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

Agnieszka Kosny (Monash University) & Gary Majesky (IBEW Local 353)
Purpose

- Discuss financial incentives in the electrical construction sector and consequences on:
  - Safety-related behaviour
  - Reporting and claims management practices

- Based on G. Majesky’s experience as a workers’ compensation specialist at IBEW LU 353 – largest electrical union in Canada

- Our study on the role of co-workers after a work-related injury
• Collaborative project between researchers at IWH, U of Waterloo and IBEW LU353
• Study involved two focus groups with IWs and union stewards
• Interviews with electricians who experienced working with an injured colleague who RTW
• Focus on RTW experiences of injured electricians
• Role and perceptions of co-workers in this process
• Also learned a great deal about the behaviour of employers/supervisors
The Electrical Construction Sector in Ontario

• The electrical sector, a part of the construction industry, employs ~ 29,000 workers

• Industrial, Commercial and Institutional (ICI) sectors, Line & Power, Green Energy (wind farms & solar), Utility and Residential (new homes & high rises).

• scope of work includes the installation, construction, operation, maintenance and repair of all electrical systems

• Electrical sector work can take place outdoors, indoors and on large or small worksites.
• Physically taxing work
• Heavy lifting of materials, repetitive tasks, working in uncomfortable positions, near debris, wet, cold or hot conditions and around moving vehicles
• Contact with live circuits = electrocution and burns
• Mentally taxing work
• Work requires concentration, following complex instructions, constant communication with others
Employment Environment – Collective Agreement and ESA coverage

• Under the Collective Agreement - Concept of seniority does not exist
• Right to lay off electricians with 25 years service before more recently hired electrician
• Electrical contractors have great flexibility – can hire healthy workers and lay off sick, injured or unproductive workers
• ESA notice and severance rights – construction workers exempt
IBEW LU 353 Union Hiring Hall Dispatch Job Referral System

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

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

What are the consequences of some of these FIs?
Focus on due diligence and documentation

• Pre-occupation with documenting the training workers received, hazard info provided, procedures discussed e.g. Safety meetings – working live
• Disjuncture between info at meetings and on the job expectations when time pressures exist e.g. “Reporting” of injuries – “Report everything!”
• Internal reporting, reporting to WSIB was discouraged
I ended up cutting my hand on a stud, when I, I think it was like second year apprentice. So, I went to my foreman he started laughing at me you know, come on you're a big baby. I am like I am not a big baby, you told me I have to report all accidents so I am doing what I am supposed to do. Are you going to fill out the report or you're not going to fill out the report? Oh, you're a big baby, so I am kind of, I am left there - what do I do? (Darren, interview)

Internal reporting and safety meetings seem an accounting exercise and not about protecting worker health
Very early RTW – to avoid LTC

• Where there is a visible, witnessed injury, easier to get a worker back to work immediately rather than to suppress a claim

• Internal claim management practices viewed as normal and good business practice
  – Good for the business – kept costs low, kept everyone employed
  – Good for worker – kept worker engaged socially
• But…little meaningful, modified, sustainable work
• Some electricians still considerably injured when they RTW (straight from hospital to work)
  – Could not do their regular jobs
• Increased workload for uninjured co-workers
  – “Replacement” worker could be added but avoided because increased pre-determined project costs
• IW drifted into regular duties quickly and quietly
• IW sent to office or “put in a room” by themselves
  – Isolation & RTW with unfamiliar co-workers
  – “Doing nothing” led to resentment from others
I know it really burned a lot of people…I mean just knowing that he is sitting there not doing anything for 8 hours, you know, and you've got to pick up that slack. (James, interview)

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

• View that IWs hurt the bottom line, the company and everyone’s job security

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

• Affects how IWs are treated in the workplace – resented, ridiculed

• Easy to get rid of IWs – no job security, employer can claim shortage of work

• Contractors’ ability to name hire = IWs lose out
Some other thoughts…

• Financial incentives and penalties for safety behaviour of employer could shift view of IWs

• Important to consider how behaviours driven by experience rating may affect social relations, including relationship with co-workers

• Consequences of financial incentives will be shaped by industry and workplace characteristics
  – No job security/seniority means it’s easy to get rid of “costly” IWs
  – 50/50 job referral system makes it easy to not re-hire workers who have pursued a WC claim

• Difficulty studying consequences of experience rating