

A new Just Culture algorithm

by Professor Sidney Dekker

Creating a just culture in your own organisation can be hard enough – even before you worry about the influence of the judiciary. Here are some steps that you might consider. As you do so, always remember that justice can never be imposed. It can only be bargained. See if you can implement the following “algorithm” of steps that help in such bargaining:



1 Don't ask **who** is responsible, ask **what** is responsible.

In the 1940's, human factors engineers and psychologists started asking what is responsible for errors, not who is responsible. Human factors showed that people's actions and assessments make sense once we understand critical features of the world in which they work. People's actions are systematically connected to features of their tools and tasks. Targeting those features (the what) is an action that contains all the potential for learning, change and improvement. Therefore, the first response to an incident or accident – by peers, managers and other stakeholders – should be to ask what is responsible, not who is responsible.



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2 Link knowledge of the messy details with the creation of justice

One of the more frustrating experiences by practitioners involved in an incident, is that those who judge them often do not really know what their work is like. They do not know the messy details, they lack technical knowledge, misunderstand the subtleties of what it takes to get the job done despite the organisation, the rules, the multiple constraints. Whether this is a supervisor, an inspector, the police, a judge, a jury – these are rarely “juries of peers.” These groups do not have the same intimate knowledge of the work they are judging, and they may also have incentives to build a narrative that puts the practitioner at a disadvantage. So make sure you have people involved in the aftermath of an incident who know the messy details, and who have credibility in the eyes of other practitioners.

3 Explore the potential for “restorative justice”

Retributive justice focuses on the errors or violations of individuals. It suggests that if the error or violation (potentially) hurt someone, then the response should hurt as well. Others in the organisation might have a desire to deny systemic causes, they might even fear being implicated in creating the conditions for the incident.

Restorative justice, on the other hand, suggests that if the error or violation (potentially) hurt, then the response should heal. Restorative justice acknowledges the existence of multiple stories and points of view about how things could have gone wrong (and how they normally go right). Restorative justice takes the view that people do not come to work to do a bad job. Indeed, most people are willing to work constructively after a near miss has occurred. Restorative justice fosters dialogue between the actor and the surrounding community (e.g. of colleagues), rather than a break in relationships through sanction and punishment.

4 Go from backward to forward-looking accountability

Backward-looking accountability means blaming people for past events. The idea of “holding someone accountable” is used for events that have already happened. It implies some sort of sanction, removal or dismissal. It is not clear what people hope to achieve with this sort of retrospective accountability, other than perhaps instilling a sense of anxiety and focus in others (pour encourager les autres). But this does not work: experience shows that it only motivates others to be more careful with reporting and disclosure. If, instead, we see somebody’s act as a representation of an organisational, operational, technical, educational or political issue, then accountability can become forward-looking. The question becomes: what should we do about the problem and who should be accountable for implementing those changes and assessing whether they work? Forward-looking accountability is consistent with a new type of safety thinking. People are not a problem to control, but a solution to harness. Forward-looking accountability can help people focus on the work necessary for change and improvement, and connects organisational and community expectations to such work.

5 Put secondary victim support in place

Secondary victims are practitioners who have been involved in an incident that (potentially) hurt or killed someone else (e.g. passengers, bystanders) and for which they feel personally responsible. Strong social and organisational support systems for secondary victims (psychological first aid, debriefings, follow-up), have proved critical to contain the negative consequences (particularly post-traumatic stress in all its forms). Implementing and maintaining support systems takes resources, but it is an investment not only in worker health and retention. It is an investment in justice and safety too. Justice can come from acknowledging that the practitioner is a victim too – a secondary victim. For some it can be empowering to be part of an investigation process. The opportunity to recount experiences first-hand can be healing – if these are taken seriously and do not expose the secondary victim to potential retribution or other forms of jeopardy. Such involvement of secondary victims is an important organisational investment in safety and learning. The resilience of second victims and the organisation are intricately intertwined, after all. The lived experience of a secondary victim represents a ‘treasure trove’ of data about how safety is made and broken at the very heart of the organisation. Those accounts can be integrated into how an individual and an organisation handle their risk and safety.

Your organisation’s journey to a just culture will never be finished, even if you implement the algorithm above. Justice, after all, is one of those categories about which even reasonable people may disagree. What is just to one is unjust to another. But by following the steps above, you can help create a climate of honesty, of care, of fairness and of a willingness to learn. If you do that, justice may just come around by itself. 5

