System Management

JUST AND FAIR CULTURE

This guidance describes how MWHT can demonstrate a fair and consistent approach has been applied to reviewing the evidence and agreeing the appropriate consequences to apply, to any breach of processes by anyone during works undertaken or controlled by MWHT. It should be used in conjunction with SYPD08-02 Just and Fair Culture.

It also outlines an approach for acknowledging and recognising people who work safely.

The purpose of SYPD08-02 Just and Fair Culture is to provide a set of just and fair consequences that have been categorised such that they align with the types of behavioural errors and violations and to ensure there is a company wide consistency in the selection of consequences used to recognise positive safety performance or address poor safety performance.

SYPD08-02 Just and Fair Culture also provides clarity and definition to what individual actions constitute safe behaviour, unsafe behaviour and unacceptable unsafe behaviour.

SYPD08-02 Just and Fair Culture must be applied following any incident investigations which involve Human Factors. To ensure a consistent and impartial determination use the following steps

1. Complete the SYPD08-02 Just and Fair Culture decision flow chart process

2. Test the decision with support from the Organisational Development and / or SHEQ Teams if required

3. Review the consequence matrix

The process should be completed by more than one independent person to ensure impartiality.

A Just and Fair culture focuses on determining the appropriate consequences that should be applied to both the individual and the individual's line manager.

Reward and Recognition

For a truly just and fair culture the process should embrace recognition and reward and not just address consequence. The environment encourages open discussions about SHEQ and reporting is valued and listened to. Such examples include when someone raises a SHEQ concern it could encourage others to do similar if they see the concern being received and recognised in the manner it deserves.

This may vary from a courteous thank you; simple shake of the hand and providing some positive feedback. However, if a person went above the norm, perhaps stood their ground when asked to do something unsafe or intervened and stopped people working unsafely (something not everyone would do) a more deserving recognition would be appropriate e.g. a Spot Bonus or Award nomination.

An example of where the Decision Flow Chart has been used to highlight positive behaviours in Available in Appendix A.

The Decision Flow Chart

The SYPD08-02 Just and Fair Culture decision flow chart aims to provide a consistent approach to reviewing the evidence and agreeing the appropriate consequences to apply to any breach of procedures. Such breaches must be properly investigated in a fair and transparent manner.

The Just and Fair Culture - Decision Flow Chart guides you through a series of structured questions about the individual's actions, motives and behaviour at the time of the incident. Working through each box in turn, possible reasons for the individual's actions are reviewed and the most likely explanation identified. The responses lead to a behaviour type which aligns with a list of recommended actions in the Consequence Matrix. Where the outcome from the assessment triggers the question "is someone else now implicated?", the process must be replicated against the other person's behaviour.

The Just and Fair Culture Decision Flow Chart can be used for any person involved in a safety breach and is specifically for use following a safety accident or incident or where an investigation or audit identifies such a breach. The flowchart should be applied to the immediate cause highlighted by the investigation where an unsafe act is identified.

An event usually involves more than one person and one person's behaviour can be strongly influenced by another so where more than one person is involved, work through the Just and Fair Culture Decision Flow Chart separately for each person. If new information comes to light, it can be worked through afresh and may or may not indicate a different conclusion.

The assessment is best done by more than one person so there is a degree of independence, it is too easy to say a person broke a rule when they had not been made aware of it or were influenced in some way to do so.

Where appropriate, the Organisational Development and SHEQ teams should be consulted when seeking clarification and assistance in the correct use of the flow chart and consequence matrix.

Work with the HR team when recommending disciplinary action as a result of working through the Decision Flow Chart.

Testing the Decision

There are often subtle underlying causes that influence behaviour so the following questions will assist analysing each decision:

- To what extent is the individual responsible for implementing the rules or applying the right behaviour?
- Had management/supervision clearly communicated their expectations in this area, were they monitored / reinforced?
- Are there any health issues why the risk was not perceived adequately or the controls not applied correctly?
- Does the individual accept the problem and will awareness/education result in improved performance or do they deny the problem and only discipline will deter repetitive behaviour?
- Was the individual acting because it was better for the company or team or were they making it better for themselves (personal gain)?
- What was the severity or potential severity of the outcome?
- What was the significance of the breach i.e. Is the rule absolute or preferred?
- To what extent was the behaviour intended or unintended?
- To what extent was the individual's behaviour influenced or impaired by the environment or others around them?
- How often does this sort of thing happen?
- How likely is it that another person with appropriate skills, experience and knowledge would do the same thing?
- How practical was it to follow the rules?
- What other factors come into play e.g. individual's track record, specific circumstances.

Consequence Matrix

The consequence matrix in Appendix B must be used in determining the appropriate Just and Fair consequences that should be applied to both the individual and the individuals' line manager.

Where an Individuals Line Manager has been condoning behaviours that lead to the error or violation SYPD08-02 Just and Fair Culture decision flow chart should be used to determine whether their behaviour was an error or violation. The consequence matrix should be used to determine the appropriate consequences, with the line manager now being assessed as the Individual and their Manager as the Individual's Line Manager.

This process should be repeated, as appropriate, throughout the consequence chain.

Company: MWH Treatment
Owner: System Management
IFS Doc No.: SYGD/2012652
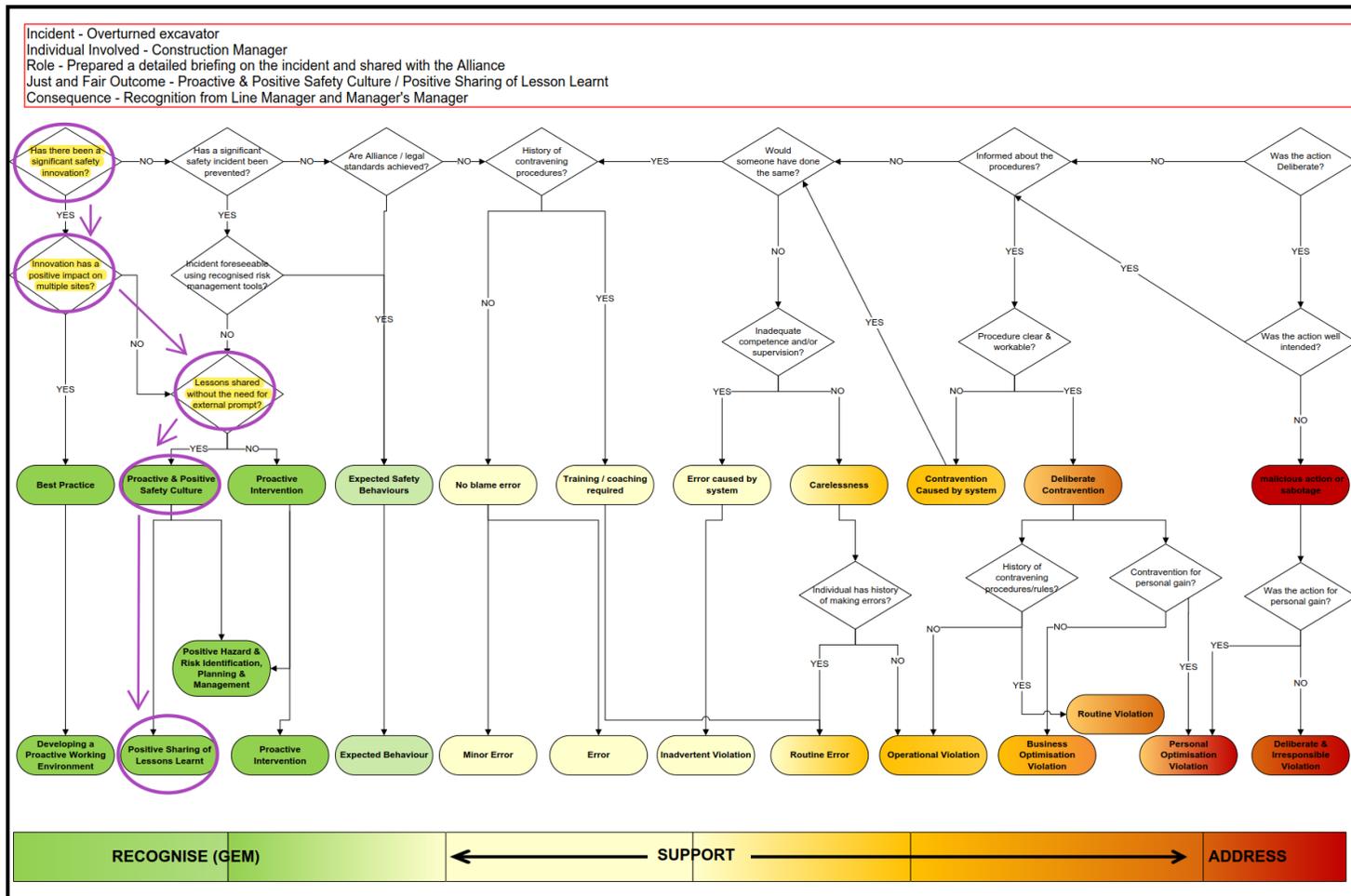
Page 2 of 13
Revision 1
July 2020

Communication

To ensure fair and consistent assessments are made it is suggested that the findings and actions taken are shared at suitable safety meetings to agree precedent and collaborate on actions that may help reduce a recurrence.

System Management

APPENDIX A: EXAMPLES

This provides three worked examples using SYPD08-02 Just and Fair Culture, to assist with its implementation. The three examples are all as a result from the same incident; an overturned excavator. Each individual's involvement resulted in a different consequence spanning the recognition, support, and address spectrum.

Recognise

Incident - Overturned excavator
Individual Involved - Construction Manager
Role - Prepared a detailed briefing on the incident and shared with the Alliance
Just and Fair Outcome - Proactive & Positive Safety Culture / Positive Sharing of Lesson Learnt
Consequence - Recognition from Line Manager and Manager's Manager

Company: MWH Treatment
Owner: System Management
IFS Doc No.:   SYGD/2012652

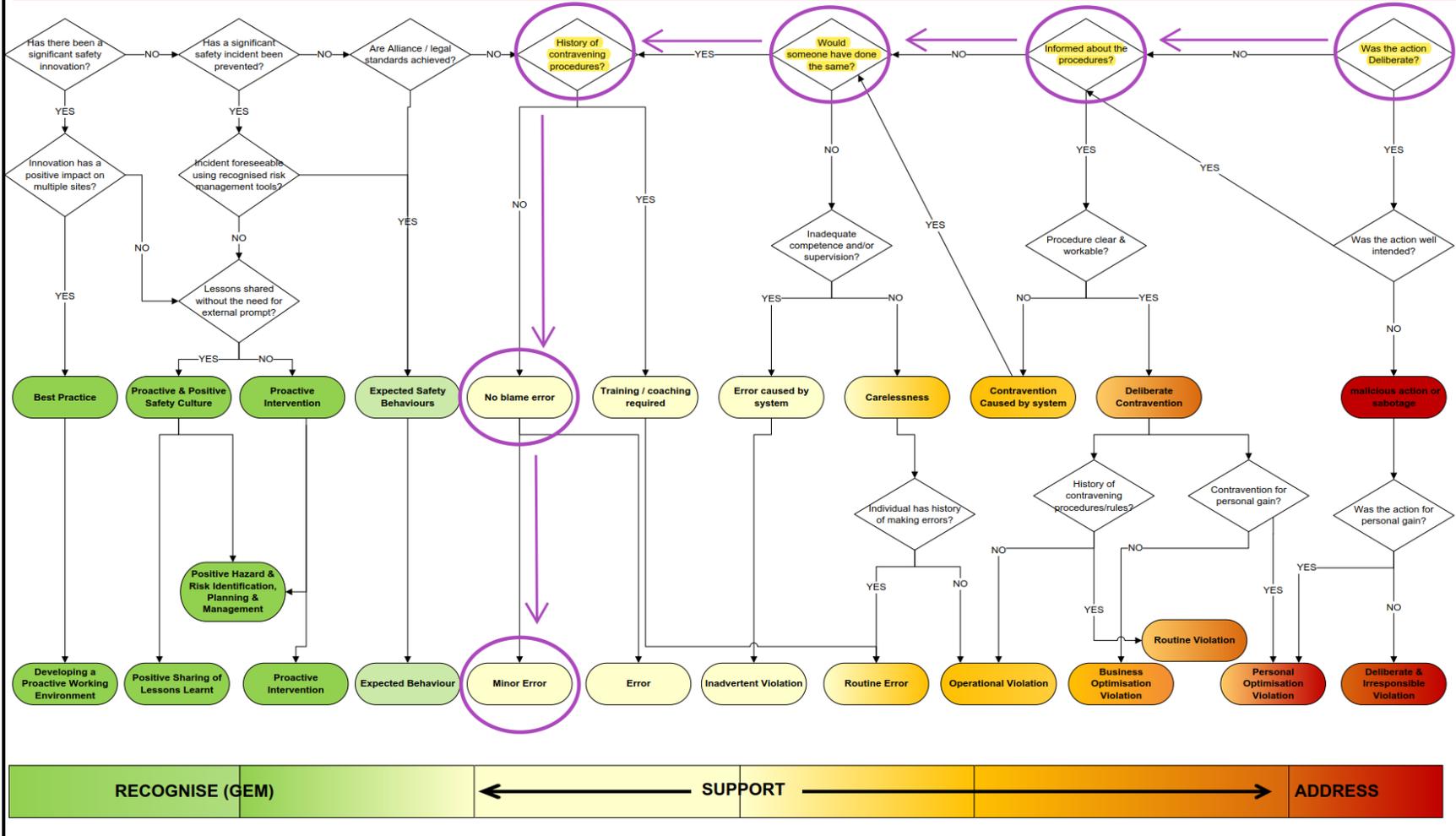Page 4 of 13
Revision 1
July 2020

MWH TREATMENT

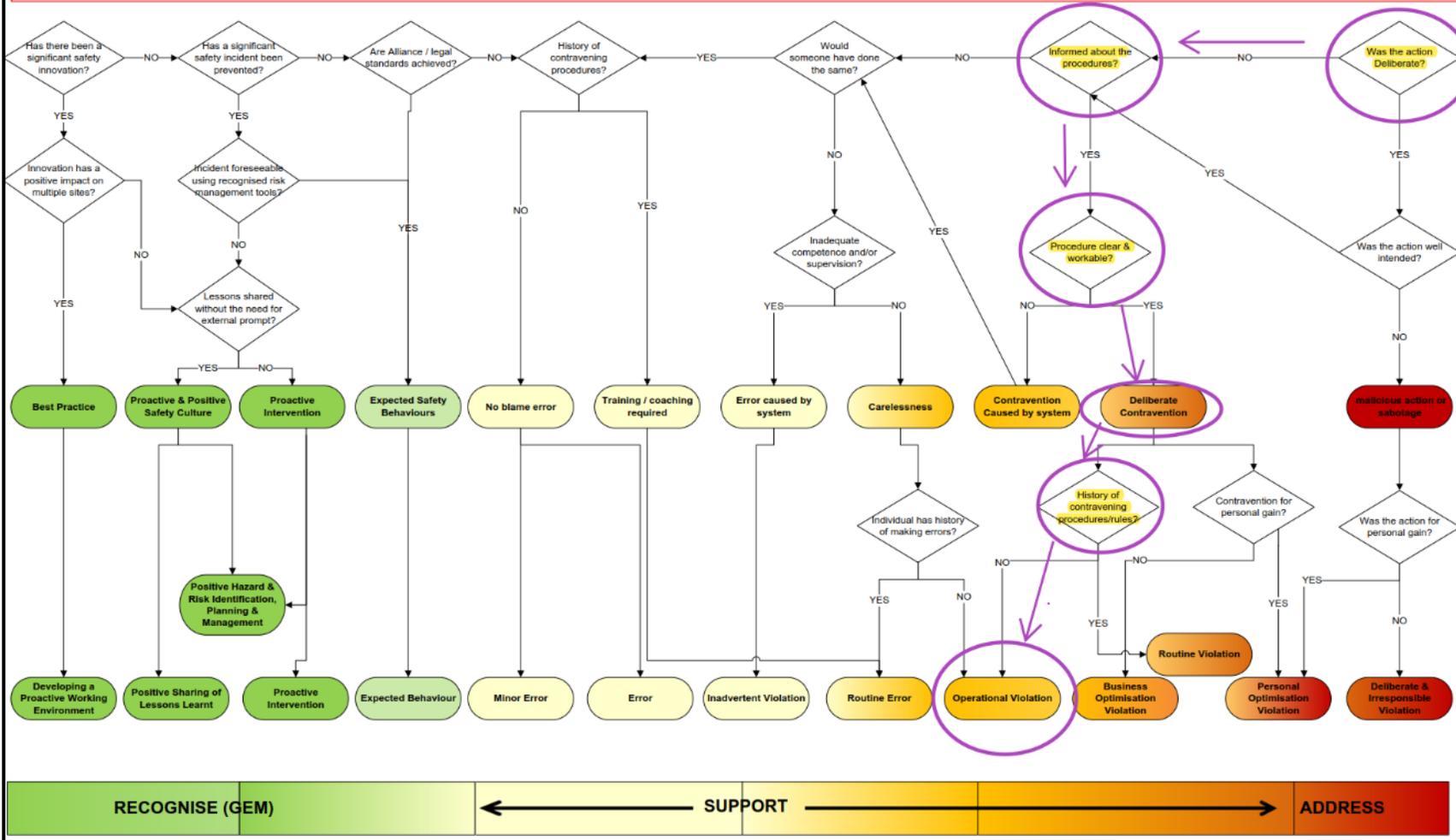System Management

Uncontrolled if printed

Support

Incident - Overturned Excavator
Individual - Banksman
Role - Was not appointed and untrained to undertake the role.
Just and Fair Outcome - No Blame Error / Minor Error
Consequence - Coaching requirement

Has there been a significant safety innovation? —NO→ Has a significant safety incident been prevented? —NO→ Are Alliance / legal standards achieved? —NO→ History of contravening procedures? ←YES— Would someone have done the same? ←NO— Informed about the procedures? ←NO— Was the action Deliberate?

Innovation has a positive impact on multiple sites? (YES)

Incident foreseeable using recognised risk management tools? (YES)

Lessons shared without the need for external prompt?

Inadequate competence and/or supervision?

Procedure clear & workable?

Was the action well intended?

Best Practice
Proactive & Positive Safety Culture
Proactive Intervention
Expected Safety Behaviours
No blame error
Training / coaching required
Error caused by system
Carelessness
Contravention Caused by system
Deliberate Contravention
malicious action or sabotage

Individual has history of making errors?

History of contravening procedures/rules?

Contravention for personal gain?

Was the action for personal gain?

Positive Hazard & Risk Identification, Planning & Management

Routine Violation

Developing a Proactive Working Environment
Positive Sharing of Lessons Learnt
Proactive Intervention
Expected Behaviour
Minor Error
Error
Inadvertent Violation
Routine Error
Operational Violation
Business Optimisation Violation
Personal Optimisation Violation
Deliberate & Irresponsible Violation

RECOGNISE (GEM) ← SUPPORT → ADDRESS

Company: MWH Treatment
Owner: System Management
IFS Doc No.: SYGD/2012652

Page 5 of 13
Revision 1
July 2020

System Management

Address

Incident - Overturned Excavator
Individual -Site Manager
Role - Failure to ensure the Banksman was trained and or subcontractor was following their own RAMS
Just and Fair Outcome - Deliberate Contravention / Operational Violation
Consequence - Coaching on the need for and how to say 'stop' until the job can be carried out safely. Low level disciplinary action in line with the @one and Partner HR guidelines

| RECOGNISE (GEM) | SUPPORT | ADDRESS |

Company: MWH Treatment
Owner: System Management
IFS Doc No.: SYGD/2012652

Page 6 of 13
Revision 1
July 2020

System Management

Uncontrolled if printed

APPENDIX B: CONSEQUENCE MATRIX

Behaviour	Description	Consequences to	
		Individual	**Individuals Line Manager**
Positive Recognition			
Developing a Proactive Working Environment	Industry leading practice which goes beyond what would be conventionally deemed as 'safe' or 'legal' - the action / activity is not being undertaken elsewhere in MWHT. Clear two-way communications and mutual respect for safety between management and operatives; Proactive implementation and development of behavioural safety; Clear evidence of a positive safety culture; Regular unsolicited feedback and uses Feedback to Improve safety and / or Wellbeing.	Recognition from line manager and managers management. Provide discretionary sources of positive reinforcement (that the individual will see as a Positive Reinforcer) in line with agreed standards and approvals. e.g. • Personal Praise • Letter of thanks • Career Progression • Public Recognition (NB this may be seen as a punishing consequence by some) • Nomination for a Spot Bonus or SHEQ Award • Nomination for Industry Award • Recognition in PDR	Recognition from line manager and managers management Where this behaviour is displayed regularly by their team, discretionary sources of positive reinforcement should be provided in line with agreed standards and approvals. e.g. • Personal Praise • Letter of thanks • Career Progression • Public Recognition (NB this may be seen as a punishing consequence by some) • Nomination for a Spot Bonus or SHEQ Award • Nomination for Industry Award • Recognition in PDR
Proactive Sharing of Lesson Learnt	Unsolicited sharing of lessons learned, which have or could have prevented a potentially fatal incident occurring. Lessons learned are:		

Company: MWH Treatment
Owner: System Management
IFS Doc No.:   SYGD/2012652

Page 7 of 13
Revision 1
July 2020

System Management

Behaviour	Description	Consequences to	
		Individual	**Individuals Line Manager**
	• Communicated in a way to give a measurable benefit; • Followed up on and kept relevant; • Demonstrable use in improving working practices.		
Proactive Hazard and Risk Identification, Planning and Management	Effective hazard identification programme (Improve It reporting through Report IT!) supported by all parties; Regular unsolicited reporting and resolution of identified hazards; All parties engaged in identification of risks and how to manage them.		
Proactive Intervention	Intervening in situations that could lead to problems, errors or violations e.g. stopping someone behaving unsafely, or an unsafe task or own task.		
Expected Behaviour	Doing what is expected of you and required by MWHT	Positive recognition from line manager and managers management	Recognition and positive reinforcement from line manager and senior managers if their whole team is performing in this way

Company: MWH Treatment
Owner: System Management
IFS Doc No.: SYGD/2012652

Page 8 of 13
Revision 1
July 2020

System Management

Uncontrolled if printed

Behaviour	Description	Consequences to	
		Individual	**Individuals Line Manager**
Support			
Minor Error	Results in doing something twice or forgetting to do something where the individual involved may not be to blame.	Coaching in spotting errors and hazards, why they happen and importance of reporting	Coaching for supervisors and understanding of why errors occur
Error	Results in the desired end result not being realised - due to poor decisions, planning or lapse of concentration.	Training and Competence Development Discussion with line manager as to why they thought the error occurred	Coaching in • Supervising and understanding of why errors occur • Competence Management
Inadvertent Violation	Results from people being unaware of the rules or not understand them due to a lack of competence (skills, knowledge and experience).	Training and coaching requirement	Coaching on how to ensure their team are aware of and understand processes and rules
Routine Error Individual has a personal history of making errors	An individual has a history of making violations and has a general disregard for rules, procedures etc.	Assess individual's ability to carry out the role and their fitness for work. Consider additional training and development and redeployment to a more suitable role	Coaching on • Assessment of individuals • Fitness for work • Performance Management
Routine Error Same error being made but by different people	The violation is regularly committed by different people with the same experience and training.	Team to receive training and coaching in spotting errors and hazards, understanding why they occur and the importance of reporting them to identify trends and address them	Coaching in • Supervising and understanding of why errors occur • Understanding the downstream impact of their own behavior • Competence Management Issue to be recorded and addressed in PDR.

Company: MWH Treatment
Owner: System Management
IFS Doc No.: SYGD/2012652

Page 9 of 13
Revision 1
July 2020

System Management

Behaviour	Description	Consequences to	
		Individual	**Individuals Line Manager**
Operational Violation	Work cannot be carried out or will take longer if the rules are followed - instead of stopping the job the rules are ignored	Coaching on the need for and how to say "Stop" until the job can be carried out safely Incident to be investigated in line with HR disciplinary/capability policies	Coaching on • Understanding the downstream impact of their behaviours and why people do what they do • Planning • Managing operational violations Issue to be recorded and addressed in PDR. If this is a reoccurring violation • Incident to be investigated in line with disciplinary/capability policies – they are creating the environment and culture that results in the violation.
Business Optimisation Violation	The violation was committed for the benefit of someone else e.g. the Alliance - to improve performance or please the supervisor	Coaching on the need for and how to say "Stop" until the job can be carried out safely Incident to be investigated in line with HR disciplinary/capability policies	Coaching on • Understanding the downstream impact of their behaviours and why people do what they do • Managing business optimisation violations Issue to be recorded and addressed in PDR. If this is a reoccurring violation • Incident to be investigated in line with disciplinary/capability policies – they are creating the

Company: MWH Treatment
Owner: System Management
IFS Doc No.: SYGD/2012652

Page 10 of 13
Revision 1
July 2020

System Management

Behaviour	Description	Consequences to	
		Individual	**Individuals Line Manager**
			environment and culture that results in the violation.
Routine Violation Same violation made but by different people	The violation is regularly committed by different people with the same experience and training.	Team to receive behavioural coaching and training in situational awareness and why routine violation occur.	Training on • Understanding the downstream impact of their behaviours and why people do what they do Issue to be recorded and addressed in PDR. • Appropriate disciplinary action in line with HR guidelines and policies – they are creating the environment and culture that results in the violation. • PDR to be affected. Investigation as to why the line manager is condoning this behaviour.
Routine Violation Individual has a personal history of violations	An individual has a history of making violations and has a general disregard for rules, processes etc.	Incident to be investigated in line with HR disciplinary / capability policies and performance management process. Feedback (anonymously) to wider project team of the violation and its consequences to the individual and line manager	Coaching on • How to spot and manage routine Violations. Training on • Understanding the downstream impact of their behaviours and why people do what they do Issue to be recorded and addressed in PDR. If multiple Routine Violations are

Company: MWH Treatment
Owner: System Management
IFS Doc No.: SYGD/2012652

Page 11 of 13
Revision 1
July 2020

System Management

Behaviour	Description	Consequences to	
		Individual	**Individuals Line Manager**
			occurring, investigate why line manager is condoning such behaviour. • PDR to be affected if line manager is found to condone such behaviour Appropriate disciplinary action in line with HR guidelines and policies – they are creating the environment and culture that results in the violation.
Personal Optimisation Violation	The violation was committed for personal gain, such as longer break, ease of getting the job done etc.	Incident to be investigated in line with HR disciplinary / capability policies and performance management process. If there is a history of the individuals displaying this behaviour, exclusion from site should be considered. Feedback (anonymously) to wider project team of the violation and its consequences to the individual and line manager	Training on • Understanding the downstream impact of their behaviours and why people do what they do Issue to be recorded and addressed in PDR. If this is a reoccurring violation • Incident to be investigated in line with disciplinary/capability policies – they are creating the environment and culture that results in the violation. • Training on performance management • PRD to be affected Investigation as to why the line manager is condoning this behaviour.

Company: MWH Treatment
Owner: System Management
IFS Doc No.:   SYGD/2012652

Page 12 of 13
Revision 1
July 2020

System Management

Behaviour	Description	Consequences to	
		Individual	**Individuals Line Manager**
Deliberate and Irresponsible Violation	Individual committing the violation does not think or care about the consequences e.g. gross negligence	Suspend activity and individual pending investigation Incident to be investigated in line with HR disciplinary / capability policies and performance management process Feedback to wider team of the violation and its consequences to the individual and the line manager	Coaching on • Supervising and how to identify / address such behaviour at an earlier stage,

Uncontrolled if printed

Company: MWH Treatment
Owner: System Management
IFS Doc No.: SYGD/2012652

Page 13 of 13
Revision 1
July 2020