equipment was unsafe or in contravention of the Act or regulations was prevented from either using it or causing it to be used. (S.O. 1964, c.45 s. 22)

The intent of this provision was reinforced and expanded during subsequent revisions of the legislation. In 1971 the government amended the legislation by adding a provision that held workers responsible for complying with its provisions (Devine 1975).

It is important to recognize the extensive background which preceded the initiation of policy change in 1974. During the period between 1884 and 1974 the evolution of the workplace safety policy underwent an expansion of its scope and application over larger numbers of workplaces. Government policy responses were partially motivated by fatal workplace accidents which seemed to highlight ineffectiveness of the democratization era policy.

Even in the context of a modest and largely reactive Ontario workplace safety policy, there was a well established institutional structure and pattern of relations among the interested actors. The workplace safety policy community, which consisted of health and safety experts, labour, business, academics and the state, particularly the civil

servants who developed and managed policy behaviour, was solidly entrenched by the middle of the 1960s.

#### THE ONTARIO ENVIRONMENTAL ERA

The advent of the current phase of workplace safety policy development gained prominence in the United States during the late 1960s when mounting concerns over consumer rights, environmental issues such as waste disposal and pollution focussed attention on work place safety (Page and O'Brien 1974). There is agreement in the literature, which identified the establishment of the Royal Commission into the Safety of Workers in Mines as the inspiration for the Occupational Health and Safety Act (Doern 1976; Walters 1983; Tucker 1984 and Grossman 1988). However, this view improperly ignores the events leading up to the establishment of the Ham Commission.

By the 1970s it was acknowledged in Ontario that the old system of worker safety legislation was severely flawed due to the ad hoc nature that it developed during the previous eighty years. In particular, the overall system was criticized for its inability to "respond to the new realities" of the workplace (Nash 1983:7). The modern occupational health and safety policy was forged in Ontario following the publication of the Report of the Royal Commission on the Health and Safety of Workers in Mines in 1976 (Grossman 1987 and Walters 1983). Starting in 1974 lasting until 1978 the Ontario government

deliberated the initiation of policy change. The resulting change consolidated the diverse body of occupational health and safety legislation into one statute. Up to that point, occupational health and safety had been directed and administered according to the provisions of several different statutes which "applied to specific industries such as mining, construction, industrial establishments and logging." (Nash 1983:7). Thus, the developmental process of the environmental phase began in 1974 and lasted until 1979 when the omnibus Occupational Health and Safety Act was formally enacted.

Ontario lagged behind the advances achieved in the United States, but the workplace health and safety policy issue was advanced and promoted by a single individual in a similar fashion to that which occurred in the United States. Doern, and later Tucker, attributed the emergence of occupational safety in 1974 to the "specific persistent and tenacious criticism by Ontario NDP leader, Stephen Lewis" (Doern 1977:3 and Tucker 1984). Doern argued that the minority Conservative government, which enjoyed very little support according to opinion polls, instituted the "Royal Commission into the Health and Safety of Workers in Mines" in order to diffuse Lewis' criticism (Doern 1977:3). Although Lewis effectively criticized the performance of the Conservative government Bill Ferrier another NDP member had actually spearheaded the NDP assault on Ontario workplace safety policy since 1970 (Legislature of Ontario 1976:1174). The events

leading to the announcement of the Ham Commission were somewhat more complicated than Doern and Tucker indicated and deserve specific attention to the participating actors, institutions and the context of the events.

The policy actions should be considered in the context of the electoral politics which existed at this time. Appendix 1 and 1.1 describe the distribution of seats and vote levels for the 1971, 1975 and 1977 Ontario elections. Four incumbent NDP members served on the Natural Resources Supply Committee. After the 1975 election Robert Nixon resigned as the leader of the Liberal party and was replaced by Stuart Smith. Stephen Lewis, leader of the NDP, resigned after the 1977 election. He was replaced by Michael Cassidy. After the return of the second minority government in two years, the electorate was insistent that the three political parties work within the parameters of a minority government. Another general election was not held until 1981. Between 1975 and 1979 the Conservatives were supported by the Liberal Party on formal non-confidence votes (Lyon 1984).

Legislation requiring the reporting of election expenses and contributions was passed in 1975. The first election expenses report covering the 1975 election does not provide any information about candidate expenses or contributions. However, this type of information is available for subsequent years. The Commission on Election Contributions and Expenses categorized financial contributions in excess of \$100

according to the sources which included corporations, unions and individuals. Appendices 3, 3.1 and 3.2 outline the level of organized group participation in the political process.

The workplace health and safety debate was initiated in a rather innocent and understated manner. On May 16, 1974 the Standing Resources Development Committee was reviewing the estimates of the Ministry of Natural Resources. This tri-partisan committee was composed of representatives from the Conservative, Liberal and New Democratic parties including the Minister of Natural Resources, Leo Bernier. The Conservative Party held a slight majority on the Committee, but the NDP staffed the Committee with three prominent members from Northern Ontario including Stephen Lewis, Bill Ferrier and Floyd Laughren. During a discussion revolving around raw ore exports Ray Haggerty, a Liberal member and former steel worker, questioned the Minister of Natural Resources about the

in-plant environment in some of these mines, particularly in northern Ontario. Just how much monitoring does your department do in the Elliot Lake Area-in the uranium mines? How active is your department in there? (Ontario Supply Committee, 1974:S-796)

From these two straightforward enquiries flowed six days of intense, complex and revealing debate over the state of worker safety in the mining industry and the appropriate role of the Ontario government. The Conservative government was reluctant to acknowledge the presence of a mining safety problem in Ontario and the Minister of Natural Resources explained to the Committee:



I believe these figures are encouraging and indicate that much has been done to prevent disabling silicosis, improve life expectancy and reduce dangers of tuberculosis complications. (Ontario Supply Committee, 1974:S-798)

From the outset Bill Ferrier advocated the adoption of a policy instrument similar to legislative instruments used elsewhere, which generally provided that

When working conditions become so bad that men walk off the job, they should have the kind of protection in the Ontario Act which now has been incorporated into the Act in B.C. (Ontario Supply Committee, 1974:S-804)

During the course of the committee hearings the NDP members assailed workplace safety conditions in the Elliot Lake region mining industry and the Minister of Natural Resources attempted to downplay the significance of the NDP allegations.

The importance of the Ontario Supply Committee hearings stemmed from the decision of the NDP to pursue a specific interim policy instrument that was adopted with some modifications, by the Conservative government. However, there was a discrete procedural difference between the alternatives. The minor procedural variation between the two alternatives created the potential for vastly different substantive outcomes. The Conservative proposal was a non-political process dominated by medical and industrial hygiene specialists. Conversely, the NDP sought a formal legislative process dominated by elected political actors. Stephen Lewis presented four specific and emotional cases of miners who suffered debilitating injuries and disease as a consequence of

their employment in the mining industry. In light of the unbalanced distribution of power, between workers and employers in their ability to control work place hazards, Lewis characterized the relationship between miners and mining companies as amoral because "it is possible to sacrifice human health for the sake of contractual undertakings" (Ontario Supply Committee, 1974:S-936). Lewis then presented the NDP policy proposal to address the mining safety issue. The party requested the formation of a task force with all party representation to serve as a watch-dog over the Minister of Natural Resources. As well, the NDP wanted the Supply Committee to hold hearings into mining safety (Ontario Supply Committee, 1974:S-940-S-945). The Minister of Natural Resources offered to consult with Cabinet, but he refused to reveal the specifics of his proposal, assuring the Committee that he was

prepared to make certain recommendations to them (referring to other cabinet members). I regret that I cannot elaborate as to the terms of reference that I will recommend to them but within 10 days I will give you an assurance that I will make a statement in the Legislature. (Ontario Supply Committee, 1974:S-936).

The Supply Committee agreed to delay independent action until the Minister of Natural Resources delivered his proposal, to the provincial legislature, for dealing with the mining safety concerns.

The Minister of Natural Resources introduced the government's interim policy to address the health and safety

issue. The formal appointment of the commission was made by an Order in Council on September 10, 1974 (Ontario Legislature, 1974:4002). There is no formal record of the specific process used by the Natural Resources Minister or the Cabinet to choose this instrument, but the decision appeared consistent with the government's standard operating procedures to utilize commissions or research studies focussed on a specific issue or concern. As well, the policy of instituting a methodical, information-based process, encouraged the development of effective and efficient policy instruments that transcended single interest group desires.

The role of organized labour, in the events leading to the establishment of the Ham Commission, should be examined. In particular, it is worthwhile to define those labour attributes which can be reasonably linked to the implementation of the government's policy instrument. At the time the NDP raised the issue of mining safety in the Ministry of Natural Resources Supply Committee hearings in 1974 there were 2.8 million union members in Canada (Wood 1976). Ontario's organized labour force accounted for 1.2 million workers or 43% of Canada's unionized workforce (Wood 1976). Throughout Canada there were 113,000 thousand people employed in the mining industry (Statistics Canada classified this industrial sector as mines, quarries and oil wells). The level of unionization in Canada's national mining work force was 49 000 workers or 44% of the work force. Compared to

other industrial sectors the level of unionization in the mining industry was the fifth most organized sector in Canada falling behind other industries such as fishing and trapping, public administration, construction and transportation and communications (Wood 1976). The predominant labour organization present in the Ontario mining industry was the United Steelworkers of America. The Steelworkers union was the second largest union in Canada with a membership of 186,000 workers (Wood 1976:57). This union was affiliated with the Canadian Labour Congress and the U.S. based American Federation of Labour and the Congress of Industrial Organizations. There were approximately 38,000 people employed in the metallic and non-metallic mining industry in Ontario, which was the focus of the Ham Commission (Health and Safety of Workers in Mines 1976:8). Another 10,000 people were employed in structural and fuel mining which produces materials such as sand, gravel, coal, natural gas and petroleum (Ontario Supply Committee, 1974:S-966, Royal Commission on the Health and Safety of Workers in Mines 1976:8). Based on the national level of unionization in the mining industry organized labour represented approximately 21 000 miners in Ontario.

During the early 1970s very few formal policy statements concerning workplace health and safety were issued by organized labour. The Ontario Federation of Labour issued its first "fairly comprehensive resolution" on occupational health

and safety in 1974 (Walters 1983:417). In the following year, after the commencement of the Ham Commission, the OFL developed "a lengthy (two pages) and comprehensive statement on occupational health and safety" (Walters 1983:417). The Canadian Labour Congress was equally slow in according occupational health and safety a high priority, although it had coordinated health and safety conferences since 1967 (Doern 1977; Wood 1976). At the CLC's 1975 health and safety conference the delegates approved the hiring of a health and safety director and the preparation of;

model health and safety legislation by the CLC - perhaps parallel to that now in effect in Saskatchewan - and a public information campaign to ensure enactment of such legislation. (Wood 1976:17)

Concern over workplace risks continued to increase in the labour movement. In April 1976 the United Steelworkers staged a health walkout at the Matchewan Asbestos Mine near Kirkland Lake, Ontario. The processing plant at the mine opened in 1975 and experienced significant operational difficulties that resulted in excessive worker silica exposure readings. After the employee walk out the Minister of Labour issued a series of directives ordering that the exposure problems be corrected. In April, 1976 the problems still persisted resulting in the intervention of Premier William Davis. The Matchewan mine was ordered closed and production reached only 40% of capacity by September 1976 (Tuohy and Trebilcock 1982 and Doern 1977). Against a backdrop of

burgeoning labour interest and activity the government announced an interim policy that ensured labour of further participation in the policy development process.

On June 6, 1974 the Minister announced the creation of a commissioner under the Public Inquiries Act to investigate all matters brought before the estimates committee having to do with the health, environmental and safety factors affecting workers in mines of Ontario. (Ontario Legislature 1974:2905)

The Public Inquiries Act contained the provision which authorized the Cabinet to appoint commissions, empowered with quasi-judicial powers, to study specific issues. The establishment of commissions was limited to certain circumstances outlined in the statute and determined

Whenever the Lieutenant Governor in Council considers it expedient to cause inquiry to be made concerning any matter connected with or affecting the good government of Ontario or the conduct of any part of the public business thereof or of the administration of justice therein and such inquiry is not regulated by any special law...(R.S.O. c. 329, s. 1,1970)

Once established, a commission enjoyed protection from any type of interference, except from the Cabinet, which possessed the power to revoke, modify or enlarge the scope of the commission, in the execution of its mandate (R.S.O. c. 329, s. 4,5(4),1970).

As part of the terms of reference, the Commissioner was required to appoint a doctor specializing in lung cancer and silicosis, and representatives from the workers, industry and the engineering profession (Ontario Legislature 1974:2905). No deadline was imposed for the commission to complete its

work and the Minister indicated that he was conducting a nationwide search to select "the most capable and the most able person to head" the study (Ontario Legislature 1974:2911). The Minister indicated that the jurisdiction of the commission would be primarily limited to an examination of issues related to the health and welfare of miners in Ontario. But the Minister indicated support for the inclusion of other industrial sectors such as smelting and quarry operations (response of the Minister of Natural Resources to a question from Ray Haggerty who was a member of the NDP; Ontario Legislature 1974:2912). A number of procedural guidelines were established for the commission. In particular the sources of information and evidence were defined to include

all data relating to silicosis, lung cancer and environmental health conditions pertaining to mining activities. It will hold public meetings and will accept submissions from all interested persons and groups and meetings will be held in mining communities of northern Ontario. (Ontario Legislature 1974:2906)

Moreover, the commission was required to provide a specific outcome which could serve as a legitimated policy proposal that was primarily based on compelling empirical evidence rather than politically based group demands. Thus, the commission was required to,

recommend specific further steps my ministry (Natural Resources) might take to improve the standards of health hazard administration in Ontario." (Ontario Legislature 1974:2906)

The Conservative government appointed Doctor James Milton Ham as the Commissioner for the inquiry into the health and safety

of workers in mines. The process used by the government to select Ham is not particularly important to this analysis, but it is worth noting his background and qualifications. Ham was the Dean of the Faculty of Engineering at the University of Toronto and considered to be an expert in the field of mining technology. The Order in Council required Ham and the Commission to;

1. investigate all matters related to health and safety involved in the working conditions and working environment in mines in Ontario;
2. identify the relevant data related to silicosis, lung cancer and other occupational health hazards of miners in Ontario;
3. review the present basis for Workmen's Compensation Board awards as they relate to environmental health matters affecting miners; and
4. make such recommendations in relation to 1, 2 and 3 above as are by him deemed to be appropriate.  
(oc-2340/74)

The Order in Council called for full cooperation from the various structures and elements of the Ontario government. Moreover, the Commission was granted the authority to "engage counsel, expert technical advisers, investigators and other staff as he deems proper at rates of remuneration and reimbursement to be approved by the Management Board of Cabinet" (oc-2340/74). The other members of the Commission were Doctor Cameron C. Gray who served as the medical consultant and Frederick R. Hume, QC who served as the Commission's counsel. As required by the Minister of Natural Resources there were representatives from the affected



parties, including labour, industry and the engineering profession, on the Commission.

The Ham Commission spent two years studying the health and safety issue and it produced a comprehensive study. The Commission did not begin any substantive investigations until October 1974 at which time basic administrative matters were finalized. The Commission held its first public hearings on January 14, 1975 in Elliot Lake. Public hearings was also held in Red Lake, Thunder Bay, Sault Ste Marie, Sudbury, Timmins, Kirkland Lake, Toronto and Ottawa. The first period of public hearings was completed on February 17, 1975. A second period of hearings were held in Toronto from May 26 to June 1975 that included an examination of industrial disease and injuries (Health and Safety of Workers in Mines 1976). The Commission also consulted with international work place health and safety specialists, labour unions and government agencies in Sweden, Germany, the United Kingdom and the United States during visits in November 1975. Four concurrent medical studies were conducted for the Commission. The titles of these studies were "The Mortality of Experience of Persons on the Uranium Nominal Roll, 1955-74", "Radiogenic Lung Cancer in Ontario Uranium Miners, 1955-74", "Health and Safety in Mines" and the "Study of Health and Safety in Metallurgical Plants". The first three studies were completed by academics from the University of Toronto and McGill University while the last study was performed by a private enterprise. The

information derived from academic and international sources was supplanted by evidence presented to the Commission during the public hearings.

The public hearings portion of the inquiry provided the Commission with an opportunity to hear first hand accounts concerning the health and safety in mining facilities. The Commission relied on the formal record to arrive at its conclusions. It was "guided by the evidence and opinions presented to it in the public hearings" (Health and Safety of Workers in Mines 1976:249). There were thirty two days of public hearings during which time the Commission received 142 briefs, which filled 5600 pages of transcripts and another three briefs were delivered to the Commission after the public hearings concluded. The briefs were presented by individuals who represented the three largest groups affected by workplace health and safety policy. Organized labour, industry representatives, government or health specialists and some submissions were made by unaffiliated individuals. The largest number of representations were made by organized labour executives, primarily from the United Steelworkers of America. Seventy briefs or 48% of all the hearing appearances originated from union officials. Industry officials presented 17 briefs, which accounted for 12% of the total. There were 19 briefs from government agencies and policy specialists representing 13% of all the submissions. The remaining forty briefs were submitted by unaffiliated individuals. The actual

volume of industry submissions, as a proportion of all the official record, equalled 25% of the briefs. On the other hand organized labour accounted for 32% of the formal hearing's record. Government or specialist briefs constituted 14% of the testimony offered to the Commission. However, the most important consequence of the Ham Commission centred on the recommendations it proposed to the Ontario government.

The Commission was directed by its terms of reference to make recommendations concerning the working and environmental conditions of miners. The inquiry responded to its mandate by making 117 separate recommendations. The Report also included a series of conclusions and recommendations that discussed the general policy issues which were directly affected by the inquiry. In particular the degree of independence afforded to the contractual relationship between employers and workers was extensively criticized. The Report urged the creation of cooperative joint employer-worker safety structure because:

Questions of health and safety are not suitable issues for collective bargaining. The Commission has carefully defined a framework for the operation of joint labour-management health and safety committees as bodies contributive to the formulation and review of sound managerial policies and practices. (Health and Safety of Workers in Mines 1976:250)

The Royal Commission articulated the principle that "workers have a right in natural justice to know about the risks and consequences of the risks that they undertake at work" (Health and Safety of Workers in Mines 1976:250). It

further recognized that assumptions about workplace hazards could no longer be unilaterally exercised by employers because "the acceptable levels of risks at work and in life-style are being redefined by society" (Health and Safety of Workers in Mines 1976:258). Essentially, the Report argued that notice requirements should be imposed on the actors who were best situated to discover and correct hazards. Widespread possession and distribution of knowledge about workplace risks was encouraged through the adoption of new comprehensive legislation. The Report stated that only through new legislation would the

objective of a sound balance between self-regulation and legal compulsion based on the constructive co-operation of all parties cannot be achieved within current government policy and traditional industrial practices. (Health and Safety of Workers in Mines 1976:258)

The Commission's extensive analysis isolated specific work place policy characteristics that contributed to an unsatisfactory level of safety in mines. Furthermore, the report hypothesized that "the problems of the health and safety of workers in mines are probably not peculiar to the mining industry" (Health and Safety of Workers in Mines 1976:6). The recommendations of the Ham Commission were received in an economic environment where the costs associated with occupational health and safety were exerting greater pressures on the general administration and design of policy in this area.

The fiscal and economic impact of occupational health and

safety policy was an important factor that could not be ignored since the Ontario government adopted a restraint spending program during the mid 1970s (Lyon 1984). However, the difficulty of controlling workplace safety costs was exacerbated by the inter-dependant relationship between the various workplace safety statutes, the Workers Compensation Act and federal government healthcare transfer payments (Doern 1977). Many of the expenses related to workplace safety policy were attributable to provisions in the Workers Compensation Act. However, the expenditures mandated by this legislation could be reduced in only two ways. First, the available range of legislative benefits could be curtailed by amending the Compensation Act. However, this method was not promoted by the Ham Commission and did not seem politically feasible. The second method could be achieved through a reduction in the number and severity of workplace accidents.

Employers' standard measure of the level of workplace accidents used the concept of lost work-days as the primary unit of measurement. In varying degrees, the burden of workplace accidents and illness fell on workers, employers and the state. Appendix 4 outlines the extent of lost worktime, employer contributions and the costs of compensation programs. Employers also assumed the financial burden of maintaining a compensation program that reimbursed workers for lost wages or illness caused at the workplace. Employer contributions represented a partial transfer of workplace accident costs

from workers, who lost income while disabled, to the government, who provided benefits to workers, back to the employer, who owned the apparatus that caused the disability. Employers were assessed a premium for each \$100 block of payroll. The employer premiums varied according to the probability of injury or illness for specific industry sectors. The provincial government provided the benefits to injured or disabled workers who suffered lost wages or other expenses. A large administrative structure existed to administer the policy.

The Ham Commission Report was released on August 23, 1976 and exposed to political review after

a special committee of cabinet instructed senior officials of the affected ministries to undertake a detailed analysis of the Ham Report, recommending implementation of those recommendations which were supported by the extensive and sometimes complex evidence relied upon by the commissioner. (Legislature of Ontario, 1976:4001)

The Minister of Labour Bette Stephenson described the Report's recommendations as falling into two dimensions. The first dimension of proposals promoted organizational or administrative changes in the system of managing the workplace health safety policy. The other area of recommendations proposed substantive changes to existing legislation. The PC government accepted the proposed administrative changes agreeing to develop a single comprehensive health and safety division under the authority of the Ministry of Labour. These administrative changes along with a few substantive provisions

were contained in Bill 139 or An Act Respecting Employees' Health and Safety, which permitted the creation of labour management committees, established the right for workers to refuse "to use or operate the machine device or thing, or work in the place" (R.S.O. 1970, c. 274 s. 2). The legislation protected workers from employer retaliation against workers who refused unsafe work (R.S.O. 1970, c. 274, s.9(1)) The legislation provided for the establishment of joint health and safety committees in work places after the Minister of Labour ordered the formation of a health and safety committee (R.S.O. 1970, c. 274, s.4(1)(2)).

However, the government expressed reluctance to implement all of the substantive recommendations proposed by the Ham Commission. After a review of the substantive proposals by a joint labour-management committee, which was studying changes to the Mining Act, the Labour Minister revealed her hope to implement a comprehensive statute "governing occupational health and safety in mines, in industrial establishments and in construction projects" (Legislature of Ontario, 1976:4001).

Bill 139 was supported by the N.D.P. and the Liberal party (the bill was supported in principle by the OFL and the Ontario Mining Association-see Ontario Legislature 1976:4851 and Walters 1983) who nonetheless offered a series of amendments to the bill. The Conservative Party refused to accept any amendments to Bill 139 because it was intended to serve only as a stop gap measure. The Minister of Labour

emphasized to the Legislature that the bill was

interim legislation introduced to meet some of the important problems which present themselves in the workplace, while we continue with the intensive review of all of the Acts which deal with safety and health in work places. (Legislature of Ontario, 1976:4792)

The Employees' Health and Safety Act received Royal Assent on December 16, 1976. After enactment of the legislation the Ministry of Labour launched a survey of the various affected parties, excluding the assorted state actors, composing the occupational health and safety policy community to gauge their reaction to the Employees' Health and Safety Act and future omnibus legislation. Although organized labour supported the legislation in principle it was

by no means uncritical of Bill 139, yet the mild and respectful tone of most of the briefs suggest an expectation that the proposed omnibus bill would correct these inadequacies. (Walters 1983:425)

Employers opposed the intrusion of government into the workplace relationship between employers and workers.

Employers affirmed the

importance of protecting the health and safety of workers, but none favoured comprehensive legislation to achieve this goal. Voluntary mechanisms dealing with health and safety in the workplace were seen to be most effective. (Walters 1983:425)

Many employers urged the government to limit implementation specific standards that did not impair their profitability or market competitiveness (Walters 1983). Employers preferred the use of cost-benefit analysis as the primary tool to evaluate the desirability of adopting specific safety



standards. Additionally, employers uniformly rejected the right of workers to refuse unsafe work. According to Walters, all of the employer submissions,

expressed concern that workers might take advantage of this right and use it lightly. It was pointed out that, unless deterrents were built into the legislation and unless management was given the power to reassign work to another worker, the losses in production could be great. (Walters 1983:426)

The government's promise of omnibus legislation was fulfilled one year later at which time it introduced Bill 70 or An Act Respecting the Occupational Health and Occupational Safety of Workers. However, the legislation was delayed by the provincial election which occurred in June, 1977. The Minister of Labour introduced Bill 70 in the Legislature on October 18, 1977. The legislation contained a few innovations including the

comprehensive treatment of dangerous substances; the clarification of the right to refuse to perform unsafe work; the coverage of the new legislation. (Legislature of Ontario, 1977:856)

The Minister of Labour identified the development process that culminated in Bill 70. The legislation was predicated upon a wide range of sources such as an

intensive examination of those statutes by officials within my ministry (of Labour); second careful study of the report and the recommendations of several commissions-one in our own jurisdiction, namely the Ham report, and those in other jurisdictions, for example, Alberta's Gale report; and third, through extensive consultation with employer and employee groups throughout the entire province. (Legislature of Ontario, 1977:856)

A select number of specific provisions contained in Bill 70,

which were extensively discussed by employers and employees during the consultation phase following the enactment of the Employee Health and Safety Act, should be described. Workers' right to refuse unsafe work was amended so that it could be exercised when the "health and safety of the worker was threatened and not undertaken frivolously" (Legislature of Ontario, 1977:857). Health and safety committees remained a ministerial option rather than a mandatory requirement in workplaces.

The proposal was sent to committee for further study and comment from employers and employees. Bill 70 languished in the Resources Development Committee for one year during which time it attracted the vociferous criticism of organized labour. The UAW, the CUPE and the OFL submitted briefs to the Resources Development Committee. Organized labour condemned Bill 70 for being nothing more than a total capitulation to employers. In particular Bill 70's provision relating to workers' right to refuse unsafe work was rebuked. The Ontario Federation of Labour criticized the Conservative government which seemingly

amended Bill 139 to satisfy one complaint after another voiced by management. The entire tone of this section stinks of the government's sensibility to management concern with production and its authority (Legislature of Ontario, 1978:27).

The UAW castigated the entire legislation for being "incredibly inept and regressive" (Legislature of Ontario, 1978:2). Organized labour's hostile reaction to Bill 70 was

echoed by the NDP who sought to amend the legislation. Committee debate on the legislation resumed in November 1978. The antagonistic climate which marked the committee debates during January 1978 seemed to dissipate with the appointment of Robert Elgie as the Minister of Labour. The PC government proposed amendments to the legislation which addressed some of the concerns raised by organized labour and the Resources Development Committee. The provisions dealing with application of the legislation, the establishment of mandatory health and safety committees where twenty or more workers were employed, the right of workers to refuse unsafe work and penalties for non-compliance with the legislation were amended by the Minister of Labour in the Legislature, which met as the committee of the whole on December 15, 1978 (R.S.O. 1970 c. 83, s. 3, 7, 8, 23 and 37).

It is interesting to note that the factors influencing the policy instrument adopted in Ontario and the US were quite similar. In its final form the legislation was an instrument of compromise. It more closely resembled the policy objectives of organized labour and the NDP than the Conservative government's original proposal. Bill 70 was given third reading on the same day which concluded a dynamic and fluid period in Ontario's workplace health and safety period. The passage of omnibus legislation did not harness the forces calling for greater protection for workers, but it represented a significant policy achievement that propelled Ontario into

a modern stage of policy evolution in this policy area.

## DISCUSSION

The analysis of the data compiled for this study will be organized according to the dimensions of the pluralist, rational choice and neo-institutional theories. Each particular grouping of data will be examined, measured and tested separately according to the three criteria outlined earlier. All three components of the test must be satisfied, by each particular variable before that phenomenon will be accepted as exerting a positive causal influence on the change of occupational health and safety public policy. The overall strength of the pluralist, rational choice and neo-institutional theory will be measured according to their relative ability to explain policy change.

The first criterion can be satisfied only when the specific phenomenon, as represented by an empirical variable which represents the independent variable, preceded the change of Ontario's workplace safety policy. Simply stated, the phenomenon must be first in time; if it does not it will be categorized as not exerting a positive causal relationship on the change of policy. The process of policy change was initiated in May 1974 and the transition period continued until December 1979.

The second test required that the phenomena be of the type of factor that is more likely than not to cause the policy change which serves as the dependent variable. The third criterion is a limiting concept that serves as a

conceptual border to potential causal relationships between the independent and dependent variables as a matter of ensuring proximate and direct relationships. For the purposes of this analysis the data representing the three theoretical models must be reasonably close in time and logically related to Ontario's change of public policy.

Taken together these tests should effectively isolate the variables which are clearly and directly related to the change of policy thereby permitting an approximate hierarchical ranking of the applicability of three public policy theories.

The pluralist theory holds that policy activity is caused by the pressures and influences of organized groups who participate and contribute to the exchange of information and possess the capability to affect electoral outcomes of policy actors. One of the most important objectives of organized group actors is to realize and achieve the policy objectives defined and enumerated through the appropriate mechanisms of the organized groups. Their ability to substantially influence the policy process is largely dependent on the organized groups' ability to stimulate change in the composition of the membership in the legislative branch of the state. Various organized groups will promote and support political candidates or political parties in elections who share similar policy values and objectives of the organized group. There appears to be no relationship between organized group behaviour and the change of policy.

The NDP strictly adhered to workplace health and safety policy objectives that were consistent with organized labour even though it tended to follow the lead of NDP. Thus, it would be reasonable to anticipate greater numbers of votes cast for the NDP and more elected NDP legislators, particularly in Northern Ontario, near or shortly after the beginning of the process of policy change in 1974. Election results are useful in this analysis because they indicate whether there were any electoral trends which departed from previous patterns. The distribution of legislative seats is an interesting measurement but less useful than a measurement of popular vote levels. Seat distribution is an after the fact perspective that permits the assertion of an inference that organized group activity created the variation.

The Conservative Party held a majority government as a result of the October 1971 election. The 1975 election resulted in a Conservative minority government largely due to the increase in the number of seats won by the NDP (Appendix 1.1). However, the NDP increase was not accompanied by a corresponding increase in the number of votes which increased only 1.7% over 1971. The Liberal Party was the primary recipient of the defection of voters from the Conservative Party as it increased its share of the popular vote by 6.5% over the 1971 election. The Liberal increase accounted for 77% of the Conservative Party's loss of electoral support (Appendix 1). The 1977 election also resulted in a

Conservative minority government. But they were able to increase their share of seats by seven. The NDP lost five seats although their level of proportion of the popular vote only declined by .9%.

In the nine northern Ontario ridings five were held by NDP candidates after the 1971 election. The NDP gained two additional seats in Northern Ontario, at the expense of the Conservative Party, during the 1975 election while increasing their share of the popular vote in the five ridings they retained (Appendix 2 and 2.2). In the 1977 election the NDP lost two seats which were gained by the Conservative party. Furthermore the NDP share of the popular vote declined in three of the five ridings they retained.

The election outcome results did not precede the initiation of the period of policy change but the two elections occurred shortly after the policy change. The actual organized group activity would have occurred prior to the policy change period and the election results represent a measurement of the impact of the organized group activity. Thus, the chronological standard is met.

The election results from 1975 and 1977 do not match the anticipated pattern of increased support for the NDP. In fact, the NDP marginally raised their provincial wide vote totals although their proportion of seats remained significantly higher than after the 1971 election. The real shift of voters went from the Conservative Party to the



Liberal Party who were not advocating health and safety policy change on behalf of organized labour nor organized business (Appendix 1).

Campaign contributions to the major political parties represent an effective measurement of the level of organized group activity in the policy process. A significant level of group based disagreement over a policy issue should be accompanied by increased levels of election campaign activity as the organized groups seek to influence party policy objectives. Accordingly, labour campaign contributions to the NDP should increase and corporate contributions should increase to the Conservative and or Liberal parties.

However, the campaign contribution data does not evidence any cross party patterns that are consistent with the anticipated outcomes. Corporate donations to the Conservative Party increased 6% to 77% of all Conservative Party contributions in 1976 (Appendix 3). Although the proportion of corporate contributions declined from the 1976 level, but the amount totalled 71% of all contributions in 1978. Corporate donations to the Liberal party started at 71% and plummeted to 59% then increased over the next two years to 83% of all contributions (Appendix 3.2). Campaign contributions to the NDP represented no more than 1% from 1975 to 1977. The NDP decided not to accept any corporate contributions in 1978 and thereafter. The principal source of group based contributions derived from unions. In 1975, an election year,

union contributions amounted to 33% of all campaign contributions made to the NDP (Appendix 3.1). The next year the level of union contributions declined by 16% to 17% of all union contributions. In 1977, another election year, the proportion of union contributions increased to 43% of the party's total contributions and union contributions dropped to 6% of campaign contributions. The total level of corporate contributions increased a nominal though consistent amount in election and non election years as 3.0 million dollars contributed to the Conservative and Liberal parties in 1975 and 3.4 million dollars in 1977. Non-election year contributions amounted to \$780,000 in 1976 and 1.2 million dollars in 1978. Although there were pronounced differences concerning the substantive content of policy between corporations and unions, the level of intensity of policy disagreement was not manifested by increased involvement in electoral activities (Appendix 3, 3.1 and 3.2). Legislation requiring the reporting of campaign contributions over \$100 did not become effective until 1975, but the data applies to the period when organized groups responded to the initiation of the policy change in the legislative branch. There is no evidence of any form of causal relationship between organized group campaign contributions by corporations and unions and their response to the development of occupational health and safety policy change. All three of the parties enjoyed their highest level of campaign contributions during election years.

Corporate campaign contributions to the Conservative and Liberal parties remained relatively consistent and close to the contribution levels in 1975. The intermittent fluctuations of corporate contributions did not correspond in any reasonable fashion to the health and safety policy positions adopted by the Conservative and Liberal parties. The variation of union contributions directed to the NDP was significant and appears to have been more closely related to the occurrence of elections in 1975 and 1977, rather than an endorsement or reaction to the party's occupational health and safety policy stance.

Although there is no definitive link between individual electoral behaviour and organized group activity, it is reasonable to infer that individual activity will change when there is a significant level of group based disagreement. Apart from actual election results it is difficult to identify precisely the level of individual support for the various parties. Opinion survey polling offers a limited utility since they capture short term individual responses that do not imply or attribute any level of political or policy participation by the respondent individual (Couts 1991). The level and frequency of individual campaign contributions exceeding \$100 to the principal political parties is an alternative indicator of public response to party policy platforms and the extent of public disagreement (Appendix 3, 3.1 and 3.2). However, there was no pattern or apparent

relationship between individual contributions and the policy behaviour of the three parties in the health and safety debate. Between 1975 and 1978 individual contributions to the Conservative Party varied between 23% and 29% of total contributions although the actual level of money remained rather constant and greater during election years. Election year contributions of \$800,000(1975) and \$900,000(1977) were \$1.2 million greater than individual contributions during non election years. The Liberal Party received considerably less funding from individual contributions and there was much more year to year variation. For the Liberal party individual contributions reached a peak of 40% of the total contributions and a low of 17% of contributions. Contributions reached their highest level during election years and amounted to \$600,000 while non-election year contributions slightly exceeded \$100,000. Interestingly the level of contributions declined 50% during 1977. The NDP gathered a greater level of their funding from individual contributions although there was no consistency during the 1975 to 1978 period. Unlike the trend of the other two major parties individual contributions to the NDP actually declined, in proportional and actual terms, during election years compared to non-election years.

The individual campaign contributions data meet the timing criteria as they were compiled concurrent to corporate and union contributions data. Taken together there is no

apparent pattern evident in the data that corresponds to the expected outcome between individual campaign contributions and the position of the three parties on health and safety policy. In particular, the NDP was unable to generate higher levels of individual campaign contributions. Each of the parties experienced different patterns of individual contributions than evidenced in corporate and union contributions.

Organized group membership size and union activities are variables that will clearly and precisely reveal specific policy positions of organized labour and to a lesser extent business groups. Further, this particular avenue of analysis will document the substantive differences between labour and business policy objectives which addresses the issue of how much group based disagreement existed in the health and safety policy community. Data relating to the size of organized groups will establish a measurement of their potential exercisable power over electoral outcomes. The membership size of organized groups is a feature that should contribute to policy change in that the larger a group the more influence it should exert. Organized labour and business groups existed long before 1974 and satisfy the first criterion of time. There were approximately 1.2 million unionized workers in Ontario during this time but they were spread among 125 ridings. In the 1975 election there were 4.9 million eligible voters and 3.3 million or 67.8 % of them voted. In the 1977

there were 5.1 million eligible voters and 3.3 million or 65.6% of them voted. In the context of the eligible voters unions represented one of the largest organized groups in Ontario constituting 23% of the electorate. Many of the union members most closely affected by health and safety debate worked in the mining industry which was primarily situated in Northern Ontario where there were nine constituencies. Approximately 21,000 unionized workers resided in the nine Northern Ontario ridings which contained approximately 194,000 people who voted in the 1975 and 1977 elections.

Even if the size of the organized groups was large enough to affect the parties, the provincial wide decline of voter participation during the 1975 and 1977 elections indicates that the organized groups were unable to motivate individual voters to respond to vote on the basis of the parties' position on health and safety policy. This trend deviates from the anticipated pattern of constant or greater voter participation. Moreover, the specific and potential impact of organized labour in response to the positions adopted by the major parties was limited by the previous electoral success of the NDP in Northern Ontario which would have been the primary beneficiary of organized labour's support. Labour had already reached their maximum level of influence prior to the initiation of the health and safety debate. At the conclusion of the 1975 and 1977 elections the

distribution of seats among the parties was unchanged from the 1971 election in Northern Ontario. As such it is impossible to classify group size as a factor which is of the type of factor that is more likely than not to stimulate policy change. It appears, notwithstanding the apparent extensive level of substantive group based policy disagreement, that the organized groups were unable to translate their membership size into electoral pressures. The primary interests of two of the largest organized groups in Ontario politics were directly affected by impact of policy change yet they were unable to export the health and safety issue beyond the parameters of the individuals directly affected by this issue.

The basic underlying thrust of the group disagreement can be briefly summarized; labour sought significant changes to health and safety policy through comprehensive legislative amendments and business sought to maintain the status quo. In most instances these policy objectives were preserved on the public record in the form of resolutions, convention minutes and policy statements. On the issue of timing the actual assertion of policy objectives by organized labour did not occur until 1974 at which time the OFL issued its first comprehensive resolution on occupational health and safety. At the very best the labour policy formulations were developed concurrently with the initiation of the process of formal change promoted by the government when the Ham Commission was established. In any case, the elapse of time was not

sufficient to permit the establishment of any type of direct causal relationship. Indeed it is just as likely that the NDP policy activities in health and safety stimulated the immediate change of organized labour's policy.

Another indicator of the nature and level of group based disagreement over health and safety policy was revealed in the administration of the Ham Commission. During its inquiry into the safety of mines the Royal Commission solicited public submissions. In particular an examination of the submissions to the Ham Commission demonstrated organized groups' activities that sustained the pressure for policy change.

The Commission received 146 submissions from a variety of sources including organized labour, business, unaffiliated individuals and government-policy specialists. Labour submissions accounted for 48% of the briefs, while business represented 12% of the total. The disparity of actual submissions between labour and business was not reflected in the actual volume of the briefs. Business and labour contributions monopolized the process and accounted for nearly 60% of the public comment (32% of the volume of briefs were made by labour and 27% by business). There was a great deal of group based disagreement over health and safety policy, but there was also a significant level of unaffiliated individual submissions representing 25% of the number of briefs and 29% of the volume of submissions.

Although the submissions were presented after the



initiation of the policy change process they satisfy the timing criteria since they existed before the actual change of policy was implemented. The extensive level of individual participation in the Ham Commission indicates that the dimensions of the health and safety debate extended beyond the configuration of an exclusively group dominated pluralist process. There was a strong and compelling source of individuals who were sufficiently motivated to express their views on health and safety policy change by actively participating in the policy process. The significant level of individual participation weakened the direct pressures that government felt from organized labour and business as to policy change. Thus, there is not enough convincing evidence that the level of group based disagreement, as represented by submissions to the Ham Commission caused the policy actors to respond to the organized group differences by changing policy.

The second grouping of data falls within the purview of the rational choice theory. According to the precepts of this paradigm public policy actors will change existing policy when it becomes more expensive to maintain than originally projected or when less costly policy alternatives are developed. Therefore, it is necessary to accurately define the financial costs of maintaining workplace safety policy in the period leading up to the phase when the policy was changed. Next the policy administration costs must be reviewed and defined in the context of whether they were

greater than anticipated, increasing faster than planned or whether less costly alternatives were available, to merit examination as a possible cause of policy change.

The fundamental phenomenon which effectively captures one dimension of the cost of health and safety policy is measured by the number of lost work time defined in person days due to work place accidents or injuries. The level of lost work time will dually affect business and the state. Business is generally loath to invest in a region where productivity is low or declining. Levels of lost work time is a prime element in the determination of employee productivity.

As a result, business investment will recede causing stagnant employment levels thereby stimulating the impact experienced by the state. Reduced business investment results in less personal and corporate tax revenues which can be collected by the state.

The number of lost person days increased dramatically during the ten year period prior to the policy change. Between 1970 and 1975 the number of lost person days increases 25.6% and between 1965 and 1970 the number increased 32% (Appendix 4). The increase in the level of lost work time had grown into a snowballing trend with no sign of dissipation. These data meet the timing criterion as it was recorded by the state since the implementation of workers compensation in Ontario in 1914. The increased level of lost work time occurred prior to the change of policy. The level of lost

work time was clear and significant which ultimately propelled workplace injuries into the primary cause of lost work time, even exceeding the impact of labour related work stoppages. The high level of lost work time was of the type that would more likely than not increase the likelihood of stimulating policy change. The level of lost work time was a visible phenomenon that was measured and maintained by the state. Any reduction or loss of business investment would be quickly and directly drawn to the attention of policy actors through reduced tax revenues. The phenomenon of lost work time appears to be the proximate cause of the policy change. In chronological terms it was exceedingly close to the change of health and safety policy and the data were readily available to the policy actors.

The direct costs of administering health and safety policy were assumed by the state and partially transferred to businesses that employ workers who qualify for workers compensation. Employer contributions represent an indirect tax that constituted an unavoidable cost of doing business in Ontario (Appendix 4). It was a substantial expense that affected the decision businesses to expand or locate operations in Ontario. The state applied monetary levies, based on each \$100 block payroll, on firms according to the likelihood of an employee being injured at the workplace. Over the ten year period from 1965 to 1970 employer contributions experienced a slight drop of 6%. But the levy

increased 27% in the 1970 to 1975 period.

The increased level of employer contributions were much higher than employers were willing to tolerate (Walters 1983). The timing criterion has been met by this phenomenon.

Notwithstanding the temporary decrease during the 1965 to 1970 era increasing employer levies preceded the advent of the policy change (Appendix 4). The higher rate of employer contributions represents the type of force which is consistent with the category of factors which would promote change. There is some indication that increased employer contributions resulted in greater interest group activity by business groups (Walters 1983). But increased interest group activity does not seriously handicap the notion that indirect financial costs borne by the state, as a result of business investment decisions, motivated policy actors to alter health and safety policy because the underlying basis of the policy actors' decision was predicated on the likely financial consequences they would experience as a result of increasing employer contributions. The criterion of proximate causation is problematic because the phenomenon was not experienced directly by the state, however it is close enough to the change of policy to be classified as a positive causal phenomenon.

The state assumed the direct costs of administering work place health and safety policy through the payment of workers

compensation benefits to injured workers. During the 1965 to 1975 period benefit payments experienced consistently large increases (Appendix 4). During the 1965 to 1970 interval payments increased 32% and between 1970 to 1975 they increased 34%. The total growth of benefits reached 127% between 1970 and 1975, if the impact of a number of legislative changes are included which expanded coverage for workers. The burden of providing compensation benefits was increased at a dramatic pace in Ontario. This phenomenon meets the timeliness criterion it occurred over a long period of time prior to the health and safety policy change. Higher levels of benefit payments experienced by the state represents the most likely form of cost which would likely stimulate policy change. The rate of growth for benefit payments greatly outstripped growth levels in other areas and there was no foreseeable end to the growth. In an environment of limited financial resources available to the state it is predictable that it would seek to change the conditions that contributed to the increase of costs. This phenomenon also meets the test of proximate cause. The increased costs to the state were clear, one directional and direct. Additionally, health and safety policy was changed very close to the advent of increasing costs assumed by the state.

The final category of data is arranged according to the definition of the neo-institutional theory. In the health and safety policy area a diverse array of unique factors such as

legislative rules, regulations and routines, exist. They are generally found in formal legislation, regulations, judicial pronouncements and collective perceptions about appropriate modes or behaviour or limitations on certain types of behaviour. Collective perceptions refers to the shared attitudes or values of policy actors that are expressed in relatively constant behavioural routines in a given policy area. If policy change results from phenomena which are associated with the neo-institutional theory it follows that the a critical portion of the policy process is manageable and controllable. This is a recent theoretical formulation and the appropriate empirical data are poorly defined and still evolving through various scholarly applications. For the purposes of this analysis institutional phenomenon will be presented only when there is a clear identifiable agency capable of exerting some influence on policy actors and is primarily derived from well developed sources. Phenomena which meet this definitional burden will be assessed according to the chronological criteria to determine whether neo-institutional factors caused health and safety policy change.

The presence of institutional based factors is reflected in the mutual values or beliefs that are reflected in behavioural routines that developed elsewhere particularly other industrialized, democratic jurisdictions. During the environmental phase the United States, Sweden, United Kingdom,

Japan, West Germany and Saskatchewan had developed and implemented comprehensive occupational health and safety legislation. The various legislative formulations were similar to varying degrees in that they imposed strict standards on employers vis a vis health and safety conditions and sought to respond to technological advances introduced in the work place and authorized direct intervention in the worker employer relationship. The international prevalence of omnibus legislative efforts represented a common state routine that reflected values which did not meet the frequency and seriousness of workplace injuries and illness.

International occupational health and safety legislation meets the chronological criterion. This phenomenon preceded Ontario's period of policy change by two years which provided ample time for the transmission of the international steps. The U.S. Occupational Safety and Health Act was enacted in 1971, Saskatchewan, West Germany, Sweden and Japan implemented the Occupational Health Act in 1972. The second test demands that the phenomena be of the type of instrumentality that more likely than not tends to increase the likelihood of change. By the same token, it is entirely likely that policy developments in other areas could constrain policy change. In this instance the attractiveness of following other models for policy actors is supplanted by the natural tendency of people to avoid recreating the wheel. It is completely reasonable to expect that some policy and other state actors were exposed to

the policy formulations developed elsewhere. Indeed Ontario policy actors evidenced some familiarity with developments in other jurisdictions as they referred to other policy formulations during formal legislative debates. Certainly the widespread adoption of health and safety statutes was clear and visible to Ontario policy actors thereby creating pressure on them to harmonize their health and safety policy with the international community. On the face of it, this phenomenon appears too remote to satisfy the third criterion of proximate causation. The problem of remoteness can be resolved if the concept of policy communities are applied to the health and safety policy area. The formation of a small group of issue specialists, state actors and possibly interest group representatives, who regularly share health and safety knowledge and research would facilitate the development and desirability of widely shared values and beliefs (see Tuohy and Trebilcock 1982 for a discussion of the development of a professional ethos among industrial hygienists during the late 1960s).

Formal rules and regulations contained in legislation established behavioural requirements for any particular set of circumstances. Two different legislative rules appeared to influence the advent of policy change. The first involved the statutory requirement that ministerial estimates for a fiscal year had to be reviewed and ratified by a standing committee for that ministry. During the early 1970s the administration



of workplace safety was under the auspices of the Ministry of Natural Resources which was responsible to the Standing Resources Development Committee.

In the context of the chronological test the requirement for committee oversight existed prior to the policy change thus satisfying the first criterion. It is difficult to categorize the committee review requirement as unrelated to policy change because the genesis of the debate which stimulated the policy change was situated in the Resources Development Committee. However, other than providing the vehicle for articulating specific views and pursuing certain interests the committee review requirement did not directly influence or stimulate policy actors to change existing policy. For this reason it does appear to be of the type of phenomenon that increased the likelihood of change.

The second legislative rule, present in the health and safety debate, was contained in the Public Inquiries Act which regulated the formation and operation of Royal Commissions in Ontario. The Ham Commission was formed under the authority of this legislation which was originally enacted in 1965 and later amended in 1970. The Public Inquiries Act preceded the health and safety policy change thus passing the chronological test. Yet the creation of the Royal Commission actually occurred after the formal initiation of the period of change which began in the Standing Resources Committee in May 1974 but still preceded the actual change of policy in 1979. In

general terms and in this specific instance the establishment of a royal commission is the type of phenomenon that is more likely than not to promote policy change. This phenomenon is applied only in unusual or dire circumstances that require expert investigation and the gathering of information about a specific issue. The Ham Commission was conceived to explore worker safety in Ontario mines after strong pressure from the NDP and to a lesser extent Liberal members of the Standing Committee on Natural Resources. However, the Royal Commission was not the stimulus for change; indeed it may be viewed as part of the change of health and safety policy. It seems that the NDP was very confident that the recommendations of a public inquiry conducted by professionals and specialists would be translated into policy change. In this context the Royal Commission can be viewed as the body which designed the actual substantive policy but not the force which caused the policy change.

The historical development of the occupational policy issue within and outside of Ontario represents a model of the values and routines which were accepted by the state. These longstanding routines provide a useful and revealing insight into the values and behavioural norms which influenced or guided policy actors' actions as they interpreted and responded to various policy circumstances. Routines found in a given policy history represent a form of standard operating procedures for a particular policy area, but only if the

routines have been preserved in a coherent and well organized medium such as an archival apparatus or scholarly research and are observable. Although the policy resulted from the specific acts of policy actors in Ontario "the legislation should not, however be viewed in isolation from developments in other provinces and countries" (Walters 1983:430). The state's cost of maintaining workplace health and safety had increased substantially in the United States and Britain, as in Ontario, prior to a substantial policy change. The widespread presence of a direct causal variable in many different jurisdictions where policy change took place is a unique phenomenon. The state identified costs as a macro-level variable that are universally applicable. The Ontario policy process might be clarified from the development of workplace health and safety policy in other political jurisdictions. Walters, reinforcing the findings of Ashford and Doyal, argued that "conditions similar to those (in Ontario) prevailed in Britain and the U.S. prior to the introduction of occupational health and safety legislation" (Walters 1984:430). Not only were the factual circumstances of the workplace health and safety policy similar across political boundaries during the 1970s, but there was widespread, international recognition of workplace safety as a legitimate and pressing social issue. Moreover, the Ontario response to the problem generally involved an initiation of change by the state followed by an expansive state managed

regulatory intrusion into the property of employers and the contractual relations between employers and workers. State domination of policy change was

not merely a local event, but has been common in many western industrialized countries, including the United States. (Tucker 1984:286)

Furthermore, the preserved routines must be accessible to the policy actors. The evolution of the worker safety issue has been chronicled in a limited fashion. The first comprehensive review of the history of work place safety policy in Ontario was conducted in 1975 by a law student. No other policy reviews were conducted until after the policy change. The other general source of policy development is present in the various work place safety statutes enacted in Ontario. Information relating to work place health and safety is available to policy makers and the public in a library operated by the Ministry of Labour in Toronto.

In varying configurations workplace safety legislation existed since 1874. The policy underwent a series of modifications that resulted in greater state intervention into the private property of employers and the relationship between workers and employers. Generally, policy actors tended to change workplace safety policy when the level of workplace accidents increased or after a significant workplace disaster such as the Hoggs Hollow accident which killed five workers in 1960. Although there was some disagreement about the extent of state intervention, no policy actors articulated any

opposition to the established traditional policy routines found in Ontario. The progressive nature of the policy is demonstrated by two provisions contained in the Industrial Safety Act and the Industrial Act which made both workers and employers responsible for complying with specific safety regulations.

The institutionalized nature of workplace safety policy meets the chronological test. The routines are observable as they were preserved in one comprehensive study and the various legislative formulations prior to the change of policy. Historical based routines are a phenomenon that qualify as being the type of factor that appears to multiply the likelihood of stimulating change. In a sense the institutionalization of policy routines or behaviour by policy actors mirrors the role of precedent in common law systems. When policy actors are confronted with factual circumstances that are similar to past situations they will react to the current problem in a manner that replicates early policy decisions. However, this study is concerned with determining the causes of policy change. The suitability of occupational health and safety policy routines as a causal factor is weakened by the fact that they did not directly produce comprehensive policy change. The only major policy change prior to the environmental era occurred in the nineteenth century when the original workplace safety policy was adopted. Standardized policy routines constituted a stronger influence

on the implementation of health and safety policy rather than a catalyst for significant policy change. Nonetheless, the impact of historical experience in a policy area should not be entirely discarded because routines provide a strong catalyst for some form of incremental policy change.

This analysis has examined and tested the collection of variables that represent the operation of the pluralist, rational choice and institutionalist theories to determine which model most effectively accounts for the health and safety policy change between 1974 and 1979. The rational choice theory appears to be the most satisfactory theoretical proposition which accounts for the change of Ontario's occupational health and safety policy. Of the three types of rational choice phenomena examined and tested only one was found not to exert direct and clear pressures on policy actors requiring a change of public policy. The appropriateness of the factors associated with the rational choice theory is enhanced by the direct and easily observable impact they exerted on policy actors.

The traditional explanation for public policy activity did not contribute to policy change in the occupational health and safety issue. None of the phenomena associated with the pluralist model appeared to clearly and directly stimulated change. However, there are strong preliminary indications that the substantive content of the health and safety policy was partially influenced by pluralist factors.

Variables representing the neo-institutional theory showed some relationship to the policy change although only one phenomenon was clearly and directly related to policy change. The other two factors seemed to indirectly promote change but the relationship was not persuasive. The overall strength of the neo-institutional model is impressive. In fact its relative shortcomings presented in this study might be a consequence of the manner in which the model was operationalized for this analysis. Further efforts to refine the neo-institutionalist theory should continue.

## CONCLUSION

This effort of determining what caused the occupational health and safety policy to be changed by the Ontario legislature has been framed within the context of broad theoretical models which identify and promote significantly different elements of society. The phenomena that represent the theories are not easily quantified into universally comparative concepts. Although this determination of what caused policy change has been couched within the abstract parameters of theoretical formulations it is important to apply the theoretical concepts to the execution of the policy process in dynamic terms. Thus the issue is more properly understood as what caused the relevant policy actors, who exercise control and domination of a policy instrument, to change that policy? Naturally the issue could be just as properly explored from the perspective of what constrains policy change and this type of analysis would be quite fruitful in policy areas which have experienced long periods of policy stability.

A common pattern evident in public policy literature has sought to organize factors which influence the policy process according to whether they originate from societal or state based sources. These theoretical orientations served as convenient organizational vehicles that identify the general character of the various specific theories that have been developed to explain the policy process. The period of



occupational health and safety policy change illustrates that the society-state distinction is not particularly applicable to this policy area. The delineation of causal forces according to this variation of origin is incompatible with the circumstances that existed in the occupational health and safety issue and quite probably other policy areas that involve some form of expansive state effort to alter the distribution of power in society. The intellectual process was guided by economic considerations that sought rational activity. In the health and safety area the apparent causal force was an intellectual process which cannot be described as an attribute of either the state or society. The production of agreement on language, standards of measurement, definitions, indeed the substantive content of the issue was determined through a relatively small group of people organized around a specific policy.

Actors from health care, education, labour, business, the bureaucracy, intertwined to form the basis of an expansive, multi-dimensional policy community. The primary reason for the health and safety policy community's existence rested on the exchange of specialized and sophisticated knowledge regarding various legal, administrative, medical, and technological aspects of the health and safety debate. In many respects knowledge is a currency of power for the actors in a policy community and even the mere inclusion of certain types of information in a policy debate affects the dimensions

of the policy. The influence of knowledge on a process consisting of economic rational reasoning would be substantial. The Ontario government engaged in policy change when it was provided with knowledge that represented a clear, precise meaningful and concrete phenomena such as policy activity in other jurisdictions or increased costs of maintaining a policy or the presence of less costly policy alternatives. Organized group activity in the communications milieu and elections were unrelated to the policy change.

Maintenance of the status quo in occupational health and safety policy would have resulted in reduced financial resources, in the form of taxes and spending power for Ontario policy actors, which would have materially diminished the state's viability to serve an activist role in the system of governance.

Although the pluralist theory is the oldest and probably most appealing formulation it does not account for the change of health and safety policy. There was a significant level of disagreement amongst organized groups about the substantive content of health and safety policy. But the disagreement developed as a reaction to the process of change that was initiated and determined by state actors. Organized groups did nothing to stimulate policy change before 1974. Various indicators of organized group activity, such as electoral outcomes, party vote totals and campaign contributions, did not corroborate the assertion that policy change was the

result of organized group behaviour. The initiation of policy change was not a means of moderating the debate between organized labour and business because there was no agreement on the likely substantive content that would be included in the amended policy. The establishment of the Ham Commission was a shot in the dark for the state, labour and business. In fact the creation of the Royal Commission essentially reconfigured the dimensions of the policy debate over change from a predominantly political debate to an intellectual exercise governed by accepted rules, regulations and behavioural norms that were present in professional standards and legislation.

The reemergence of an institutional based public policy theory has been encouraged by the identification and definition of discrete non-structural entities such as behavioural norms. Health and safety policy change was certainly related to the presence of institutional phenomena. Formal rules and regulations contributed less to the actual policy change than the advent of certain standards of appropriate policy which originated within Ontario and other jurisdictions. During the course of workplace safety's existence since 1884, Ontario policy actors have authorized greater state intervention into the private contractual affairs between employers and workers in order to reduce the number of workplace injuries caused by accidents. The process of policy change developed into a norm among many state actors

within the international community.

Prior to the policy change Ontario's formulation lagged behind Saskatchewan, Alberta, the United States, Sweden, Great Britain and Japan. In the absence of data relating to the frequency and type of exchanges between people from the various jurisdictions it is difficult to describe the causal influence on Ontario policy actors other than acknowledging the legitimation of the health and safety policy adopted elsewhere and the development of a latent force for change. Yet, this is an important source of influence because it represents the indoctrination of shared values and beliefs in the health and safety policy area.

Currently the neo-institutional model cannot account for the specific determination by policy actors to embrace policy change. Nevertheless the neo-institutional theory provides insight into the requisite conditions when policy change is more likely than not to occur and even the general character of the subsequent policy. However, policy actors will embark on change only if there is a local phenomenon that clearly and directly affects the policy actors. The Ontario health and safety experience has shown that the state was prepared to subsidize workplace health and safety policy in a very limited and defined fashion. Decreasing revenues or increasing policy administration costs will cause policy actors to change existing policy in order to remedy the perceived financial burden assumed by the state.

The rational choice theory represents a post World War II theory that seeks to explain public policy as the result of logical, efficient individual decisionmaking. In one of the earliest formulations of the rational choice theory Buchanan and Tullock effectively captured the essence of this model when they argued that the "assumption is simply that the representative or average individual, when confronted with real choice in exchange will choose more rather than less" (Buchanan and Tullock 1962:18). In terms of public policy this results in policy actors who pursue goals and objectives in a manner that uses the least possible amount of scarce resources.

The Ontario policy goal of limiting work related injuries formally existed since 1884. That policy was accompanied by a policy to compensate injured workers for lost wages experienced as a result of workplace injuries. These policy principles were not questioned nor recanted during the long period after their adoption. There is no evidence that change was initiated as a means of dismantling the underlying doctrine of state intervention. Ontario policy actors decided to change occupational health and safety policy because the financial costs of achieving the desired reduction in workplace injuries exceeded the level that state policy actors could afford or tolerate. Since the mid 1960s, the direct costs assumed by the state of maintaining the occupational health and safety policy, increased sharply and consistently.

Additionally, the indirect costs of the policy increased as business productivity declined and tax revenues diminished as business investment slowed. Ontario policy actors changed health and safety policy in order to eliminate or at least reduce the workplace conditions that permitted the rapid escalation of health and safety costs borne by the state.

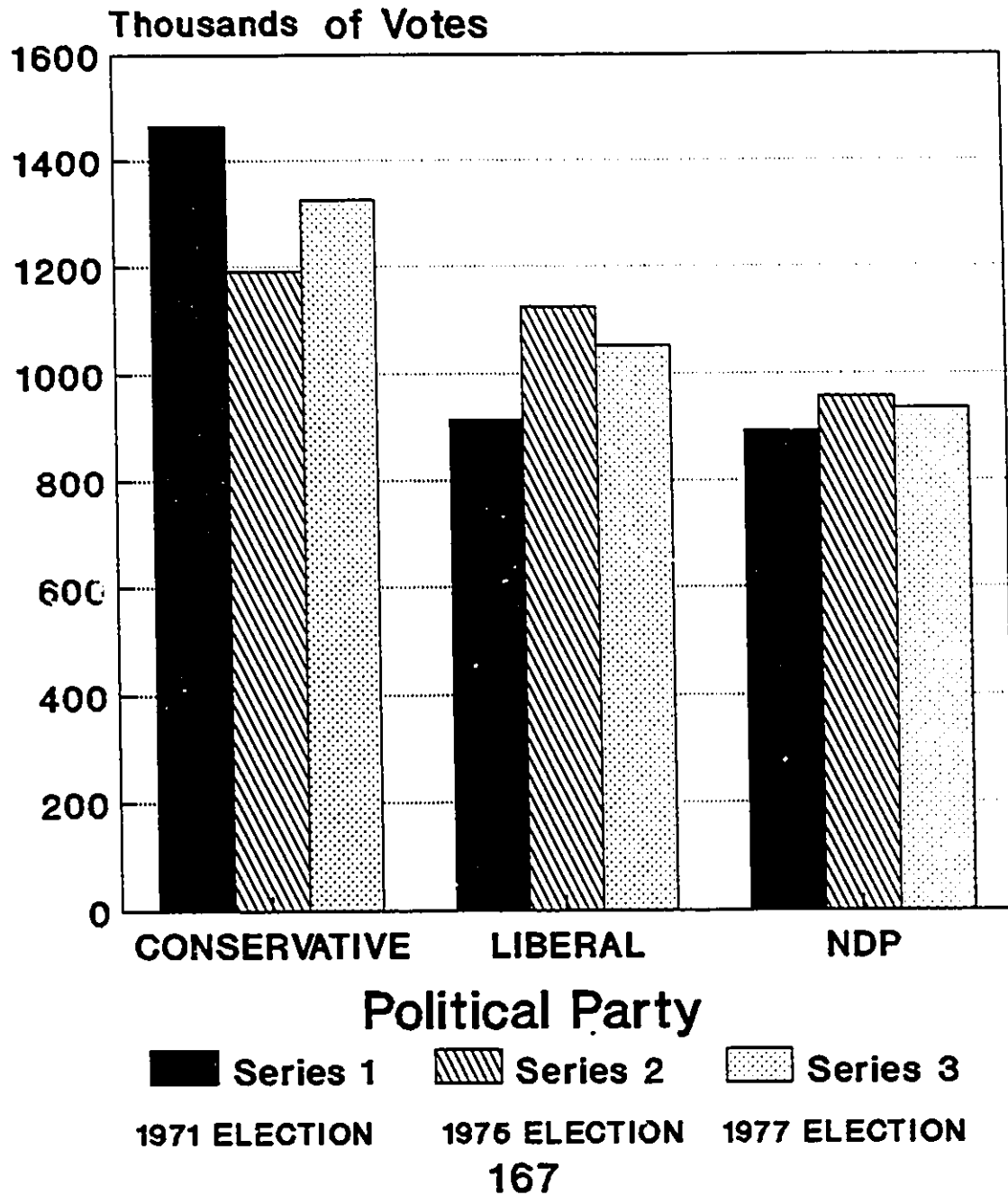
The primary concern of the state to reduce its exposure to increasing policy costs indicates that a potential future role in public policy for organized groups and other interested parties will rest on their ability to develop more holistic financial analysis of the consequences for the state of maintaining or changing a particular policy. In this manner policy change can be planned and managed as a rational response to the discovery of previously unaccounted costs and financial burdens associated with a policy. It is incumbent upon organized groups and other interested parties to recognize the primary factor in causing policy change and respond by shaping their policy dialogue in the context of the rational choice model.

From a normative perspective, this type of fixation with financial resource management in the process of governing the health and safety of workers offends the compassionate human tendency to cherish human life as a non-negotiable commodity. Perhaps greater understanding of the factors that influence the course of and content of public policy will encourage a reexamination of the principles, purpose and nature of

governance. Until the time that this type of introspective review takes place the frustration of the governed will increase as the process of governance appears less responsive to the needs of the governed as policy actors act according to the financial priorities of the state.

# APPENDIX 1

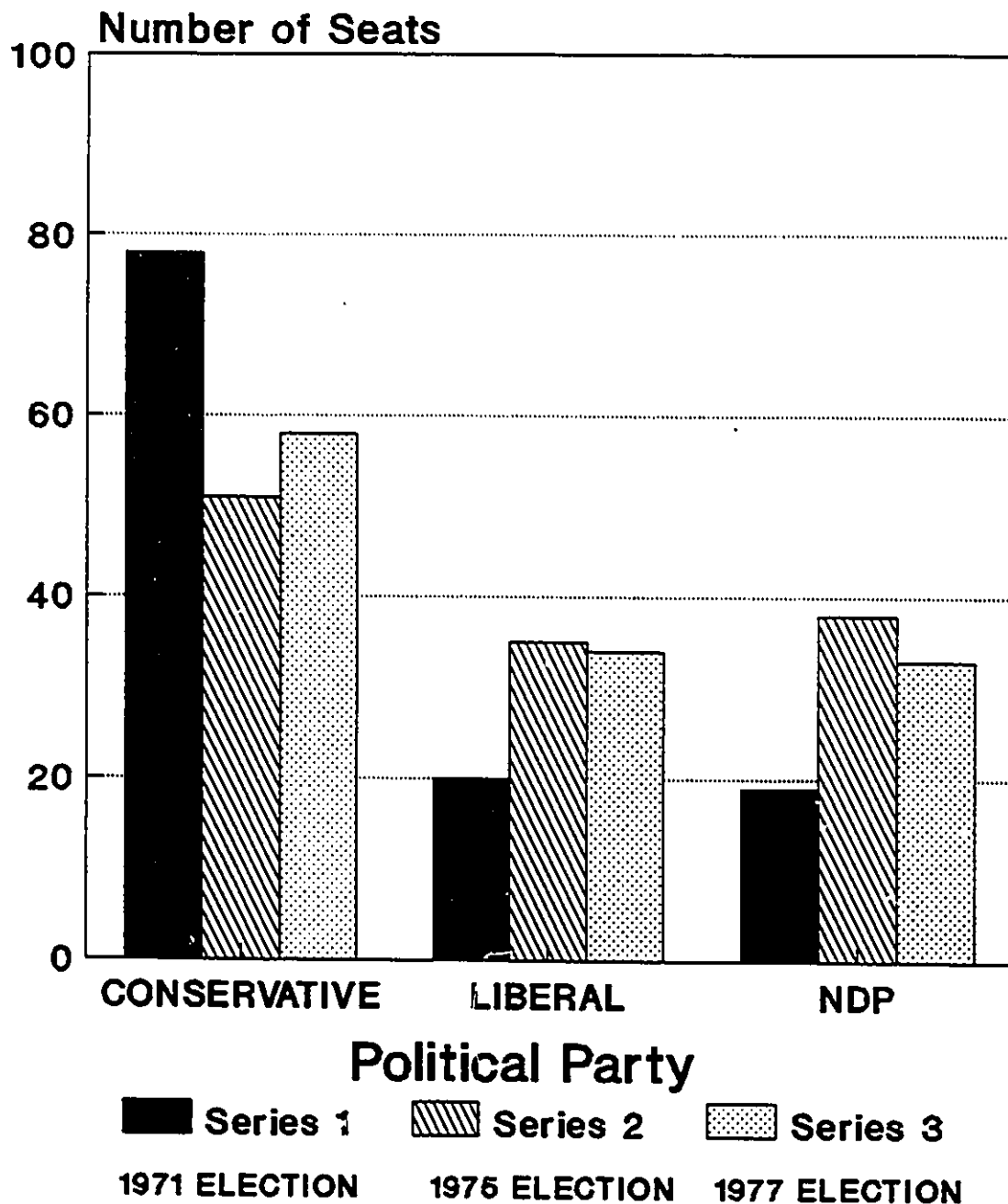
## POPULAR VOTE LEVELS





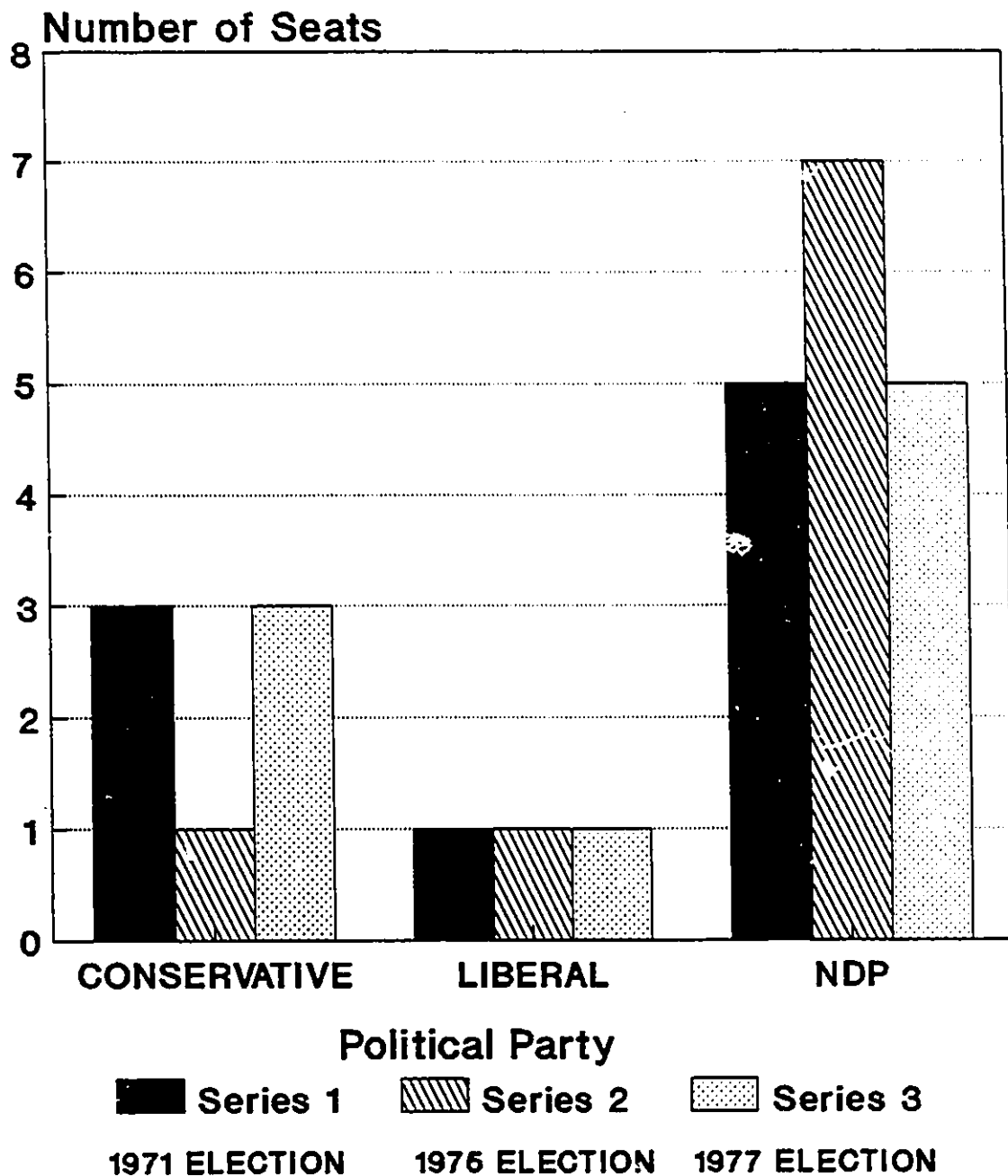
# APPENDIX 1.1

## SEAT DISTRIBUTION BY PARTY



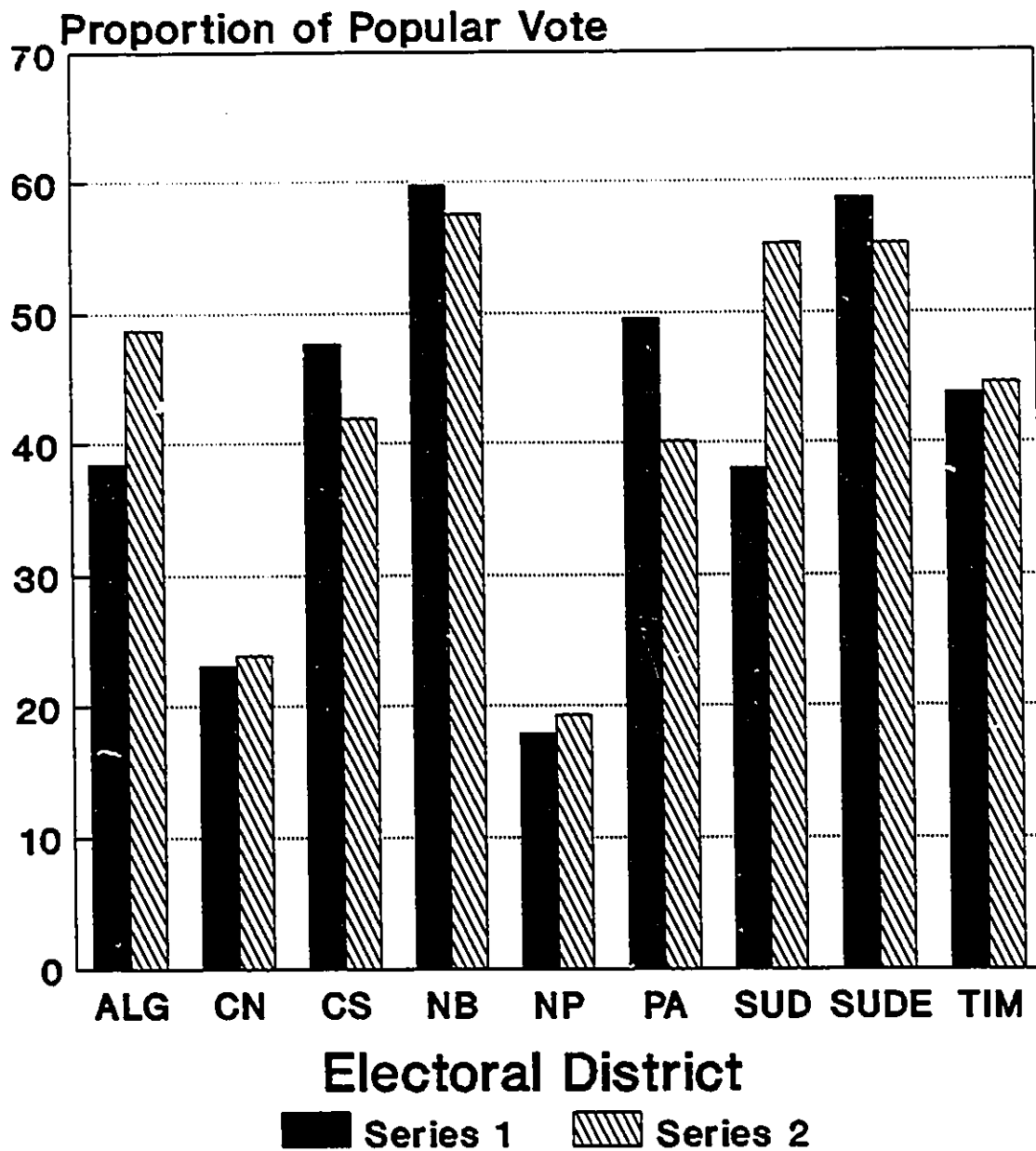
# APPENDIX 2

## NORTHERN ELECTION RESULTS



# APPENDIX 2.1

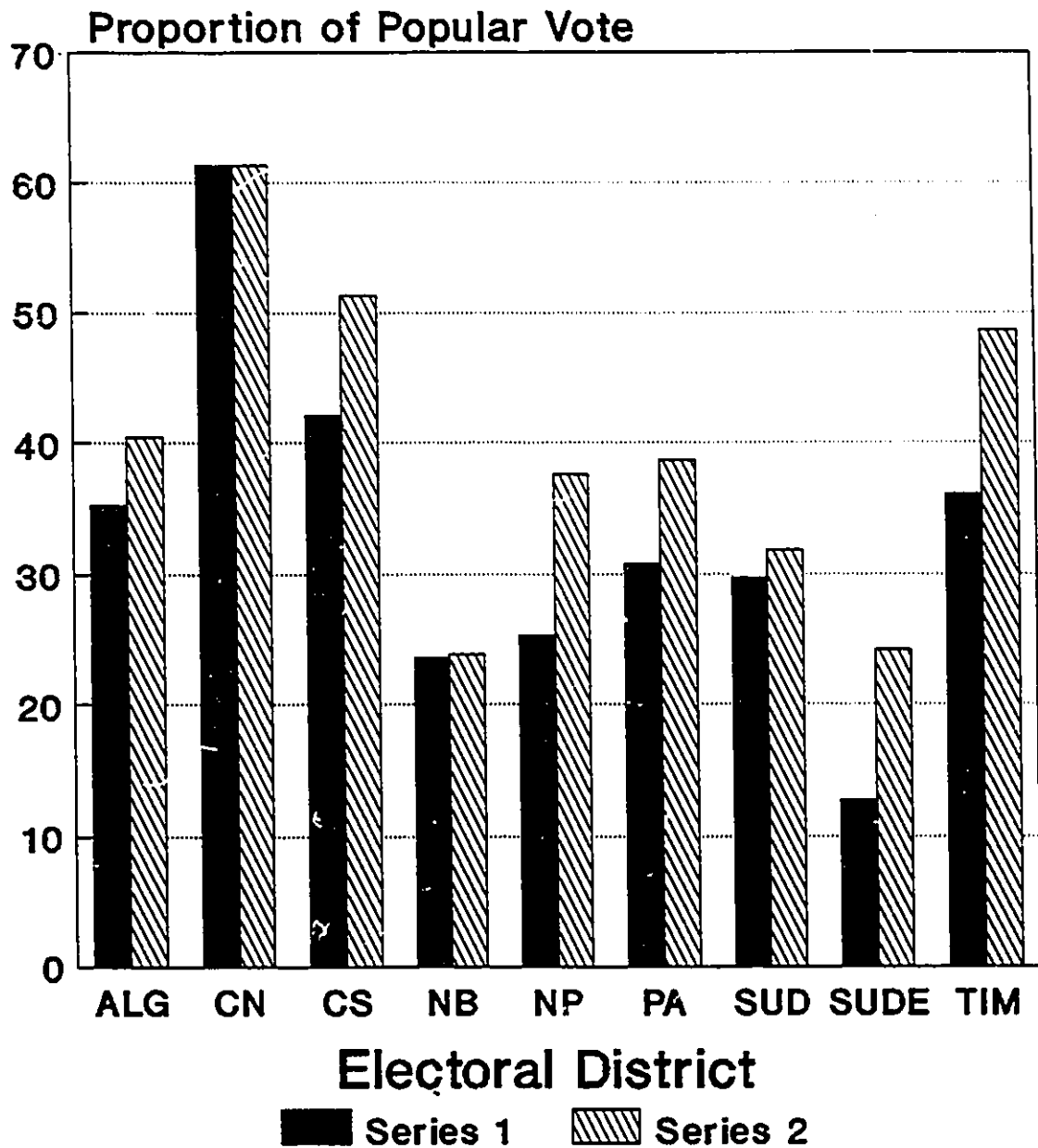
## NDP NORTHERN VOTE



1975 ELECTION 1977 ELECTION

# APPENDIX 2.2

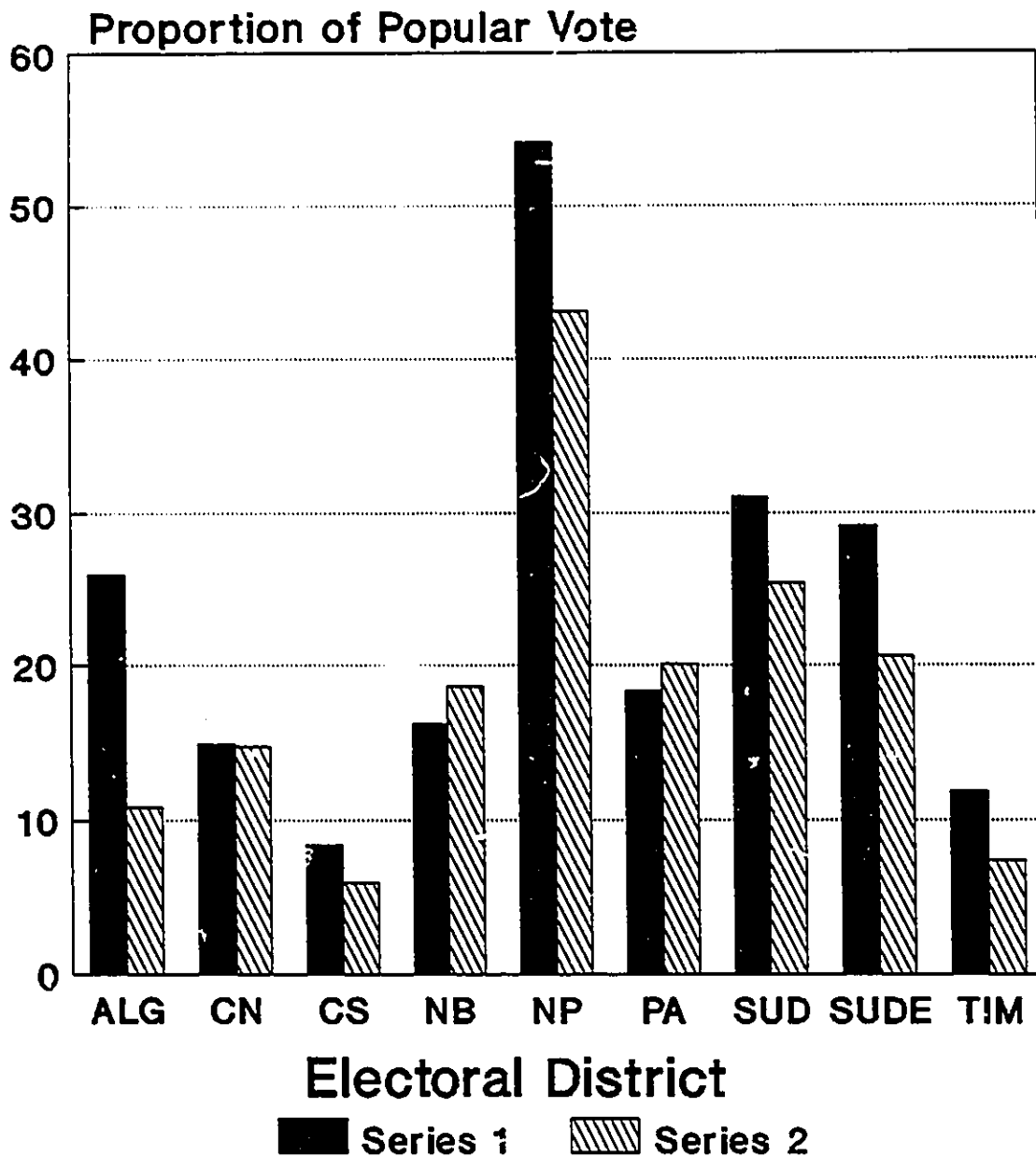
## PC NORTHERN VOTE



1975 ELECTION 1977 ELECTION

## APPENDIX 2.3

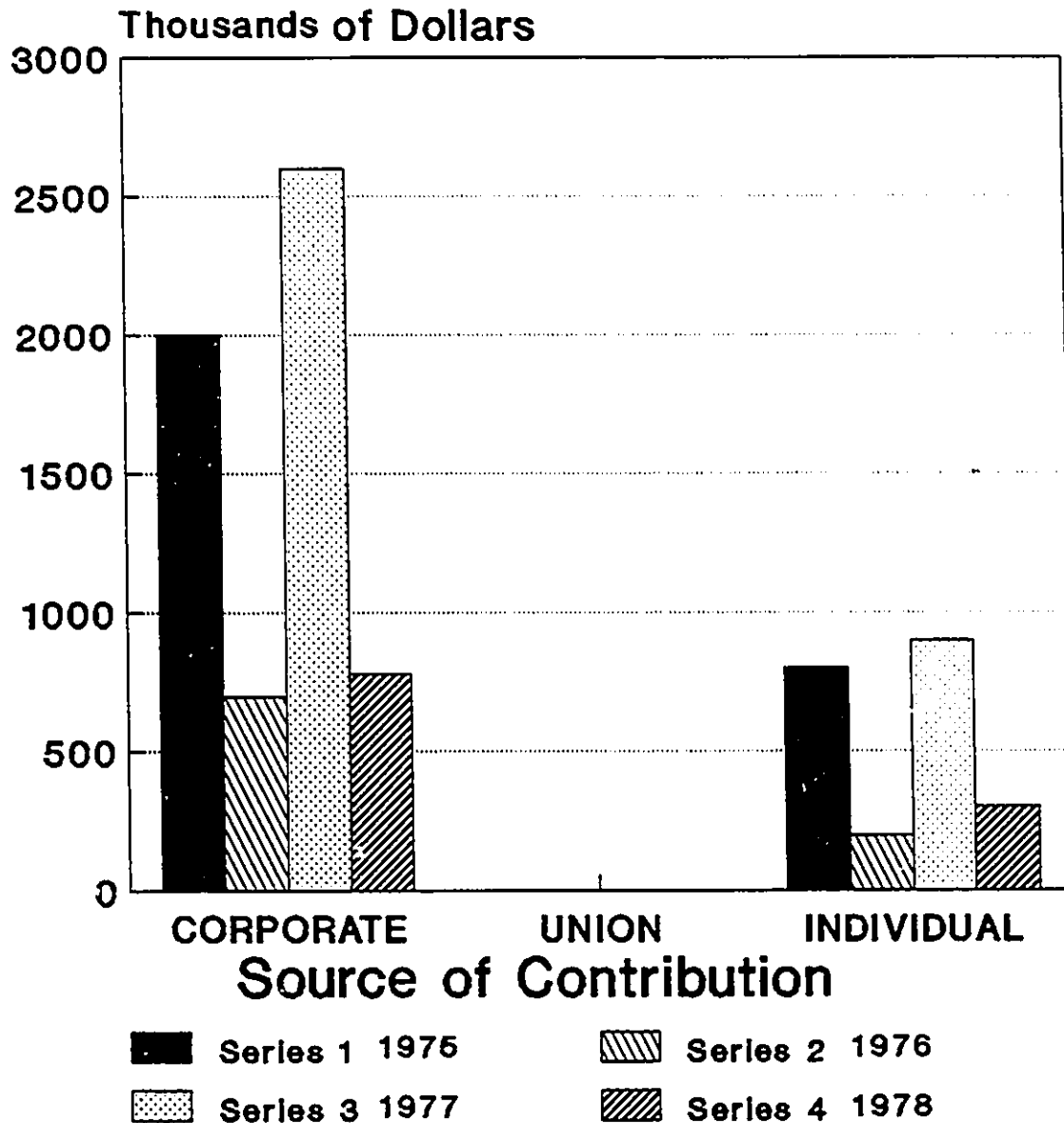
### LIB NORTHERN VOTE



1975 ELECTION    1977 ELECTION

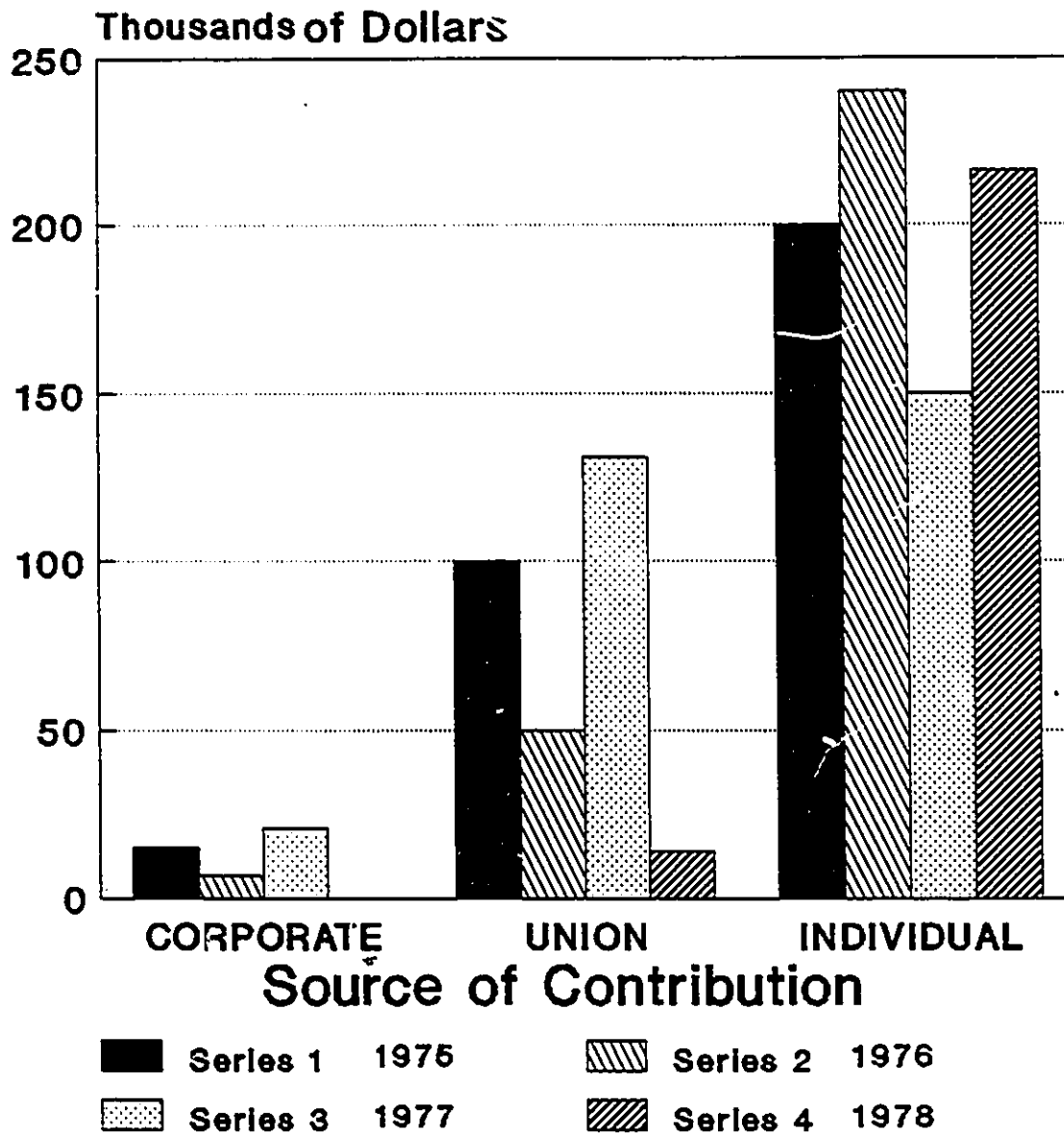
# APPENDIX 3

## CONTRIBUTIONS TO PC



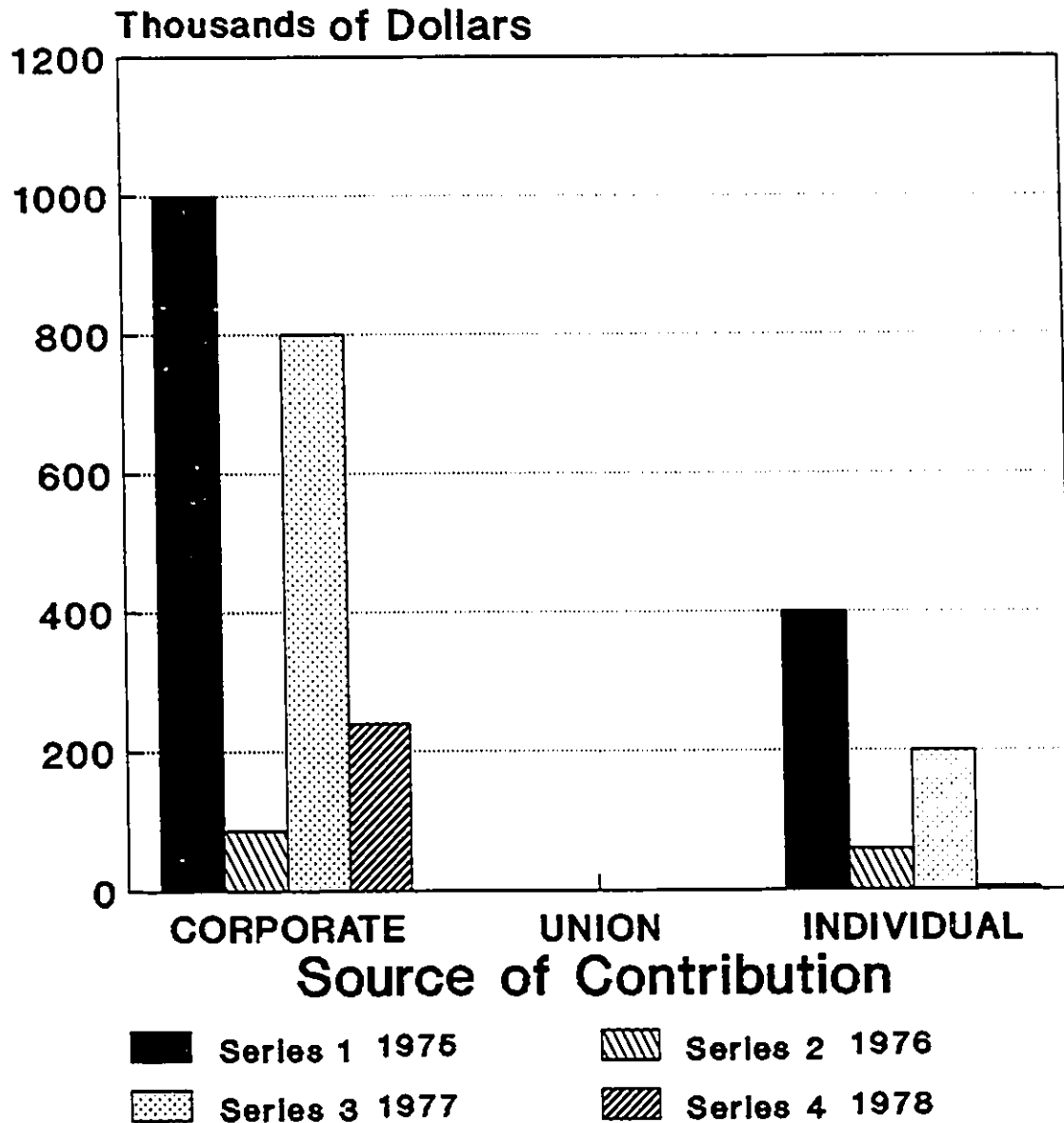
# APPENDIX 3.1

## CONTRIBUTIONS TO NDP

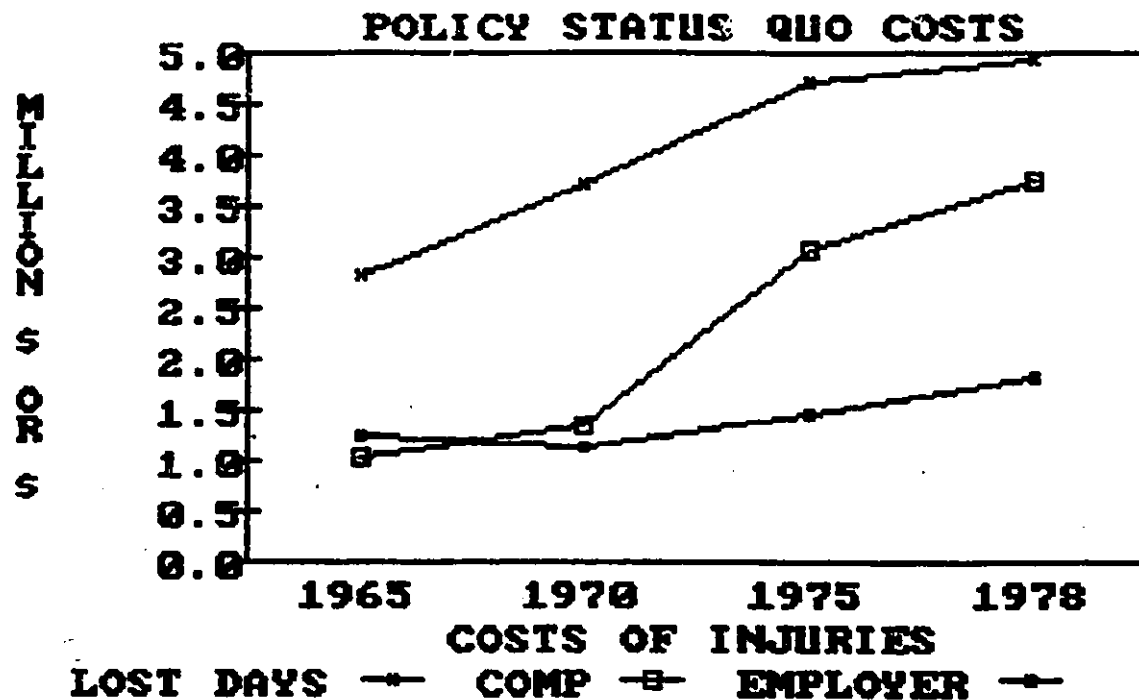


# APPENDIX 3.2

## CONTRIBUTIONS TO LIB







Source: Walters 1983 and Workers' Compensation Board of Ontario Annual Reports.

**COSTS OF THE OCCUPATIONAL SAFETY POLICY PRIOR TO THE CHANGE**

	YEAR			
	1965	1970	1975	1978
LOST DAYS	2.8	3.7	4.7	4.9 MILLION
COMPENSATION PAID	\$102	\$135	\$307	\$375 MILLION
EMPLOYER CONTRIBUTIONS	\$1.22	\$1.14		\$1.80*

\*the figure is actually for 1979.

# BIBLIOGRAPHY

Advisory Council on Occupational Health and Occupational Safety. Annual Reports. (Toronto, 1976-1981)

Almond, Gabriel A. "The Return to the State." American Political Science Review, Vol. 82, 1988: 853.

Almond, Gabriel A and Verba, Sidney. The Civic Culture: Political Attitudes and Democracy in Five Nations. (Boston, 1964)

Atkinson, Michael and Nigol, Robert. "Selecting Policy Instruments: Neo-Institutionalism and Rational Choice Interpretations of Automobile Insurance in Ontario." Canadian Journal of Political Science, March 1989, 23:107.

Atkinson, Michael and Coleman, William. "Policy Networks, Policy Communities and the Problems of Governance." A paper prepared for a meeting of the editorial board of Governance, Fiesole, Italy, March 12-14, 1991.

----- "Strong States and Weak States: Sectoral Policy Networks in Advanced Capitalist Economies." British Journal of Political Science, Vol. 19, 1989:47.

----- The State, Business and Industrial Change in Canada. (Toronto, 1989)

Aucoin, Peter. "Public Policy Theory and Analysis." In Public Policy in Canada, eds., G. Bruce Doern and Peter Aucoin. (Toronto, 1979)

Bacow, L.S. Bargaining for Job Safety and Health. (Cambridge, Mass., 1980)

Banting, Keith. "State and Economic Interests." State and Society: Canada in Comparative Perspective, vol. 32 of the research studies for The Royal Commission on the Economic Union and Development Prospects, Vol. 32 (Toronto, 1985).

Block, Fred. Revising State Theory. (Philadelphia, 1987)

Brooks, Stephen. Public Policy in Canada: An Introduction. (Toronto, 1989)

Brown, Richard M. "Canadian Occupational Health and Safety Legislation." 1982 Osgoode Law Journal, #20:90.

- Buchanan, James and Tullock, Gordon. The Calculus of Consent: Logical Foundations of Constitutional Democracy. (Ann Arbor, 1965)
- Campbell, Robert M. and Pal, Leslie. The Real Worlds of Canadian Politics Cases in Process and Policy. (Peterborough, 1989)
- Ceaser, James W. Liberal Democracy and Political Science. (Baltimore, 1990)
- Coleman, William and Skogstad, Grace, eds. Policy Communities and Public Policy. (Toronto, 1989)
- Commission on Election Contributions and Expenses. Annual Reports. (Toronto, 1975-1980)
- Connolly, William E., ed. The Bias of Pluralism. (New York, 1969)
- DeGregori, Thomas. "Caveat Emptor: A Critique of the Emerging Paradigm of Public Choice." Administration and Society, Vol. 6, No. 2, August 1974, 205.
- Deutsch, Karl W. "State Functions and the Future of the State." International Political Science Review, Vol. 7, No. 2. April 1986: 209.
- Devine, Patrick. Industrial Safety Legislation in Ontario: The History of an Act, Its Administration, and A Law Students Perception of the Situation. (Toronto, 1975)
- Doern, G. Bruce. "Regulating Occupational Health". Canadian Public Administration, December 1977, Vol. 13.
- Domhoff, G. William and Dye, Thomas R. Power Elites and Organizations. (Newbury Park, Ca., 1987)
- Donnelly, John A. Occupational Health and Safety (Major paper.) (University of Windsor, 1986)
- Downs, Anthony. An Economic Theory of Democracy. (New York, 1957)
- Drummond, Robert J. "Voting Behaviour: Dancing in the Dark on a Moving Floor." In Ontario Government and Politics, ed. Gary MacDonald. (Toronto, 1985)
- Dye, Thomas R. Understanding Public Policy. 5th ed. (Englewood Cliffs, N.J. 1984)

- Politics, Economics and the Public: Policy Outcomes in the American States. (Chicago, 1966)
- Dyson, Kenneth P. The State Tradition in Western Europe. (Oxford, 1980)
- Easton, David. The Political System: An Inquiry into the State of Political Science. (Chicago, 1953)
- Gibbs, Graham W. and Pintus, Paul. Health and Safety in the Canadian Mining Industry. (Kingston, 1978)
- Goldfield, Michael. "Worker Insurgency, Radical Organization, and New Deal Legislation." Vol. 83 American Political Science Review, 1988:731.
- Grafstein, Robert. "The Problem of Institutional Constraint." The Journal of Politics, Vol. 50, 1988:577.
- Gray, Virginia. "Politics and Policy in the American States" In Politics in the American States: A Comparative Analysis, eds. Virginia Gray, Herbert Jacob and Kenneth N. Vines. (Boston, 1983)
- Grossman, Michael. The Law of Occupational Health and Safety in Ontario. (Toronto, 1988)
- Hall, Peter. Governing the Economy. (Oxford, 1986)
- Hall, Richard. Organizations: Structures, Processes, & Outcomes, 4th ed. (Englewood Cliffs, 1987)
- Heclo, Hugh. "Issue Networks and the Executive Establishment." In The New American Political System, ed. Anthony King. (Washington, 1978)
- Jarvis, John. "Agencies Do Battle." New York Times, March 12, 1991, E3.
- Jordan, A.G. and Richardson, J.J. "Policy Communities: The British and European Policy Style." Policy Studies Journal, 11(4) (1983):603.
- Johnson, Janet Buttolph and Joslyn, Richard A. Political Science Research Methods. (Washington, 1986)
- Katzman, Robert A. Institutional Disability: The Saga of Transportation Policy for the Disabled. (Washington, 1986)

- Kealy, Gregory S. "Labour and Working-Class History in Canada: Prospects in the 1980s." In Canadian Labour History, ed. David Bercuson. (Toronto, 1987)
- Kelman, Steven. "Occupational Safety and Health Administration" In The Politics of Regulation, ed. James Q. Wilson. (New York, 1980)
- Regulating America, Regulating Sweden: A Comparative Study of Occupational Safety and Health Policy. (Cambridge, 1981)
- Kirst, Michael W., Meister, Gail and Rowley, Stephen R. "Policy Issue Networks: Their Influence on State Policymaking." Policy Studies Journal, 1984:247.
- Kingdon, John W. Agendas, Alternatives and Public Policies. (Toronto, 1984)
- Krasner, Stephen. "Sovereignty: An Institutional Perspective." Comparative Political Studies, Vol. 21 No. 1, April 1988, 66.
- Lavelle, Marianne. "The Administration's Regulatory Game Plan is Difficult to Fathom." Vol 13:37, National Law Journal (May 20, 1991a) 1.
- "Talking About Air." Vol. 13:40, National Law Journal (June 10, 1991b) 1.
- "EPA Calls Off Sessions on Rules." Vol 13:44 National Law Journal, (July 8, 1991c) 3.
- Legislative Assembly of Ontario. Ontario Supply Committee Hearings. 28 th Session (Toronto, 1974).
- Ontario Elections: Return From the Records. (Toronto, 1971-1981)
- Lindblom, Charles. "The Market as Prison." In The Political Economy, eds. Thomas Ferguson and Joel Rogers. (Armonk, N.Y., 1984)
- Politics and Markets. (New York, 1979)
- "The Science of Muddling Through." Public Administration Review, 29(1958)
- Lowi, Theodore. "Four Systems of Policy, Politics and Choice." Public Administration Review, Vol. 32, July/August 1972, 667.

- The End of Liberalism: Ideology, Policy, and the Crisis of Public Authority. (New York, 1969)
- "The Public Philosophy: Interest-Group Liberalism." American Political Science Review. Vol. 61 (March 1967), 5.
- "American Business, Public Policy and Political Theory." World Politics, 1965.
- Lyon, Vaughan. "Minority Government in Ontario, 1975-1981: An Assessment." Canadian Journal of Political Science, XVII:4, December 1984:685.
- MacRae, Duncan. "Policy Analysis as an Applied Social Science Discipline." Administration and Society, 6(4) (1975): 363.
- March, James G. and Olsen, Johan P. Rediscovering Institutions: The Organizational Basis of Politics. (New York, 1989)
- March, James G. and Olsen, Johan P. "The New Institutionalism: Organizational Factors in Political Life." American Political Science Review, Vol. 78 (1984):734.
- March, James G. "Bounded Rationality, Ambiguity, and the Engineering of Choice." In Decisions and Organizations. (Blackwell, 1988)
- Mckenzie, G.G. and Laskin, J.I. Report on the Administration of the Occupational Health and Safety Act. (Toronto, 1987)
- Mendeloff, John. Regulating Safety, An Economic and Political Analysis of Occupational Safety and Health Policy. (Cambridge, 1980)
- Mezey, Michael. Comparative Legislatures. (Toronto, 1987)
- Mills, C. Wright. "The Structure of Power in American Society." In American Government: Readings and Cases, 5th ed. Peter Woll. (Boston, 1971)
- The Power Elite. (New York, 1956)
- Moe, Terry. "The New Economics of Organization." American Journal of Political Science. Vol. 24 1984: 739
- Mohr, Lawrence B. Impact Analysis for Program Evaluation. (Chicago, 1958)

- Munns, Joyce Matthews. "The Environment, Politics, and Policy Literature: A Critique and Reformulation." The Western Political Quarterly 1985, Vol. 17. 646.
- Nash, Michael Izumi. Canadian Occupational Health and Safety Law Handbook. (Toronto, 1983)
- Niskanen, William A. Bureaucracy and Representative Government. (Chicago, 1971)
- Noble, Charles. Liberalism at Work: The Rise and Fall of OSHA. (Philadelphia, 1986)
- Offe, Claus and Ronge, Volker. "Theses on the Theory of the State." New German Critique, Vol. 6, 1975, 139.
- Packman, Ronald. A Guide to Industrial Safety and Health. (London, 1968)
- Page, Joseph A. and O'Brien, Mary-Win. Bitter Wages: Ralph Nader's Study Group on Disease and Injury on the Job. (New York, 1973)
- Pal, Leslie. State, Class, and Bureaucracy: Canadian Unemployment Insurance and Public Policy. (Kingston, 1988)
- Public Policy Analysis: An Introduction. (Toronto, 1987)
- Palumbo, Dennis and Calista, Donald J. Implementation and the Public Policy Process. (Westport, Conn. 1990)
- Peters, Guy, "The Machinery of Government: Concepts and Issues," In Organizing Governance: Governing Organizations, eds., Colin Campbell and Guy Peters (Pittsburgh, 1988)
- Pfeffer, Jeffery. Organizations and Organization Theory. (Marshfield, Mass. 1982)
- Portney, Kent E. Approaching Public Policy Analysis: An Introduction to Policy and Program Research. (Englewood Cliffs, 1986)
- Posner, Richard A. The Economics of Justice. (Cambridge, 1981)
- Economic Analysis of Law. (Toronto, 1972)
- Presthus, Robert. Elite Accommodation in Canadian Politics. Toronto, 1973)

- Pross, A, Paul. ed. Pressure Group Behaviour in Canadian Politics. (Toronto, 1975)
- Pugh, D.S. Hickson, D.J. Hinnings, C.R. eds. Writers on Organization. (Beverly Hills, 1987)
- Rees, Joseph V. Reforming the Workplace: A Study of Self Regulation in Occupational Safety. (Philadelphia, 1988)
- Rosen, George. The History of Miners' Diseases: A Medical and Social Interpretation. (New York, 1943)
- Royal Commission on the Health and Safety of Workers in Mines. Report. (Toronto, 1976)
- Riker, William. "Implications from the Disequilibrium of Majority Rule for the Study of Institutions. The American Political Science Review, Vol. 74, 1980, 354.
- Rhoads, Steven E. The Economists View of the World: Government, Markets, & Public Policy. (Cambridge, 1987)
- Ross, Dorothy. The Origins of American Social Science. (New York, 1991)
- Salisbury, Robert H., ed. Interest Group Politics in America. (New York, 1970)
- "An Exchange Theory of Interest Groups." American Political Science Review. vol. XIII, February 1969, Number 1:1.
- Schotter, Andrew. The Economic Theory of Social Institutions. (Cambridge, 1981).
- Schroedel, Jean Reith. An Institutional Approach to Policy-making. A paper delivered to the 1991 Annual Meeting of the American Political Science Association, Washington D.C. 1991.
- Scott, W. Richard. "The Adolescence of Institutional Theory." Administrative Science Quarterly, 32(1987):493.
- Shepsle, Kenneth A. "Studying Institutions: Some Lessons from the Rational Choice Approach." Journal of Theoretical Politics. 1(12), 1989: 131.
- Simeon, Richard. "Studying Public Policy." Canadian Journal of Political Science, 9:4 (December, 1976), 559.



- Simon, Herbert. "Rational Decision Making in Business Organizations." American Economic Review. 1964, 69, no. 4 September 1979:500.
- Skocpol, Theda, Orloff, Ann Shola, and Weir, Margaret., eds. The Politics of Social Policy in the United States. (Princeton, 1988)
- "Bringing the State Back In: Strategies of Analysis on Current Research." In Bringing the State Back In, eds. Peter B. Evans, Dietrich Rueschemeyer, and Theda Skocpol. (Cambridge, 1985)
- "Political Responses to Capitalist Crisis: Neo-Marxist Theories of the State and the Case of the New Deal." Politics and Society. 10(1980):155
- Smith, Brian, C. Bureaucracy and Political Power. (London, 1988)
- Smith, Roger. "Political Jurisprudence, The New Institutionalism, and the Future of Public Law." American Political Science Review. Vol. 82, 1972, 89.
- Truman, David B. The Governmental Process: Political Interests and Public Opinion. (New York, 1951)
- Tuohy, Carolyn J and Trebilcock, Michael J. "Policy Options in the Regulation of Asbestos-Related Health Hazards." In Royal Commission on Health and Safety Arising from the Use of Asbestos in Ontario. (Toronto, 1982)
- Tuohy, Carolyn. "Institutions and Interests in the Occupational Health Arena." In Policy Communities and Public Policy, eds. William Coleman and Grace Skogstad. (Toronto, 1990)
- Van Meter, Donald and Van Horn, Carl. "The Policy Implementation process: A Conceptual Framework." Administration and Society, Vol. 6, No. 4, February 1975.
- Viscusi, W. Kip and Zeckhauser, Richard. "Optimal Standards with Incomplete Enforcement." Public Policy, 27, 1979:437.
- Viscusi, W. Kip. "The Impact of Occupational Safety and Health Regulation." Bell Journal of Economics. 16, 1979b:117.
- Vogel, David. Fluctuating Fortunes: The Political Power of Business in America. (New York, 1989)

- Von Beyme, Klaus. "The Role of the State and the Growth of Government." International Political Science Review. Vol. 6, No. 1, 1985:11.
- Wade, Larry L. The Elements of Public Policy. (Columbus, Ohio, 1989)
- Wallerstein, Michael. "Union Organization in Advanced Industrial Democracies." American Political Science Review. Vol. 83, June 1989, No. 2:481.
- Walters, Vivienne. "Occupational health and safety legislation in Ontario: an analysis of its origins and content." Canadian Review of Sociology and Anthropology. 20(4), 1983:412.
- Welch, Susan and Comer, John. Quantitative Methods for Public Administration. 2nd ed. (Chicago, 1988)
- Wildavsky, Aaron. "Choosing Preferences by Constructing Institutions: A Cultural Theory of Preference Formation." American Political Science Review, Vol. 81: 1987
- Williamson, Oliver E. The Economic Institutions of Capitalism. (New York, 1985)
- Wilks, Stephen and Maurice Wright. "Comparing Government-Industry Relations: States, Sectors, and Networks." In Comparative Government-Industry Relations, eds., Wilks and Wright. (Oxford, 1987)
- Wilson, Graham K. The Politics of Safety and Health: Occupational Safety and Health in United States and Britain. (New York 1985)
- Wilson, James Q., ed. The Politics of Regulation. (New York, 1980)
- Wilson, V. Seymour. Canadian Public Policy and Administration: Theory and Environment. (Toronto, 1980)
- Wokutch, Richard E. Cooperation and Conflict in Occupational Safety and Health: A Multi National Study of The Automotive Industry. (New York, 1990)
- Workers Compensation Board of Ontario. Annual Reports. (Toronto, 1973-1980)
- Wood, W.D. The Current Trade Union Scene: Patterns and Trends. (Kingston, 1976)

Wood, W.D. and Kumar, Pradeep, eds. Labour Relations in Canada: 1978. (Kingston, 1978)

Wright, Cecil A., Linden, Allen M. and Klar, Lewis N. Canadian Tort Law: Cases, Notes and Materials. (Toronto, 1990)

Zeckhauser, Richard and Shepard, Donald. Methods of Benefit Assessment. (Cambridge, 1974)

## VITA ACTORIS

Chris McIntyre was born in 1964 in Windsor, Ontario. He graduated from W.F. Herman Secondary School in 1982. From there he went on to Seneca College where he obtained a diploma in Law Enforcement. In 1984 he went to the University of Windsor where he obtained a combined Honours B.A. in history and political science. He is currently a candidate for the Master's degree in Political Science at the University of Windsor and hopes to graduate in Spring 1992, providing he pays his library fines.