Compliance as process: Work safety in the Chinese construction industry
Li, N.

Citation for published version (APA):
Li, N. (2016). Compliance as process: Work safety in the Chinese construction industry

General rights
It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations
If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: http://uba.uva.nl/en/contact, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

UvA-DARE (Digital Academic Repository)
Chapter 2 Frontline Inspection in Practice

1. Introduction

After the accident on the construction site of the affiliated high school of Tsinghua University, all of the construction projects in Beijing were immediately required by the local construction regulatory bureau to temporarily stop working and thoroughly check safety risks. This portrays an image of prompt and serious reactive-enforcement of the construction safety regulatory authority. Besides such incident-based enforcement, regular on-site inspection and preventive enforcement of construction projects are also a primary mission of local construction regulatory bureaus. But there is no clear data so far to generate a general status of such regular enforcement. Regarding the enforcement campaign, the governmental statistics, for instance, in the enforcement campaign in 2009, reported that local regulatory agencies throughout the country in total inspected 19,566 projects under construction and detected 133,554 safety risks. In the campaign of 2012, they inspected 44,880 projects and eventually issued 6,767 rectification notices and 2,160 stop-working orders. In general, both media reports and governmental data help to discern what regulatory agencies have done in terms of safety regulation. However, some things might still be missing. We know little about how such regulatory enforcement is organised and how it affects compliance practice.

Turning to academia, it is surprising that little attention has been paid directly to enforcement issues in the construction sector throughout the international academic community. For example, in

---

27 This is one of the agency’s functions and duties. This expression refers to the statement of the agency’s functions on the official websites of all levels of the Housing and Urban-Rural Development (HURD) authority. It was also confirmed in the participant observation and interviews.
China, there are only a few studies addressing the role of construction safety regulation in improving management of the construction industry (Wu, 2000; Song & Li, 2004; Cao & Wang, 2007). In the West, only a few studies touch on this domain, for instance, May and Wood (2003, also see: May, 2004, 2005a) studied homebuilders and building safety in the United States, showing that homebuilding was highly regulated with frequent inspection, which established a social exchange relationship and shared expectations about what constituted compliance. Van der Heijden (2009, 2014) studied building regulation regimes and compliance with building codes in both developed and developing countries, arguing that all over the world, buildings are subject to a range of less coercive governance tools than direct regulatory interventions. But in general, regulatory studies directly concerned with the construction industry are limited. Fortunately, general regulatory theories provide multiple perspectives and empirical findings to understand regulation, which is helpful for the study in this book (introduced in the next section.)

Part I of this book seeks to explore the actual functioning processes of construction regulatory enforcement (which is also the first process this study analyses to understand corporate compliance). More specifically, it takes construction safety regulatory enforcement in M city of China as a case, and attempts to understand:

(a) How and (b) why does local construction safety regulatory authority enforce safety law in certain ways? (c) What impact does such regulatory practice have upon the safety compliance of regulated construction businesses?

The overall analysis is presented in two parts: chapter 2 provides a detailed analysis for the daily practice of frontline inspection. The reasons why the regulatory authority conducts enforcement in certain ways, as well as the possible impacts of enforcement upon compliance are discussed in Chapter 3.

The current chapter, with a focus on frontline inspection, empirically presents how the local safety inspectors access, detect, and react to violations on the construction sites, as well as the
outcomes of inspection. The contents are organised as follow: section 2 firstly introduces the theoretical perspectives and analytical frameworks adopted. This study employs six dimensions of enforcement style to capture and analyse the overall performance and variations in the practice of inspection. Section 3 explains the research approach and method. Two construction safety inspection stations at the district level of M city were selected for the lengthy participant research. The analysis was mainly based on the data collected during participant observation of 45 on-site inspections, as well as some complementary interviews with inspectors before and after each inspection. Subsequently, the main empirical findings are presented in three sections: section 4 first discusses whether there is a general pattern of inspectors’ enforcement practice. Section 5 takes a closer look at enforcement performance and draws attention to some variations. Section 6 further analyses the enforcement practice by linking it to the violator and violation. A short discussion follows.

2. Describing Enforcement Practice: Analytical Operationalisation

To analyse regulatory enforcement, it is of great importance to explore: How is the law enforced in practice? How does the regulatory agency determine what approach to take in conducting inspection? How does the regulatory agency fulfil its tasks? Methodologically, there are some challenges in order to achieve these goals, as one has to consider the ideal way of presenting actual practice and how to best capture the most representative features of enforcement performance.

Earlier studies contributed two basic indexes to depict orientations of enforcement: the deterrence approach, or the advice and persuasion approach (Becker, 1968; Kagan, 1994; Hutter, 1993; Hawkins, 1984; Gunningham, 1987; Gunningham et al., 2005). In practice, however, regulatory agencies or agents tend to make choices in the compliance-deterrence continuum, or incorporate some mixture of them (Gunningham, 2011). For example, Kagan’s study
(1994) showed that the regulatory authority employed deterrence in some cases but advice and persuasion approach in others. Ayres and Braithwaite (1992) proposed a theoretical model of an enforcement pyramid, which could present those escalating tit for tat changes during the enforcement process. Nevertheless, the pyramidal approach is unable to fully explain variations in enforcement practice, where some conditions that shape the responsive pyramid do not exist (Mascini & Van Wijk, 2009; Baldwin & Black, 2008; Johnstone, 2003; Gunninham, 2011).

Many empirical studies have proposed new methods to depict variations of enforcement. May and Winter (2011) conceptualised enforcement style as the character of the day-to-day interaction between inspectors and regulated entities, whereby variations in enforcement styles can best be depicted by two dimensions: ‘formalism’ and ‘coercion’. On this basis, McAllister (2010) analysed enforcement style at the agency level by adding two new dimensions ‘autonomy’ and ‘capacity’. Lo and his colleagues (Lo, et al., 2009) studied changes in enforcement styles among environmental enforcement officials in China by including factors of education, formalism as well as coercion, and developing new variables such as ‘prioritisation’ and ‘accommodation’. These theoretical dimensions were empirically tested to discern the main characteristic of enforcement style. In general, research on enforcement style provides a detailed practice of enforcement before some certain patterns of regulatory enforcement can be generalised.

It is worth noting that such discovery of enforcement variations, more or less, benefit from scholarly attention to activities at the frontlines. Scholars have focused on daily practice of frontline enforcement by observing the process of inspection, and/or conducting interviews with both inspectors and the regulated actors, including the study of police enforcement conducted by Black (1968).

---

study of street-level bureaucrats in public service by Lipsky (1980), Hutter’s study (1997) of enforcement by field-level inspectors from three different inspectorates (the factory inspectorate, the industrial air pollution inspectorate, as well as the railway inspectorate), study of enforcement styles by May and Wood (2003) and May and Winter (2007), and the study of Dutch food and consumer product regulation by Mascini and Van Vijk (2009). These studies have contributed fruitful findings to understand enforcement variations in practice, as well as plural interactions during the process.

Inspired by both theoretical and methodological insights from the literature, the study of regulatory enforcement in this book, first of all, focuses on frontline inspection. In other words, it examines in more detail how enforcement of construction safety laws is organised, conducted, and functions daily in M city, China. Following the tradition of the observational approach, it aims to present what is happening during a frontline inspection activity through direct participant observation.

Finally, to describe the practice of frontline inspection, this study proposes an analytical framework (Table 2.1). It has been developed by following the well-developed dimensions of enforcement style in the literature but leaving it open at the same time. In other words, the dimensions adopted here act as the tool to collect data and describe findings. These dimensions are not variables for the purpose of measurement. In the meantime, the study, owing to the observational approach, can link the style dimension with empirical cases in fieldwork. In this way, the study can be more contextual. In brief, the analytical framework developed in this study is actually a complex deductive and inductive approach.

The operationalisation of the analytical framework is as follow:

30 The original idea for this framework was mainly inspired by the work of Benjamin van Roiij. He developed a multi-dimensional framework to analyse enforcement style. See: “Operationalizing Enforcement Styles Dimensions for Emerging Markets” (2009). In this research, variables/dimensions adopted have been proposed and reviewed in a prior pilot study in order to capture as precisely as possible the different
Table 2.1 Dimensions of Enforcement Performance: An Overview

<table>
<thead>
<tr>
<th>#</th>
<th>Dimension</th>
<th>Description</th>
<th>Spectrum of Ideal Types</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Prioritisation</td>
<td>Agents prioritise regulatory issues during an inspection</td>
<td>Generalised → Prioritised</td>
<td>Scholz, 1994; Lo et al., 2009</td>
</tr>
<tr>
<td>2</td>
<td>Intensity</td>
<td>Agents examine items thoroughly and substantially in accordance with legal guidance</td>
<td>Superficial → Intensive</td>
<td>McAllister 2010; Van Rooij, 2010</td>
</tr>
<tr>
<td>3</td>
<td>Instruction</td>
<td>Agents instruct the regulated how to comply with the norms during inspection</td>
<td>Non-instructive → Instructive</td>
<td>Kagan &amp; Scholz, 1984; Lo et al., 2009</td>
</tr>
<tr>
<td>4</td>
<td>Persuasion</td>
<td>Agents try to persuade the regulated to comply with the norms during inspection</td>
<td>Non-persuasion oriented → Persuasion oriented</td>
<td>Kagan &amp; Scholz, 1984; Ayres &amp; Braithwaite, 1992</td>
</tr>
<tr>
<td>5</td>
<td>Coercion</td>
<td>Agents seek to use measures of sanction</td>
<td>Non-coercive → Coercive</td>
<td>May &amp; Winter, 2000</td>
</tr>
<tr>
<td>6</td>
<td>Formalism</td>
<td>Agents execute the procedure of inspection in a formal, inflexible way</td>
<td>Informal, flexible → Formal, inflexible</td>
<td>May &amp; Winter, 2000; Gormley, 1998</td>
</tr>
</tbody>
</table>

**Prioritisation.** It is believed that enforcement requires a prioritisation of regulated actors and violations due to scarce enforcement resources (Bardach & Kagan, 1982; Gray & Scholz, 1991; May & Winter, 1999; Lo et al., 2009). There could be two inquiries: prioritisation of where to inspect as well as prioritisation of what to inspect during inspection (Scholz, 1994; Sparrow, 2000; Black & Baldwin, 2010). In this study, however, prioritisation focuses on the latter, i.e. inspecting issues. It aims to discern an explicit or implicit judgement and behavioural trend where some regulatory issues are more important than others on the building sites. How inspectors decide where to inspect, whether they inspect some companies more
than other companies, will be discussed when exploring the overall strategy of the agency on enforcement work— it is more about bureau policy.

**Intensity.** Some researchers hold that there is intensity in inspections when firms are inspected frequently, and inspections are conducted during the day and at night (Van Rooij, 2010; McAllister, 2010). In this study, however, the concept refers not to the frequency, but the depth of checking, because the focus here is the inspection process itself. There is a difference in the extent to which agents go through the issues and aspects they are concerned with, as well as try to detect the existence of a real violation during an inspection. Agents could mainly base their detecting on paper-trail and question-answer method (prima facie check), or base their detecting on taking a test or examination besides paper-trail and question-answer method (substantial check).

**Instruction.** Inspectors were found to instruct the regulated actor about the norms and how to comply with the norms. For example, inspectors explained what the norms are when they inspected, explained the extent to which the behaviour of the regulated actor conformed to these norms, and explained how regulated actors could adapt their behaviour to bring it more in line with the norms (Kagan & Scholz, 1984).

**Persuasion.** Similar to instruction, during inspection, inspectors were found to persuade regulated actors of the benefit and/or importance of abiding by legal norms. For example, they explained why enterprises should abide by the norm, as well as the effect and consequence. Or they tried to convince the regulated actors of the benefit of complying with the law (Kagan & Scholz, 1984).

**Coercion.** May and Winter (2000) conceptualised the dimension of coercion as the willingness to issue threats. Particularly, they differentiated between the use of threats (i.e. coercion) and imposition of sanctions. In this study, however, the dimension of coercion is used in a broad way. Besides the use of threat, the enforcement action of imposing sanctions also belongs to
enforcement efforts to gain compliance. And the degree of sanction could really hurt the company, e.g. giving a fine. Accordingly, this research proposes that the dimension of coercion includes different levels, in which threats are the lower level of coercion. In practice, inspectors sometimes threaten to make a sanction or threaten that some negative consequence might happen. To some extent, threats can be regarded as a separate sub-dimension: on the one hand, it has different characteristics, functions and on-site effects compared to instruction or persuasion. On the other hand, it does not produce any substantial punishment. In some sense, this is a transitional phase between non-coercion and real coercion.

Different from threats, punitive action means inspectors use a measure of sanction when a violation is detected. According to the building safety laws, administrative sanction starts with the least stringent one—giving a formal, written warning (a rectification notice), to the more stringent, such as issuing a stop-production order or giving a fine. Other sanctions include permit revocation and closure of the violating enterprise, however these are rarely adopted in practice.  

Formalism describes the manner and attitude of inspectors in terms of degree of rigidity. Formalism occurs when agents execute the procedure of inspection in a formal, inflexible way (May & Winter, 2000; Lipsky, 1980; Gormley, 1998). For example, inspectors formally introduce their identity and the goal of inspection, strictly go through the complete procedure, always refer to the law, or do not make exceptions during inspection, etc.

All six elements, hence, comprise a comprehensive analytical framework for describing and analysing the performance of work safety enforcement on the construction sites.

---

3. Research Methodology

Local construction safety regulatory authority: context of the study

Similar to most other regulatory domains in China, e.g. environment, land, food, labour, tax, construction work safety regulation as well as law enforcement are administered through an institutional and policy framework running from the central level down to counties/municipal districts. At the same time, China keeps a particular ‘Tiao-Kuai’ (vertical and horizontal) regulatory system, in which a specialised local regulatory agency is subordinate not only to the local government of the same level, but also to the functional department at a higher level of administration (Van Rooij, 2006; Mertha, 2009; Yan, 2014).

Housing and Urban-Rural Development (HURD) authority takes comprehensive authority over the construction industry in China, in which a specific division is in charge of safety regulation. The jurisdiction, however, is divided into four levels: national, provincial, city, and county/municipal district (see Appendix 2). According to work division, a construction project with an investment of less than ten billion is under the jurisdiction of the district bureau of housing and urban-rural development (BHURD). In other words, it is district BHURD that administers most medium and small sized construction companies as well as their projects under construction.

This research focuses on the district construction safety regulatory station (referred to ‘district safety station’), which is an independent division of district BHURD. A study on the district level regulatory authority enables capturing the practice and impact of enforcement fairly directly, given that the district safety station (with its agents) has the closest contact with most medium and small sized construction projects, and thus conducts frontline inspection most often.

---

32 At the national level, it is called Ministry of Housing and Urban-Rural Development (MOHURD); at the local level, it is called Bureau of Housing and Urban-Rural Development (BHURD).
**Organisation and policy**

District safety station fulfils its regulatory power independently, but is administratively affiliated with the district BHURD. It predominantly takes charge of safety issues relevant to construction companies and construction projects, e.g. making on-site reviews before a project is qualified for a construction license, registering all safety production measures, and more importantly, monitoring the entire construction process of a project. Daily work includes three main aspects: document management, on-site inspection, as well as dealing with complaints.

On-site safety inspection refers to activities where district safety inspectors visit construction sites, evaluate the safety situation, detect violations and make some sanctions. It includes two types: routine checks and special checks. Routine checks are conducted according to a monthly check schedule made by the district safety station. Special checks are initiated according to some specific policy requests (‘red tape file’) from the higher authority, e.g. from HURD authority of city level, provincial level, even national level, or from local government of district level or city level.\(^{33}\) An inspection is normally conducted by a team of two or three inspectors. Theoretically, inspectors have three administrative sanctions at their disposal. First, they can give a formal, written warning (a rectification notice); more stringently, they can issue a stop-production order; third, they are entitled to issue a fine.\(^{34}\) But they have no criminal investigation authority.

**Case selection**

As outlined in chapter 1, this empirical study was conducted in M

---

\(^{33}\) Here the paper uses the term ‘special check’ to differentiate from the term ‘enforcement campaign’ used in some literature, e.g. see the book (chapter 14) by Van Rooij, Benjamin, 2006. In all 45 inspections observed in this study, a special check was requested by the government at the district and city levels. It is not as formal or coercive as the enforcement campaign launched by the central government or national MOHURD.

\(^{34}\) However, after a comprehensive administrative reform, the power of issuing a fine was partly transferred to a named ‘comprehensive law enforcement bureau’.
city of China. M city, as a provincial municipal city, has its own BHURD. The main urban zone of M city has four administrative districts and each district also has its own BHURD and specialised safety regulation station. Two district safety stations of M city were selected for the fieldwork. W district has a long history and includes many old neighbourhoods. It used to be the main economic and political centre of this city and is well known for standardised administration. X district is a newly urbanised area and has plenty of space for development.

W district safety station has five inspectors (including the chief of the station); two are part of the civil service, the rest are contract-based employers. X district safety station has six inspectors, three of them are part of the civil service, the rest are contract-based employers. Theoretically, every inspector should have a relevant educational or working background in the building industry, and should hold an enforcement qualification after taking an examination.

There were 108 building projects under the jurisdiction of X station and 83 projects under the jurisdiction of W station during the fieldwork when this research was conducted.

**Data collection**

An empirical study of safety regulatory enforcement was conducted using lengthy participant observation and interviews in the selected two district safety stations.

*Participant observation.* On the one hand, because I was permitted to stay at the district safety station, it became feasible to observe routine in-house work of the agency. On the other hand, I accompanied safety inspectors when they went to visit a construction project, so I was able to witness the process of each inspection on the construction site, and also observe interactions between the inspector and the regulated [see Appendix 3].

*Interview.* Owing to a lengthy stay, it was possible to conduct individual interviews with all inspectors (including the chief of the station). I first conducted a complete interview with every
respondent based on the same topic list (see Appendix 3.3). Moreover, I also had many short interviews with the inspectors concerning each on-site inspection as well as other relevant issues about their work.

In general, data were collected in 2012 (for X district) and 2013 (for W district). Observations were made for 7 weeks at each agency. Interviews were conducted with every individual inspector independently. In total, 45 on-site inspections were observed, and 11 complete individual interviews were conducted.

Data analysis

This research first conducted a general analysis of 45 inspections. Due to participant observation, abundant ethnographic materials were obtained in 45 cases. A raw table was created including six theoretical dimensions of enforcement performance. Then raw materials were summarised and placed in the table. Next, in order to figure out some general characteristics of enforcement, coding was employed: for each inspection case, the summary for every dimension was assigned a score (0 or 1) [see Appendix 4]. The process of coding enabled calculating relevant percentages of answers. However, as explained in section 2, six dimensions acted as the axes of description rather than measurement. Text analysis, thus, was supplemented in the following analysis.

Other materials about interviews as well as observation of routine work were also analysed through creation of raw tables and summarised, but without coding. It mainly served as text analysis. Although two district safety stations were selected due to physical variations, the data collected showed a high level of homogeneity. For the purpose of generalisation, the cases were analysed uniformly in the following way.

4. Overview of Daily Inspection: Is There any General Pattern?

‘Go to construction site’ (Xia Gongdi) is an oral phase that district safety inspectors usually described as their main work. They used this expression to emphasise the particular features of this job as
distinct from in-house office life. As some inspectors explained, ‘of course you can just sit in the office and monitor the construction process by asking the enterprise to regularly submit relevant documents and reports. But how you can judge the authenticity of these papers? And how you can know what exactly happened during the construction process? You still have to be there sometimes to make sure that things are under control, although it’s really time-consuming and tiresome’.35

Frontline inspection—safety inspectors go to visit building sites, evaluate the safety situation, and detect violation—hence becomes a crucial way to fulfil the goal of safety regulation. It is the main locale where the safety law is enforced and the regulation works. Moreover, it is about how inspectors deal with discretion in performing their work (Mascini & Van Wijk, 2009). It is also about what the regulated actor really could see—it is about communication (Black, 1998, 2002).

The first question for the fieldwork might be: Is there any general pattern or dominant approach employed by the inspectors of district safety stations in M city?

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>% of Spectrum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prioritisation</td>
<td>Prioritised</td>
</tr>
<tr>
<td></td>
<td>51.1% (n=23)</td>
</tr>
<tr>
<td>Intensity</td>
<td>Intensive</td>
</tr>
<tr>
<td></td>
<td>51.1% (n=23)</td>
</tr>
<tr>
<td>Instruction</td>
<td>Instructive</td>
</tr>
<tr>
<td></td>
<td>80% (n=36)</td>
</tr>
<tr>
<td>Persuasion</td>
<td>Persuasion oriented</td>
</tr>
<tr>
<td></td>
<td>66.7% (n=30)</td>
</tr>
<tr>
<td>Coercion</td>
<td>Non-coercive</td>
</tr>
<tr>
<td></td>
<td>71.1% (n=32)</td>
</tr>
<tr>
<td>Formalism</td>
<td>Informal</td>
</tr>
<tr>
<td></td>
<td>64.4% (n=29)</td>
</tr>
</tbody>
</table>

35 According to Interviews 01, 02, 06, 08.
Table 2.2 shows an overall pattern of on-site safety inspection: instruction, persuasion oriented, as well as largely informal and non-coercive. Inspectors tended to use instructive (80%), persuasive (66.7%), and informal (64.4%) ways of conducting an inspection, while seldom employing coercion (28.9%).

In 80% of cases (n=45), inspectors tended to give immediate instructions when violations were detected or they found the existence of some potential safety hazards. Most of these instructions were specific and detailed: inspectors firstly pointed out what was wrong or risky, then explained the problem; further, inspectors suggested how regulated actors could adapt their behaviour or solve the problem. For example, ‘This timbering is loose, which might be easily blown by a strong wind. You should consider building timbering like this…….’ (quotation from P06); ‘The protective net is broken here, which has produced a potential hazard and people could fall down from this hole, you need to ….’ (quotation from P12).

Second, in 66.7% of cases, inspectors tried to persuade the project manager to voluntarily change or correct the behaviours. Sometimes they mentioned the examples of ‘bad apples’ (where accidents happened) to show the possible loss to the company. For example, ‘…have you heard about the accident that happened at xxx last month? A pile-driving machine fell off and killed one person. The building work has been stopped and the company is waiting for the investigation and sanction. They should have avoided such incident if they paid more attention to machinery checks in daily exercise’ (quotation from P09). They also compared the amount of fines and accident compensation to the amount of safety measure investment. ‘You can make a calculation, the compensation for a death is almost 800,000, and you still have to pay the fine and stop production for a while. The total loss will be over 1,000,000. But the expense of safety investment could be only a few hundred thousand. In this sense, you can still save a lot. So do not save this small amount of money on safety measures’ (quotation from P17). By doing so, inspectors tried to send a message that abiding by legal norms will benefit the construction
companies themselves.

Third, inspectors informally inspected in 64.4% of cases. Inspectors did not don a uniform. Normally, they introduced themselves briefly when arriving at the construction site (if inspectors knew someone on the building site, they skipped the introduction), and started with a short chat. Then inspectors chose to either go around the construction site or check the documentation at the office, and ended with a summary meeting (sometimes they even omitted the summary meeting). When detecting violations, inspectors just pointed out the problem itself but normally without referring to the law. Sometimes they even told the regulated actor ‘this time I will ignore this issue, or this time I won’t count this as a violation, but next time I will take it seriously’ (P03, 07, 14, 18, 25, 28).

The researcher felt that inspectors did not intend to be an opposition or create a tense atmosphere during the on-site inspection.

Fourth, coerciveness only appeared in a few cases (n=13); inspectors employed a lower level of coercion by using oral threats or giving a written warning (a rectification notice). For example, ‘This time only our local inspection station came to check and we can still give you a chance to correct; next time if the higher level agency comes, you think you still have a chance?’ ‘You must make a rectification and report to us in 7 days. Otherwise we will issue a stop-production order’ (P05, 09, 11, 17). However, no stringent administrative sanction (fine or stop-production order, etc.) was ever used in any of the 45 inspections. The data generally showed that on-site inspection was largely non-coercive.

In sum, the practice of on-site safety inspection observed in 45 cases showed general characteristics of weakly coercive and strongly instructive, persuasive and informal. This was in line with the general literature saying that ideal enforcement starts with informal, educational, persuasive options, and only tries punitive options when the former fails (Braithwaite, 2002; Ayres & Braithwaite, 1992; Gunningham, 2011; Hawkins, 1984).

What can we make of such an enforcement performance, which
is probably a general pattern for most cases from the empirical data? On the one hand, the pattern did not include much sanction providing an impression that enforcement is weak. And some Chinese literature would say it is bad because it means the law does not have any strength. This means, for the regulatory actors, they can probably get away with violations (Wu, 2000; Van Rooij, 2006; Xiao, 2012; Li & Shao, 2007; Zhang, 2009). On the other hand, the Western literature reported that this may be normal. It is akin to an enforcement pyramid where you have mostly persuasion, education and very little sanction. So it may not all be bad. It might be a kind of responsive regulation (Ayres & Braithwaite, 1992; Braithwaite, 2002; Gunningham, 2011).

However, we do not really known whether it is responsive regulation and we need to know much more. We need to know what types of cases are coercive or not, to know if there are variations, to touch more on violation and responsiveness.

5. A More Complex Picture of Enforcement

When we keep the above-mentioned inquiry in mind and look closer at the enforcement performance in the 45 inspections, the data showed that the general pattern does not tell the full story. There is a more complex picture: First, for some dimensions, there was not really a pattern — it was 50/50. Second, there were notable exceptions to a majority of cases with non-coercive, persuasion and instruction; third, coercion and non-coercion occurred in the same inspection; finally, some distinguished shifts in the style dimensions were observed during an inspection.

(1) Prioritisation of inspections and intensity was almost with 50% yes and 50% no

(a) Prioritisation

According to the ‘standard of construction safety inspection’ [JG59-2011]36 made by MOHURD, which is the highest agency in

---

36 ‘Standard of construction safety inspection’ is made by the MOHURD in order to give guidance for both local regulatory agencies and the building business.
charge of the construction industry in China, the safety inspection for construction project includes 19 general items for inspection and assessment. The JGJ59-2011 even supplies a detailed table for inspection and assessment that itemises 189 aspects in total within those 19 general items. In practice, however, any individual daily inspection could never go through all aspects (Interviews 01, 02, 04, 06, 07). But there were still differences concerning to what extent inspectors covered items as much as possible.

In the 45 inspections, 51.1% of cases (n=23) showed prioritisation, in which inspectors picked some items and put them on a checklist in advance. When they were on site, they only checked the issues or asked questions based on the checklist and then made a record on the same checklist. However, the remaining 48.9% of cases (n=22) showed a generalised trend. Inspectors looked around the construction site or looked through the documents without showing a clear intention or preference. But they might stop anywhere and begin to make comments. I asked about how they chose what to check. Five of the inspectors explained in a similar way, saying ‘we try to figure out potential safety hazards as much as possible when we are on the sites’. When I further asked ‘how can you figure out the hazards’, they answered ‘the way of detection is not necessarily fixed, it depends on your own professional vision and field experiences. When you’re there, you can find the problems’ and added ‘of course, it’s according to the law’ (Interviews 02, 03, 06, 07, 08).

There was a 50/50 split of cases in terms of prioritisation. The level of prioritisation was related to the type of inspection: all 23 prioritised inspections were part of special checks.

<table>
<thead>
<tr>
<th>Table 2.3 Dimension of Prioritisation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Generalised (n=22)</td>
</tr>
<tr>
<td>Special checks (n=26)</td>
</tr>
<tr>
<td>Routine checks (n=19)</td>
</tr>
</tbody>
</table>

JGJ59-2011 is the newest version published on Dec. 7, 2011 and took effect on July 1, 2012.
Is inspection type with a political nature influencing the enforcement as a whole? This question cannot be fully answered through the observation of on-site inspection and is further discussed at a more macro-level in the next chapter. However, the type of inspection shaped prioritisation at the micro-level of inspections. Inspectors showed a more clear intention during special checks.

(b) Intensity

There was a difference concerning to what extent agents went through every item they selected, trying to detect the existence of a real violation during an inspection. Agents mainly based their detection on paper-trail and question-answer method (prima facie check). They could however choose to base their detection on taking a test or examination besides paper-trail and question-answer method (substantial check).

In 48.9% (n=22) of cases, inspectors made a superficial check on site. For example, when checking the documentation, inspectors just had a quick look at whether the required file was there. They did not read the content of the file. In several cases, inspectors even did not see the file with their own eyes but just asked the manager if they already had the file. If the answer was yes, inspectors moved to the next item (P5, 6, 7, 13, 14, 17, 25, 29).

In the remaining 51.1% (n=23) of cases, however, inspectors made a comparatively intensive check. When checking the documentation, they not only looked at whether the required file was there, but also checked whether the content in the file was true or correct. For example, in some cases, inspectors found the qualification certificate of practitioners had expired, or the qualification certificate was unmatched. In other cases, they found the file was incomplete or full of mistakes. Moreover, when going around the site, inspectors tended to test the quality by themselves rather than just asking questions (P8, 9, 15, 23, 24).

The dimension of intensity showed another 50/50 feature. When compared to the dimension of priority, however; it did not demonstrate a full correspondence. In other words, the type of
inspection did not really affect the intensity of inspections. It seemed it depended on the circumstances and on individual decisions of the inspectors. The paper later will look closely at, at least, whether it links in any way to the nature of the violation or seriousness of the violation.

(2) **Formal and coercive inspections**

Apart from the 50/50 type of exception to the general pattern above, there were exceptions in the dominant style.

(a) **Inspection with formal style**

The first one is formalism. In 35.6% (n=16) of cases, inspectors used formal language and behaved in a formal way. For example, they stated ‘*this inspection is conducted according to xxx policy/governmental notification, and the inspection results will be reported to “the above authority”*’. In these cases, the tone was a bit different. They went through the items with a clear sequence rather than in a loose way. It then raised a question: under what circumstances did inspectors change their general style?

The observation helps to figure out two kinds of situations relevant to such variation: (a) **Special check**. Data showed that a formal style was more likely to appear in the special check: 11 of the total 16 ‘formal cases’ (68.8%) belonged to this type. The special check is one of the important elements in enforcement. It, at least, changes the style for certain dimensions: formalism and prioritisation. (b) **Failure of communication**. Besides the above situation, inspectors could still perform inspections with a formal style in the routine check. For example, in project 26 inspection, the manager did not take the inspection seriously at the beginning. He just assigned a staff member to communicate with inspectors. However, this staff seemed unfamiliar with the documents asked for by the inspectors and tried to use some excuse. One inspector interrupted him and claimed, ‘We are performing the duty of government officials’. Another inspector stated ‘*this is the preliminary check at the district level and we will report the results of the check to the city bureau*’. Later
inspectors pointed out some violations by referring to the law, which rarely appeared in other cases. This finding was in line with the existing literature holding that responsiveness of the regulated makes an enforcement approach viable in practice (Gunningham & Johnstone, 1999; May & Winter, 2011).

(b) Inspection with coercive style

Another exception was coercion. Although there was no case in which a medium level of punishment (fine or stop-production order, etc.) was made, there were a few cases (n=7) in which inspectors threatened the possibility of punitive action. For example, in project 07 inspection, the firm failed to present most of the required files, and the chief manager did not show up at the beginning, and the inspector became a bit impatient warning about make a sanction if the building company would not take any measures for correction or improvement. One inspector even said ‘I just remind you, the safety situation is grim recently. Today’s check is from our district station. If the high level bureau came, do you think you will be treated like this?’ Moreover, there were also a few cases (n=7) in which inspectors issued a written warning (a rectification notice). For example, in project 32 inspection, it seemed that the manager knew the inspectors before. However, after detecting several major problems such as the crane being unsafe, the border guard and protective nets were poor, inspectors issued a rectification notice and said they will conduct a re-examination later.

Under what circumstances did inspectors resort to a coercive approach? (a) The responsiveness of the regulated seems relevant (Gunningham & Johnstone, 1999; May & Winter, 2011). The data showed a similar finding to the formal case. Inspectors tended to employ threats or even a written warning once the regulated actors failed to respond correctly, e.g. could not present the documents asked for by the inspector (P07); or the regulated actors gave an

---

37 In total there were 13 cases in which coercion was found. There was one case in which inspectors used both threats and written warnings. So the separate calculation of threats and warnings was 7 and 7.
inactive response, e.g. the on-site chief manager did not show up, the regulated did not take the inspection seriously (P26). (b) *The seriousness of the violation was also relevant* (Hawkins, 2002; Hutter, 1997). In the cases where inspectors threatened a sanction or issued a written warning, they pointed out some major or easily visible violations and claimed that such hazards should not be ignored (P32, 36).

(3) **Coexistence of education, persuasion and coercion**

Besides the formal or coercive inspection as exceptions to the dominant pattern, the empirical data also indicated the coexistence of non-coercive dimensions (education, persuasion) and coercive dimensions (threatening, punitive action). May and Winter (1999, 2000, 2011) proposed two basic axes: formalism and coercion. However, it has, to some extent, been presented as a dichotomous model, with non-coercion and coercion as the two poles. But some scholars rather see all variables as elements of style that can be combined (Lo et al., 2009; Van Rooij, 2006). The data from district safety inspection in M city also showed such a mixture.

**Table 2. 4 Dimension Performance of Non-Coercion and Coercion**

<table>
<thead>
<tr>
<th>No</th>
<th>Instruction</th>
<th>Persuasion</th>
<th>Coercion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>2</td>
<td>+</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>3</td>
<td>-</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>4</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>5</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>6</td>
<td>-</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>7</td>
<td>-</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>8</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>9</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>10</td>
<td>+</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>11</td>
<td>+</td>
<td>-</td>
<td>+</td>
</tr>
<tr>
<td>12</td>
<td>+</td>
<td>+</td>
<td>+</td>
</tr>
<tr>
<td>13</td>
<td>+</td>
<td>-</td>
<td>+</td>
</tr>
</tbody>
</table>

(‘+’ refers to active performance of the dimension, ‘-’ refers to non-existence of the dimension)
As Table 2.4 shows, there were 13 cases total in which some coercive dimensions (threatening or warning) existed. Importantly, in 84.6% (n=11) of these cases, inspectors also gave relevant instruction or persuasion to the regulated. On the one hand, the advisory dimensions (instruction, persuasion) were the most active dimensions of enforcement style, which was in line with the characteristics of the general pattern discussed above. On the other hand, it implies that frontline inspectors actually had various styles in line with on-site circumstances even in the same inspection, thus employing both non-coercive and coercive approaches at the same time.

(4) Shift of style dimensions

The above analysis of the enforcement pattern as well as the variations in the pattern has created a general vision about enforcement performance, especially the distribution of style dimensions and the degree of their activeness. However, it may also produce an illusion that these dimensions are distributed and assembled statically. Further, such illusion could lead us to categorise the types of enforcement through a different assembly of style dimensions. The current study, benefiting from participant observation, however, found a changing picture during inspections and thus a dynamic form of enforcement performance. The existing literature has moved gradually towards these points. Naturally moving from enforcement style as vocal, to bureau (McAllister, 2010), to agents (May & Winter, 2011), to mismatch (Mascini & Van Wijk, 2009), but nobody has looked at enforcement style switches within an individual inspection. My data allows me to have a deep view of such micro changes which could not be captured in a survey or interview. This section aims at addressing such changes as well as the possible explanations. The analysis starts with some typical cases.

---

38 As mentioned above, there were 7 cases of threats and other 7 cases of punitive action. However, one case stood out in which both threats and punitive action were employed. In this sense, the total number of coercion cases was 13.
from the fieldwork.

In project 25, inspectors found some violations from the beginning, so they gave some instructions about how to improve. However, the building site seemed messy everywhere and more and more problems were pointed out. When inspector Yang mentioned that the outer protective nets were in poor condition, a headman seemed unconvinced and argued ‘we built it following the technical specification’. Yang further explained, ‘The interval between frames should be less than 30 centimetres. You have exceeded 50 centimetres’. The headman still defended ‘we did follow the safety rules and we always do this work in this way’. Yang answered ‘the rules you mentioned already expired in 2008’. However, the headman became impatient and even raised his voice ‘we always do it in this way. Moreover, only if the force is strong enough, there won’t be a big problem’. Inspectors seemed a bit angry. Yang formally addressed ‘we’re performing a safety check in accordance with relevant safety laws. You mentioned technical specification and safety rules, then I will talk laws with you. You can’t make a judgement whether it’s safe according to your old experience. The law says you’ve violated’. Other staff of the project realised the atmosphere was not good and promised an improvement. However, inspectors continued to point out problems by referring to the law afterwards. Finally they issued a rectification notice to the project and mentioned they would come back for a re-examination. In this case, inspectors distinctly shifted the style of instruction to formal and punitive action.

In project 22, on the way to the construction site, inspectors mentioned this project had even been required to stop working and make rectification for half a month due to a safety risk on a crane. They agreed to have a careful and intensive check this time. After arriving, some problems
with the crane were detected immediately. The inspector said, 'you must stop working.' The manager promised, 'we will make corrections.' Inspectors still insisted on issuing a stop-working order. The manager appealed, 'It is not easy to maintain the building schedule. I personally also bear burdens from the company. The situation will get worse if we stop working.' Seeing that the inspectors did not insist, the manager continued, 'could you just give us a warning? We will make rectification immediately. Actually we do appreciate your work, which helps us a lot. We are incapable in many aspects and we learned a lot from your inspection’ After a long talk, inspectors finished the check even without issuing a rectification order. In this case, inspectors started with a punitive style but ended up without punitive action. This was also a typical case in which we saw successful negotiation.

As the cases above showed, inspectors started with a certain style, or people on the sites obviously felt a certain style was dominant. However, for some reason, inspectors distinctly changed the style. The paper defines this as a style shift — the dimensions of performance showed distinct shifts at certain moments during an inspection. There were 14 cases from the 45 total with shifts of style. For example, the shift from instruction/persuasion to coercion (P01-2, P07, P08-2, P08-3, P28, P3), the shift from informal to formal (P20, P26, P32, P37), and the shift from instruction to coercion, then to less-coercive (P03-2, P21, P22).

This finding helps to explain why plural dimensions, even seemingly dichotomous dimensions, can coexist within an individual inspection: on-site inspection is a mobilising process, and behavioural performance is adaptable to the movement of process. What factors influenced the movement of process and then explained the shifts?

Firstly, mutual communication matters. Enforcement is a process of communication of messages (Black, 1998, 2002). In this process,
the status of mutual communication plays an important role in affecting the attitude and behavioural choice of inspectors. In the total 14 shifting cases, 3 cases were typical examples of poor communication, such as just accept the negative inspection without any explanation or communication, try to defend or contradict which to some extent irritated the inspectors. Poor communication might create some tension between inspectors and the regulated actors. Even though tension was slight, it can still cause a shift of enforcement style. However, there were 7 other cases with successful negotiation. An active attitude/action can make the process of inspection more fluent and gentle, and sometimes can even turn things around and reduce punishment. The empirical data again proved that the regulatees’ response was one of the factors shaping inspector’s choices (May & Winter, 2011).

Second, the shift of enforcement style was, to some extent, linked to the seriousness of violation detected on the site (Hawkins, 2002; Hutter, 1997). There were 6 cases illustrating that inspectors distinctly shifted their style when more and more violations were detected.

(5) A short summary
Owing to the participant observation on the process of inspection, a more complex picture of enforcement performance on the construction sites emerged: Inspectors tended to prioritise the content of inspection when conducting special checks; they might conduct an intensive or superficial check apparently due to the on-site situation or their own decision. As a rare exception to the general pattern, inspectors might employ a formal style when they are conducting a special check, or when the regulated actors fail to give a positive response. Similarly, they might employ a coercive style when the responsiveness is negative, or the seriousness of violation detected is comparatively high. Further, frontline inspectors actually had various attempts towards on-site circumstances so that they sometimes employed both non-coercive and coercive approaches
within an inspection. This draws attention to style switches during one inspection, which has rarely been addressed in the literature.

What do these variations mean for the overall understanding of the frontline inspection? First, it proves that enforcement performance is multi-dimensional in practice. Frontline inspectors tended to conduct an inspection with combined elements, even with the coexistence of some apparently contradicting factors. By using a multi-dimension perspective, we can figure out the general characteristics of enforcement activity; more importantly, we found the variations existing in practice and were able to further explore the underlying causes and possible explanations, which makes the study of enforcement more meaningful.

Second, the existence of style shifts demonstrated the dynamic and ongoing nature of the regulatory enforcement. In the study of enforcement style, when we tried to conceptualise and generalise some certain types of style, we implicitly recognised it as a stable and static one. However, participant observation on inspection broadened our vision by presenting distinct shifts between dimensions of style during an inspection. The existence of shift moments highlights that enforcement style is more than a simple superposition of multi-dimensions. It could be argued that enforcement style is a dynamic process, with changing possibilities.

Third, the empirical data proved that the district safety inspectors have some discretion and they deal with such discretion under different circumstances (Hawkins, 2002; Hutter, 1997; Van Rooij, 2006). When situations changed, inspectors, to some extent, adjusted their approaches, which produced multiple variations beyond the general pattern of enforcement.

Fourth, at the micro-level, the enforcement performance was connected to the inspection type. Specifically, variations were more likely to appear in the special check. The external context, especially the political factor, has some influence on frontline practice (Van Rooij, 2006; Lo, et al., 2009). However, to understand the effect of external contexts upon regulatory enforcement, more exploration will
be made combined with the perspective of the macro-level.

Fifth, the variations added some evidence that district construction safety enforcement in M city has some features of responsive regulation: frontline inspectors navigated their enforcement choice according to the level of violation, as well as the responsiveness of the regulated actors (Ayres & Braithwaite, 1992; Braithwaite, 2002; Gunningham, 2011). Moreover, the shift moments of enforcement style in an inspection implied that the responsiveness existed not only in the successive inspections as the theory of responsive regulation holds, but also functioned within an individual inspection. However, it is still early to make a general judgement. The paper will continue explorations and evaluate the overall performance of enforcement in the following sections.

Finally, the variations of enforcement performance discussed in this section highlighted the importance of interaction (Parker & Nielsen, 2011). On-site inspection was a process of interactions, between inspector and the regulated actors, between people and events. Such interactions possessed some regulatory functions, for example, affecting the results of inspection, or transferring the message that the regulated actors should be more cooperative, as least on the site of inspection, where they have face-to-face contact with inspectors. Moreover, such interactions played a role in shaping perceptions of the regulated actors towards the inspection and the inspectors.

6. Enforcement Performance in Relation to Violator and Violation

So what do we think about the enforcement performances we have found? Many clues have directed to the idea of responsive regulation. Responsive regulation proposes that enforcement must be matched to the behaviour and attitude of the regulated actor (Ayres & Braithwaite, 1992; Braithwaite, 2002; Gunningham, 2011). However, the discussions above were mainly based on the examinations upon part of the empirical cases, as well as examinations upon part of the
theory of responsive regulation. It is necessary, hence, to develop a general evaluation of all the cases from the field. It is also important to take a deeper view of responsive regulation: an increasing match to the behaviour and attitude as well as about the trust that regulators can have in regulated actors. They must at first be trustful and cooperative and escalate only to sanctions when the trust is broken. This section further examines the idea of responsive regulation to see whether it matches the data and whether this situation is a responsive type of regulation and likely to be good for compliance. When testing this, the paper focuses especially on the following: first, do performance dimensions change with the seriousness of violation, for example, more coercion in strong violations, more education/persuasion and less coercion in minor cases? Second, does coerciveness match the seriousness of the violation? Third, does coerciveness match the lack of trust in the regulated actor, e.g. multiple offenders are treated more sternly?

(1) Style and violation

Violation. The level of violation was classified by the number of problems pointed out and recorded by inspectors on the site, as well as the inspectors’ comment upon violation status after inspection.\(^{39}\) As a result, the level of violation was classified as slight, medium and bad (Table 2.5).

<table>
<thead>
<tr>
<th>Violation Level</th>
<th>Number of detected violations</th>
<th>Agents’ comment about violation status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slight</td>
<td>&lt;5</td>
<td>OK</td>
</tr>
<tr>
<td>Medium</td>
<td>6-10</td>
<td>Not good</td>
</tr>
<tr>
<td>Bad</td>
<td>&gt;10</td>
<td>Bad</td>
</tr>
</tbody>
</table>

Based on the above criteria, the paper summarises the style

---

\(^{39}\) If following the JGJ59-2011, on-site inspectors should give scores for each of the 19 general items in the evaluation table. However, as mentioned above, no individual daily inspection could go through all aspects. Moreover, inspectors will not score the situation unless it is required in an enforcement campaign. As a result, this study proposed a way of classifying the level of violation.
performance under different levels of violation in the following table:

**Table 2.6 Style and violation**

<table>
<thead>
<tr>
<th>Violation</th>
<th>Instructive</th>
<th>Persuasive</th>
<th>Coercive</th>
<th>Formal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slight</td>
<td>5</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Medium</td>
<td>16</td>
<td>14</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Bad</td>
<td>15</td>
<td>12</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

Table 2.6 presents a basic trend for the frontline inspections: (a) for the slight violations, instruction and persuasion comprised the main style of enforcement; (b) for the medium level of violations, instruction and persuasion were still the main approaches for inspection, while inspectors started to employ a formal style with some threats or warnings; (c) for the bad level of violations, the frequency of using formal and coercive style increased while instruction and persuasion decreased; (d) the more serious the problem was, the more enforcement of all dimensions could be found. In general, style performance was closely linked to the seriousness of violation. This was in line with the finding mentioned in section 5.

(2) Level of violation and level of coerciveness

Apart from the analysis of violation and enforcement style, a second inquiry was: Does coerciveness match the seriousness of the violation?

**Table 2.7 Violation and coerciveness**

<table>
<thead>
<tr>
<th>Violation</th>
<th>Coercion</th>
<th>Oral Threats</th>
<th>Written Warning (Rectification Notice)</th>
<th>Stop-work Order</th>
<th>Fine</th>
<th>Other More Stringent Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slight (n=8)</td>
<td></td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Medium (n=19)</td>
<td></td>
<td>18</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bad (n=18)</td>
<td></td>
<td>12</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>
Table 2.7 reveals a kind of flexible and soft coercion in the enforcement practice, which was different from the assumptions of responsive regulation:

(a) The application of coercive measures does not match the level of violation. On the one hand, 7 written warnings (rectification notices) were issued, 6 directed to the cases with a bad violation level. However, there was one exception in which a rectification notice was made to a building project with a medium violation. On the other hand, there were 18 cases of bad violations, while only 6 of them were issued a rectification notice. In other words, there were still some serious cases that did not receive any real sanction. To some extent, there was no substantial difference, regarding the output of the inspection, between the remaining 12 cases of bad violations, 18 cases of medium violations, and 8 cases of slight violations (they all just received some oral threats). This finding was similar to the argument that enforcement styles are inconsistent as enforcement agents apply different styles in comparable cases (Mascini & Van Wijk, 2009; May & Winter, 2011).

(b) However, none of the cases received any of the medium or stronger sanctions, all stayed within the lower scales of the enforcement pyramid which raises some questions: why does the coercion of enforcement never go beyond the third level of enforcement pyramid? Has the level of violation not reached the degree to apply a more strong sanction? According to the observations in this study, there were several cases in which major violations were obvious, and the safety status was much worse than the other building projects. Inspectors even expressed that a stop-working order could be made. However, the final decision just stopped at the written warning. Referring to the supplementary interviews after inspection, inspectors explained that issuing a rectification notice was actually the most practical tool they could use to deal with a major violation, because issuing a stop-working order or a fine was a troublesome procedure. This revealed that the intensity of punishment and the level of violation were not a valid
link in practice; inspectors’ discretions were actually limited during an inspection. Thus, there are some inquiries which go beyond the scope of the individual and need to be analysed at the level of the regulatory agency.

(3) Enforcement outputs

Does coerciveness match the lack of trust in the regulated actor, e.g. multiple offenders are treated more sternly? This leads to an analysis on the enforcement outputs —what enforcement agents do as a decision (Wilson, 1989). In all participant observation cases, five building projects were inspected more than once. Were repeat violators treated more sternly as responsive regulation would hold?

Table 2.8 Enforcement outputs

<table>
<thead>
<tr>
<th>Project</th>
<th>Inspection</th>
<th>Violation</th>
<th>Sanction</th>
</tr>
</thead>
<tbody>
<tr>
<td>P01</td>
<td>1st</td>
<td>Medium</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>2nd</td>
<td>Bad</td>
<td>Rectification Notice</td>
</tr>
<tr>
<td>P03</td>
<td>1st</td>
<td>Bad</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>2nd</td>
<td>Bad</td>
<td>Rectification Notice</td>
</tr>
<tr>
<td>P06</td>
<td>1st</td>
<td>Medium</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>2nd</td>
<td>Medium</td>
<td>-</td>
</tr>
<tr>
<td>P08</td>
<td>1st</td>
<td>Medium</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>2nd</td>
<td>Bad</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>3rd</td>
<td>Bad</td>
<td>-</td>
</tr>
<tr>
<td>P34</td>
<td>1st</td>
<td>Medium</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>2nd</td>
<td>Medium</td>
<td>-</td>
</tr>
</tbody>
</table>

The table above shows that inspectors sometimes chose to strengthen coercion if the level of violation was rising or just remained bad (P01, P03). However, for the remaining cases, inspectors never made any change to the decision. In the first project (P01), the inspectors did not make any real punishment when a medium level of violation was detected. When they revisited the project, the building safety status became worse so a written warning was issued. For the second project (P03), the inspectors did not even give a warning for a bad violation level. As a result, the building project remained bad when the inspector revisited it. This time, a
written warning was issued. In the case of the third and fifth projects (P06, P34), the building site kept a medium violation, but the inspectors did not make any changes to the inspection decision. In the fourth project, the inspector conducted three inspections, in which no real sanction was ever employed so that the safety status of the building project went from worse and kept getting worse.

These inconsistent enforcement outputs imply that we cannot really call the enforcement practice in this study responsive regulation. The ‘responsiveness’ of the regulatory approach was blocked at some stages. For the repeating or getting worse violations, an escalating enforcement mechanism did not work as expected. In addition, inspectors must have limited options or methods to change the compliance performance of the regulated actors within the short-term. Perhaps we need to understand that compliance is a complex process, which is not easily linked back to enforcement action alone (Van Rooij, 2006). Accordingly, the efficiency of enforcement is further analysed in the next chapter, while the reason for the compliance performance of the regulated actor not changing is explored in the organisational process (Part II).

7. Discussion

Overall, this chapter presented the analysis of the frontline inspection on the construction sites, in order to understand compliance processes. Building on a multi-dimensional framework of enforcement performance, this analysis revealed what actually happened during frontline inspection, as well as exploring what constitutes enforcement practice and the contributing factors. Based on an observational approach towards the process of on-site inspection, this study found that:

(a) Enforcement activities of frontline inspectors showed some evident characteristics: instruction, persuasion oriented, as well as largely informal and non-coercive. On a few occasions in which a stringent approach was employed, it stayed at a low level of coercion.

(b) Frontline inspectors did have discretion during inspections.
They differentiated or shifted enforcement styles due to the variations in the inspection type, the seriousness of violation, as well as the interaction with the regulated actors. This finding was different from the literature stating that enforcement in China fails to respond to the actual situation, or arguing the discretion of inspectors brings about negative effects (Li & Shao, 2007; Zhang, 2009).

(c) The overall enforcement performance drew attention to responsive regulation. Many cases showed that inspectors did change their enforcement style according to the level of violation, as well as the responsiveness of the regulated actors. Their approaches seemingly followed the structure of the enforcement pyramid (Ayres & Braithwaite, 1992). However, a general evaluation revealed that the styles did not match the seriousness of the violation, nor the prior behaviour of the violator. Furthermore, such enforcement style may have an effect on regulatory relations (Black, 1998, 2002; Lee, 2008): for the company, they probably see some threats again and again but never see a real sanction. Differing from the assumption of responsive regulation, there might be a negative belief in the current case—the belief that inspectors are not serious and they will not issue a punishment.

In this sense, the findings in this chapter leave some questions: first, the observed practice of on-site inspection implies that the local construction safety regulatory inspectors are generally inclined to employ a non-coercive approach (Gunningham, 1987). A further inquiry, hence, is what shapes such a policy orientation or enforcement practice. Is such a general pattern capable or incapable as a whole in facing the challenges of construction work safety?

Second, the field cases showed that responsiveness does play a role in the enforcement practice. When compared to the seriousness of the violation and the outputs of enforcement, however, we only found limited responsive regulation. It is necessary, thus, to further explore what factors shape the limited responsive regulation and explore its consequences.

Third, inspectors’ performance in those violation cases produced
a puzzling situation concerning sanction application: What shapes soft and flexible coercion in practice? Why do they hesitate to make a real sanction or take commensurate sanction? What does a sanction actually mean as an enforcement choice?

Fourth, the findings in this chapter were mainly based on the micro-level analysis, in which we observed a great deal of inspectors’ actions. Some literature has pointed out the gaps between the practices of individual inspectors and the policy goals of the regulatory agency (Hutter, 1997; Van Rooij, 2006; Gray & Silbey, 2014). It is important, then, to analyse to what extent the frontline inspectors’ discretions observed in our cases are influenced and limited by the policy goals and strategies of the agency, or if such discretions are mainly determined by individual elements.

All these issues are further discussed in the next chapter analysing why local construction safety regulatory authority enforces the law in certain ways, as well as the impact of such regulatory practice upon the safety compliance of the regulated construction businesses.