Abstract
To protect the welfare and rights of participants in research and to facilitate research that will be of benefit, as well as protect them against litigation, universities and research-funding agencies in Australia adopted the National Statement on Ethical Conduct in Research Involving Humans (NHMRC 1999). In many other countries there are similar statements. However, the ways in which such statements are often implemented by Human Research Ethics Committees (HRECs) are in conflict with an important stream of industrial sociological research. This stream seeks to deconstruct workplaces and de-layer management rhetoric to understand the realities and complexities of the social relations of production. There is a pluralist basis for much industrial sociology that challenges the unitarist view of the workplace as essentially harmonious. While views of workplaces as being conflictual and exploitative have to be tempered with an understanding of the accommodative and co-operative nature of workplace relations, there is nevertheless a general recognition of acts of resistance, as well as those of co-operation. The way in which the National Statement is typically implemented in Australia means that many HRECs require written, informed consent, which in the first instance will usually be that of management. An unintended consequence is a research focus on consensus, which is at best one-sided and at worst seriously misleading. It is unlikely that managerial consent will be granted unless there is a "good news story" guaranteed. This article explores the ways in which HRECs may influence workplace research. The publication of the revised National Statement provides a valuable opportunity not to be missed by HRECs to implement more effective and efficient practices which would not have the unintended consequences of the earlier version. This would deserve the support of researchers in industrial sociology and other branches of the social sciences.
UNINTENDED CONSEQUENCES
OF HUMAN RESEARCH ETHICS COMMITTEES:
AU REVOIR INDUSTRIAL SOCIOLOGY?

Greg J. Bamber and Jennifer Sappey

Prof. Greg J Bamber
Griffith Business School
Griffith University
Nathan Queensland 4111
Australia

e-mail: greg_bamber@yahoo.com.au

Dr Jennifer Sappey
Institute for Land, Water and Society
Charles Sturt University
Bathurst NSW 2795
Australia

e-mail: jsappey@csu.edu.au
ABSTRACT

To protect the welfare and rights of participants in research and to facilitate research that will be of benefit, as well as protect them against litigation, universities and research-funding agencies in Australia adopted the *National Statement on Ethical Conduct in Research Involving Humans* (NHMRC 1999). In many other countries there are similar statements. However, the ways in which such statements are often implemented by Human Research Ethics Committees (HRECs) are in conflict with an important stream of industrial sociological research. This stream seeks to deconstruct workplaces and de-layer management rhetoric to understand the realities and complexities of the social relations of production. There is a pluralist basis for much industrial sociology that challenges the unitarist view of the workplace as essentially harmonious. While views of workplaces as being conflictual and exploitative have to be tempered with an understanding of the accommodative and co-operative nature of workplace relations, there is nevertheless a general recognition of acts of resistance, as well as those of co-operation. The way in which the *National Statement* is typically implemented in Australia means that many HRECs require written, informed consent, which in the first instance will usually be that of management. An unintended consequence is a research focus on consensus, which is at best one-sided and at worst seriously misleading. It is unlikely that managerial consent will be granted unless there is a "good news story" guaranteed. This article explores the ways in which HRECs may influence workplace research. The publication of the revised National Statement provides a valuable opportunity not to be missed by HRECs to implement more effective and efficient practices which would not have the unintended consequences of the earlier version. This would deserve the support of researchers in industrial sociology and other branches of the social sciences.

Introduction

Ethnographic research methods involve direct, first-hand observation of behaviour. This may include participant observation. Detailed written notes are usually the mainstay of such fieldwork, but ethnographers may also use cameras or various forms of audio and/or video recorders. These methods are the foundation for many important works,

*The 1999 version of the *National Statement* has been reviewed, see: [www.nhmrc.gov.au/ethics/human/ahec/projects/statementsec.htm](http://www.nhmrc.gov.au/ethics/human/ahec/projects/statementsec.htm) There were many submissions on the 2006 second consultation draft of the *National Statement*, which in general promises to be more suitable for social scientific research than the 1999 version. The Chair of the revised *National Statement* Working Party writes that it is aiming to make the processes “more flexible and more responsive to the needs of specific kinds of research, without compromising the protection that is afforded to participants. We believe that getting this balance right will improve the process of ethical review of research.” ([www.nhmrc.gov.au/publications/_files/drc.pdf](http://www.nhmrc.gov.au/publications/_files/drc.pdf) accessed 04.11.2006). This article was based on a review of the situation before the implementation of the revised *National Statement*.

* An HREC may be known in other countries by other names, e.g. an institutional review board, a human research review committee or a research ethics board. Although the national framework in other countries differs significantly from that in Australia, research colleagues in other countries (including Canada, New Zealand, UK and USA) have told us that they face some similar issues to those discussed in this article.
especially in social anthropology. Nevertheless, such methods have also provided worthwhile insights in education, sociology, politics, criminology, marketing and other social sciences. Some influential studies of industrial sociology, work and employment relations have used ethnographic research methods in North America, Europe and Australasia.

Ethnographic research methods provide a beneficial complement to quantitative research methods. The latter may include the conduct of surveys, which can be invaluable, for example, in mapping relatively quickly the extent of particular behaviours (e.g. absenteeism or industrial action) and testing theories. However, ethnographic methods can be more appropriate for generating explanations of and questions about behaviour (i.e. why people engage in absenteeism or industrial action and how they maintain or challenge solidarity).

Those who conduct social research invariably confront ethical tensions. Changing politics and community values may precipitate changes to ethical frameworks for the conduct of social research. The National Statement has been one such response. It has its origins in the Nuremburg Code and the Declaration of Helsinki, by the World Health Organisation (WHO) in an attempt to ensure that medical-type research would be regulated in an ethical manner. The purposes of the National Statement are to:

1. protect the welfare and rights of participants in research; and
2. facilitate research that is, or will be, of benefit to the researcher’s community or to humankind.

This article discusses to what extent purposes 1. and 2. might be in conflict with each other, in practice.

While there has been regulation of health-related research for half a century, the broadening of regulation to other forms of social science and humanities research, is a relatively recent development since the 1980s, triggered by concern for human rights and an increasingly litigious society. The National Statement has been contested by social scientists. Some claim that there was inadequate consultation and, as a result, the National Statement provides a framework that is inappropriate for the social sciences. General criticisms include arguments by researchers that:

1. the National Statement has induced “ethics creep” (i.e. that processes of ethical review have become unwieldy, intrusive and excessively demanding);
2. the institution-based HRECs which are mandatory under the National Statement, have limited expertise in the full spectrum of research techniques, and base their decision-making on their own interpretations "of amorphously expressed standards" in the National Statement; and
3. HRECs try to apply an inappropriate medical-research paradigm and do not empathise sufficiently with the conditions under which social scientists operate (e.g. criminologists...
researching drug use). Such other social scientists have expressed their concerns for research in their disciplines.

We offer the following observations regarding the policies of all Australian universities, bearing in mind examples of classic works of industrial sociology since the 1950s.

The primary purpose of the National Statement is the protection of the welfare and rights of participants in research. As interpreted by Southern Cross University, “these rights take precedence over the expected benefits to human knowledge derived from the research”7. Queensland University of Technology states that “the research team must always place the welfare of research participants ahead of the objectives of their research”8. But how well does this accord with the University of Melbourne’s guiding principle that “research is the pursuit of truth”9. In the case of industrial sociology, this principle implies the question: whose truth? Customers’, management’s or workers’? If the latter, which categories of worker?

This article raises a fundamental ethical question about the extent to which there is a right to acquire knowledge as against the right to privacy. On this issue, the National Statement is clear. It has been adopted in the interests of transparency, the protection of participants and respect for persons, justice, integrity, as well as protection against litigation. However, the National Statement is in potential conflict with industrial sociological research, and a researcher’s right to acquire and disseminate knowledge without certain managers excluding the researcher or regulating the information which the researcher is allowed to see. Could it be that management's refusal to grant research access denies the right of workers or customers to have their "truth" told?

Discussion

For industrial sociologists, the power relations of ethics regulatory frameworks and workplace relations have shifted. A researcher conducting a workplace study is subject to specific obligations and responsibilities to the participants (members of the workforce and their managers, and also to "the enterprise"), the HREC and their university. But who are the "participants"? Concurrent with this broadening of the ethics regulatory net which has captured industrial sociology, has been the National Statement’s adoption of the broader term of "participant" (rather than "subject"). As defined by the National Statement a “participant” includes not only those who are the principal focus of the research, but also those on whom the research impacts, whether concurrently or retrospectively10. The University of the Sunshine Coast HREC interpreted this to mean “humans (living or dead) who are the principal focus of research and those humans upon whom the research or its findings may impact”11. This is a very wide net encompassing “living or dead” and where the findings “may” impact. The implications of gaining written, informed consent from all participants is that consent must be obtained from every person involved in, or sharing the
researcher’s observations, not just those people who are the focus subjects of the observation. Such a requirement fails to understand the conditions under which industrial sociologists operate.

Under such HREC guidelines, Beynon’s seminal workplace ethnography based on observations of and interviews with workers at the Ford factory on Merseyside, could not have been conducted. If applied to Beynon's account of a dead Ford worker's corpse lying unattended on the shop floor while management insisted on co-workers continuing on the line, who indeed would be deemed to be the participants: the supervisor, the deceased, the deceased’s family, the co-workers or the Ford Motor Company? Before conducting his landmark research, Beynon did not get written consent from Ford. If he had asked Ford, it is unlikely that the company would ever have given him written consent to conduct or publish such observations.

The University of Melbourne included “organizations” in the domain of "participant". Can an organization be a "subject" of research and give its consent to research participation? The National Statement requires organizational approval for any workplace study. However, organizational consent is merely a token with no guarantee that the study can proceed to completion. This makes research design and the prospect of completing a workplace study problematic. A recent case of written consent from a CEO granting a researcher full access to the workforce was thwarted by a middle manager in her gatekeeper role to her staff, and protective of her own performance bonus. This was her right as an individual under National Statement guidelines. The study had to be abandoned without recourse to the CEO, lest the manager suffer retribution and "harm" if the researcher identified her unwillingness to participate. In such a situation it is the researcher whose reputation is besmirched for what is deemed to be his or her failure to complete the study.

This is symptomatic of a particular shift in ethics regimes which has seen the reassessment of the role and rights of subjects who were once assumed to be passive and compliant. However, have these changes built such barriers to the conduct of workplace ethnographies as to make research outcomes skewed, misleading and impractical to conduct? This could be the case since the ethics regimes imply a research design with documentary evidence of consensus among all participants, and mandatory written informed consent from every individual participant, and at every hierarchical level within the organization.

The fair and reasonable intention of the National Statement is to prevent "harm" to participants. The regulatory framework draws on an extended concept of harm which is all-embracing. The University of New South Wales defines "harm" as "physical, psychological, spiritual or emotional" which is a wide net to cast in social-science research. Monash
University required procedures to be in place to protect participants from any "distress, embarrassment or other harm that might be caused when the data is reported". Several institutions indicate the appropriateness of counselling services for participants. There are also specific provisions in the National Statement when dealing with participants who might be at risk due to a power differential between the researcher or other participants in the study. One university’s interpretation of this is that special consideration needs to be given:

.... to situations where unequal power relationships exist between participants and researchers or where participants occupy junior or subordinate positions in hierarchically structured groups. Examples include ... employees ... and their employers or supervisors.....Researchers should also be aware that the perception that such a relationship exists can be as significant as an actual relationship.

Industrial sociologists research phenomenon in “hierarchically structured groups”, namely work organizations. Unequal power relations in those organizations are the very phenomena which these researchers seek to observe, analyse and publish if the “truth” of those in a subordinate position is to be heard. Griffith University identifies that the ethics protocols are all about “the protection of vulnerable populations”. Protection should not merely be procedural, but also a holistic approach to the vulnerable peoples’ rights for their story and "truth" to be heard. We doubt that race-sensitive studies such as Kapferer’s study of the social relationships between African workers in an Indian-owned clothing factory in Zambia, and Rimmer’s study of race and industrial conflict in a group of Midland foundries in the United Kingdom, would have been approved by an HREC.

Under the requirements identified above, seminal works in industrial sociology, from the early factory studies through to more recent workplace studies, could not have been conducted. Roy’s seminal work on "goldbricking" in a steel-processing plant's machine shop is unlikely to have made it through the regime of most HRECs:

I here report and analyse observations of restrictions made during eleven months of work as a radial-drill operator in the machine shop ...For ten months I kept a daily record of my feelings, thoughts, experiences and observations. I noted down the data from memory at the end of each workday, only occasionally making surreptitious notes on the job... I did not reveal my research interest to either management or workers. I remained "one of the boys on the line", sharing the practices and confidences of my fellows and joining them in the ceaseless war with management, rather indifferently at first, but later wholeheartedly.

Under most HRECs, Roy's study would be deemed to be deceptive and "covert", as withholding information about the identity or institutional affiliation of primary researchers is usually seen as ethically unacceptable. This has significant implications for workplace studies where the ethnographic tool of participant observation has been used by
researchers who gain employment with an organization to observe, analyse and deconstruct the social relations of the workplace. As previously identified, the subtleties of power in the labour process cannot be identified from a detached position, but need to be observed and analysed through exposure to the phenomenon. In most instances, the researchers fulfil their duties as employees, but may withhold from either management and/or co-workers their concurrent role of researcher. If this is not acceptable to the employer and/or co-workers, once revealed, provisions such as the University of Queensland protocols, permit any “subject” to withdraw from the study at the point of declaration or at any future point prior to the conclusion of the study, and take with them any observations/data which may involve them. This returns the argument to the notion of "truth" and the philosophical chasm between unitarist (typically managers’) and pluralist (typically workers’) viewpoints of control and conflict in the workplace. While there can be accommodation and co-operation, there is rarely one "truth" accepted by all. This may leave researchers in a chasm of their own, never confident that the data can be finalised and secured if any party has the option of withdrawing its pertinent data from the study.

Under these guidelines, Kriegler’s significant study of work and factory life at BHP’s Whyalla Shipyard is unlikely to have received ethics approval. As a labourer he found that: "... working as a manual worker, albeit for only a brief period, gave me the opportunity to experience some of the routine, discipline, danger, feelings of satisfaction and achievement, frustration and disappointment that working men encounter in their daily lives. There is considerable merit in the view that understanding human beings and explaining their actions requires that one put oneself in their position, thereby closely identifying with them, and that only then, through a process of introspection and learning, will one find oneself in a position to understand behaviour." We are not suggesting that we should return to the days of Elton Mayo’s pioneering research into labour turnover in a Philadelphia textile mill. Experiencing difficulties with making observations of the workers, Mayo established a small dispensary in the plant with a qualified nurse who collected data through the many confidences that were made to her by the factory workers who visited her for medical assistance. Such deception is unacceptable in twenty-first century research paradigms. Our argument is not that research should be conducted without any protection of participants and their interests, but rather that many HRECs have put too great a regulatory burden on researchers to justify their research and the adequacy of their methodology.

This issue is exacerbated by the inconsistency in the interpretation of the National Statement, by HRECs. This creates problems for research being conducted across more than one institution. Such social research teams struggle to comply with codes of conduct, which vary from institution to institution. For example, the technique of snowball sampling (participant referral) is not acceptable at James Cook University (no other university
mentioned snowballing), yet the technique is part of the “toolkit” for many social researchers. For University of Newcastle researchers, when audio or video taping interviews, participants must be advised in the information sheet that they will be given the opportunity to review, edit or erase the recording\textsuperscript{28}. No other university specified this. Such a provision raises questions about the researcher’s right to retain data which was freely given with full consent, thereby securing the data set for the research. The University of Sydney also requires researchers who tape interviews to include in their consent forms: “where the information will be published; who will have access whilst the information is stored in the Department; what will happen to the material once the storage period of 7 years has expired”\textsuperscript{29}. The certainty of such actions seven years hence is at the very least problematic.

HREC protocols with regard to interviewing vary widely. In the case of face-to-face interviews, for one University, “only rarely will home visits be acceptable” and where approved “the subject should have a friend/chaperone present and so should the researcher, to protect both the subject and the researcher from any charge of impropriety”. Additionally, there is to be “no interviewing after dark or before sunrise” and “interviews will be conducted in an open area near domestic housing or a busy road”\textsuperscript{30}. If this provision had been applied to the influential work of Lipset and Bendix\textsuperscript{31} on labour mobility, then their 935 interviews with Californian wage earners in their homes could not have been conducted. The study also begs the question whether the comprehensive interview questions about the participants, their fathers and their male siblings would have made it unscathed through ethics committee scrutiny. Israel reports that such a provision was applied to an experienced researcher because of "potential impropriety" in that it was felt by the HREC that:

......the researcher might endanger the interviewees and herself by visiting their homes and was prepared to back its speculative assessment of the risk posed, even though the researcher had already completed a study of this nature without incident\textsuperscript{32}.

Danger is certainly of concern, as reported by Calvery\textsuperscript{33} in his study of nightclub bouncers and the fear of reprisal from the "industry's door" as a consequence of publication of the findings. However this must be measured against the researcher’s own assessment of the risks.

For many HRECs, the interpretation and implementation of the National Statement is guided by one of its key principles: risk management\textsuperscript{34}. Deakin University requires researchers to identify if the “research is to be undertaken in a politically unstable area, or an area where criticism of government and institutions might put participants and/or researchers at risk”\textsuperscript{35}. We must ask if the “risk” is a question of emotional and physical welfare, or primarily that of litigation. As the University of Western Australia puts it, the
ethics guidelines are as seen “a framework ...for the protection of individual research workers from possible misunderstandings”\textsuperscript{36}. Very few universities prominently feature the risk of litigation as a factor which shapes their ethics protocols, with the exception of Murdoch, which clearly identifies the need to protect individual researchers and the University from legal action. James Cook University categorises research techniques\textsuperscript{37} into six risk management categories. Burawoy’s\textsuperscript{38} cases in the classic work *Ethnography Unbound* which employ the technique of participant observation would all fall into the high-risk Category 5 or 6, of “substantial deception”, sometimes with “at risk populations” such as the homeless. At the high end of the risk continuum, it is unlikely that Burawoy’s research would have received ethics approval.

**Conclusions**

We are concerned that an unfortunate consequence of the current ethics protocols (restrictive access and impractical research design) is that we are likely to lose the benefit of much research-based critical evaluation of workplace practices in Australia. At a time of enormous workplace change, it is vital that we nurture the role of researchers who can evaluate the real impact of the changing nature of work at the workplace level, and the implications for managers, workers and the wider community. National statistics (e.g. from the Australian Bureau of Statistics) can give an indication of general patterns and trends. However it is industrial sociologists that can add a valuable perspective to explain the “whys” and the “hows” of the social relations and power in workplaces by using case study methods. We are at risk of losing independent, analytical research into such issues as work intensification, the move from collective bargaining to individual contracts, workplace gender issues, declining union membership, workplace conflict, sabotage, bullying, inequality, abuse, corruption, and many other issues of human rights in the workplace. Unless HRECs adopt a much lighter touch, there is a serious risk that society will lose the benefit of critical analyses of such issues.

Our aim is not to criticise the principles of the national ethics framework, particular HRECs or the good people who sit on HRECs, but to focus on the 1999 *National Statement* and the unintended consequences of the ways in which it has been applied to ethnographic-style research. We highlight the difficulty of conducting research when confronted by practical impediments which constrain professional procedures and techniques, and in the case of workplace studies, threaten to curb research outright.

The issue which lies at the heart of workplace ethnographies is the extent to which, given a right to privacy, whether individual, collective, private or commercial, there is also a right to acquire knowledge. An unintended consequence of the *National Statement’s* Kantian emphasis on the primacy of participants' rights, reinforced by the requirement of written, informed consent (which in the first instance is generally that of top management), may be that the integrity of the research is compromised. Perhaps an unanticipated
consequence of the *National Statement* is that it induced social scientists to be “servants of power” to an even greater extent than they were in the first half of the twentieth century, as illustrated in Baritz’s\textsuperscript{39} trenchant analysis.

It is unlikely that managerial consent will be granted unless there is benefit guaranteed and top management’s "truth" assured, and it is unlikely that HREC consent will be granted unless there is managerial consent. Even when the mandatory enterprise approval from a CEO is given, it is not necessarily definitive in a complex organization. Given the nature of participants’ rights to participate and withdraw from the study at any time, without reason, access needs to be negotiated with each level of participants within the hierarchy and with each individual participant. Couple this with the ability of participants to withdraw the use of the information which they have supplied, at any stage of the project prior to completion, and we must ask if a researcher could ever be confident that a project is viable and if the data set is secured.

Following the promulgation of the revised *National Statement*, there is a valuable opportunity for HRECs to review their practices, to engage with various research perspectives and to be reflective and responsive to the very different context, method and outcomes of, for example, industrial sociology. Could HRECs display a greater degree of trust in well-qualified researchers? This is already the case in some institutions. But in others, researchers have told us that the HREC regimes appear to display a low degree of trust in well-qualified researchers, which has the unfortunate tendency to foster an adversarial atmosphere. Enforced compliance does not necessarily lead to understanding. We suggest that there should be, between researchers and HRECs, open and constructive discourse that should include the operationalisation of the revised statement and a clear understanding of the costs and benefits, who bears these costs, and how they might be ameliorated, for participants as well as for researchers.

We hope that HRECs will not interpret the revised *National Statement* as a set of absolute commandments that must be applied to all types of research. Rather, they should see it as a set of principles which is applied to different fields of research in a thoughtful and relevant way. One of the key roles of HRECs should be to facilitate useful research, not to distort or confound it.

As for researchers, they should discuss these issues with their HRECs. They should engage with the ethics processes in productive ways rather than just filling in forms and passively accepting edicts. Workplace researchers need to learn how to effectively manage the potential risks of their research, both social and legal, in a more litigious society, while retaining integrity and an independent voice, if the “truth” is to be told.
Acknowledgements AND METHODOLOGY

We express grateful thanks to all those who facilitated this research. It was based on a review: of the literature and some of the seminal works in industrial sociology; the current National Statement; submissions to the Review of the National Statement [183] were received by the National Statement Working Party in the second round of public consultation from January to March 2006 and are accessible on their website of Australian universities’ ethical guidelines which are available on their websites. We examined all 38 websites. This review was conducted in 2006. The article also draws on discussions and interviews with several PhD students and other colleagues about their experiences with various universities’ HRECs. This was on the basis of anonymity, so they are not named here. We are grateful to the good people who give up time to serve on HRECs, as well as the committees of the ARC and NHMRC. This article is not intended to imply any criticisms of them, but to make constructive suggestions about improvements to the HREC system and its modus operandi.

This article draws on a paper given by the authors at the Association of Industrial Relations Academics of Australian and New Zealand (AIRAANZ) conference in Auckland, February 2007. AIRAANZ members and numerous other people have made helpful comments on earlier drafts including: Gary Allen, Roger King, Drew Nesdale, Adrian Wilkinson and anonymous referees arranged by AIRAANZ and by this journal.

NOTES

9 www.unimelb.edu.au/%EecServ/ Statutes [accessed on December 21, 2004].
20 www.griffith.edu.au/or/secure/booklet/humans/booklet_01/content02.
References


