



# Just culture's "line in the sand" is a shifting one; an empirical investigation of culpability determination



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## ARTICLE INFO

### Article history:

Received 2 October 2015

Received in revised form 13 February 2016

Accepted 11 March 2016

Available online 15 March 2016

### Keywords:

Just culture

Blame

Organizational culture

National culture

Culpability

## ABSTRACT

Just culture has been propounded as a necessary part of safety management to ensure open reporting. However, research has focused on the measurement and benefits of just culture without examination of the processes of culpability determination in organizations.

An online survey asked 3136 aviation maintenance personnel from one company to judge the appropriate level of discipline in three incident scenarios. Five pieces of "mitigating" contextual information were subsequently presented per scenario and the participants given the opportunity to re-assess their response.

Participants distinguished between scenarios, determining discipline in line broadly with just culture culpability principles. Most pieces of additional information resulted in lowered discipline levels. The pattern of response to the sequence of information was similar across geographical, job role and level of experience variables, but the level of initial and final discipline proposed differed. North American sites were more severe than European, engineers and managers more lenient than operational staff and experienced personnel more lenient than their juniors.

The findings demonstrate that, at least in this organization, participants think about culpability broadly in line with just culture ideology, but that who gets to draw the line (Dekker, 2009) is critical. The findings are also broadly in line with the Path Model of Blame (Malle et al., 2014), though it is a descriptive model of blame which is less elaborate and nuanced than the prescriptive ones of just culture (Reason, 1997; Baines Simmons Limited, 2011). The study provides a foundation for the empirical investigation of just culture.

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## 1. Introduction

### 1.1. Just culture

The idea of just culture was introduced with the intention of providing a more nuanced approach to culpability than a no-blame culture which, in turn, was intended to negate the negative impact of a blame culture (Frankel et al., 2006; Marx, 2001; Reason, 1997; Walton, 2004). A blame culture is one in which individuals are routinely punished for errors that lead to negative safety or operational consequences (Gorini et al., 2012; Waring, 2005); the level of punishment is generally related to the size of the negative consequence rather than the nature of the individual's involvement in the incident (Reason, 2000; Runciman et al., 2003). The problems of blame culture, from a safety perspective, are that people are less likely to report errors or collaborate fully with

investigations, hampering learning from events and potentially leaving serious hazards hidden in the system (Attree, 2007; Dekker, 2007, 2009; Douglas et al., 2014; Leape, 1994; Meaney, 2004; Reason, 2000; Waring, 2005). The relatively simple solution of a no-blame culture (individuals are not punished if they report an event and collaborate with the investigation) runs into two difficulties: individuals who were clearly reckless escape discipline (Reason, 1998) and the possibility of intentional violations of procedures in the knowledge that subsequent reporting would grant immunity (Eddie, 2015). A just culture is one which distinguishes between acceptable and unacceptable behavior, not punishing those who make genuine errors in an honest attempt to do a good job but applying discipline where there is clear recklessness, unjustified risky behavior or evidence of substance abuse. Marx (2012) summarizes the approach thus: console the human error, coach the at-risk behavior and punish the reckless behavior, independent of the outcome.

The concept of just culture has been widely accepted and attempts have been made to implement just culture in a range of

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sectors, like aviation, health care, nuclear power, or rail (Boysen, 2013; Pattison and Kline, 2015; Schwarz and Kallus, 2015; Von Thaden et al., 2006). Just culture has come to be seen as a dimension of safety culture; other identified dimensions of safety culture include reporting, flexible, standardizing, teamwork, priority and learning (Wang and Sun, 2012). As such it benefits from a significant body of research into the nature, implementation and evaluation of safety culture, but also suffers from some of the same theoretical and practical challenges (Guldenmund, 2010; Reiman and Rollenhagen, 2014).

Much of the just culture literature consists of articulations of the concept of just culture and its benefits to a range of sectors. Empirical work on just culture has focused on its measurement as a dimension of safety culture, the negative impact of its absence and the positive effect of its presence, particularly on reporting. Attree (2007) used interviews to investigate factors that influence nurses' decisions to raise concerns about standards of practice, finding that fear of negative personal and professional outcomes (e.g. retribution, labelling, and blame) were major barriers to reporting. Pfeiffer et al. (2013) explored motivational antecedents of the willingness to report incidents in healthcare, finding fear of disciplinary consequences to be one of the inhibitors of reporting. However the just culture literature has generated practically no empirical investigation into the cognitive, social and organizational psychology of assessing culpability in industrial events. There are other strands of relevant research to which we will refer below.

Influencing an organization towards just culture is said to require a range of measures – a just culture policy and code of practice, a concordant disciplinary process, a consistent application of this process, training and promotion (UK CAA, 2003). Pattison and Kline (2015) identified characteristics and behaviors of managers and the organization that help the fostering of a just and trusting culture within the healthcare system. These were interpersonal justice (provision of an explanation of the procedures to be followed after an error) and procedural justice (collecting data about errors system-wide and a system-wide approach to dealing with errors rather than blaming one specific employee).

### 1.2. Assessing culpability in just culture

Assessing culpability in just culture requires gathering and evaluating a wider range of information than in either blame or no-blame cultures. Assessing culpability in stereotypical a blame culture would involve basing the level of punishment on the magnitude of the negative consequences of the event, perhaps taking into account additional exacerbating factors such as deviation from procedures, drug or alcohol abuse and repeated offences (Alicke, 2000; Runciman et al., 2003). In a stereotypical no-blame culture the decision process is simplified by the use of a simple filter, whether the individual has voluntarily reported the event. The application of just culture, by contrast requires the gathering and evaluation of information on a much wider range of information. Relevant is the presence and nature of error, the previous history of the individual, the pressures that may have been on the individual, whether other equally experienced and qualified individuals could have made the same decisions, whether the actions or consequences were intended, and whether substance abuse was involved. Additionally culpability decisions in just culture focus critically on any deviations from standard operating procedures occurred, whether those deviations were norms within the company and the intent of the individual in deviating (Baines Simmons Limited, 2011; Reason, 1997).

Decision tools to support just culture implementation have been developed by Reason (1997), Outcome Engenuity (n.d.) and Baines Simmons Limited (2011) and adopted and adapted by many

companies. These tools help organizations navigate the culpability decision process through a series of yes/no questions or prompts – was a correct plan of action selected? Were actions as intended? Were safe operating procedures violated knowingly? The intent of these tools is to help organizations towards a nuanced response to incidents based on an appreciation of the individual and organizational context in which the actions were carried out rather than on the nature and magnitude of the negative consequences.

### 1.3. Culpability – a social construction?

The assumption of these decision support tools is that it is possible to consistently, and with reasonable objectivity, analyze an incident and determine culpability. Dekker (2009) questions the framing of the culpability decision process in such realist terms. He argues that culpability is not an objective thing to be determined but is rather a judgement which is constructed socially:

“The problem is guidance that suggests that a just culture only needs to “clearly draw” a line between culpable and blameless behavior. Its problem lies in the false assumption that acceptable or unacceptable behavior form stable categories with immutable features that are independent of context, language or interpretation”.

[(Dekker, 2009, p. 179)]

The implication of Dekker's (2009) analysis is that fostering just culture across a range of organizations, sectors and cultures requires an understanding of the cognitive, behavioral, social and organizational psychology of culpability. In decision making about a particular incident, the guidance of culpability tools will interact with the personal biases of the decision makers (such as attitudes to authority), the dynamics of their interaction as a team (e.g. conformity pressures), and political considerations in the organization (consequences of specific determinations).

### 1.4. Factors affecting culpability assessments

This perspective gains support from studies demonstrating the influence of a range of factors on culpability judgements. A key element in legal sentencing and in application of just culture culpability decisions is the presence of mitigating factors. Mock jurors take these factors into account in their culpability decisions (Espinoza and Willis-Esqueda, 2015; Barnett et al., 2004). Crant and Bateman (1993) investigated the assignment of blame following a failed performance in an accountability scenario when the actor in the scenario offered an external vs. internal explanation of their behavior. Participants assigned less blame to the actor when external explanations were offered. Therefore, it is anticipated that, even without explicit training in just culture principles, participants' culpability assessments would be influenced by the presentation of additional mitigating information.

The order of presentation of information has also been shown to affect culpability judgements. Kerstholt and Jackson (1998) examined the effect of order of presentation of defence and prosecution evidence. Witness statements presented step-by-step led to a recency effect; later evidence affected culpability judgments more than evidence that was presented earlier. Whereas, when all statements were presented at once there was no recency effect. Wan et al. (2005) examined the effect of posteriori information (information that was not known by the actor during an event, but which participants knew with certainty after the event) on culpability judgments. They found a significant posteriori information effect; an actor was perceived as less blameworthy when posteriori information confirmed that it really was a burglar compared to

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