

## P36 Fair and Just Culture Procedure

### 1.0 SCOPE

- 1.1 A *Fair and Just Culture* refers to a way of safety thinking that promotes a questioning attitude, is resistant to complacency, is committed to excellence and fosters both personal accountability and corporate self-regulation in safety matters.
- 1.2 A *Fair and Just Culture* creates an atmosphere of trust in which people are encouraged for providing essential safety related information, but in which they are also clear about where the line must be drawn between acceptable and unacceptable behaviour.
- 1.3 A *Fair and Just Culture* has to be applied with the knowledge that:
  - 1.3.1 All management systems can be improved,
  - 1.3.2 People can and do make mistakes,
  - 1.3.3 People / groups at all levels may develop unhealthy / unsafe patterns of behaviour, and
  - 1.3.4 Reckless conduct will not be tolerated

### 2.0 PURPOSE

#### 2.1 PRINCIPLES OF A FAIR AND JUST CULTURE

- 2.1.1 A *Fair and Just Culture* balances the need to have a non-punitive reporting and continuous learning environment (i.e. an environment that is not focused on attributing blame and administering punishment), with the need to hold persons accountable for their actions.
- 2.1.2 In a *Fair and Just Culture*, behaviours may fall below expectation however employees may not always be in the wrong as there may be underlying work culture factors or system deficiencies affecting individual or group decision-making.
- 2.1.3 A *Fair and Just Culture* recognises that there will be situations where safety behaviours fall below expectation, and it provides a managed process (with appropriate support) for dealing with such issues transparently and equitably.
- 2.1.4 A *Fair and Just Culture* seeks to improve the overall organisational culture and the safety performance of the organisation by means of behavioural and/or system modification. It also encourages employees to take greater personal responsibility for their actions.
- 2.1.5 Additionally, it recognises that firm actions might need to be taken in circumstances where, despite the knowledge of company safety practices and/or clear instruction given, inappropriate behaviours are still evident.

2.1.6 A *Fair and Just Culture* therefore should:

- 2.1.6.1 Focus attention predominately at identifying and addressing the System / Organisation factors that impact reliability and performance.
- 2.1.6.2 Provide an atmosphere of trust in which people are encouraged for providing essential safety- related information (e.g. incident, hazard and near miss reports) in order to build and maintain a healthy reporting culture, and
- 2.1.6.3 Clearly define where the line is drawn between acceptable and unacceptable behaviour.

## 2.2 UTILISING THESE PRINCIPLES IN DECISION MAKING

2.2.1 Utilising *Fair and Just Culture* principles in decision making and consequence, management requires an understanding of human factors in relation to incident investigation. This includes defining positive outcomes, while at the same time clearly delineating the boundaries of acceptable and unacceptable behaviours to ensure that:

- 2.2.1.1 Incidents that result from honest mistakes and failures in human reliability are not punished, but rather acknowledged as failures in the organisations defences,
- 2.2.1.2 Reckless actions and violations are not tolerated and are treated appropriately,
- 2.2.1.3 The development and ongoing support of healthy reporting, learning and informed cultures is maintained.

2.2.2 A *Fair and Just Culture* is an appropriate mechanism for dealing with both operating system improvements and individual / group behaviour modification as an outcome of investigations into actual or potential damaging incidents.

2.2.3 In the event of a damaging incident, near miss or identified risk to safety, the *Fair and Just Culture* approach for consequence management allows a clear and understandable approach between the two extremes of punitive and blame-free cultures.

2.2.4 Below is a *Fair and Just Culture* Decision Chart to enable managers at various levels of an organisation to apply the principles of a Fair and Just Culture in their incident investigation and decision making process.

2.2.5 Issuing a Safety Pat on the Back is highly encouraged for exceptional safety behaviour. This could include positive safety behaviours during an incident, safety initiatives or exceptional role modelling of safe work processes.

## **2.3 FAIR AND JUST CULTURE DECISION CHART PROCESS**

- 2.3.1 The Guideline will assist managers, supervisors and others involved in incident investigation and decision-making to address consequence management clearly and consistently. Decision-makers should only apply the Guideline for one action at a time. Where multiple actions lead to an event, decision-makers should treat each action separately.
- 2.3.2 This Guideline cannot anticipate every possible scenario or situation. However, it will help decision-makers to consider a broad range of issues so that the final decision is consistent with our values and sense of justice that ultimately leads to achieving a safe workplace.
- 2.3.3 Disciplinary decisions must not be made solely based on the outcome of a Fair and Just Culture process, and Human Resources must be consulted for advice on the broader disciplinary process if required.
- 2.3.4 The Fair and Just Culture process following reckless behaviour follows the Local Government (State) Award. As a minimum and with consideration given to the severity of the breach, includes.
  - i. First event of non-compliance, discussion with the worker/s and a diary note is made.
  - ii. Second event of non-compliance, file note is issued.
  - iii. Third event of non-compliance, disciplinary action proceeds.

## **3.0 REFERENCE AND ASSOCIATED DOCUMENTS**

- 3.1** [P03 Safety Legislation](#)
- 3.2** Work Health and Safety Act 2011
- 3.3** Guidelines for Employees Recognition and Reward
- 3.4** Work Health and Safety Regulation 2017
- 3.5** [Work Health and Safety Policy](#)
- 3.6** P01 Responsibility and Supervision

## 4.0 FAIR AND JUST CULTURE DECISION CHART

■ Recognition    
 ■ Coaching    
 ■ Consider / Initiate Discipline

Behaviour Type	Exceptional Behaviour	Expected Behaviour	Unintentional Behaviour (slip, lapse or mistake)	Routine Violation	Situational Violation	Organisational Violation	Personal Violation	Reckless Violation
→			Human Error	At Risk Behaviour	At Risk Behaviour	At Risk Behaviour	At Risk Behaviour	Reckless Behaviour
Team Member Behaviour	Did the team member go above and beyond call of duty?	Were all procedures and instructions followed?	Did the team member think they were doing things the right way?	Do other team members not normally follow safety procedures in the same way? ("a lot of us do it the same way")	Did the team member think the procedure was a barrier to getting the job done?	Did the team member think there was some benefit to the company by doing the job a different way?	Did the team member vary from the procedure to make it easier for themselves?	Did the team member intentionally not follow the procedure without thinking or caring about the consequences?
START →	<input type="checkbox"/> Yes <input type="checkbox"/> No ↓            →	<input type="checkbox"/> Yes <input type="checkbox"/> No ↓            →	<input type="checkbox"/> Yes <input type="checkbox"/> No ↓            →	<input type="checkbox"/> Yes <input type="checkbox"/> No ↓            →	<input type="checkbox"/> Yes <input type="checkbox"/> No ↓            →	<input type="checkbox"/> Yes <input type="checkbox"/> No ↓            →	<input type="checkbox"/> Yes <input type="checkbox"/> No ↓            →	<input type="checkbox"/> Yes ↓
Team Member Consequence	<ul style="list-style-type: none"> <li>Recognition or Reward</li> <li>Record on employee file</li> <li>Communicate to the wider team</li> <li>Copy to supervisor</li> </ul>	<ul style="list-style-type: none"> <li>Recognition of compliance to procedures and instructions</li> <li>Communicate to the wider team</li> </ul>	<ul style="list-style-type: none"> <li>Does this happen often? (If yes, routine error &amp; record for trend analysis)</li> <li>Coach person on taking more care</li> </ul>	<ul style="list-style-type: none"> <li>Coach team members on importance of following correct procedures and not taking short cuts</li> <li>Record Diary Note</li> <li>Check for Systems Failure/s</li> </ul>	<ul style="list-style-type: none"> <li>Coach team members on importance on speaking up when procedures cannot be followed</li> <li>Delay job until it can be completed safely</li> <li>Record Diary Note</li> <li>Check for Systems Failure/s</li> </ul>	<ul style="list-style-type: none"> <li>Coach team member on balancing work and time pressures with company values</li> <li>Consider disciplinary measures where appropriate</li> <li>Check for Systems Failure/s</li> </ul>	<ul style="list-style-type: none"> <li>Formal disciplinary action in accordance with relevant procedures</li> <li>Consider suspension until further action</li> <li>Check for Systems Failure/s</li> </ul>	<ul style="list-style-type: none"> <li>Formal disciplinary action in accordance with relevant procedures</li> <li>Consider suspension until further action</li> <li>Check for Systems Failure/s</li> </ul>
Supervisor / Manager Behaviour	Did the supervisor / manager also exhibit exceptional behaviour?	Did the supervisor / manager lead by example by complying with procedures and instructions?	Did the supervisor / manager think the task was being completed in the required manner?	Did the supervisor / manager normally ensure work is completed in the correct manner?	Did the supervisor / manager know the procedure was a barrier to getting the job done, however managed the matter appropriately?	Did the supervisor / manager authorise shortcuts or other non-approved methods thinking this was a benefit for the company?	Did the supervisor / manager manage the variance / behaviour on this or previous occasions?	Did the supervisor / manager condone the actions of the team member?
Supervisor / Manager Consequence	<ul style="list-style-type: none"> <li>Recognition or Reward</li> <li>Record on employee file</li> <li>Communicate to the wider team</li> <li>Copy to manager</li> </ul>	<ul style="list-style-type: none"> <li>Recognition of compliance to procedures and instructions</li> <li>Communicate to the wider team</li> </ul>	<ul style="list-style-type: none"> <li>Does this happen often? (If yes, routine error &amp; record for trend analysis)</li> <li>Coach person on taking more care</li> </ul>	<ul style="list-style-type: none"> <li>Coaching on how to monitor and enforce procedures</li> <li>Record Diary Note</li> <li>Safety Leadership Training</li> <li>Check for Systems Failure/s</li> </ul>	<ul style="list-style-type: none"> <li>Coaching on how to monitor and enforce procedures</li> <li>Record Diary Note</li> <li>Safety Leadership Training</li> <li>Check for Systems Failure/s</li> </ul>	<ul style="list-style-type: none"> <li>Consider disciplinary measures where appropriate</li> <li>Safety Leadership Training</li> <li>Check for Systems Failure/s</li> </ul>	<ul style="list-style-type: none"> <li>Formal disciplinary action in accordance with relevant procedures</li> <li>Coaching on how to recognise and deal with such behaviour earlier</li> <li>Check for Systems Failure/s</li> </ul>	<ul style="list-style-type: none"> <li>Formal disciplinary action in accordance with relevant procedures</li> <li>Consider suspension until further action</li> <li>Check for Systems Failure/s</li> </ul>