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Managing occupational risk in the creative industries: a new perspective—or has OHS reached its use-by date?

Abstract:

Occupational Health and Safety (OHS) was designed in the mid nineteen-seventies to enforce compliance with workplace safety legislation and improve industrial working conditions for all workers. This initiative led to improved safety performance across most Australian industries. Thirty-five years on, industrial contexts have changed dramatically with the result that OHS, as originally conceived and currently practiced requires reform. In setting about this task, consideration should be given to the rise of 'New' or 'Creative' industries (film, television and entertainment software; writing, publishing and print media; performing arts; visual art and design; music composition and production), and a commensurate decline in traditional industry. Creative industry thrives on risk opportunity and flexibility, and is constrained by risk avoidance. An obsession with loss-control and systems methodology that permeates traditional OHS practice is antipathetic to creative enterprise. This paper discusses the contemporary context of OHS in Australia and its failure to accommodate creative enterprise. It concludes by proposing the adoption of a new model to be called Occupational Risk Management and Wellbeing (ORMW)

Biographical notes:

Nicholas Oughton has had many years experience in film and television production having worked as a director, producer and production manager on a wide range of productions. These include television commercials, documentary, educational and short feature films. He has been involved in education since 1980 holding senior leadership positions such as Associate Director, TAFE and Head, Griffith Film School. He has written and supervised the delivery of many graduate and post-graduate degree programs as well as lecturing on a variety of topics. He is currently the Convener of Film and Television Production at Griffith University, is an executive officer and Past President of the Australian Screen Production, Education and Research Association (ASPERA). Nicholas has been involved with risk management and occupational health for over 20 years and is a Fellow of the Safety Institute of Australia. His particular focus has been on the arts, and the film and television industries. He has developed an on-line health and safety course for visual

artists, written a popular and informative book for visual and performing artists called ' A Hard Hat to Follow' and acted as a consultant on a range of national OHS projects. Nicholas's research encompasses many aspects of Risk Management and OHS relating to the arts, creative practice, and the film and television industries. This research has been published in national and international refereed journals.

Introduction

There has been little recognition of the fact that the creative industries, including the screen-based industries, operate in a different environment and context from that of traditional industries. This notion has resulted in the application of an orthodox or 'one size fits all' framework of Occupational Health and Safety (OHS) in creative enterprise. Certain challenges arise from this strategy, mainly because the OHS systems currently employed were principally designed for twentieth century manufacturing with a focus on evading risk and ensuring compliance. Put simply, creative enterprise thrives on risk opportunity, and is constrained by risk avoidance and an obsession with safety.

Creative industries (sometimes called 'knowledge' or 'new' industries) generally include those involved in film, television and entertainment software; writing, publishing and print media; performing arts; visual art and design; music composition and production; advertising, graphic design and architecture (Australian Government 2002).

I begin this article by discussing contemporary thinking regarding OHS and its general application across all industries, and then focus on its function within the creative industries. I will close with the proposal that we need a new OHS model for creative practice, including the screen-based industries, and that this new model should be called Occupational Risk Management and Wellbeing (ORMW).

OHS: A failing paradigm

The review *Safety – a Wicked Problem*, a study of CEOs' views of contemporary OHS, comments that: 'Australia has reached a cross roads in its performance of OHS. We have a complex, compliance based system in place, yet according to available evidence, outcomes have leveled off or even worsened' (Wagner 2010). Steve Griffiths (Griffiths 2007) suggests reasons for this predicament when stating that: 'For many organizations, improvements in safety performance plateau prematurely, largely because the organizations underestimate the human aspect of safety'. In an article titled *The Fifth Age of Safety: The Adaptive Age*, Borys and colleagues comment: 'The gap between work as imagined and work as performed and the failure of OHS management systems and safety rules to adequately control risk means that a new perspective is required' (Borys 2009:19).

In her landmark report, *Working for a Healthier Tomorrow*, Dame Carol Black emphasizes the need for a new OHS model when she states: 'The challenge for a new paradigm of OHS is to examine the care pathways for working people and find new ways to support them before, during and after illness at work' (Black 2008:10). In a reflection on Dame Carol's report and other contemporary issues, Professor Niki Ellis, CEO of the Institute of Compensation, Safety and Recovery Research, made the comment that: 'OHS is not fit for the 21st century. It is isolated, has a limited academic base and remit, uneven provision, lack of good quality data, a poor image and is perceived by many as the servant of the employer' (Ellis 2010). Put bluntly, many researchers and practitioners

believe that OHS has reached its use-by date. Why are these researchers and practitioners making these statements?

In terms of a parallel issue, related to management practices found in universities, Mark Dudgson comments: 'The trend is towards relationships becoming transactional, single-minded focused on operational efficiencies, and incentives being directed towards the immediately measurable.' He continues: 'Risk-taking is curtailed by procedure and innovation is made subsidiary to established routines.' Dodgson further comments: 'Command and control management may be suitable for industrial factories, but it is totally wrong for universities' (Dodgeson 2010). Equally, just as industrial management is wrong for universities, so industrial OHS is failing the creative industries.

Robens-style WHS legislation was introduced in the United Kingdom in 1974 (Quinlan and Bohle 1991). The Robens approach strongly influenced safety practice and legislation in Australia and is the dominant paradigm employed today. However, this framework was designed for traditional industries, where the following applied: unions were relatively strong; most workers worked on a permanent, full-time basis in medium to large public enterprises for some years, giving stability and continuity to workplace OHS culture and systems; consultative arrangements were assisted by continuity of employment, union support and stable OHS frameworks; labour markets were highly regulated, and workers generally trained 'in house' with the support of government-sponsored technical colleges; workplaces were almost exclusively separated from workers' homes; products were generally made for a mass market; society valued material products more highly than cultural/creative ones; and OHS responsibilities were shared and incorporated in a line management structure.

the creative industry does not reflect the above paradigm. in this sector: unionization is sporadic (where it exists at all); workers are mostly self-employed and their work is part time, casual, precarious and often poorly paid; those who are employed change their employers regularly (Gulberg 1999); consultative arrangements are hampered by the transitory nature of employment; work is highly unregulated; many creative workers are self-taught or gain credentials through higher education; most products are one-offs, or made in limited batches for individuals or specialist markets; many workers work from home; OHS is a personal responsibility that is individually managed; and, OHS practices are often inadequate (Oughton 2006).

In addition, profound changes have occurred in the nature of work itself. The OHS paradigm of the 1970s was designed for an industry model where workers were treated as a unit of production—human cogs in a technocratic system. In well-designed workplaces, ergonomists planned environments that were compatible with the physical, and to a lesser degree the cognitive, nature of workers. The end-purpose, however, was most often concerned with preserving the means of production rather than protecting workers. In the new economies, cognitive, conceptual and creative capability is becoming highly valued, replacing physical, technical and motor skills. The result is a need to shift the balance of

attention from controlling mechanical, chemical and biological hazards to managing risks associated with the psychosocial and psychodynamic aspects of work.

OHS in isolation

One of the greatest failings of the current OHS paradigm is its isolation from general health considerations and its separation from other aspects of the risk-management spectrum. OHS, as generally applied, often fails to consider external determinants of a person's health such as socioeconomic circumstances, mainstream health care, health specialties and the desire of many workers to create an effective work–life balance. For example, many workers, in particular creative arts workers, strive to blend their work, domestic and recreational life, spirituality and well-being in a borderless continuum. For them, occupational health is inseparable from general health and not limited to reducing business costs such as injury and illness, absenteeism, reduced work performance and productivity, loss of skills and compliance failure.

Dame Carol Black (2008: 57) emphasizes the obvious when stating: 'The way workplaces affect a person's health and well-being is not simply a medical issue. The quality of the workplace experience can also impact on workers' health.' For example, the impact of psycho-social hazards such as stress, bullying and harassment, lack of control, poor communications, lack of support and recognition, interpersonal conflict and procedural injustice can impact deleteriously on a worker's health.

A second aspect of isolation is the failure of OHS to relate to other aspects of business management. OHS today is generally associated with risk management, but is often segregated from other areas of risk such as legal, financial, environmental, commercial, psychosocial and security risk. In best practice, all risks should be treated in concert, as decisions implemented in one risk area will inevitably have consequences for others.

OHS: A poor image

Occupational health and safety generally has a poor image. Mention that you work in, or are associated with, this area at a dinner party and you will be rewarded with polite silence, or subjected to a tirade of abuse concerning the restrictions and cost of applying OHS, and how it is driving people out of business—particularly small business. Put simply, OHS is not sexy!

Many small business owners believe that operating an OHS program is a moral obligation, but that it constrains their ability to operate their business effectively. This is partly because they are not conversant with the business case and economic benefits of managing occupational wellness appropriately. It is also a result of the way OHS is employed in contemporary industrial settings, including the way it is often unrelated to other aspects of risk management, its disassociation from the general wellness of workers, its failure to relate to contemporary industry contexts, its preference for saying

what you can't do rather than what you can do, an emphasis on risk-avoidance and the dated paradigm that is often taught in the education and training sector.

Minimal research, a limited academic base and inadequate education

The research infrastructure relating to OHS is limited, providing a paucity of data with which to evaluate performance, design new pathways for professional practice and provide the context for delivering high-quality education and training. Further, the training that does take place is often reactive, and limited to managing compliance in a corporate context where workers are required to follow orders rather than to think for themselves.

Many educational institutions are perpetuating the twentieth century OHS canon driven by a compulsion to comply with outdated legislation and regulations. They seek the comfort and security of an authoritarian regime, rather than encouraging skills acquisition and a self-regulatory environment. In many institutions, including my own, students are expected to follow OHS procedures established by educational managers, and are not encouraged to participate in designing these procedures and investing in their implementation. With 50 per cent of creative workers being self-employed after graduation, and thus becoming their own risk managers, we are failing to provide these graduates with the skills and initiative to manage their well-being in professional life. Worse, this failure is amplified by the fact that the other 50 per cent will generally work in small business.

According to Walters and Lamm (2003: 3), small businesses face considerable challenges when managing OHS. Compounding the problem is the fact that 'small businesses are difficult to regulate as they are heterogeneous, geographically scattered, lack cohesive representation and have short life cycles'. Walters and Lamm list a number of factors that make workers in small business more vulnerable to injury and ill-health, including: a lack of staff, time and financial recourses available for safety management; balancing safety requirements against business survival in an environment of financial constraint; under-representation in the design of legislation, the burden of complying with complex regulations, time consumed in responding to legislative changes, record-keeping and a host of other administrative tasks; and, alienation from regulatory agencies and a belief that legislative requirements threaten profits and survival.

What is clear is that the 'at-risk' status of small business workers and sole operators is elevated by the highly interrelated and interdependent nature of their work. Sole operators or owner-managers often fulfill all, or many, management functions themselves, and there are rarely enough resources available to 'buy in' professional OHS support. Additionally, consultation—a valuable cornerstone of contemporary OHS practice that is often usefully employed in large and medium-sized businesses—is limited or non-functional in small business. Who do you consult, confer with and seek council from if you work alone?

Mindful of the fact that creativity has never been restricted to the arts alone, for creativity prodigiously occurred at the Einsteinhaus in Berne, Edison Laboratory in New Jersey and the Bauhaus in Weimar, as *creative practice* increasingly percolates into conventional industry, a new model for managing occupational risk and wellbeing should take account of tried and tested WHS practices that have provided increasingly healthier workplace for traditional industry workers.

The case for occupational wellness rather than OHS

In 2008, PriceWaterhouseCoopers published the study *Building the Case for Wellness*. This report, commissioned for the UK review *Working for a Healthier Tomorrow: The Health of Britain's Working Age Population* (PriceWaterhouseCoopers 2008), builds a strong case for incorporating a broad, inclusive approach to occupational wellness in business settings. The report draws attention to: the changing demographics of the workforce; an aging workforce and need to deal with and avoid the disability associated with a longer working life; the changing spectrum of injury and illness because of a movement from manufacturing to creative and service0based industries; an increase in psychosocial risk associated with workplaces; an increase in migrants and women in the workforce; changing expectations of workers, including the notion of attaining a good work–life balance; the increasing utilization of the home as a place of work; an increase in chronic disease and the need to find improved ways to keep workers with disabilities at work rather than finding ways to exclude them; the availability of research demonstrating that 'good' work contributes to positive well-being, while being out of work can be a health hazard; the increasing cost of ill-health in the workplace through higher rates of absenteeism and reduced job performance; a changing focus of enterprises to incorporate social responsibility, including the environment, the community and workers' families; and, an increasing competitiveness in the employment market and the need to attract and retain staff.

These factors have a bearing on how health and wellness should be treated in a contemporary workplace. Importantly, ideas rather than real estate, factories and plant are the major assets of contemporary business. Ideas are the principal, and sometimes the only, asset of creative enterprise.

The nature of creative practice

Currently, management theory and technocratic thinking dominate the discourse surrounding OHS. This conversation now requires the refreshing ventilation of imaginative reflection that comprehends the nature of both creative enterprise and creative people.

Creativity is not a new phenomenon; it has been employed in the production of goods and services for thousands of years. Creative endeavors embellished the walls of Paleolithic caves with scenes celebrating the symbiosis of man and nature, composed Renaissance

choral music to enhance spiritual enlightenment, and provided the products of the nineteenth century Arts and Crafts Movement as an alternative to mass production. These were the original creative industries, and they were significant; however, they were also small in scale, output and economic relevance. Today, though, creativity is at the heart of a vast and growing industry sector.

According to Simon Evans, the founder of the UK company Creative Clusters: 'Across the world the creative sector is booming. Economic development agencies everywhere have identified the creative industries as a growth sector, and most support them through some form of cluster development' (Evans 2005) In Australia, the federal government actively supports what it views as an essential and growing industry with the injection of substantial financial resources (Australian Government 2002).

Richard Florida (2004: 21) suggests: 'We value creativity more highly than ever before and cultivate it more intensely.' Peter Coy contributes to the discourse when he suggests that: 'Now the industrial economy is giving way to the creative economy, and corporations are at a crossroads, attributes that made them ideal for the 20th century will cripple them in the 21st century' (Coy 2000: 2). Creativity is a major component of the 'new economy', and creative enterprise is not well served by the current OHS paradigm.

Risk-taking and creative practice

Pablo Picasso provides a useful insight into gain, loss and creativity when he says: 'Every act of creation is also an act of destruction.'[1] Picasso draws attention to the tradeoff that often takes place when pursuing innovative, pioneering and creative activity. Creative people are continually faced with the dilemma of trading loss for gain and utilizing risk. John F. Kennedy pointed out that, when written in Chinese, the word 'crisis' is composed of two characters – one represents danger, the other opportunity. Wayne Dwyer (1989: 71) argues that 'obstacles *are* opportunities' and 'living with this paradox and understanding that two seeming opposites always function within a harmonious whole is integral to enlightenment' (Dwyer 1989: 119). While seeking enlightenment and illumination, creative practitioners require a risk-management tool that accommodates ambiguity and paradox, one that sees beyond dualism into the concept of 'oneness'.

Elizabeth Farrelly proposes that most people are a mix of contradictions, but that artists are extreme versions of normalcy. She suggests that great artists are not just talented, but also brave: 'Spurred on by pain or necessity, they are driven to places from which the rest of us shy' (Farrelly 2007: 26-27). A recent example of this courage to go where others fear to tread is documentary filmmaker Lisa Jackson. In her film *The Greatest Silence*, a video story concerning the rape and mutilation of thousands of women in the Democratic Republic of Congo, Jackson courageously confronts the horrors faced by many Congolese women and the soldiers of a confused war who perpetrated the atrocities.

Risk management itself is a paradox: it is a process and discipline employed for predicting and controlling the future—but risk (or chance) implies future uncertainty. The

tension that exists between *risk* and *management—possibility* and *certainty*—is a place familiar to most creative practitioners, as they walk a fine line between the various contradictory and opposing forces that permeate their work. Like kite-flying, where the conflict between lift and restraint holds the kite aloft in a coalition and balance of opposing forces, the confluence of seemingly contradictory elements is often the seat of revelation, inspiration and explanation.

Discussing creative practice and innovation, Dr John H. Howard (2008: 16) suggests that: 'Creative businesses have their origins in a process of inspiration, iteration and experimentation rather than any codified body of knowledge'. Within Howard's definition, creative people are innovators, adventurers and risk-takers who create new knowledge and modes rather than working within the secure confines of orthodox ideas and forms.

Risk-taking is both central to creative practice and the initiator of innovation. Unfortunately, this is not always recognised in contemporary OHS. For example, *Risk Management Code of Practice 2007* provided by Workplace Health and Safety Queensland (WHSQ) defines risk negatively as: 'The likelihood that a harmful consequence (death, injury or illness) might result when exposed to a hazard' (Department of Employment and Public Relations 2007: 18).

Subjective and qualitative risk management

Risk management is often defined as 'the systematic application of policies, procedures and practices to the task of managing risk' (Standards Australia 2004: 4). It is a process that relies heavily on rational thinking, empirical evidence and quantitative data in an attempt to predict and control the future. This process is a valuable business tool, but often fails to utilize subjective and qualitative information that can add value and efficacy to a decision-making process.

Better known for his contribution to science, Daniel Bernoulli (1700–1782) was also concerned with the nature of risk. His contribution to the study of risk resides in the notion that objective calculations—or instance, those based on historical evidence—are not totally reliable predictors of future events. In his observations concerning probability, Bernoulli drew attention to subjective, or human, factors.

Referring to the work of Bernoulli, Peter Bernstein observes: 'Bernoulli's boldest innovation was the notion that each of us, even the most rational, has a unique set of values and responds accordingly.' Bernstein adds: 'He [Bernoulli] opens up a fascinating insight into human behavior and the way we arrive at decisions and choices in the face of risk' (Bernstein 1998).

Turner (2002) adds to this perspective when stating that 'the idea that we should consider the world as a rationale deterministic machine with wholly straightforward laws and wholly predictable outcomes is a fantasy … natural sciences are having to get to grips with natural systems which are unpredictable, chaotic and never repeat themselves.'

Commenting on the role of behavior and human factors in OHS risk management, Hillson and Murray-Webster (2005) point out that: 'Risk-management is not done by machines and robots.' They emphasize the importance of individuals and their attitudes in making decisions, referring to 'judgment, insight, intuition and previous experience.

Human factors are important when considering the qualitative, subjective and intuitive nature of creative practice. Artist Dennis Nona comes from the Torres Strait, and his work is based on the rich narratives, creation stories and teachings of his Islander people. While carving a lifelike replica of a Dugong (see Figure 1) from a large cedar log at art school, Nona generated a considerable amount of wood chips and dust. Problems arose when students and staff believed that, despite Nona's attempts to dispose of the residue, hazardous dust was accumulating in the Sculpture Studio. Cedar dust is a recognized cause of injury to mill workers who have suffered long-term exposure.

Reflecting on this event later, Nona recalled an occurrence that presaged the incident and its problems. One morning, while working on the sculpture, some crows on a nearby tree behaved in a portentous manner, their actions reinforcing the feeling of trepidation he felt as he carved a significant totem of his people in another mob's country. On this occasion, Nona was responding to intuitive information that is often discounted in orthodox risk management. Gut feelings, instincts and hunches are often dismissed as non-scientific claptrap, but may foreshadow incidents and dangerous events. In addition, the socio/cultural context of this example draws attention to further research that should be conducted into an indigenous perspective of risk perception, risk exploitation and risk management in creative practice.
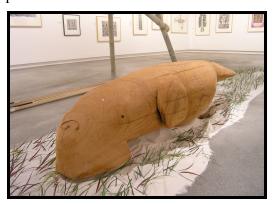

Figure 1: 'Dugong Birthing'. Artist: Dennis Nona, 2007. Photography by Nicholas Oughton.

Managing occupational risk in the creative industries

Richard Florida provides guidance for the design of an occupational risk management and wellness model when he says of creative people:

> They are impatient with the strict separations that previously demarcated work, home and leisure. Whereas the lifestyle of the previous organizational age [and traditional Industry]

emphasized conformity, the new lifestyle favors individuality, self-statement … and multidimensional experience (Florida 2004: 13).

Occupational Risk-Management and Well-Being (ORMW) is a contemporary framework designed to manage the risks associated with work and its relationship to both external and internal factors. Its purpose is to ensure a holistic approach to wellness, while understanding that work—which manifests itself in many ways—and life are often integrated. It is designed to enhance the social and economic capital of society, while sustaining industries, the environment and the working and wider community. At the heart of ORMW is a focus on the primacy of the individual, with the understanding that their well-being is a personal, community and corporate asset.

An occupational risk-management and well-being model

Some points to be considered when designing an ORMW framework for the creative industries include:

- An ORMW model must focus on the small-business nature of creative industry, its human dimensions, the paradox of creative practice and qualitative reflection.

- Contemporary OHS knowledge and practices do provide a useful starting point from which to refine and build a contemporary ORMW framework for creative industry.

- Creative workers often work alone. They are required to administer a broad range of management tasks involving personal decision-making.

- Creative practitioners are often isolated from professional counseling, advice and support.

- Creative practitioners are generally self-regulators, but require support systems to assist them manage the risk environment in which they work.

- Creative business can be volatile and ephemeral, with little opportunity to develop continuity and coherence in operational and management systems.

- Creative activity is often transient, with no consistent attachment to corporate or institutional governance and standardized management structures.

- Creative industry lacks cohesion and there is limited opportunity for collective deliberation and action.

- Creative activity usually involves reinvention and the creation of new, customized products with little opportunity for economy of scale, effort and risk through repetition and duplication.

- The creative process thrives in a risk-rich environment and is diminished by risk-aversion.

- Creative workers often work in a home-based workshop.

- Hazard exposure levels are leveraged by long working hours and constant exposure when a home and workshop are adjacent.

- Creative work is borderless. Professional practice, domestic life, social activity and play are all part of one continuum.

- Creative practice often lacks a well-defined business model to govern its progress and assist its sustainability.

- Creative practitioners often fail to develop an appropriate risk-management plan for their work.

- Risk management in limited when only 'command and control' management is applied, neglecting the role of qualitative factor such as intuition, creative thinking and emotional intelligence.

With these points in mind, the following ORMW model has been designed to inform an appropriate business plan, risk management plan and occupational risk-management and wellness program for creative enterprise. The major elements of the proposed model are:

- A consideration for the integrated nature of work and life outside work, and a focus on total wellness;

- An understanding that the risk context of a creative practitioner is broad and determined by both external and internal forces;

- A well-balanced approach to qualitative and quantitative methods of risk identification, evaluation, control and review;

- An understanding that work and risk are a personal perspective within a community context, and that an occupational risk management and wellness program should be individually created, community minded and environmentally conscious;

- Predetermined business goals and business plans for arts practice and enterprise;

- Recognition of the idiosyncratic nature of creative industry and practice, including its transitory, ephemeral, self-managed, self-regulated, home-based, low-resourced and isolated circumstances;

- The understanding that risk should be managed creatively with an understanding of balancing gain and loss, paradox and logic, ambiguity and certainty, instinct and evidence;

- A holistic approach to risk-management in which the interrelatedness of independent risk factors, as well as their scope, is accounted for;

- A framework that function as a 'business', as well as a 'project' occupational risk-management and wellness program, and risk-management plan;

- An opportunity to development tailor-made programs and plans rather than employing generic or off-the-shelf items; and,

- The integration of external support mechanisms from higher education institutions, arts organizations, government entities and an ORMW Code of Practice.

In reality, this is a starting point only. A longer, more thoughtful process should be considered. The goal is to provide creative practitioners with a model that maximizes their opportunity to create successful businesses, protect their well-being and enhance their communities. The model should consider a blend of life and creative goals, business planning, risk management, occupational wellness and traditional occupational health and safety.

Notes

1. Found at Think Exist.Com, http://thinkexist.com/quotation/every_act_of_creation_is_first_an_act_of/217991.html (accessed 21 October 2010)

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