



'Just culture:' Improving safety by achieving substantive, procedural and restorative justice



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ABSTRACT

A 'just culture' aims to respond to anxiety about blame-free approaches on the one hand, and a concern about people's willingness to keep reporting safety-related issues on the other. A just culture sets out the conditions that legitimize managerial intervention in the sanction or restoration of individuals in the organization. In this paper we examine the manifestly important moral and safety issues that a just culture needs to consider. These include *substantive justice* which prescribes how regulations, rules and procedures themselves are fair and legitimate; *procedural justice* which sets down processes for determining rule-breaches, offers protections for the accused, and governs who should make such determinations; and *restorative justice* which aims to restore the status of the individual involved and heal relationships and injuries of victims and the wider community in the wake of an ethical breach.

Just culture approaches need to provide such foundations for a genuinely just safety culture, to be conducive to reporting, engagement and safety improvement.

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1. Introduction

Organizational culture and its management feature prominently in what Hale and Hovden (1998) called 'the third age in safety'.² The achievement of a 'just culture' has become an important component of this. Its function is to fashion appropriate responses to evidence of errors and failures and to preserve the possibility of learning while holding people accountable for unacceptable behavior. Its emergence can be traced to a relatively recent anxiety about blame-free reporting and what is known as 'the systems approach.' This approach would ostensibly allow individuals to 'blame the system' when things go wrong even though all system provisions to do

the right thing are thought to be in place (Sharpe, 2003). As Reason asked in 1999 (p. 210): "Are we casting the net too widely in our search for the factors contributing to errors and accidents?" It seemed as if the system approach made it impossible to hold individual people accountable for poor behavior. Wachter and Pronovost observed:

... beginning a few years ago, some prominent ... leaders began to question the singular embrace of the 'no blame' paradigm. Leape, a patient-safety pioneer and early proponent of systems thinking, described the need for a more aggressive approach to poorly performing [practitioners].

[2009, p. 1401]

They proposed a retributive just culture program by enumerating patient-safety practices (e.g. hand hygiene or signing a surgical site before operating on the patient – to be considered system problems no more, but rather accountability problems) and suggested penalties for the failure to adhere to such practices. These included, for instance, revocation of patient care privileges for particular periods of time. Some in safety science argued earlier for a refocus on active 'errors' by front-line workers rather than mitigating factors in the system (Young et al., 2004) and others concluded that the system approach was a so-called solution that didn't address the problem (Levitt, 2014). Indeed, there has been "increasing disquiet at how the importance of individual conduct, performance and responsibility was written out of the ... safety

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² This has affected assumptions about the manageability or controllability of culture. Whereas social science has gradually abandoned culture as a prime-moving mechanism of social life, safety science has embraced an almost nineteenth-century certainty about the importance of culture to the social and organizational order (Guldenmund, 2000; Myers et al., 2014). Safety science tends to follow the functionalist tradition of management science and organizational psychology, where culture is seen as something that an organization has – a modifiable or exchangeable possession or property which can be mapped with quantifiable data gathered through e.g., surveys.

story”; we now “need to take seriously the performance and behaviors of individual[s]” (Shojania and Dixon-Woods, 2013, p. 528). At the same time, nobody wants to unjustly sanction honest mistakes or jeopardize opportunities for people to contribute to organizational learning by disclosing their mistakes. Unreflectively or arbitrarily punitive regimes destroy the opportunity to report safety issues without fear of sanction or dismissal (Fabri and Zavas-Castro, 2008; Gray, 2009; Levitt, 2014; Palmieri et al., 2010; Shojania and Dixon-Woods, 2013; Wachter and Pronovost, 2009).

Just culture programs might respond to this anxiety by setting out the conditions that legitimize managerial intervention in the sanction of individuals in the organization (Bendersky, 1998; Dekker, 2009, 2012; Ferguson and Fakelmann, 2005; Marx, 2001). We argue in this paper that a just culture approach needs to address manifestly important moral and safety issues. Justice in the workplace requires attention to the many ways managerial processes of determining culpability can visit injustices on the worker. If such attention is not given, then both justice and safety can be compromised (Ter Kulle, 2004). Some just culture proposals (e.g., Marx, 2001) attend closely to one particular element of justice – *retributive justice* – which governs the proper allocation of sanctions for established rule violations (see Tables 1 and 2). But other elements of justice are at least as important for the creation of a genuinely just culture. In this paper we cover:

- *Substantive justice* which prescribes how regulations, rules and procedures themselves are fair and legitimate.
- *Procedural justice* which sets down legitimate processes for determining rule-breaches, offers protections for the accused, and governs who should make such determinations.
- *Restorative justice* which aims to restore the status and heal relationships and injuries of victims and the wider community in the wake of an ethical breach.

Table 1
Different retributive and restorative questions to ask.

Retributive	Restorative
Which rule has been broken?	Who has been hurt?
Who did it?	What are their needs?
How bad is the infraction, and so what do they deserve?	Whose obligation is it to meet those needs?

Table 2
Different ways in which retributive and restorative processes create justice.

Retributive	Restorative
Wrongdoing creates guilt, and demands punishment that compensates it	Wrongdoing creates needs, and obligations to meet those needs
Account is something the offender pays or settles	Account is something the offender tells and listens to
Asks who is responsible for the incident	Asks what is responsible for the incident
Learns and prevents by setting an example	Learns and prevents by asking why it made sense for people to do what they did
Focuses on what people involved in the incident deserve	Focuses on what people involved in, and affected by, the incident need
Creates justice by imposing proportional and deserved punishment	Creates justice by deciding who meets the needs arising from the incident
Meets hurt with more hurt	Meets hurt with healing
Looks back on harm done, and assigns consequences	Looks ahead at trust to repair, and invests in relationships
Builds trust by reinforcing rules and the authority to impose and police them	Builds trust by repairing relationships between people whose work depends on each other

Just culture approaches need to provide these foundations for a genuinely just safety culture, conducive to reporting, engagement and safety improvement. Before we consider the three elements of justice, we run through a typical just culture approach today and offer what scant empirical evidence there is about its problems.

2. The just culture approach today

2.1. The ideal

A just culture approach recognizes that even competent professionals make mistakes and acknowledges that they can develop shortcuts, workarounds, routine violations – yet declares intolerance for reckless behavior. The approach sometimes distinguishes between human error, at-risk behavior, and reckless action – three categories which involve increasing degrees of willfulness and disregard (Marx, 2001). Such gradual categorization can be found in culpability trees as well (Reason, 1997). The achievement of just culture through such a program rests on the belief that justice and learning can both arise from a correspondence between these kinds of human action and managerial responses to it (Dekker and Nyce, 2013). By paying heed to the different levels of culpability between error, deliberate violation of rules, negligence or recklessness, a just culture program is supposed to help decision-makers avoid serious ethical breakdowns in their application of retribution.

The approach aims to induce a culture of reporting by shifting the incentives for transparency and communication within the system. A just culture program improves upon arbitrarily punitive policies by acknowledging gradations of culpability and the importance of encouraging honest reporting. It removes a major set of worker's concerns about being exposed to unjust retributive proceedings against them in the event of an accident. Workers in a just culture regime will therefore increasingly perceive the process and organization around them as being appropriately concerned with their legitimate interests. Seeing themselves as working within a just culture, then, the measures will plausibly improve workplace morale and problem-solving. This constitutes the set of driving insights behind (and the subsequent name of) a ‘just culture’ program.

2.2. The actual

But could retributive just culture approaches undermine honesty and reporting, and lead to arbitrary judgments after all? To date, no research evidence has appeared in the safety literature that organizations that have implemented ‘just culture’ based on shades of retribution are *better* at learning, as indexed by a greater willingness to report safety events or incidents (Francoeur et al., 2003; GAIN, 2004; GAO, 2012; Rowe, 1990). At the same time, there is only limited evidence that retributive just culture approaches *inhibit* openness and learning:

- Systematic evidence comes from a 2006 survey study ($n = 1984$) into perceptions of just culture across disciplines in healthcare. In exploring the existence of retributive responses, it asked questions such as ‘are employees held accountable for their actions?’ ‘Is there blame or favoritism?’ ‘Does the organization recognize honest mistakes?’ Accountability was perceived significantly differently. Physicians tended to have the most positive view of their culture as ‘just,’ followed by management – over groups with less power in the medical competence hierarchy (e.g. nursing and non-clinical staff), who considered the same culture significantly less ‘just’ (von Thaden et al., 2006).

- Anecdotal evidence suggests that a program that “blames workers themselves for job injuries and illnesses, drives reporting underground. If injuries aren’t reported, the hazards ... go unidentified and unaddressed” (Frederick and Lessin, 2000, p. 4).
- Evidence by analogy. In a study of workplace complaint systems, formal options that led to retribution and top-down responses affected people’s willingness to disclose (Rowe, 1990). If “the organizational culture is too hierarchical and oriented toward punishment, [this] may inhibit willingness to act or come forward” (p. 7).

Retributive just culture approaches would aim to find out *who* did something wrong and how to deal with *them*, rather than asking *what* was responsible for things going wrong and how to fix *that*. If the response focuses on the individual, the *who*, then underlying conditions that gave rise to the problem in the first place can be missed and left unaddressed (Zehr and Gohar, 2002). In one case, a nurse was blamed for the death of a 16-year old patient and dismissed from her job, and then criminally prosecuted (Denham, 2007). A later report, however, found how systemic issues at the hospital set the stage for the nurse’s fatal drug error (Wahlberg, 2010). In another, similar case, the nurse involved committed suicide before being essentially cleared of any role in an infant’s death (Ostrom, 2011). A few years earlier, a New Zealand surgeon was blamed and then criminally prosecuted for a number of deaths to patients in his care. That he was forced to operate with help from medical students, because of a lack of available competent assistance, received scant attention (Skegg, 1998). Asking *who* was responsible downplayed system issues or mitigating factors – local pressures and constraints, and systematic gaps in support, training and information flow – that would temper assessments of the person’s blameworthiness.

While this empirical evidence does not definitively demonstrate systemic problems with the just culture approach, it does hint at the requirements of a just culture program to actually achieve the full compass of its sought-after goals of justice and safety. As we argue in the following sections, attention to important elements of justice constitutes a sensible way of better securing a just workplace, facilitating rule-compliance, and encouraging the reporting of key safety issues.

3. Substantive justice

3.1. Justice related to the morality or legitimacy of the rule’s content

‘Substantive justice’ relates to the morality and legitimacy of a rule’s *content*. If rules themselves are unfair, illegitimate or obviously contradicted by other workplace expectations, the sanctity of the process of judging culpability collapses into irrelevance. Many rules are written from the standpoint of someone quite distinct from the worker whose work they are meant to guide. Even in the best such cases, the rules are often devised by well-meaning individuals with little experience of on-the-ground realities (Dekker, 2003; Hale, 1990). In the worst case, they are created by lawyers or risk managers aiming to limit legal exposure for the organization, or managers ensuring their own impunity for subsequent disasters.

Much safety literature attests to the kind of finetuning (Starbuck and Milliken, 1988), practical drift (Snook, 2000), or normalization of deviance (Vaughan, 1996) that gets the job done where strict compliance would not (McDonald et al., 2002). One study showed that all maintenance workers in a particular field ‘violate’ 30% of procedures in order to keep up with production pressure and get the job done (McDonald et al., 2002). These are

the normal, everyday adaptations that make a complex system ‘work;’ the kinds of things that are going on when nothing, apparently, is going on (De Carvalho et al., 2009; Dekker, 2010, 2011; Leveson, 2012). Performing ‘workarounds’ and employing common-sense practicality, workers might expose themselves every day to a just culture program’s most stringent judgments of ‘rule violations’.

When a vast majority of workers routinely avoid certain rules, this signals that the rules are not written with their legitimate interests and their knowledge in mind, or in ignorance of the goal conflicts and resource constraints that drive real work. Here is an example from the New York Times (May 4, 2005, p. 4):

Breaking the rules to get more recruits: Some say cheating needed to fill ranks

It was late September when the 21-year old man, fresh from a psychiatric ward, showed up at a US Army recruiting station. The two recruiters there quickly signed him up. Another recruiter said the incident hardly surprised him. He has been bending or breaking enlistment rules for months, he said, hiding police records and medical histories of potential recruits. His commanders have encouraged such deception, he said, because they know there is no other way to meet the Army’s recruitment quotas.

‘The problem is that no one wants to join’, the recruiter said. ‘We have to play fast and loose with the rules just to get by.’ Others spoke of concealing mental health histories and police records. They described falsified documents, wallet-size cheat sheets slipped to applicants before the military’s aptitude test, and commanding officers who look the other way. And they voiced doubts about the quality of troops destined for combat duty.

Recruiting has always been a difficult job, but the temptation to cut corners is particularly strong today, as deployments in Iraq and Afghanistan have created a desperate need for new soldiers, and as the Army has fallen short of its recruitment goals in recent months. Says one expert: ‘The more pressure you put on recruiters, the more likely you’ll be to find people seeking ways to beat the system’.

A retributive just culture program pays no heed to substantive justice. It presumes existing rules enjoy *a priori* legitimacy.

Now it might be argued that workers consent to organizational (and other) rules when they take up their occupations (e.g. physicians implicitly agreeing to handwashing protocols when signing on to work in a particular hospital). In many cases, this consent is indeed an important consideration in assessing the rule’s legitimacy. But consent is not definitive. Workers can be placed in invidious positions where they have little choice but to submit to the pre-existing rules or indeed conform quickly to the way the rules are actually ‘bent’ or applied. And realistically, some may not even have the space to fully familiarize themselves with every regulation that pertains to their work (Hale and Borys, 2013a,b).

3.2. Inconsistency and utilitarianism

This issue of pervasive but productive non-compliance fomented a subsequent problem of retributive justice and inconsistency. When external events conspire to create a disaster in a particular case, the resulting application of the just culture program will effectively punish one worker for doing the same thing all the others do. For example, when exogenous forces fuel a disaster, one unlucky maintenance worker will be exposed as the culprit – notwithstanding that the worker accords with the same practices and standards as every other one. Application of the just culture

program will miss this failure of selective and inconsistent punishment.

Some might argue that it does not matter. Punishment, even if selective and inconsistent, is a necessary harm dispensed by an authority to deter future undesirable conduct. Punishment, on this account, reflects a judgment over the good or bad consequences that it yields. This way of thinking is not new. The moral theory of utilitarianism says that right action consists in maximizing the expected overall amount of utility. If punishment of one worker action is likely to create great utility for many people (i.e. the system will be safer because many workers now choose to comply), then it is for that reason morally superior to worrying about the misery created for that one worker. For the utilitarian, not only does the end justify the means, the end is *the only thing* that can justify the means. We can trace this back to the eighteenth century philosopher and reformer Jeremy Bentham. Bentham explicitly applied his philosophy to the question of punishment, and argued for punishment that balanced the misery it inflicted with the benefit of deterrence to others (Bentham, 1995).

But many thinkers have argued that – whatever the merits of utilitarian philosophy elsewhere – we simply cannot apply this morality to the specific question of punishment (McCloskey, 1965; Ten, 1987). Intuitively, punishment cannot be justified unless the person *deserves* it. Whether the accused is innocent matters – and it matters irrespective of whether or not their punishment in this case will ‘send a message’ to others. Whether the rules themselves were legitimate and properly publicized, whether there were mitigating factors – such issues impact decisively on whether the punishment is retributively just. Utilitarian managers who believe that punishment regimes are about balancing the interests of reporting with those of deterrence are thus apt to stumble into grave errors in developing their ‘just culture’ regimes.

3.3. Getting substantive justice right

A hornet’s nest of moral and practical problems arise when unworkable rules bind safety-workers. The impossibility of keeping to the declared standards (and in some cases even fully *knowing* the standards) not only creates authority-responsibility double binds (Woods et al., 2010), it drives failures across substantive, retributive and procedural spheres of justice. In the most sinister of cases, these failures may be deliberately perpetrated – for instance where the larger institution and its executives develop safety standards precisely to absolve their legal blame for accidents by ensuring the availability of lower-level scapegoats who are bound to have failed one rule or another (Mandis, 2013).

Fortunately for those managers wishing to pursue a more ethical approach, there is a key process to adopt that solves many of these concerns, which has a strong tradition in safety research (and this journal). It is to allow workers themselves play a genuine role in the development of safety standards (Bergström et al., 2009; Dahl and Olsen, 2013; Hale and Borys, 2013a,b; Hale et al., 2013). Naturally this does not mean that *only* the safety workers make the rules, or that they wield a veto over any rule they dislike. Managers, clients, lawyers and other stakeholders must enjoy input too. But the inclusion and participation of workers at the coalface provides three crucial benefits that provide the basis for any aspiration to a ‘just culture’.

First, the safety-worker’s involvement enhances the legitimacy of the resulting rules. As co-authors, who impacted on the rules’ contents, and provided their reasons for specific changes, the worker’s consent to the rules becomes increasingly meaningful. Like citizens in a democracy acknowledging the legitimacy of legislation against which they voted, inclusiveness in decision-making processes allows participants to consent to the legitimacy of the resulting rules. Second, taking part in the process of developing

the rules increases the sense of ownership the workers feel toward the rules. The rules derive from their own insights, arguments and experiences. The process enrolls the workers as (low-level) safety managers, empowered to make decisions that impact upon the overall safety environment. The rules are not merely seen by the safety workers as legitimate, but as *theirs* – a product of their own professional identities. This gives them a further, distinct reason to strive for compliance – to fail is not only to have violated a rule (even a legitimate rule) but to have failed to live up to their own prized ideas of who they are. Third, developing the rules in connection with the safety workers ensures the rules connect with reality. The standards are not designed for an ideal environment, imagined without time pressures, complicating factors, and conflicting information. Instead, the written rules (and practices taught by educators) align with and support best practice in the field.

4. Procedural justice

If the issues of retributive justice and utilitarianism above seem somewhat subtle, a just culture program should also show concern for procedural justice. Procedural justice sets down legitimate processes for determining rule-breaches, offers protections for the accused and governs who should make such determinations. Societies governed by rule of law have assured this with independent judges, the right to fair hearing and appeal and a differentiation between guilt-phase and penalty-phase deliberations. Hierarchical organizations, in contrast, typically resolve conflict and disagreement quite differently and without deference to such procedural concerns. Not only are highest managers ultimately accountable for the effect of breaches, incidents and accidents, hierarchical organizations also know no separation of powers (executive and judicial). Even if judicial power is delegated, for example to a human resources department or ombudsman, people there are also employees and ultimately accountable to the organization’s hierarchy. But even if requirements for procedural justice are difficult to satisfy, the principles they embody can be worthwhile reflecting on. And in some cases, provisions can be put in place even in hierarchical organizations to reflect some of those ideals (e.g. an employee peer group who evaluates the reasonableness of a particular action).

4.1. Objective judges

The presence of independent judges, with no personal stake or conflict of interest in the affair at hand, is one of the first virtues of a just regime. Rights of natural justice and due process are today enshrined in constitutions throughout the world – the US Bill of Rights grants more space to due process rights than any other group of entitlements, and they feature prominently in the major international human rights instruments (Nickel, 2007, pp. 106–107). An aspiration to this aspect of procedural justice is relevant to management in safety-critical organizations. After all, arriving at an appropriate category of culpability demands an assessment and judgment of things like ‘reasonable care,’ ‘acceptable standards of practice,’ or behavior that is ‘normal in the community’ or profession (GAIN, 2004). These are negotiable notions, and leave a wide scope for discretion – meaning that the question of *who* performs the judgment becomes central (Dekker, 2009). Natural justice bars a person from deciding any case in which she or he may have, or may fairly be suspected to have, a stake. This rules out a line manager from applying a just culture program on one of their reports. Line managers, after all, can be fairly suspected (if not shown) to have reputational, career-related, economic or other stakes in adjudicating an error or violation that happened on their

watch. This gives them an interest in the outcome (at least more so than employees elsewhere in the organization), which introduces the kind of actual or imputed bias which procedural justice and due process rights aim to prevent.

The independence of a judge is a critical procedural provision. But their knowledge of the messy details or subtleties of what it takes to get a job done under goal conflicts and resource constraints, is certainly as important. Research has shown that the legitimacy of being called to account is linked to how much the judging person knows about the process, profession or practice in question (Lerner and Tetlock, 1999). Those who know the ‘messy details,’ of real (rather than imagined) work tend to enjoy greater credibility. The problem of course is that these are not likely to be independent. Finding a judge who is both independent and intimately knowledgeable about how work is actually done may require an organization to look outside or across different sites or parts of itself (such as employing another line manager from a separate site as an independent assessor).

4.2. Hearing and appeal

Due process rights also include the right to a fair hearing. This right normally involves several distinct features: prior notice of the case made against one; knowing what is at stake (not just that there is ‘a case’); a fair opportunity to answer that case; and an opportunity to present one’s own case. It also involves the openness to scrutiny of the case and its proceedings by other parties. It should surely be possible (and practically and morally desirable) to develop and offer these kinds of provisions in an organizational approach to just culture.

Procedural justice also includes the right of appeal, offering a process for requesting a formal change to an official decision. Inside an organization, where human resources or line managers were involved in the original decision, a *de novo* appeal may be especially difficult, since a new decision maker needs to re-hear the case without any reference to the prior decision maker. But even appeals on other grounds (abuse of power, acting in excess of jurisdiction, considering evidence which shouldn’t have been included, or ignoring evidence which should have been considered) need at least to be considered in just culture programs.

4.3. Differentiating between guilt-phase and penalty-phase culpability

A ‘just culture’ program organized around categories of culpability might have difficulty distinguishing between what is known as guilt-phase versus penalty-phase culpability. This divides the question about culpability in two: (1) did the person knowingly commit the act (guilt-phase), versus (2) what penalty should we assign once guilt is established. Theoretically, a retributive just culture program would seem to presume guilt, or at least (some) responsibility for the outcome, otherwise its application would not be sought. This might remove the presumption of innocence until proven otherwise, and thus create a short circuit to penalty deliberations. Research has shown that penalty-phase deliberations often focus on the transgression, the transgressor and the outcome, rather than on mitigating factors (Ashford and Kupferberg, 2014). Mitigating factors (such as the normalization of deviance mentioned above) affect the amount of control or authority a person had in choosing or avoiding a controversial act, because of how ‘normal’ or even expected that act has become in an organization or operation. A just culture process, then, which makes no differentiation between guilt-phase and penalty-phase deliberations might well be poised to overlook mitigating factors (the-what-is-responsible-question) in favor of asking *who* is responsible and holding that individual accountable.

5. Restorative justice

5.1. Meeting hurt with healing, not with more hurt

Retributive justice determines the proper treatment of those who have breached certain standards of conduct. It 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. Restorative justice, in contrast, is defined as:

... a process where all stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and to decide what should be done to repair the harm. [Braithwaite, 1989]

Restorative justice suggests that if the error or violation (potentially) hurt, then the response should heal. Such an approach to justice and accountability is more inclusive than a retributive one. A variety of people can get hurt by an incident: not just the first victims (patients, passengers) but also the second victim(s): the practitioner(s) involved. Colleagues, the organization, the surrounding community – they too may somehow have been affected by the incident.

Hurt creates needs, and needs create obligations. Restorative justice is achieved by systematically considering those needs, and working out collaboratively whose obligation it is to meet them. The second victim may have an obligation to meet the needs of the first, as does the organization. The organization, or colleagues, have obligations toward the second victim (as well as the first). Even first victims can be asked to acknowledge the humanity of the second victim, recognizing that they hurt as well. Reaching a restorative agreement requires that all affected people are involved and have their voices heard. That is hardly ever the case in retributive approaches. Retributive justice might be limited to a boss and an employee. Restorative justice involves them but also the community: first victims of the incident, colleagues, and other stakeholders.

Restorative justice achieves accountability by listening to multiple accounts and looking ahead at what must be done to repair the trust and relationships that were harmed. It aims to foster dialogue between the actor and the surrounding community (e.g. of colleagues), and to avoid the rupture in relationships and trust that would occur through sanction and punishment (Klein and Klein, 2007). This makes it important for others to understand why it made sense for the person to do what they did. Their account is something they *tell*. This also offers an opportunity to express remorse. Restorative approaches are open to multiple voices, and are willing to see practitioners not as offenders or causes of an incident, but as inheritors of organizational, operational or design issues that could set up others for failure too. Restorative approaches are therefore more likely to identify the deeper conditions that allowed an incident to happen.

Various forms of conflict negotiation fall under restorative justice, e.g. integrative dispute resolution (Walton and McKersie, 1991). This is collaborative and interest-based, and oriented toward problem-solving, fairness and sustaining or strengthening pre-existing relationships between members of the organization. It has seen a shift away from hierarchical decision making to an emphasis on peer-to-peer and group-level problem solving, and is less concerned with negative behavior than it is with exploring new ideas, creative dissent and organizational learning (Bendersky, 1998). Because the production of different and partially overlapping narratives plays an important role in restorative justice, it is set up to create the kind of accountability that encourages learning. That may not be as easy as it sounds, however. Depending on hierarchy and existing relationships in the organization, people may not feel they have enough ‘evidence’ and that

they will not be believed when they offer what they have. This may be one reason why, as reported in one study, more than half the employees and managers initially prefer private informal options to surface and deal with the issue (Rowe, 1990). Storytelling alone is insufficient, of course. Restorative justice sees accountability and learning as including processes of disclosure, confession, apology, repentance and forgiveness (Berlinger, 2003). Restorative justice does not nullify social (or legal) obligations. It doesn't get people off the hook but rather offers alternative forms of accountability which avoid blame.

5.2. Put second victim support in place

Second 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 (Dekker, 2013). Social and organizational support for second victims (psychological first aid, debriefings, follow-up), can help contain negative individual (e.g. post-traumatic) consequences and offer the organization and opportunity to learn about its own weaknesses, denials and defenses. The involvement of second victims (rather than their dismissal or sanction through just culture approaches) can be an important organizational investment in safety and learning (Seys et al., 2013) because the resilience of second victims and the organization are intricately intertwined. The lived experience of a second victim represents rich data for how safety is made and broken. Those accounts can be integrated in how an individual and an organization handle their risk and safety (Ullstrom et al., 2013).

5.3. From backward- to forward-looking accountability

In backward-looking accountability, holding someone accountable is directed at events that have already happened. But accountability can also be forward-looking (Sharpe, 2003). The question becomes: what should be done about the problem and who should be accountable for implementing it and assessing whether it works? This links accountability not to sanctions or punishment, but to goal-setting and moral deliberation about the practical processes needed to achieve these goals, and the particular role that a person needs to play in making them happen. This can merge systems- and accountability approaches. With a focus on forward-looking accountability, workers can be seen as solution to prospectively harness, not just as a problem to retrospectively control (Dekker, 2014). It focuses on the collaborative work necessary for change and improvement, and connects organizational accountabilities and community expectations to such changes.

6. Conclusion

Rather than shaping a just culture regime around shades of retribution, considerations of accountability must be set alongside deeper concerns with safety and justice. As argued in this paper, these concerns include:

- *Substantive justice* which prescribes how regulations, rules and procedures themselves are fair and legitimate.
- *Procedural justice* which sets down legitimate processes for determining rule-breaches, offers protections for the accused, and governs who should make such determinations.
- *Restorative justice*, which aims to restore the status of the person involved and heal relationships and injuries of victims and the wider community in the wake of an ethical breach. The restoration of relationships and trust is often vital to safety-critical operations.

Having considered these in this paper, here are some questions that we can ask of a just culture approach:

1. Does the just culture process address harms, needs and causes?
2. Is it adequately victim-oriented (including both first and second victims)?
3. Are practitioners encouraged to recognize their contribution to the (potential) harm caused, but also treated as potential second victims?
4. Are all relevant stakeholders involved in rule-development and in processes of restoring trust?
5. Is it based on dialogue, participation and collaborative decision-making?
6. Does it identify address deeper, systemic issues that gave rise to the incident in the first place?
7. Is it respectful to all parties?

From a principled moral perspective, a just culture program that involves only the worker and boss (or HR manager) and that asks questions about which shade of retribution is proportional to the 'offense' is not enough, and may not even be appropriate. It may be inconvenient for time-pressured managers and supervisors to acknowledge how deep the demands of justice go. But if we truly want an improved safety perspective from the worker, and a legitimate workplace overall, then we cannot expect to institute one small thread of a larger tapestry and imagine it will achieve either just or safe ends.

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