

This is a dangerous

By Professor Sidney Dekker

This issue of HindSight could turn out to be the most dangerous one yet. Here is why. A number of the stories shared in HindSight represent best practice in the field. They make, either implicitly or explicitly, suggestions about how emergencies and unusual situations can be handled well. This seems like a really good idea. Share ideas, publicise best practice, learn from each other.



issue

Until I got a letter. The letter is from two practitioners who have written a book about best practices in their domain. Among these are best practices for handling emergencies and unusual situations. The book is all but done, and ready to be published. The two authors write in this letter how professional organisations, like those that air traffic controllers have in their own countries and internationally, have pushed back really hard to prevent its publication. They do not want the book to come out. The reason is this. The professional organisations who have objected to publication feel that the book, and the examples in it, could easily be used by prosecutors around the world. They fear that, after an incident or accident, prosecutors will use the book's case studies to demonstrate how the person in question did not adhere to best practice. The best practices in the book will be used to show the errors in judgment, the prosecutable, criminal negligence of those involved in incidents or accidents.

People who censor themselves may end up affecting a lot of other people when they don't share what they have to say.

Against the background of more and more criminalisation of professional errors, this makes sense. Their fears are well-grounded. Prosecutors in a number of countries have been using incident and accident reports liberally as a basis for prosecution already. So it isn't a large stretch of the imagination that prosecutors would put the incident or accident report (which details how things were not done well) next to a book that shows how things are practiced well. The gap between the two will be an index for the strength of their case against the practitioner in question.

So publishing our best practices is like giving prosecutors all the answers in the back of our book – well before any test. The authors of the letter write, "Rather than alienating several of our international professional organizations, we have decided to put the book on hold." And then they warn, "to retreat and isolate ourselves and train our next generations of practitioners with a litigious, defensive mindset will bring advanced knowledge [of our best practices] to a halt."

It is incredibly sad if a profession feels that it cannot safely share lessons about its best practices. It is even sadder that this is the result of self-censorship imposed for fear of prosecutors. Self-censorship is defined as the act of withholding, classifying or hiding one's own work out of fear of how others may react or use the information—but without overt or prior pressure from these others, that is, from any specific body or institution or authority. Self-censorship has been more or less common in news reporting, in publishing, in politics, in science. Although there may be good reasons for it in some cases (taste, decency, ethical considerations), self-censorship is often seen as suicidal for democracy. It interferes with free speech, with democratic discourse, with openness of information.

People who censor themselves may end up affecting a lot of other people when they don't share what they have to say. But then, you cannot blame them at all. With the judiciary increasingly filling the moral vacuum in the wake of secularisation, we face a stark and awful choice. Either we share our best practices and learn from each other, but then we put individual practitioners at risk of prosecution. Or we don't share and do not give prosecutors the answers in the back of our book, but then we might well get stuck below our best practice, eventually increasing risk for a lot more people.

So how do we get out of this situation? The risk, most prominently, is in publishing stories about our own best practice as if they are authoritative, as if they are the final word. Because then others can read those stories, compare them to evidence of actual practice, and point out where our colleagues failed. What we need to do then, is make sure that our stories of best practice are never closed. That they remain forever open. What "best practice" is changes over time, it changes per perspective, per country, per operational centre. That way, we can never be pinned down by somebody who says: "this is your best practice!" We can always respond by saying, "Well, yes, it was, according to that person at that time. But look, here are twenty-six other publications on this particular practice, and it reveals a lot more possibilities of what 'best' means." If we keep the notion of best practice negotiable, we not only keep up the constant development and refinement of our professional excellence. We can also keep our colleagues out of trouble. **S**



Professor Sidney Dekker

is Professor and Director of the Key Centre for Ethics, Law, Justice and Governance at Griffith University, Brisbane, Australia. Author of best-selling books on human factors and safety, he has had experience as an airline pilot on the Boeing 737.