



WHITE PAPER

Discipline and Safety: 8 Principles for Getting It Right

An employee has just suffered an injury. Preliminary findings show that the employee failed to follow written procedures and the injury was a direct result of this failure. Now, one senior leader is pushing for disciplining the employee and you need to make a decision about how to proceed. Is discipline the right thing to do here?

For some, the answer is clear from the preliminary findings: the employee should be disciplined because he failed to follow a written procedure. For others the first sentence provides far too little information; they want to know things like:

1. How seriously was the employee injured?
2. What is the employee's history relative to safety compliance?
3. Was this a willful violation?
4. Did the person violate the spirit of the procedure or the intent?
5. What influence did leadership or the employee's peers have in the decision to violate the procedure?
6. How was the employee trained and/or informed about the procedure?
7. Were there extenuating circumstances that made following the procedure undesirable or even unsafe?
8. What systems are in place to assure ongoing compliance? What

data is available regarding monitoring this procedure and levels of compliance?

One could ask why any of these questions are relevant. How would the answers influence the decision? The bottom line is that the employee did not follow a written procedure.

Discipline is among the most confusing—and controversial—topics in safety. On one hand, it is obvious that companies must have safety procedures and rules. And once those rules are established, it is crucial to support and enforce them. Managers know—as company lawyers routinely remind them—that if they know about a safety rule violation and they ignore it, they put themselves at risk. On the other hand, the punitive aspect of disciplinary programs seem to undermine the kind of workplace collaboration and participation essential to success in productivity,

quality, and safety. The topic becomes even more delicate when an injury does occur.

This article provides a framework for understanding discipline in relation to safety and outlines eight principles for getting it right.

Making Discipline Work

Before we can define the rules around when and how to discipline, it is essential to understand the purpose of discipline in safety and its role in an overall system for injury prevention. The discipline system is a mechanism for providing clarity around organisational standards and what the organisation values. It is also a mechanism for providing corrective consequences to those individuals who do not live up to these standards and values.

When it comes to creating a culture of care, discipline is the last line of defense. When discipline is routinely required to control behaviour, then one really needs to consider what failures have occurred in the overall system. The failures could be related to hiring decisions, **leadership capabilities** or competing rewards systems. Seldom can an organisation “discipline its way” to better performance or an improved culture; yet in an organisation where there are no real or perceived adverse consequences for unwanted behaviours it is a good bet that the number of undesired behaviours will rise, not decrease, and the result will be poor overall functioning and high rates of injury and people abusing the system. The most important consideration in using discipline is that the decision to administer discipline has to be fair and just. These decisions must be consistent, even-handed, and based on transparent criteria. When a decision to discipline is seen to be unjust, it has huge negative implications to the workforce engagement, relationships, and on whether future incidents will be reported.

How do you know if your organisation needs to review its use of safety-related discipline? Here are a few warning signs:

1. The investigation typically stops when at-risk behaviour is found. There is no push to understand what influenced the employee to make this choice.
2. Incident investigations frequently result in punishment for the employee, unless an obvious unsafe condition contributed to event.
3. The primary action items coming from an investigation are: writing a new rule or procedure; retraining; threatening people around compliance or offering trinkets to **raise awareness**.
4. The numbers of non-lost time or medical treatment cases are equal or less than the number of lost time or medical treatment cases.

Given that discipline is a valuable tool, but with huge downside potential when misused, how do organisations begin to evaluate its use in their own approach to safety? Discipline works best when it is used consistently and the rules around its application are fair and well understood. The following eight principles, derived from our work with organisations around the world, provide a helpful starting point for governing your decisions around how to administer discipline as it relates to safety.

Principle 1: Decide on what is crucial and treat those things accordingly

For almost every organisation there are a few infractions where there absolutely has to be zero tolerance for variation. They must be defined clearly and communicated well, along with communication about why these items are being handled uniquely. There also must be assurance that these behaviours are within the employee’s ability to perform.

Many organisations call these Cardinal Rules. These are the rules that result in the most severe form of punishment if a person is found in violation, which often means termination. Cardinal rules apply to that small set of rules or procedures where 100% compliance is necessary because there is a much higher potential that the outcome of violation will be a life-altering event or fatality. Some examples are things such as:

1. Smoking in process areas where flammable materials are present.
2. Failure to de-energise and isolate equipment before working on it.
3. Texting while driving.
4. Working on railroad track without authority.

In order to have Cardinal Rules that can be an appropriate focus for discipline you must decide what these rules are, get leadership’s commitment to enforcement, and assure that compliance is enabled. If the behaviour is enabled it means that the desired behaviour is truly within the control of the employee. Beyond assuring the rules are crystal clear and that the training and communication has been effective, leadership needs to be sure that employees have the resources needed to comply and that supervisors understand their role in the employee’s successful application of these rules.

The communication of Cardinal Rules must touch every employee through numerous channels and include information on what the rules are; why they are being treated separately; and the consequences of non-compliance. This same communication needs

to occur for every person who enters the facility/work zone that would need to follow these rules.

Even with cardinal rules violations, before administering discipline it is important to understand why an employee would do something that puts themselves or others at grave risk and where violation can lead to termination. The investigation might find that this is a non-compliant employee, but it may uncover unrecognised systems factors that make compliance in the particular situation a non-enabled behaviour (i.e., not in the employee's control.) Prompt and consistent enforcement of cardinal rules is important, but must be balanced with fair treatment of the employee.

Principle 2: Do not determine discipline based on the fact someone was injured

There is a very real risk to an organisation if employees perceive that discipline only happens in the aftermath of an injury. The risk is that future incidents, no matter the level of potential, go unreported due to employees connecting the consequence of punishment with reporting.

It is easy to determine whether discipline is in fact tied to injuries. Look at the total number of times discipline for safety was administered and look at the percentage of the total that directly followed the employee being injured. If that percentage is over 50% then it strongly suggests that employees will perceive they are being disciplined for being injured, not for the infraction that led to the injury. Also look at incident investigations and see how often the only actions identified are formal discipline or other employee-focused actions (new rules, retraining, etc.) that are perceived as negative by the employee.

It is very easy to get into this situation. With supervisors and managers more office bound and conducting fewer and fewer safety audits, observations, etc, the only time they find out about a safety infraction may be when an incident happens and they need to investigate. So the investigation system is used to compensate for the lack of regular field verification. This is a poor compensating approach, which will ultimately backfire, when the organisation suddenly has a fatality or life-altering injury and there were no warning signs or data that suggested this would happen.

Another reason organisations find themselves in this situation is that they ignore the consequences that discourage supervisors from using the discipline system as intended. A supervisor attempting to administer discipline may find herself having to defend her decision in a grievance hearing, or may have to do considerable paperwork, or may find that her manager routinely overturns her

decision. If the consequences to the supervisor encourage overlooking violations and not using the discipline policy as intended, then this will occur until there is an event that can't be overlooked.

Organisations often fail to understand the consequences driving supervisor behaviour and assuring these consequences are aligned with desired performance.

Principle 3: Avoid disciplining someone the first time as the result of a reported incident

Most discipline policies do not apply discipline to a first offense, except in the case of violation of a Cardinal Rule. This policy should not be ignored just because an injury occurred. If an employee is injured and the employee violated a rule or procedure and this is the very first time this employee was found to have violated the rule or procedure, do not depart from the normal rule of not disciplining a first offense.

If the employee had been coached, counseled or disciplined for the same offense previously and this latest incident resulted from a repeat of that same offense then the next step in the discipline process should be followed.

Principle 4: Avoid the pitfall of prejudging causation

One of the factors subtly influencing how leaders approach safety is what they believe about the underlying causes of mistakes. Swirling around in this discussion are several theories and beliefs: Here are a few.

- > Workers are only responsible for 15% of mistakes where the system implemented by management is responsible for 85% of the unintended consequences (W. R. Deming).
- > 88% of accidents are the result of unsafe behaviour, 10% by unsafe conditions; 2 % unavoidable(H.W. Heinrich).
- > Some people are just predisposed to getting injured.
- > Impairment, especially that related to drugs and alcohol, is a major factor in accidents.

Attribution bias is the unconscious tendency we all have to be biased in the way we think about who or what was responsible for an action or result. When someone not from our peer group is involved in an incident we have a tendency to assume that person was at fault. We are inclined to believe that the cause of the incident was the person's behaviour, lack of motivation; or even lack of intelligence. On the other hand, when we are personally involved or the person involved is a peer, we tend to assume that the cause was an outside factor, such as inadequate training or direction, not

being given enough time, inadequate equipment or systems, or the actions of others.

Attribution bias can lead us to focus on one aspect of causation and miss the bigger picture. This is especially acute in an organisation whose culture is to assign blame rather than to seek out root causes. Management tends to assume the employee is the problem and employees focus on leadership or system problems not only because it is their natural bias but also as a defense mechanism, and any discipline that results is perceived as unfair. Overcoming attribution bias and developing a complete understanding of root causes helps to make any discipline that results from an incident feel more just.

Principle 5: Understand Procedural Justice and consider it in making the decision to discipline

Procedural Justice has to do with fairness and transparency of the process used to make decisions that impact an employee.

Employees from organisations that score highly on procedural justice will make comments such as, “the decision making process is free of bias,” and “if I have a concern about a decision that is made that I think was unfair, I can always go talk to my supervisor, his boss, or the Human Relations department”.

Procedure justice determines whether an employee who gets an outcome that was not in her favor walks away unhappy or angry. An employee who receives an unfavorable outcome but believes the decision making process was procedurally just is disappointed. However the employee who receives an undesired outcome and believes the process used to get to that decision involved favoritism and bias will walk away angry.

There are two important procedural justice issues when it comes to making the decision about punishing for a safety violation. First, no organisation, no matter how close to perfection they are can write a rule or policy that covers every known contingency and is appropriate 100% of the time. There are times that varying from a policy makes sense. However when this occurs, it is important for the reasons to be transparent and consistently applied or the variation will undermine procedural justice.

Second, front-line leaders feel pressure to protect their most reliable and hardest working employees. They may be tempted to overlook things in these employees that they do not overlook in others. When it comes to applying discipline, making a decision not to discipline because “it is a good employee” must be avoided.

Principle 6: Regularly review your policy disciplining safety violations, explain how the system works, and explain why the system is designed the way it is

It is amazing how quickly things can change in an organisation. Leaders change, procedures get updated, new rules get written, and new employees are brought into the **workforce**. Once a year the leadership team should meet and review the policy regarding disciplining for safety violations and discuss issues that may have arisen that would suggest a policy modification would be necessary. The team also needs to assure that if new employees have been brought into the organisation communication regarding the policy has been done. It is not uncommon to see organisations where new employees and new leaders were not told about crucial policies. It is also common for the communication of this information to become less and less effective over time, for example where there is pressure to reduce training time or where the introduction of new training technology eliminates the opportunity for people to ask clarifying questions.

Principle 7: Avoid the “focus on failure” trap

Discipline is an effective tool when employees see that it is one part of a balanced system. Most employees follow the rules, most of the time. So balanced means that the majority of the feedback they receive should be for them doing the right thing. When a system gets unbalanced toward the organisation only addressing at risk behaviour through progressive discipline then the culture can erode to one where people “hide from their leadership” and avoid reporting incidents, even those with high potential.

The only way to really understand what is happening is for supervisors and managers to get into the field and monitor performance. When this happens employees understand the high value placed on safety and compliance and the leader is in a position to routinely recognise good performance and to identify variation before there is an adverse event.

Safety can be more challenging to monitor than other performance areas because to understand what is really happening we need to monitor compliance in a wide variety of settings, day shift and night, during normal operations and when there are unusual levels of production, etc. If a leader walks the location at 2 pm every Friday to monitor, then the employees will adapt to the leader’s schedule. If leaders want to see what is really happening, be able to provide meaningful balanced feedback, and understand how pressure influences decision making then they vary the time and location of their monitoring.

Principle 8: Don't rely on discipline as the main tool in fixing a broken safety climate

There are times when the safety climate and behavioural reliability (in terms of safe behaviours) has degraded to a point where leadership decides they have to do something drastic to regain control, before someone gets seriously injured. The most important thing to remember is that the employees are not to blame for the situation. They are operating within the structure, systems, and culture that leadership has allowed. So moving from the current state to a new desired future state takes more than firing someone to make a statement. It is necessary to bring about fundamental change in expectations about safe behaviours and the consequences for not following them.

First take a deep breath, (because I know you want to jump into action) and visualise the desired future state for handling procedure or rule violations. Write down your thoughts in behavioural terms. Next put into words why this change is important to you, the organisation, and the employees. Next discuss your thoughts with your **leadership team** and listen to their reaction and concerns. At this point consider involving other key leaders in the organisation. If you are working in a unionised site, inform the union leadership as early in the process as possible. Now you are ready to do a gap analysis to figure out what changes need to happen to achieve this change. Additionally a communication strategy needs to be developed to assure that every employee has been informed of the change and why the change is happening.

One group that must be given special consideration is front-line leadership. Supervisors are likely the ones who will have to change the most. Frequently they are the ones who see most of the variation and violations and they have to decide on how to handle each situation. Given the normal variation in capabilities and skills,

there can be wide variation in how the same violation is handled. One leader will want to proceed with firing the rules violator and the next will want to pull the person to the side and coach them and implore them to comply. This variation in how the situation is handled is likely to cause additional problems in the organisation, and so front-line leaders' reaction to variation and violations must be calibrated and made consistent.

During this time of change it will be important for senior leadership to be in the field coaching and mentoring the front line leaders. This will likely be a drastic change for this group and they need to know that management appreciates the difficulties they face and that management will back them up.

In Summary

So do the questions we posed at the beginning matter when an employee violates a written procedure? In reality you can misapply or properly discipline with or without considering those factors. If the design and application of your discipline system is not properly in place before the employee violates the rule, it's likely that you have already compromised your ability to have the decision perceived as fair and just.

Most employees follow the rules and comply with the safety requirements most of the time. While discipline is a necessary tool to get the attention of a few, it is one of the least effective for handling the majority of employees. As you think about applying discipline for safety violations, consider whether your approach is balanced (meaning the majority of feedback employees get about **safety-related behaviour** is positive) and fair. A safety program without a discipline component is incomplete, but a safety program with a poor discipline component is ineffective.

DEKRA Organisational & Process Safety

DEKRA Organisational and Process Safety are a behavioural change and process safety consultancy company. Working in collaboration with our clients, our approach is to assess the process safety and influence the safety culture with the aim of 'making a difference'.

In terms of behavioural change, we deliver the skills, methods, and motivation to change leadership attitudes, behaviours and decision-making among employees; supporting our clients in creating a culture of care and measurable sustainable improvement of safety outcomes is our goal.

The breadth and depth of expertise in process safety makes us globally recognised specialists and trusted advisors. We help our clients to understand and evaluate their risks, and work together to develop pragmatic solutions. Our value-adding and practical approach integrates specialist process safety management, engineering and testing. We seek to educate and grow client competence to vide sustainable performance improvement; partnering with our clients we combine technical expertise with a passion for life preservation, harm reduction and asset protection.

We are a service unit of DEKRA SE, a global leader in safety since 1925 with over 45,000 employees in 60 countries and 5 continent. As a part of the world's leading expert organisation DEKRA, we are the global partner for a safe world.

We have offices throughout North America, Europe, and Asia.

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