

## **The Model WHS Legislation – What does not work and why**

*A reasonable estimate of economic organization must allow for the fact that, unless industry is to be paralyzed by recurrent revolts on the part of outraged human nature, it must satisfy criteria, which are not purely economic*

R H Tawney - *Religion and the Rise of Capitalism* (1926)

The most fundamental weakness of the Model WHS Act is the ineffectiveness of its object in Division 2, especially Subsection 1, Clauses 3a, 3b, 3c and 3h. This enervates the entire legislative framework and renders the Safe Work Australia strategy, which advocates a responsive and effective regulatory framework, like a house of cards on a flood plain.....*No matter how beautiful your strategy, you should occasionally look at the results.*

Irrespective of their occupation or political persuasion every employee has a fundamental right to a healthy and safe working environment. This allows them to lead successful working lives and is consistent with the United Nations Universal Declaration of Human Rights. It also aligns with the object of harmonised legislation, which is to provide a balanced and nationally consistent framework and secure the health and safety of people at work.

The emasculation of the legislative framework commenced with the relocation of the National Occupational Health and Safety Commission to Canberra in June 2000 and included its subsequent dissolution in January 2006. During the transition, a former BHP executive was appointed as an interim chairman and almost two decades later, harmonisation and national uniformity remains unresolved.

Safe Work Australia, is merely a statutory agency. It requires ministerial council approval of corporate and operational plans and allows the Subiaco besom, our Minister of Jobs and Innovation to veto the appointment of its representatives. The fundamental tenets of independence and tripartite arrangements have been relinquished and you cannot be half pregnant. This neoliberal laissez faire dogma and its shallow commitment is best summarised by the late Harry S. Truman.....*Always be sincere, even if you don't mean it.*

Chapter 10 in the Model WHS Regulations allows for mine safety legislation to be incorporated into the legislative framework. However in Queensland, mining and oil and gas legislation comes under the jurisdiction of the Department of Natural Resources, Mines and Energy. It creates a potential conflict of interest and significantly increases the risk of regulatory capture. This was identified in the Cullen report following the Piper Alpha oil rig disaster in 1988 and in the recent Queensland parliament *Black Lung White Lies* report.

The recent introduction of gross negligence causing death or industrial manslaughter to reinforce Queensland WHS legislation is inapposite to its mining and resources sector. It is reactive and divisive legislation that peddles more blame and fear and enervates any remaining skerrick of confidence in the current arrangements.

Moreover, it has overcomplicated and further disrupted national uniformity and harmonisation. This is a fundamental tenet of the *COAG Intergovernmental Agreement*, *International Labour Organisation Convention C155* and object of the Queensland WHS Act 2011 and *Model WHS Act*. It is rather absurd but under the amended legislation corporations and senior officers may face industrial manslaughter charges following a fatality on a construction site but not at a coalmine, metalliferous mine or operating petroleum plant and drilling rigs.

It will provide safety consultants and registered training providers with a steady income via delivery of mundane death by Pierrepont training courses. Mandatory training for health and safety representatives and appointment of work health and safety officers is purely symbolic given genuine independence and tripartite arrangements were relinquished under the Safe Work Australia Act 2008.

The outcome will merely benefit training organisations and achieve an insignificant reduction in risk. It will confirm the course presenters have a pulse and the participants can scrawl their name on an attendance register. Much of this training is superficial rote learning or indoctrination. Its focus on legislation and antediluvian accident theory confuses learning with metrics. It will be as ineffective as the general construction induction or white card. Governments are never more vulnerable to committing acts of stupidity than when they demonstrate an avowed intent to its electorate. Its Kafkaesque bureaucracy is now matched by a Camusian Myth of Sisyphus absurdism and Cicero's dictum resonates.....*More law, less justice.*

In Queensland there are currently 66 confirmed cases of mine dust lung diseases and the victims continue to suffer. Meanwhile the *Black Lung - White Lies* and Rathus reports have been shelved to accumulate dust as the toll escalates. The state government juggles with chain saws to reduce the financial impact on its virtual pot of gold, which masquerades as a workers' compensation scheme. Its self-insurance arrangements using accredited auditors failed to identify an operational risk of respirable dust in underground coal mines. The independent JAS-ANZ scheme with surveillance and recertification audits by accredited conformity assessment bodies with certified auditors was as equally ineffective.

Furthermore, anything that remotely jeopardises the Adani Carmichael project, which is another race to the bottom, becomes a political hot potato. The doublespeak rhetoric flows incessantly, especially with fundamentalist ideologies such as zero harm. The harridan Minister for Jobs and Innovation exerts formidable authority over Safe Work Australia, which is only an agency with superficial independence. It assists with delivery of a workplace relations system amidst an autonomous neoliberal maelstrom. This is reinforced by a unilateral doctrine of laissez faire with a malevolent freedom to harm and abrogation of moral responsibility. The following endogenous and exogenous issues undermine the effectiveness of the Model WHS legislative framework and the Safe Work Australia strategy:

- Rampant unfettered neoliberalism with its laissez faire doctrine
- Regulatory capture and revolving doors
- Race to the bottom
- The gig economy and franchising
- WHS curriculum

The gig economy is merely indentured servitude or peonage and is exacerbated by franchising, which has an enormous socioeconomic impact and significantly increases psychosocial risks. Recent media investigations provide ample substantive evidence involving Covina Farms, 7-Eleven, Retail Food Group, Domino's Pizza Enterprises, AeroCare and Tip Top Bakeries.

Following the great financial crisis, hardly a week elapses without an exclusive expose of malfeasance, turpitude or noncompliance with good governance and the principles of corporate social responsibility. The miasma is evident across countless commercial and industrial sectors including aged care, building and construction, energy markets, financial services, franchising, mining and mineral resources, retail, telecommunications, transport and waste recycling.

The industrial safety discipline is currently renowned for its excessive Kafkaesque bureaucracy and brutal gotcha culture. It is underpinned by puerile binary oppositional logic with an emphasis on regulations and compliance to the letter of the law. This places an inordinate focus on objects or insignificant hazards and diverts attention from subjects or operational risk. A dearth of critical thinking or discernment is evident, which destroys creativity, learning and innovation. It eventually depersonalises and disparages humans who are treated like automatons or extensions of machines and resemble the Epsilons of Huxley's Brave New World.....*We don't need no education, we don't need no thought control, no dark sarcasm in the classroom, teacher leave us kids alone.*

The legislative framework advocates a performance based, preventive, systematic and consultative risk management approach. It is somewhat constrained by an immature and anachronistic safety curriculum. This teleological schema is merely a cultural reproduction process that signifies its trajectory, projects its future and preserves the interests of the powerful. Political motives are deceptively disguised and invariably support establishments that regurgitate its content and justify their actions within those institutions.

The current safety curriculum adopts a mechanistic and reductionist perspective that is infatuated by adversarial legislation and accident theory apothegms, which place an extraordinary emphasis on reactive performance metrics. After several decades industrial safety remains preoccupied by the absence of harm, which has propagated an entrenched culture of risk aversion. It is alienated by a climate of compliance and enforcement that cultivates blame, fear, retribution, anxiety and anomie, which significantly increases psychosocial risks.

The way a curriculum is presented significantly influences learning and has a profound impact on industrial safety. This is frequently referred to as incidental learning or the hidden curriculum, which is more often caught rather than taught. It currently regards students as receptacles for data and confuses metrics with learning and requires methodological and ontological change using a transdisciplinary approach.....*All in all you're just another brick in the wall.*

In 1992-3, the cost of work related injury and disease in Australia exceeded \$20 billion and it was uniformly distributed between employers (40%), employees (30%) and the community (30%). The allocation of cost to specific agents is quite complex and extremely dependent on the outcome severity. It significantly increases for individuals, their dependents and the community if the consequences involve traumatic fatalities or serious injuries. More recent estimates put the cost at \$62 billion per year with a staggering redistribution amongst employers (5%), employees (77%) and the community (18%). The allocation of costs endured by employees has increased by a staggering 157% with a corresponding decrease of 88% for employers.

This unhealthy alliance of state and corporate interests is a moral abrogation of responsibility and may also be a significant contributory factor in the resurgence of mine dust lung diseases. Even the Subiaco besom could do the math on her infamous white board and establish who the losers are in this callous arrangement of casino capitalism with its winner takes all philosophy.....*One of the necessary accompaniments of capitalism in a democracy is political corruption.*

This variation, despite a steady decrease in fatalities and serious injuries, is partly attributed to significant increases in average weekly earnings. However, descriptive statistics often conceal more than they reveal and correlation does not imply causation. Additional exogenous factors, which include rampant neoliberalism with its laissez faire doctrine, the gig economy and an unabashed worship of profit may be significant weapons in Abaddon's arsenal.

Much of this malaise can be traced back to the 1970s when dozens of think tanks were established throughout the western world and provided with billions of dollars to promote an economic model of deregulation, diminution and privatisation. This corporate call to arms was instigated by [Lewis Powell](#) and [Bryce Harlow](#) in the United States to reform the egalitarian clemencies of the 1960s. It involved the merger of corporate and state interests and an enormous redistribution of power. Its impact has destroyed many of the social reforms of democratic governments, including workplace health and safety, which begs the question.....*Quis custodiet ipsos custodes?*

Many of these issues cannot be resolved using traditional accident theory supplemented by myopic black box psychology of behaviour based safety. It is a wicked problem and requires a transdisciplinary approach that integrates risk theory with the fundamental principles of social psychology. The conundrum is neatly summarised by Einstein.....*Objective knowledge provides us with powerful instruments for the achievements of certain ends but the ultimate goal itself and the longing to reach it must come from another source.*

The attached treatise provides a comprehensive overview of the current predicament facing industrial safety and details many of the exogenous and endogenous risks that render the Model WHS legislation ineffective.....*The further society drifts from the truth, the more it will hate those that speak it.*

Bernard Corden

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# Zero to HRO (High Reliability Organising)

## Abandoning antediluvian accident theory

Contributing author

Bernard Paul Corden

GDipOHM

*Er cof am blant y ysgol 116 a 28 o oedolion a fu farw yn Aberfan 21ain Hydref 1966*



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# **Zero to HRO (High Reliability Organising)**

## **Abandoning antediluvian accident theory**

### **Abstract**

The recent resources boom in Australia saw a commensurate focus on occupational health and safety management. It also presented a unique opportunity to generate transformational change using a transdisciplinary evidence based approach. However, direct observation of activities and confirmation from colleagues across many projects, indicates significant regression and a resurgence of putative accident theory. This has been supplemented with a plethora of nebulous soft systems change management processes, which includes the ubiquitous and pestilential concept of zero harm.

This succinct treatise reflects on the systematic destabilisation and emasculation of occupational health and safety architecture over recent years and explores several interdependent and exogenous contributory factors, which have compromised its legitimacy. This includes a race to the bottom via rampant neoliberalism and its laissez faire doctrine, regulatory capture and the embryonic gig economy with an inchoate precariat. It reviews the concurrent renaissance of accident theory and compares its attributes with risk management principles, the Shingo model of operational excellence and distinctive features of high reliability organisations.

It recommends abandoning atavistic accident theory and adopting a systemic risk management approach, which provides a process and evidence based transdisciplinary framework to align with the guiding principles of operational excellence and the unique traits of high reliability organisations.

### **Keywords**

Accident theory, risk theory, operational excellence, high reliability organisations.

### **Conflict of interest**

The author of this paper declares no conflict of interest.

My gratitude extends to Professors Dennis Else, Derek Viner, David Borys, Steve Cowley and the Intake 26 team from the Victoria Institute of Occupational Safety and Health at the University of Ballarat for their wisdom and enlightenment all those years ago.

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*Men of power have no time to read, yet men who do not read are unfit for power*

Michael Foot

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## Working Class Hero – John Lennon

<https://www.youtube.com/watch?v=iMewtlmkV6c>

*As soon as you're born they make you feel small  
By giving you no time instead of it all  
Till the pain is so big you feel nothing at all  
A working class hero is something to be  
A working class hero is something to be*

*They hurt you at home and they hit you at school  
They hate you if you're clever and they despise a fool  
Till you're so fucking crazy you can't follow their rules  
A working class hero is something to be  
A working class hero is something to be*

*When they've tortured and scared you for twenty-odd years  
Then they expect you to pick a career  
When you can't really function you're so full of fear  
A working class hero is something to be  
A working class hero is something to be*

*Keep you doped with religion and sex and TV  
And you think you're so clever and classless and free  
But you're still fucking peasants as far as I can see  
A working class hero is something to be  
A working class hero is something to be*

*There's room at the top they're telling you still  
But first you must learn how to smile as you kill  
If you want to be like the folks on the hill*

*A working class hero is something to be  
A working class hero is something to be  
If you want to be a hero well just follow me  
If you want to be a hero well just follow me*

## Introduction

*A reasonable estimate of economic organization must allow for the fact that, unless industry is to be paralyzed by recurrent revolts on the part of outraged human nature, it must satisfy criteria, which are not purely economic*

R H Tawney - *Religion and the Rise of Capitalism* (1926) <sup>1</sup>

The recent resources boom in Australia saw a commensurate focus on workplace health and safety. It also created a perfect opportunity to generate transformational change using [risk theory](#) with a [transdisciplinary](#) evidence based approach. However, affirmation from many projects indicates significant regression with a resurgence of egocentric [accident theory](#), which is antagonised by a plethora of complex and nebulous psychology based nostrums. This has constrained progress, shredded legitimacy and generated a concomitant increase in [obscurantism](#) and [agnotology](#). <sup>2-10</sup>

Corporate safety strategies and policies often embrace [risk theory](#) but it is a patina of [good governance](#) and [corporate social responsibility](#). Further investigation at operational and tactical levels usually discovers a misalignment of strategy and atavistic [accident theory](#) prevails. It is flourishing throughout the resources sector and has been subliminally embraced by cohorts of evangelical safety crusaders and many project managers. <sup>11-13</sup>

Rampant unfettered [neoliberalism](#) has created a [race to the bottom](#) with a [laissez faire](#) doctrine and malevolent [freedom to harm](#) amidst a culture of [casino capitalism](#) and [kleptocracy](#). [Regulatory capture](#) is also apparent and complemented by an embryonic [gig economy](#) generating contingent employment via an emergent [precariat](#). It is exacerbated by insufferable bureaucracy, cause effect dogma and an unconscionable focus on reactive performance metrics, especially recordable [injury frequency rates](#). <sup>14-28</sup>

Meanwhile, a cornucopia of displacement activities has been implemented. This includes [zero harm](#), behaviour based safety programs, cultural surveys, incentive schemes and a concoction of abstract [soft systems](#) change management processes. It is compounded by a precarious over reliance on cosmetic lower order administrative protocols and the use of personal protective equipment. This is reinforced via intimidation and fear and inculcated using a relentless stream of corporate bilge and turgid sesquipedalian sludge masquerading as leadership, which begs the question.....*Quis custodiet ipsos custodes?* <sup>29-45</sup>

## Legislation

*Injustice anywhere is a threat to justice everywhere*

Martin Luther King Jr <sup>46</sup>

In March 2004 the [Commonwealth of Australia](#) ratified International Labour Organization [Convention C155](#). Its framework provides for a nationally consistent and coherent policy to secure the health and safety of people at work. However, the federal government has no constitutional power covering general health and safety legislation. It is administered by individual states and territories and almost two decades later national uniformity and the harmonisation of safety legislation remains unresolved. <sup>47-50</sup>

In September 2011, [Safe Work Australia](#) developed a single set of model work health and safety laws to be implemented by the commonwealth, states and territories across Australia. [Safe Work Australia](#) merely maintains these laws, which include a model [Work Health and Safety Act](#) supported by regulations and codes of practice. Commonwealth, state and territory statutory authorities are responsible for the regulation and enforcement of these laws in their respective jurisdictions. This is accomplished using a national compliance and enforcement policy, which was endorsed by the [Workplace Relations Ministers' Council](#) in August 2011. Current arrangements adopt preventive mechanisms based on the precautionary principle using a principal Act, which is supported by a no fault workers' compensation scheme. The Act merely codifies duty of care principles of common law, which are summarised by the systems model of risk control ([Figure 1](#)). <sup>51-57</sup>

### Model Work Health and Safety Act

Its primary object is to provide for a balanced and nationally consistent framework to secure the health and safety of employees and workplaces. Duty holders must eliminate or minimise risk and establish effective and democratic consultation and communication protocols. It also specifies requirements for the provision of information, education, training and securing compliance. An [explanatory memorandum](#) describes how the Act operates and [interpretive guidelines](#) explain transitional arrangements and health and safety duties. Additional documents define the terms [reasonably practicable](#) and person conducting business or undertaking and provide clarification on [discriminatory, coercive or misleading conduct](#). <sup>58-66</sup>



## Model Work Health and Safety Regulations

The [model regulations](#) prescribe requirements to support specific duties under the Act via a preventive, systematic and consultative risk management approach. It also includes procedural and administrative arrangements covering licensing and record keeping. An [explanatory statement](#) describes how the regulations operate and a [supplementary guide](#) provides a broad overview of statutory obligations. <sup>67-69</sup>

## Model Codes of Practice

The [model codes of practice](#) provide practical guidance for achieving the prescribed standards of health and safety and must be approved in the relevant jurisdiction to establish any legal status. <sup>70-71</sup>

## Harmonisation

The harmonisation process was part of the [Council of Australian Governments](#) national reform agenda which aimed to reduce regulatory burden and create a seamless national economy. Its performance based approach contrasts with the prescriptive legislative regime in the United States. However, following investigations into many disasters over the past fifty years, evidence suggests both approaches are equally unsuccessful in stemming the tsunami of damage, injury and loss. It indicates that regulators are unable to envisage any tangible logic for legislation much beyond defining responsibility and allocating blame. <sup>72-74</sup>

The recent independent review panel inquiry into the [Hillsborough](#) stadium disaster uncovered flawed coronial procedures, dubious police practices and regrettable inquest verdicts. It also raised serious concerns about the institutional, structural and entrenched deficiencies in the law and its administration. Indeed it appears legislation is almost irrelevant as a preventive mechanism and the solution obviously lies elsewhere. An alternative approach includes the concept of systemic risk control, which is discussed extensively by [Rowe](#) and [Viner](#). It is also a prominent feature in the constitution of the [Berufsgenossenschaften](#) or professional industry associations in Germany. <sup>75-81</sup>

Following disasters such as [Aberfan](#), [Piper Alpha](#), [Hillsborough](#) or the recent [Grenfell Tower](#) inferno, the bereaved and survivors often find to their financial and emotional cost that the theatre of law has very little to do with the discovery of truth and realisation of justice. The only parole for the grieving dependents is death or dementia. <sup>82-83</sup>

## Race to the bottom

*Everybody knows that the boat is leaking, everybody knows that the captain lied*

Leonard Cohen <sup>84</sup>

[Race to the bottom](#) is a socioeconomic condition, which occurs when nations, states and corporations sacrifice safety, regulations and wages via deregulation and diminution of labour standards in order to retain or attract economic activity in the respective jurisdiction. This gained traction in the United States during the 1930s, following the great depression. It operates ingeniously and circumvents the legislative framework using several mechanisms, which include [regulatory capture](#) and contingent employment via [the gig economy](#). The enforcement of regulations and labour standards becomes less vigorous with escalating violations. This has become increasingly prevalent with the resurgence of rampant and unfettered neoliberalism since the 1980s. It is evident across Australia, particularly in the aviation services, retail, agricultural, resources, construction and horticultural sectors. <sup>85-89</sup>

### Neoliberalism and laissez faire safety

[Neoliberalism](#) encourages the value of free market competition and reflects the unilateral doctrine of [laissez faire](#) economics endorsed by the profits of cents, [Ludwig von Mises](#), [Friedrich Hayek](#) and [Milton Friedman](#). It advocates free trade policies with an unrestricted transfer of international capital, which was embraced by many major global conservative political parties during the 1980s and promoted as [trickle-down economics](#). <sup>90-97</sup>

Its relentless pursuit of power and profit is even supported by many socialist or democratic governments. Symptoms include privatisation, deregulation, contracting and competition in public services, diminution of trade unions and massive tax cuts for many corporations, their wealthy executives and investors. Policies were imposed without democratic consent by the [World Bank](#), [International Monetary Fund](#) or the [World Trade Organisation](#). It promotes freedom and choice using a paradoxical slogan, which was often reiterated by the late [Margaret Tina Thatcher](#)..... *There is no alternative*. This creates immense inequality with a malevolent [freedom to harm](#), which endangers the environment and increases the risk of [industrial diseases](#) and [psychosocial disorders](#). Meanwhile, corporate behemoths take the profits and the state endures the risk. It eventually results in increased taxes, crumbling infrastructure and the deterioration of public health and many other community services. <sup>98-106</sup>

In June 2000, the federal government announced it would move the [National Occupational Health and Safety Commission](#) from Sydney to Canberra. Many experienced employees did not relocate and resigned. Its budget was slashed by almost \$4 million and it remains parsimonious with workers compensation added to the portfolio. Meanwhile federal and state governments persevere with a political and economic destabilisation strategy. <sup>107-110</sup>

The ratification of International Labour Organization [Convention C155](#) was fundamental to harmonisation of safety legislation. Nonetheless despite recommendations from the [Industry Commission](#), the federal government under [John Howard](#), a staunch neoliberal acolyte, deliberately stonewalled its endorsement. <sup>111-114</sup>

This raised increasing concern over compliance with other fundamental conventions and international obligations and it was begrudgingly and belatedly approved in March 2004. However in January 2006, the federal government with control in the senate, dissolved the [National Occupational Health and Safety Commission](#). It was replaced by an administrative and advisory body, the [Australian Safety and Compensation Council](#). <sup>115-119</sup>

In November 2009, the federal labour government cautiously redressed the situation and established [Safe Work Australia](#), which is merely a statutory agency. It requires ministerial council approval of corporate and operational plans and allows the Subiaco besom, our [Minister for Jobs and Innovation](#) to veto appointment of its representatives. The fundamental tenets of independence and tripartite arrangements have been relinquished and you cannot be half pregnant. This [neoliberal laissez faire](#) dogma and its shallow commitment is best summarised by the late [Harry S. Truman](#).....*Always be sincere, even if you don't mean it.* <sup>120-128</sup>

Irrespective of their occupation or political persuasion every employee has a fundamental right to a healthy and safe working environment. This allows them to lead successful working lives and is consistent with the [United Nations Universal Declaration of Human Rights](#). It also aligns with the [object](#) of harmonised legislation, which is to provide a balanced and nationally consistent framework and secure the health and safety of people at work. The destabilisation campaign commenced with the emasculation of the [National Occupational Health and Safety Commission](#) in June 2000 and included its subsequent dissolution in January 2006. During the transition, a former [BHP executive](#) was appointed as an interim chairman and almost two decades later, harmonisation and national uniformity remains unresolved. <sup>129-136</sup>

## Safe Work Australia strategy

The [laissez faire](#) safety dogma has significantly compromised the vision and several national action areas of the [Safe Work Australia strategy](#). These are detailed in [Figure 2](#) and include the fundamental elements of government, responsive and effective regulatory framework and research and evaluation. Its vision subliminally promotes a link between safety and productivity that is somewhat tenuous and surreptitiously advocates deregulation. [137-138](#)

The current strategy is like a house of cards built on a flood plain. It has been inundated by rampant [neoliberalism](#) with its culture of [casino capitalism](#), which is merely an alliance of government, corporate and commercial interests. This has besmirched the safety profession and [regulatory capture](#) is apparent within many statutory authorities.....*No matter how beautiful your strategy, you should occasionally look at the results.* [139-151](#)

The embryonic [gig economy](#) and its byzantine contingent employment arrangements has circumvented the legislative framework and obfuscated [duty of care](#). Research and education funding for many institutions has been ruthlessly slashed, which enervates the remaining interdependent action areas and has shredded strategic outcomes. [152-157](#)

It has generated a concurrent renaissance of atavistic [accident theory](#) with an inordinate focus on individual responsibility and unsafe acts. This creates spontaneous negative symptoms with many social encumbrances, which include blame, fear and retribution. A bad system eventually beats a good person and the bungling ineptitude is exquisitely encapsulated by [W. Edwards Deming](#) making toast.....*You burn and I'll scrape.* [158-160](#)

A harridan [Minister for Jobs and Innovation](#) exerts formidable authority over [Safe Work Australia](#), which is only an agency with superficial independence. It assists with delivery of a workplace relations system amidst an autonomous [neoliberal](#) maelstrom. This is reinforced by a unilateral doctrine of [laissez faire](#) with a malevolent [freedom to harm](#) and abrogation of moral responsibility. A [race to the bottom](#) has systematically undermined the entire occupational health and safety framework and compromised its legitimacy and integrity. Moreover and rather poignantly, the significant social and economic [costs](#) of injury and disease are increasingly borne by employees, their families and the broader community. This is reflected in the recent Queensland parliamentary inquiry and subsequent [Black Lung White Lies](#) report covering the resurgence of coal workers' pneumoconiosis. [161-170](#)

## The cost of work related injury and disease

Work related injury and disease undermines Australia's economic performance with a commensurate adverse impact on living standards. It imposes substantial direct and indirect costs on employers, employees and the community and its severity has a significant influence on who bears the cost. This was quite evident at many of the regional [public hearings](#) during the Queensland parliamentary inquiry into coal workers' pneumoconiosis.

The direct costs include workers' compensation premiums and subsequent payments to incapacitated employees. Indirect costs consist of reduced productivity, provision of social welfare programs, loss of current and future earnings and lost potential output. <sup>171-172</sup>

Over recent years there has been a significant resurgence of black lung amongst coal miners in the [United States](#) and [Australia](#). This follows systemic government and industry failures, which include a [laissez faire](#) safety philosophy and pluralistic ignorance with a diffusion of responsibilities. It is compounded by unrealistic productivity demands that force miners to work extended shifts and longer rosters. Furthermore, cutting equipment is now more powerful and efficient and is used in coal seams containing quartz or sandstone, which increases exposure to [respirable crystalline silica](#). Since 1970, the United States government and its coal mining industry has reimbursed over [\\$45 billion in compensation](#) to black lung victims. <sup>173-175</sup>

In 1992-3, the [cost](#) of work related injury and disease in Australia exceeded \$20 billion and it was uniformly distributed between employers (40%), employees (30%) and the community (30%). The allocation of cost to specific agents is quite complex and extremely dependent on the outcome severity. It significantly increases for individuals, their dependents and the community if the consequences involve traumatic fatalities or serious injuries. <sup>176</sup>

More recent estimates put the cost at \$62 billion per year with a staggering redistribution amongst employers (5%), employees (77%) and the community (18%). This variation, despite a steady decrease in fatalities and serious injuries, is partly attributed to significant increases in average weekly earnings. However, descriptive statistics often conceal more than they reveal and correlation does not imply causation. Additional exogenous factors, which include rampant neoliberalism with its [laissez faire](#) doctrine, the [gig economy](#) and an unabashed worship of profit may be significant weapons in [Abaddon's](#) arsenal. <sup>177-178</sup>

## Regulatory capture

*One of the necessary accompaniments of capitalism in a democracy is political corruption*

Upton Sinclair <sup>179</sup>

Rampant and unfettered [neoliberalism](#) or [casino capitalism](#) has seen an alarming increase in [regulatory capture](#) and its symptoms are evident amongst several federal and state legislative authorities. It involves government oversight or ineptitude and occurs when a statutory agency or authority advances the commercial or political concerns of special interest groups that dominate the industry or sector it is charged with regulating. <sup>180-183</sup>

A perception evolves where businesses receive preferences or benefits at the expense of the crown or public interest and the liaison appears unethical. Its tentacles extend far beyond the boundaries of government. Penetrating capture via intense lobbying has infiltrated the media, industry associations and most independent peak representative bodies. It is also termed client politics and the majority of costs are invariably borne by the government, which cascade onto taxpayers and the community, whilst an elite cabal of powerbrokers, lobbyists, public serpents and career politicians reap substantial benefits. <sup>184-189</sup>

Following the [great financial crisis](#), hardly a week elapses without an exclusive expose of malfeasance, turpitude or noncompliance with [good governance](#) and the principles of [corporate social responsibility](#). The miasma is evident across countless commercial and industrial sectors including aged care, building and construction, energy markets, financial services, franchising, mining and mineral resources, retail, telecommunications, transport and waste recycling. <sup>190-197</sup>

The risk increases when regulators adopt conciliatory and cooperative approaches via persuasion and negotiation in preference to adversarial and punitive enforcement. Conflict of interest also arises if the government agency has a fundamental responsibility for the productivity and economic success of the regulated industry. This was raised during the public inquiry into the [Piper Alpha](#) oil rig disaster. [The Cullen report](#) recommended statutory responsibility for offshore safety be transferred to the [Health and Safety Executive](#). It would reduce [regulatory capture](#) risks and curtail the production versus protection dichotomy. The rig operator, [Occidental Petroleum](#) was found guilty of having inadequate maintenance and safety procedures but no criminal charges were ever brought against the company. <sup>198-202</sup>

Several recent high profile incidents in the United States have raised significant concern regarding performance of federal and state regulatory authorities and their unhealthy relationship with regulated entities. In 2010, following the [Upper Big Branch](#) underground coalmine explosion in West Virginia, the state governor requested an independent investigation into the disaster. The report revealed the [US Department of Labor Mine Safety and Health Administration](#) failed to use its legislative power to ensure compliance with federal laws. Furthermore, the role of the state regulatory authority was repeatedly undermined and demoralised by the influence of [Massey Energy](#) through its socially autistic chief executive officer and corporate psychopath, [Don Blankenship](#). <sup>203-205</sup>

The [BP Deepwater Horizon](#) catastrophe resulted in multiple fatalities and the release of over 200 million gallons of oil into the Gulf of Mexico. The statutory agency provided select corporations with blanket exemptions for environmental impact statements and allowed many companies to drill without statutory permits. Industry lobbyists dismissed the disaster as an aberration and despite significant environmental risks, the regulator continued to issue exploration and drilling permits. It appears the agency had abandoned any pretense of regulating the industry and was complicit in the circumvention of legislation. The former BP executive [Tony Hayward](#), is now chairman with [Glencore](#), a mining conglomerate. <sup>206-209</sup>

[Regulatory capture](#) is prevalent throughout Alberta in Canada, which has vast [oil and gas reserves](#) and is the residential province of a former [neoliberal prime minister](#). It is evident across Australia and was identified during recent federal and state parliamentary inquiries into the resurgence of [coal workers' pneumoconiosis](#). <sup>210-221</sup>

It occurs across every government structural level and creates a distortion gap. Major corporations capture federal authorities to oppose or block state policies whereas smaller businesses capture state governments and use federal delegates as its industry voice. It involves financial and cognitive capture and an ostensible risk emerges when statutory officials develop cordial relationships with its regulated entities. It is extremely difficult to prove, especially without a precise definition of public interest. The risk significantly increases in rural and remote regions, where agency inspectors and their families share community services, sporting and social facilities and can develop close personal relationships with industry leaders and lobbyists. <sup>222-226</sup>



## Financial capture

This is referred to as materialist capture and is tantamount to [political corruption](#) and often financially motivated. It is normally employed by larger corporations through bartering of their vast resources. The regulator's logic is predominantly self-serving and often involves conflict of interest resulting in bribery with political donations and undisclosed gifts. It can also encompass employer sponsorship or funding of regulatory activities, which provides preferential access to policy making. This may occur due to insufficient government funding or when departmental budgets are ruthlessly slashed. <sup>227-228</sup>

A well lubricated [revolving door](#) prevails with the frequent transfer of employees between statutory authorities and regulated entities. This was identified during the corrupt birth of [coal seam gas projects](#) in Queensland. Indeed, the [Queensland Resources Council](#) chief executive officer resigned amidst the coal workers' pneumoconiosis inquiry and was recently rewarded with a sinecure as a [WorkCover Queensland](#) director. Many regulatory authority inspectors were previously employed by major mining conglomerates in senior management positions or statutory roles such as site senior executives or open cut examiners. They are often aware of skeletons in the closet and know where all the bodies are buried. Unless dismissal was acrimonious, the disclosure of any irregularities would be extremely unlikely, especially if they were sanctioned during their tenure as a mining company employee. <sup>229-240</sup>

In the United Kingdom, [Health and Safety Executive](#) board members are required to disclose conflicts of interest, which are published on its website. The risk of regulatory capture within the [European Agency for Safety and Health at Work](#) is quite low because its role does not include regulation, enforcement or inspection. However, a formal policy defines conflict of interest and establishes a robust framework to ensure it is managed effectively. It is supplemented by a breach of trust procedure. The agency director and executive team leaders must disclose declarations of interest and provide a summary of their resumes, which are readily available for public scrutiny. In Australia, there is little evidence covering declarations of interest on regulatory authority websites or in its annual reports. Indeed, a [Workplace Health and Safety Queensland](#) board member is the managing director of a large industrial consulting group. It supplies an extensive range of engineering services to the Queensland resources sector using interstate contingent labour hire. <sup>241-251</sup>



## Cognitive capture

This is also termed [non-materialist capture](#) and the regulator often embraces similar concepts to its regulated entities. It is more subtle than financial capture and involves capturing hearts and minds and extends much deeper to include the media, industry associations and peak representative bodies. This is favoured by many smaller businesses with the use of [propaganda](#), underdog rhetoric and indoctrination tactics to promulgate a narrative of culpability, which advocates the careless worker myth. <sup>252-255</sup>

Major corporations engage cunning media liaison officers to sanitise release of information following significant incidents. [Pecksniffian](#) and irreverent campaigns focus on injury management, rehabilitation and often feature grieving dependents. It diverts attention and transfers [duty of care](#) onto victims to disguise or absolve employer [negligence](#) and protect its corporate image. The outcome is merely ephemeral and it has resurrected atavistic [accident theory](#), promoted [zero harm](#) and created a sinister revival of [behavioural safety](#). <sup>256-262</sup>

The [Safety Institute of Australia](#) is the national association for the health and safety profession. It advocates making a superior contribution to its vision for safe and healthy workers in productive workplaces, which is accomplished by providing expert advice and being a voice for the unique perspectives of its profession. It failed, somewhat miserably, to provide any submissions to the Queensland parliament [coal workers' pneumoconiosis inquiry](#) or the extended terms of reference covering [other occupational respirable dusts](#).

Meanwhile, several of its senior representatives recently attended the [World Congress on Safety and Health in Singapore](#) to promote and embrace the concept of [Vision Zero](#). <sup>263-267</sup>

The shameful response to coal workers' pneumoconiosis by the [Safety Institute of Australia](#) was discussed with its chief executive officer and raised at a Queensland branch meeting during the launch of its strategic plan. The proffered excuse was insufficient technical expertise, which hardly reflects or aligns with its policy agenda, vision or mission statement.

This extraordinary explanation was most ironic given it operates a scheme for [certification of safety professionals](#) and its chairman was head of safety for a global mining and mineral resources behemoth. However, the [revolving doors](#) keep spinning like a casino roulette wheel and a current senior executive role at a major energy company is supplemented with a sinecure on the board of [Work Health and Safety Queensland](#). <sup>268-270</sup>

The [Safety Institute of Australia Queensland](#) branch celebrated the 25<sup>th</sup> anniversary of its [Visions](#) safety conference in Toowoomba and not one presentation covered coal workers' pneumoconiosis. Indeed, there was no official representation at any of the Queensland parliamentary inquiry [public hearings](#), which were held regularly throughout 2016-17. The silence and inertia from its careerist zombies on this significant issue and material risk resonates. It is not a voice for the unique perspectives of its profession, it is censorship by omission and redolent of cognitive regulatory capture..... *The opposite for courage is not cowardice, it is conformity. Even a dead fish can go with the flow.* [271-274](#)

## Mechanisms and prevention

[Regulatory capture](#) is a byzantine calumny that is simple to identify and categorise but quite difficult to prove. It is easily repudiated, elusive and rarely leads to any significant punitive action unless blatant political corruption is evident. It occurs via a labyrinth of complex processes, which include substantive legislation to favour specific business interests and self-serving biases with ideological motivated behaviour. Other damaging mechanisms, which can significantly increase the risk include insufficient government funding, ruthless budget cuts or ossification of statutory legislation. [275-279](#)

The simple solution is deregulation, which is a radical response and lets the competitive market act as the regulatory barometer. This [laissez faire](#) tactic is unhealthy and can easily degenerate into anarchy. Its [Nihilistic](#) ideology is somewhat analogous with sanctioning the use of performance enhancing drugs in sport..... *If you can't beat 'em, join 'em.* It is critical that existing legislation be regularly reviewed to ensure it remains current, practical and effective..... *If you have ten thousand regulations on the statute, you destroy all respect for law.* The dilemma of responsive regulation and whether to punish or reward is discussed extensively by [Kolieb](#), who advocates a compliance and aspirational approach. More recent developments include [nudge theory](#), which promotes [libertarian paternalism](#). [280-290](#)

Modified work practices can reduce the risk and involve astute supervisory surveillance, staff rotation policies and consistent reporting of activities. Additional strategies include contract confidentiality clauses, non-competing agreements, declaration of interests and reinforcing agency values using effective communication protocols. This is critical in rural and remote regions, where the risk is much more significant. [291-292](#)

[Regulatory capture](#) is insidious because a captured agency wields the power and authority of government. Its pathogenic and symbiotic symptoms can remain undetected for prolonged periods. Disclosure is unlikely because it benefits statutory officials and the regulated entity. It is best addressed by anticipatory tactics, which promote [principle based leadership](#) and emphasise the responsibility and integrity of executives and senior managers. An extensive review of [regulatory capture](#) and preventive strategies is provided by [Croley](#) and the [Administrative Conference of the United States](#). Additional precautionary guidance is offered by the [Australian National Audit Office](#).<sup>293-294</sup>

## A question of balance

Effective regulation is a critical component of a functional and sustainable economy and can be defined as any rule endorsed by government, where there may be an expectation of compliance. It must be designed to protect public interest without imposing unnecessary costs on its regulated entities or the broader community. Regulation is an important tool for achieving the social, economic and environmental policy objectives of governments. It attempts to influence or compel an acceptable standard of behaviour by business or society, which often requires a collaborative response. Depending on the context and nature of the risks the regulatory scope can range from an enforcement regime to a self-regulatory approach, which is significantly influenced by the incumbent government ([Figure 3](#)).<sup>295-298</sup>

The 1972 [Robens](#) report advocated self-regulation but failed to provide a precise definition or expand on the concept. In Australia the global intensification of [neoliberal](#) ideology has influenced its regulatory regime and since the late 1990s it has steadily deteriorated into deregulation. In 2013 the federal government advocated a commitment to [regulatory reform](#) with the aim of reducing the burden of regulation, boosting productivity and enhancing competitiveness, which was a smokescreen for deregulation. It coincided with the resources boom and stimulated a [race to the bottom](#) with a [laissez faire](#) doctrine. It favoured production over protection and is creating a [kleptocracy](#) with a substantial impact on work related injury and disease. Since 1993 the [allocation of costs](#) endured by employees has increased by a staggering 157% with a corresponding decrease of 88% for employers. This unhealthy alliance of state and corporate interests is a moral abrogation of responsibility and may also be a significant contributory factor in the resurgence of [coal workers' pneumoconiosis](#).<sup>299-303</sup>

*The voice of the majority is no proof of justice*

Friedrich Schiller <sup>304</sup>

The enactment of legislation by federal and state governments receives intense public and media scrutiny. Its enforcement is as equally important because laws are effective only to the extent they are administered and will have an insignificant impact if conviction is unlikely. Substantial resources are devoted to the prosecution of indictable and other offences such as murder, assault, kidnapping, burglary and theft to deter criminal activity. It also provides many of the victims with a degree of justice. Many argue that similar conditions should be applied to transgressions of corporations' law and work health and safety legislation but it seldom happens. Regulatory authorities often fail to pursue major organisations or their executives and convictions invariably result in derisory punishments with ash tray money penalties. It effectively provides conglomerates with a free rein to circumvent legislation and to deceive or mislead without suffering any serious consequences. <sup>305-310</sup>

The impact on victims is quite devastating and can prove fatal. Dependents are often neglected and left to rebuild their shattered lives from which many never recover. This failure to prosecute corporate behemoths or their executives following significant incidents has a corrosive effect on democracy. It undermines the foundations of society, especially the rule of law which is universally accepted as the benchmark of civilised nations. This protects the weak from the mighty and guarantees equitable justice. However, forcing corporations to compensate victims or the bereaved does not resolve the problem and certainly cannot reincarnate the deceased. Many advocates of a robust legal framework claim it generates efficiency but it has created a [Kafkaesque](#) bureaucratic monster and distortion gap. Markets which are left to their own devices tend to accumulate power and wealth for an elite coterie rather than engender competition. The standard of justice is now determined by the amount you can afford, which is rapidly deteriorating for the majority of society amidst a toxic culture of [casino capitalism](#) with its winner take all philosophy. Following any catastrophe, the quest for justice and performance of government and its regulatory authorities comes under intense scrutiny. This was evident during the tribunal of inquiries into the [Aberfan](#) and [Hillsborough](#) disasters in the United Kingdom. <sup>311-316</sup>

## Aberfan

A recent [BBC News](#) documentary commemorated the 50<sup>th</sup> anniversary of the disaster as a mistake that cost a village its children. A thixotropic avalanche of tailings slid down a hillside and engulfed the Pantglas junior school. It resulted in the deaths of 116 children and 28 adults and wiped out a generation. Many more suffered physical injuries, which were superficial compared to psychological damage. The local chapel was used as a makeshift mortuary and death certificates were issued at the fish and chip shop across the road. <sup>317-319</sup>

The bitter aftermath was a saga of cruelty and indignity. Surviving infants had no childhood and were deprived of a formal education. Divorce rates, nervous breakdowns and premature deaths increased through alcoholism and use of anti-depressants. Pastoral care was stigmatised and viewed with stoic suspicion. Families became embroiled in a bitter legal battle to obtain money for their children's gravestones. Meanwhile, the disaster fund was plundered by the government to cover the cost of removing the remaining slag heaps. It was proposed that compensation claims be limited via proof of emotional proximity. The report following the prolonged tribunal of inquiry was unsparing and concluded.....*The disaster was a terrifying tale of bungling ineptitude and blame rests with the National Coal Board.*

There were no criminal charges and none of its employees were demoted or lost their jobs.....*The past is a foreign country; they do things differently there.* <sup>320-322</sup>

## Hillsborough

Much has been written about [Hillsborough](#) over the years and the subsequent campaign for justice received significant worldwide media attention. The disaster claimed 96 lives, including many teenagers and like most tragedies its occurrence was a coincidence of predictable circumstances happening unexpectedly. Indeed, it was perfectly foreseeable but nobody was looking.....*If something is possible it is only a matter of time before it happens.* The risk of multiple fatalities with volatile and congested crowds on dilapidated terraces was evident from the harbingers of death at several previous events and despite many modifications the stadium safety certificate had not been amended since 1979. The responsibility for reading and responding to the writing on the wall was ignored. A spectre of hooliganism diverted attention from the reality of derelict stadiums, inexperienced policing, unreliable crowd control and inadequate emergency response protocols. <sup>323-327</sup>

The game was abandoned shortly after kick off and devastation soon emerged from the chaos. Supporters worked frantically with police and ambulance officers to retrieve the dying and injured and within minutes the scene resembled a Crimean battlefield. Many bodies were dragged from the terraces and placed on their backs in the goalmouth. Medical assistance was provided by a small team of noble volunteers, including five teenage cadets whilst survivors and police frantically attempted to administer basic first aid. A St. John's ambulance arrived carrying three stretchers and a further six were discovered in the stadium first aid room. A prompt and coordinated emergency response was required but failed to materialise when it was most needed. [328-329](#)

In addition to the fatalities, hundreds of men, women and children suffered injuries, which were superficial compared to the psychological harm. The saga of cruelty and indignity was merely beginning as disaster morphed into tragedy. It was exacerbated by insufficient pastoral care and the lingering pain of bereavement. The immediate and prolonged bitter aftermath demonstrated the failure of law with its deplorable breadth of judicial discretion that undermines many public inquiries following disasters. Despite the establishment of negligence by a tribunal of inquiry, coronial inquests returned contradictory accidental death verdicts. The treatment endured by the bereaved was primitive, especially the callous identification process in the stadium's dank gymnasium, which was used as a makeshift mortuary. During interrogation of bereaved dependents, police officers tucked into a fast food dinner of fried chicken and chips as victims lay nearby in zipped up body bags. [330-331](#)

The blame game was immediate and the coroner ordered blood samples to be taken from the victims for analysis and recording of alcohol levels. Many of them were children and it was an unprecedented decision with a hidden agenda. Later in the evening many police, including several senior officers retreated to the Niagara sports and social club bar and got plastered. The [fourth estate](#) was scavenging around like skulking hyenas. A false dichotomy soon emerged of embattled police attempting to control an uncouth and tanked up Scouse rabble. Meanwhile, the inhumane grilling of bereaved dependents continued in the makeshift mortuary beneath the stadium. A controversial scoop, [The Truth](#) appeared on the front page of a tabloid journal the following Wednesday.....*A lie gets halfway around the world before the truth has a chance to get its pants on.* [332-334](#)

The merciless and tactless cuckolding continued relentlessly and was inflamed by crass comments from government officials and the [Nottingham Forest](#), manager an irreverent alcoholic. Substantive evidence was embellished and involved an astonishing systematic review and alteration of police statements, which was sanctioned by the independent police investigation team and [Lord Justice Taylor](#). <sup>335-339</sup>

The bereaved families maintained tremendous resolve and dignity in the face of adversity as the law failed to provide appropriate means of access, disclosure or redress. Ordinary people suffered the consequences of institutional neglect and personal negligence for many years, whilst those in authority sacrificed truth and accountability to protect reputations. The families and their investigation team never gave up and eventually discovered the smoking gun. It exposed customary abdication of responsibility at every structural level. After 27 years an independent panel of inquiry found the victims were unlawfully killed in a tragedy caused by police blunders. It was announced that six people would face charges over the disaster including the match commander and former police chief. The [UK Home Office](#) spent almost £64 million covering the legal costs of the families during the inquiry. The verdict and subsequent prosecutions may provide some closure but it will not reincarnate the victims. The only parole for the bereaved is death or dementia and like so many disasters it could easily have been prevented.....*It was perfectly foreseeable but nobody was looking.* <sup>340-342</sup>

### [Eternal father strong to save](#)

In March 2011 the [USS Reagan](#) was part of [Operation Tomodachi](#), a humanitarian mission which involved numerous ships and aircraft and 24,000 US services personnel. It provided emergency response following the earthquake and tsunami near the [Tohoku](#) region of Japan on the [Miyagi](#) prefecture coastline. The [Nimitz](#) class nuclear powered aircraft carrier arrived off the coast shortly before dawn on 12<sup>th</sup> March 2011. Its crew of approximately 4,500 was exposed to a radioactive plume from stricken reactors at the [Fukushima](#) Daiichi nuclear power plant in [Okuma](#). Since the disaster, some have died and an epidemic of mysterious illnesses amongst many of its sailors and marines has emerged. It appears statistically significant rather than coincidental. [The Feres Doctrine](#) from the 1950s protects the US federal government from legal action for any injuries or illnesses sustained by its personnel during active military service. <sup>343-348</sup>



Precise details of the events remain somewhat obscure but radiation meters on board the aircraft carrier confirm it was shrouded in the radioactive plume. However, its proximity to nuclear reactors and exposure levels vary considerably. Its desalinated water supply, which was used for drinking, cooking and bathing, was also contaminated. The vessel became a floating pariah and was denied access to ports in Japan, South Korea and Guam.

Meanwhile, the silence from the US federal government and mainstream media has been deafening and censorship by omission prevails as the death toll escalates. The sicknesses include leukaemia, brain tumours, cancer and many other symptoms associated with radiation exposure. Delays in obtaining accurate information and contending with dehumanising bureaucracy are eerily familiar as the sailors struggle for justice. <sup>349-350</sup>

Concerns regarding exposure were flippantly disregarded by military top brass and victims were told the radiation levels were no worse than those experienced whilst flying or eating a banana. Class actions have emerged alleging negligence against many of the corporate behemoths including [Tepco](#) and [General Electric](#). After seven years the cases are mired in legal wrangling, technicalities and delays. Many of the victims who were young and healthy embarked on a humanitarian mission and came out cooked. It is somewhat ironic that it occurred on board an aircraft carrier named after a president who once quoted.....*All the waste in a year from a nuclear power plant can be stored under a desk.* <sup>351-352</sup>

## Scapegoating

Following disasters a blame dichotomy often evolves with the inevitable quest for a scapegoat. It has its genesis in [Leviticus](#) and is evident in many tribal societies through lynch mob rule with its eye for an eye ideology. The symptoms persist even in today's civilised societies and are often expressed via social media in a futile quest for closure or retribution. The adversarial legal system with the benefit and bias of [hindsight](#), attempts to establish liability, which is a retrospective judgement of convenience and merely fans the flames. Blame and [negligence](#) are social constructs, which express this primitive reaction and the next casualty is truth. Inquiries must be conducted by independent panels with a focus on prevention and the provision of prudential recommendations without apportioning culpability. Integrity thrives in such an environment, which engenders learning and trust and the victims are honoured with dignity.....*If you seek revenge dig two graves.* <sup>353-358</sup>



## Gross negligence and industrial manslaughter

In Australia and overseas, [industrial manslaughter](#) prosecutions against corporations and their senior officers under [general criminal codes](#) have traditionally been unsuccessful. The superior social status of directors or executive leaders often insulates them from indictable offences, significant penalties or custodial sentences. Indeed, establishing the conjunction of [actus reus](#) and [mens rea](#) amongst multiple individuals belonging to an anthropomorphic entity is exceedingly complicated. <sup>359-363</sup>

Bereaved dependents, families and the media often express their dissatisfaction with the abject failure of the legislative framework, especially its inability to provide justice and act as a suitable deterrent. This has exerted significant pressure on many state governments to investigate implementation of [industrial manslaughter](#) offences. It requires legislation based upon the principles of [aggregation](#), [attribution](#) and an enigmatic concept of [corporate culture](#). This ensures the mental and physical elements of an offence can be attributed to senior officers and corporate entities. <sup>364-366</sup>

In 2004 the Australian Capital Territory (ACT) introduced [industrial manslaughter](#) via its [Crimes \(Industrial Manslaughter\) Amendment Act 2003](#). Retaliation from the federal government was almost immediate with a bill that exempted [commonwealth employees](#) from its provisions. The legal fraternity and many academics have been awaiting a test case to establish the value of the [ACT industrial manslaughter legislation](#). However, the public prosecutor recently dropped an [industrial manslaughter](#) case against [Schwing Australia](#), following a fatality in 2012 at a Kingston foreshore construction site in Canberra. There have been no successful prosecutions following the assent of this legislation and [Sarre](#) provides further discussion on its complexity and legal technicalities. <sup>367-370</sup>

In Queensland two horrific incidents involving six deaths during October and November 2016 attracted significant media attention and outrage from the general public. Four people were fatally injured on the [Thunder River Rapids](#) amusement ride at the [Dreamworld](#) theme park on Queensland's Gold Coast. The following month two labourers were crushed beneath concrete slabs on a construction site at [Eagle Farm](#) race track in Brisbane. Both events prompted a somewhat reactive and adversarial response from the [Queensland government](#), several commercial television stations and other media outlets. <sup>371-374</sup>

A chthonic [Minister for Employment and Industrial Relations](#), an honorary fellow of the [Safety Institute of Australia](#), announced an [extensive review](#) of health and safety legislation to determine the effectiveness of existing arrangements. The [review](#) considered introduction of an [industrial manslaughter](#) offence and examined whether current penalties acted as a sufficient deterrent. The [final report](#) includes a schedule of persons and organisations who provided written submissions. However, this is somewhat disingenuous because no formal requests were ever issued by the government department. It appears the entire charade and political chicanery was merely designed to achieve a [predetermined outcome](#). <sup>375-380</sup>

In October 2017 the Queensland government implemented the [Work Health and Safety and Other Legislation Amendment Act 2017](#), which includes provisions for the [indictable offence](#) of [industrial manslaughter](#). This reactive and substantive legislation increases the risk of [regulatory capture](#) and favours specific business interests with self-serving biases and ideological motivated behaviour. It peddles more blame and fear and enervates any remaining skerrick of confidence in the existing [legislative framework](#). <sup>381-384</sup>

The [amendment legislation](#) disrupts and complicates [national uniformity](#) and is incongruous with the [Inter-Governmental Agreement](#) for regulatory and operational reform. [Harmonisation](#) is also a fundamental tenet of International Labour Organization [Convention C155](#) and an object of the [Queensland Work Health and Safety Act 2011](#) and [Model Work Health and Safety Act](#). This legislation may be inappropriate to the resources sector, which comes under the jurisdiction of the [Department of Natural Resources, Mines and Energy](#). It is somewhat inexplicable that it can apply to residential or commercial construction sites but may be inapposite in a coal mine or on operating petroleum plant. <sup>385-392</sup>

Indeed, there are currently 66 confirmed cases of [mine dust lung diseases](#) and the victims continue to suffer whilst the [Black Lung White Lies](#) and [Rathus](#) reports accumulate dust. Meanwhile as the toll escalates, the Queensland government juggles with chain saws to protect its virtual pot of gold, which masquerades as a [workers' compensation scheme](#). Moreover, its [self-insurance](#) arrangements using [accredited auditors](#) failed to identify an [operational risk](#) of respirable dust in underground coal mines. The independent [JAS-ANZ scheme](#) using surveillance and recertification audits by [conformity assessment bodies](#) with certified auditors was as equally ineffective. <sup>393-400</sup>

The [amendment legislation](#) also contains provisions for the appointment of health and safety representatives and work health and safety officers. This will furnish many health and safety consultants and alleged training providers with a steady income via the delivery of mundane death by [Pierrepoint](#) drills. The mandatory training requirements for safety representatives and appointment of health and safety officers is purely symbolic after genuine independence and tripartite arrangements were relinquished under the [Safe Work Australia Act 2008](#). <sup>401-403</sup>

The outcome may benefit many [certified safety professionals](#) and registered training providers although any reduction in risk will be insignificant. It will merely confirm course facilitators have a pulse and participants can scrawl their name on an attendance register. Much of this [cultural reproduction process](#) is superficial [single loop training](#), [rote learning](#) or [indoctrination](#). It places an extraordinary emphasis on legislation, antediluvian [accident theory](#) and the black box psychology of [behaviourism](#). This undermines morality and confuses learning with metrics. It will eventually degenerate into a meaningless and futile displacement activity, much like the general construction induction or [white card](#). <sup>404-412</sup>

A miasma of materialist or cognitive [regulatory capture](#) and [revolving doors](#) shrouds the [moonlight state](#). This was identified following [extensive research](#) and [media investigations](#) into the corrupt birth of [coal seam gas projects](#). The merger of [state and corporate](#) interests and [Americanisation](#) of [Business Queensland](#) is far worse than under the late [Sir Joh Bjelke-Petersen](#).....*Don't you worry about that.* <sup>413-423</sup>

Indeed, the names [Bellino](#), [Lyons](#) and [Murphy](#) featured prominently during Queensland's infamous [Fitzgerald Inquiry](#) during the late 1980s. Despite the subsequent purge, a rotten stench of [corruption](#), [nepotism](#) and [skulduggery](#) lingers. It is reminiscent of [Tammany Hall](#), politics, which dominated the New York political spectrum for almost 80 years. <sup>424-429</sup>

Governments are most susceptible to committing acts of stupidity when declaring an avowed intent to its electorate. Indeed, there is no empirical evidence this legislation will create safer workplaces. Even the [Australian Industry Group](#) claims it is a counterproductive, hollow and imprudent exercise. The [Kafkaesque](#) bureaucracy is now matched by [Camusian Myth of Sisyphus absurdism](#). Anything that remotely jeopardises the [Adani Carmichael](#) project and its [race to the bottom](#) becomes a political hot potato. The [doublespeak](#) rhetoric flows incessantly and it is worth reiterating the [Cicero](#) dictum.....*More law, less justice.* <sup>430-440</sup>

## Black lung – white lies

On 30<sup>th</sup> December 1969, following the threat of a nationwide mining strike the incumbent US president capitulated. Although [President Richard Nixon](#) declined to meet many of the inconsolable widows of deceased miners at the White House oval office, he reluctantly endorsed the [Federal Coal Mine Health and Safety Act](#), following the [Farmington](#) mining disaster. After almost a century of intense political polemic, the controversial black lung benefits scheme was finally ratified. This involved a prolonged and often bitter campaign to convince mine owners, political leaders and health professionals about the associated risks of black lung. It was somewhat ironic but less than six months earlier on 20<sup>th</sup> July 1969, the Apollo 11 astronaut [Neil Armstrong](#) walked on the moon. <sup>441-444</sup>

The legislation created an agency that became the [Mine Safety and Health Administration](#), which required statutory quarterly inspections of underground operations and six monthly assessments of open cut mines. It also established [coal dust exposure limits](#) and a health surveillance program supported by a compensation scheme for miners disabled by occupational lung diseases. In the early 1970s following enactment of the [legislation](#) almost one third of miners who worked more than 25 years underground were diagnosed with [black lung](#) symptoms. The new legislation began to demonstrate its effectiveness as cases of [coal workers' pneumoconiosis](#) declined. In less than three decades incidence rates plummeted and the disease was almost was eradicated. <sup>445-448</sup>

Over many decades the biomedical scientific approach became entangled with the political economy of the coal industry. A misinformed complacency vitiated the medical, engineering and legal professions and the failure to establish a [causal nexus](#) disparaged American medicine and tarnished its integrity. People in positions of authority sacrificed truth and accountability to protect reputations and believed breathing coal dust was harmless or even [beneficial to health](#). Entrenched disrespect was eventually defeated by passionate social engagement with confrontational collective action and speaking the truth to power. Plain vocabulary such as [miners' asthma](#) or black lung replaced enigmatic scientific jargon to reveal masses of breathless and incapacitated men debilitated by their work. An enthusiastic and determined communal response succeeded where careful scientific investigation and private subtle negotiation failed. <sup>449-452</sup>

This reflects and aligns with the work and philosophy of deceased British anthropologist, [Mary Douglas](#). Indeed, throughout most western cultures, risk has moved from a collectivist to individualist paradigm. The commitment to methodological individualism increasingly objectifies risk and disregards many of its cultural, metaphysical or social psychological aspects. Moreover, extirpating a language has a profound impact on cultural change and during any coup d'état control of media outlets remains a priority. The rapid expanse of communications [technopoly](#) with social media platforms such as Twitter and Facebook has sinister totalitarian objectives and merely expedites the process of [surrendering culture to technology](#). However, the real tragedy is that precautionary action in the 1900s would have saved many lives. The billions of dollars invested in the black lung benefits program could have prevented a significant amount of unnecessary suffering. <sup>453-457</sup>

Under the coal workers' health surveillance program, voluntary screening continued and included an initial chest x-ray and periodic examinations every five years. However at the turn of the millennium in 2005, a scheme physician raised concerns regarding patternicity and clustering of abnormal indicators. It implied a rapid onset of severe cases of black lung with evidence of progressive massive fibrosis. However, additional data was required to establish a statistically significant causal nexus. Further extensive research using a mobile medical unit to monitor the prevalence in remote regions confirmed initial observations. The symptoms were rampant throughout [Appalachia](#), especially in the [West Virginia](#) coal fields. Moreover and somewhat ominously, screening under the surveillance program was voluntary, which suggested the frequency rate could significantly increase. Additional corroborating evidence was duly provided following the [Upper Big Branch](#) mining disaster in 2010. The explosion claimed the lives of 29 miners and autopsies on 24 victims revealed 71% displayed classic symptoms of black lung. <sup>458-461</sup>

Exploratory data analysis between 2000 and 2012, confirmed the prevalence had increased by a staggering 900%. This matched incidence rates that were previously observed before legislation was enacted in 1969. The exceedingly rapid onset of [progressive massive fibrosis](#) also generated significant concern amongst epidemiologists. Indeed, black lung can only emerge through inhaling excessive amounts of coal dust. It inferred existing legislative arrangements were somewhat ineffective and other unidentified exogenous or endogenous risks may be contributing to the enigma. <sup>462-463</sup>

The significant resurgence of black lung and rapid onset of [progressive massive fibrosis](#) came as no surprise to many of the miners or their immediate supervisors. The response from employer and industry associations was invariably nonchalant and remains rather lacklustre. Most employer representatives and industry associations regurgitate legislative requirements but conveniently disregard many of the sociopolitical issues or exogenous risks that renders most industrial health and safety legislation ineffective. <sup>464-465</sup>

From 1969 to 1972 the entire US business community experienced a series of significant political impediments. It consisted of increasing regulatory authority from Washington and significant social reform. This included severe restrictions on business via rigorous industrial safety, environmental and consumer protection legislation often prompted by the dissident activist, [Ralph Nader](#). The preliminary response from corporate America to this paradigm shift was a mixture of disbelief, outrage and anxiety. <sup>466</sup>

An aggressive strategy with brutal tactics orchestrated by [Lewis Powell](#) and [Bryce Harlow](#) soon followed with a massive redistribution of power and the merger of corporate and state interests. This political and economic pincer movement advocated deregulation, diminution and privatisation. It saturated academia, especially the [University of Chicago](#) and the [Chicago School of Economics](#). Additional support was provided by the financial services sector with readily available credit and unsecured mortgages for the masses. In under a decade this corporate revolution restructured Washington and established the foundations for casino capitalism. A winner take all philosophy was furtively promoted as [trickle-down economics](#) and reinforced by the axiom.....[There is no alternative](#). <sup>467-469</sup>

The social impact was soon demonstrated by a devastating resurgence of black lung with a rapid onset of [progressive massive fibrosis](#) throughout the US coal mining sector. Since the late 1970s, free trade agreements with a [laissez faire](#) doctrine have circumvented legislative requirements. Many major resources projects are effectively a [race to the bottom](#) and contingent labour hire has obfuscated [duty of care](#). A merger of state and corporate interests has increased the risk of [regulatory capture](#) throughout many federal and state governments, including [Business Queensland](#). Several fundamental tenets of industrial safety including genuine independence and tripartite arrangements were relinquished and trade union power has been decimated. Many of these sociopolitical issues are further examined by [Thomas O. McGarity](#) in [Freedom to Harm: The Lasting Legacy of the Laissez Faire Revival](#). <sup>470-473</sup>

Emasculation of US coal mining unions throughout the 1980s undermined many of the preventive mechanisms enacted through legislation and a [production over protection dichotomy](#) prevailed. Inspections from regulatory authorities were often prearranged or symbolic. Employees holding statutory positions would fabricate dust monitoring reports and instruments were strategically located near ventilation supply shafts. It produced compliant results and ensured documented records of prevailing conditions conformed to legislative requirements. <sup>474-475</sup>

Many of the larger coal seams were depleted by rapacious demands and left remaining sections in many underground mines much narrower and restrictive. This required additional blasting through surrounding rock to accommodate larger cutting equipment, ventilation ducts and other machinery. It increases the risk of exposure to highly toxic [respirable crystalline silica](#), which can cause [silicosis](#). Innovative processes were also introduced to increase productivity, which included longwall [top coal caving](#) and generated even more dust. Furthermore, miners were offered significant performance bonuses to achieve extraordinary productivity targets that required extended rosters with prolonged shifts and reduced recuperation periods. Additional scientific research indicates chemically reactive substances such as [iron pyrites](#) are having a synergistic effect and contributing to the rapid onset of [progressive massive fibrosis](#). A most frustrating aspect for epidemiologists and other scientists investigating resurgence of black lung is knowing that the disease is entirely preventable. It can only emerge following prolonged exposure with inhalation of excessive amounts of respirable coal dust. Irrespective of the cause, preventive measures are required and the controls must be reliable and proportional to the associated risk. <sup>476-480</sup>

In 2014, the US [Mine Safety and Health Administration](#) introduced [statutory requirements](#) for continuous monitoring of coal dust and its exposure standard was reduced to 1.5 mg/m<sup>3</sup>. If concentrations are exceeded, immediate measures must be taken to reduce dust levels below the prescribed limit. Precautionary health controls include [spirometry testing](#), which detects respiratory tract impairment and assists with diagnosis. However, additional corrective actions are required, which include mandatory participation in health screening protocols. This must be accompanied by better design with improved local and mechanical extraction ventilation techniques to further reduce dust exposure. <sup>481-483</sup>



Another intriguing enigma emerged during investigations into the [resurgence of black lung](#) throughout the United States. It examined prevalence of the disease throughout the coal mining industry across Australia, where [Queensland](#) is a significant regional producer. It currently accounts for 52% of the nation's black coal production with 11 underground and 40 open cut coal mines employing approximately 30,000 people. <sup>484-485</sup>

A review of the [Queensland Coal Board Coal Miners' Health Scheme](#) during the early 1980s identified 75 suspected cases of coal workers' pneumoconiosis. The [Rathus](#) report produced an insouciant response from Queensland government health and regulatory authorities and many coal mine operators. Indeed, over subsequent years a collective perception emerged across the entire Australian coal mining industry. It foolishly believed that black lung had been eradicated and was a disease of the past. This view was widely acknowledged by coal mine operators, regulators, trade unions, safety professionals, industry associations, occupational hygienists and many miners. It was quite extraordinary and rather astonishing given the [prevalence rate](#) for coal workers' pneumoconiosis throughout the United States ranged between 2% and 12%. Moreover, operational conditions and exposure risks throughout the coal mining industry in Australia were almost identical. <sup>486-488</sup>

However in May 2015, a Queensland coal miner was officially diagnosed with coal workers' pneumoconiosis. It was formally publicised several months later as the first case of black lung in the Queensland coal mining industry in over 30 years. Before September 2015, coal miners in Queensland were routinely informed that the disease had been eradicated and the health scheme had failed to identify any cases since 1984. This bad faith was accepted at face value and remained unchallenged over several decades. A misinformed complacency inculcated many people throughout the coal mining industry to underestimate a significant operational risk.....*It was perfectly foreseeable but nobody was looking.* <sup>489-491</sup>

This was corroborated by [Dr Robert Cohen's](#) testimony during Queensland's parliamentary [public inquiry](#) into black lung. If approximately 30,000 miners are producing almost 250 million tonnes of coal each year without a single diagnosis of coal workers' pneumoconiosis, maybe the surveillance program is ineffective. Any recognition for eradicating the disease appears somewhat naive and illogical and an often repeated idiom from the medical profession resonates.....[Absence of evidence is not evidence of absence.](#) <sup>492-494</sup>



The [Safe Work Australia Act 2008](#) prescribes requirements covering the establishment and [functions](#) of Safe Work Australia. This includes liaising with other countries or international organisations on matters relating to work health and safety or workers' compensation. There are good lessons to be had from international experiences and research. Indeed, a [recent review](#) of its functions confirms international engagement and liaison is probably a legitimate function for Safe Work Australia. It suggests a single agency should liaise overseas and provide a national interface. This guarantees consistency and the relevant information can be disseminated to individual jurisdictions. It appears collaboration between Safe Work Australia, the [International Commission on Occupational Health](#) and US establishments investigating the [resurgence of black lung](#) at the turn of the millennium was somewhat ineffective. <sup>495-499</sup>

Substantive evidence during the Queensland [parliamentary inquiry](#) into coal workers' pneumoconiosis demonstrates administration of the [Coal Mining Safety and Health Act](#) and subordinate regulations was ineffective. There was a catastrophic failure of the regulatory system that was intended to secure and protect the health of coal miners. The [Department of Natural Resources and Mines](#) failed to assure the safety and health of persons at coal mines or other people affected by mining operations. The risk of injury or illness was unacceptable and provisions for monitoring administration and effectiveness of the legislative framework were deplorable. It is neatly summarised within the [Federal Coal Mine Safety and Health Act 1969 US Public Law 91-73 \(USA\)](#). This was endorsed by President Richard Nixon almost 50 years ago and confirms... *The first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource – the miner.* <sup>500-503</sup>

A significant amount of criticism during the Queensland [parliamentary inquiry](#) involved ethics and genuine independence of the regulatory authority. This was initially raised in June 2008 and following an investigation the [Queensland Ombudsman](#) concluded the [Department of Mines and Energy](#) was conducting its compliance activities reasonably well. However, there was a reasonable perception the [Queensland Mines Inspectorate](#) is subject to [regulatory capture](#). This was reinforced via research from [Graham Readfearn](#) on behalf of the Australia Institute and following recent investigations by [Jeremy Buckingham](#). It indicates revolving doors are spinning like a roulette wheel, especially throughout [Business Queensland](#) in an era of rampant [casino capitalism](#). <sup>504-510</sup>

Another area of significant concern involved the performance of the [Health Surveillance Unit](#) within the [Department of Natural Resources and Mines](#). It was established in 1998 to administer the [Coal Mine Workers' Health Scheme](#). However, during the mining boom it was hopelessly under resourced with meagre and often variable staff levels. Its role was purely administrative and it was provided with insufficient resources for any clinical review of health assessment records or meaningful [exploratory data analysis](#). <sup>511-514</sup>

Chest x-rays and spirometry tests were used by [nominated medical advisors](#) to diagnose a disease that manifests over a prolonged period and initial records were despatched to the [Health Surveillance Unit](#). Preliminary examinations were never subject to any additional medical scrutiny or [meaningful vigilance](#) and were merely stored to guarantee confidentiality. The [Health Surveillance Unit](#) was unable to provide any worthwhile exploration of data or trend analysis of coal mine dust diseases. It failed to fulfil the scheme's policy objectives and merely served as a health records storage facility. <sup>515-517</sup>

Even basic administrative functions and data entry activities were inadequate during the resources boom. An enormous [backlog](#) of confidential health records accumulated and documents were even stored in a [janitor's cupboard](#) next to the female toilets. Additional storage facilities were eventually acquired, which included [shipping containers](#) at its Redbank research facility. The improper and unsuitable environmental conditions, especially with extreme temperatures during the summer months, destroyed most of the x-rays and rendered many health records illegible. <sup>518</sup>

In 2002, the [Department of Natural Resources and Mines](#) reviewed the functions of its [Health Surveillance Unit](#) with assistance from a tripartite working group. It revealed many significant failures regarding health surveillance components of the [Coal Mine Workers' Health Scheme](#). A subsequent report published in 2003 offered many opportunities for improvement with 21 substantive recommendations. Most were summarily disregarded and almost 14 years later the [Monash review](#) in 2016, identified many similar issues. The failure to implement these recommendations rendered the scheme meaningless. It further delayed any preventive action and compounded the misery and suffering of many affected miners and their dependents. The toll currently stands at [66 confirmed cases](#) and evidence from the United States, following extensive experience and investigations into [resurgence](#) of the disease, indicates it is likely to escalate. <sup>519-524</sup>

# Working Man – Rita MacNeil

<https://www.youtube.com/watch?v=IN0FiAsZdKA>

*It's a working man I am  
And I've been down underground  
And I swear to God if I ever see the sun  
Or for any length of time  
I can hold it in my mind  
I never again will go down underground*

*At the age of sixteen years  
Oh, he quarrels with his peers  
Who vowed they'd never see another one  
In the dark recess of the mines  
Where you age before your time  
And the coal dust lies heavy on your lungs*

*It's a working man I am  
And I've been down underground  
And I swear to God if I ever see the sun  
Or for any length of time  
I can hold it in my mind  
I never again will go down underground*

*At the age of sixty four  
Oh, he'll greet you at the door  
And he'll gently lead you by the arm  
Through the dark recess of the mines  
Oh, he'll take you back in time  
And he'll tell you of the hardships that were had*

*It's a working man I am  
And I've been down underground  
And I swear to God if I ever see the sun  
Or for any length of time  
I can hold it in my mind  
I never again will go down underground*

*It's a working man I am  
And I've been down underground  
And I swear to God if I ever see the sun  
Or for any length of time  
I can hold it in my mind  
I never again will go down underground*

*It's a working man I am  
And I've been down underground  
And I swear to God if I ever see the sun  
Or for any length of time  
I can hold it in my mind  
I never again will go down underground*

*God, I never again will go down underground*

# The gig economy

*Work keeps away those three great evils: boredom, vice and poverty*

Voltaire <sup>525</sup>

Over recent years traditional employment relationships have changed considerably with a dramatic increase in contingent or precarious arrangements. The embryonic [gig economy](#) and use of a disillusioned labour hire resource from an inchoate precariat is noticeable across Australia and overseas. It is prevalent throughout most industrial and commercial sectors with the exploitation of vulnerable migrant workers under [indentured servitude](#) or [peonage](#). It shows no signs of abating and is polarising society. Engagement often consists of an impassive and loose tripartite agreement between the host employer, the labour hiring agency and the employee, who is effectively a [ragged trousered philanthropist](#). <sup>526-538</sup>

## The precariat

[The gig economy](#) has created an incipient social class known as precariats, the [Epsilons](#) of [Huxley's Brave New World](#). This occurred following the long march of neoliberalism and has produced an inchoate and volatile powder keg of disenchanting dissidents. Incomes no longer provide additional benefits such as sick pay or leave entitlements and earnings fluctuate erratically, which generates subsistence without predictability or security. Many of its denizens endure a fragmented existence through contingent labour or underemployment as they flit between intermittent jobs, which are devoid of any career development. <sup>539-542</sup>

Cohorts of demoralised and embittered adolescents are exposed to a dwindling range of social, cultural, political and economic rights or opportunities. The symptoms include anxiety through insecurity and [anomie](#) from despair, which cultivates alienation and then anger with an intolerance towards strangers. In an era of antisocial media that generates legions of virtual friends, society has become even more confused and deeply divided. Following the [great financial crisis](#), the chimera of an extravagant lifestyle fuelled by a foreboding supply of [Coumadin](#)® in the form of cheap and readily available credit was abruptly shattered. The uncertainty extends across hordes of susceptible itinerants, who are unable to forge an identity and are merely a dishonoured pay cheque or substantial dental treatment invoice from misery and destitution. This is exacerbated by escalating costs, stagnant wage growth and declining living standards. <sup>543-545</sup>

Subsequent austerity measures have generated anxiety, which cultivates extremism and erodes the human instincts of fallibility, compassion, tolerance, benevolence and social solidarity. It creates a fertile environment for populist politicians to restructure social protection and promote labour market flexibility. However, their sinister objective is to destroy the humanitarian reforms of democratic governments, which include social welfare, altruistic labour standards and civilised working conditions. This venal populism will only be defeated using politics of paradise with a reinvention of the progressive trinity of equality, liberty and fraternity rather than the traditional dour labourism of industrial society. It will allow [precariats](#) to gain control of their lives and achieve social and economic security via an equitable share of tangible assets. Many egalitarians and eminent economists advocate that every legal resident in a society must be provided with the right of a basic income. [546-548](#)

Critics claim it is unaffordable, inhibits economic growth and encourages idleness. However, the concept is gaining legitimacy, especially in middle income market economies such as Brazil. Its government has taken action to reduce income inequality and over 50 million of its citizens receive welfare under the [bolsa familia scheme](#). It may soon become a sociopolitical necessity throughout many other countries.....*It is difficult to get a man to understand something, when his salary depends upon his not understanding it.* [549-552](#)

In the late 1960s, San Francisco was a milieu of radical activists but it is now a polarised and vainglorious clique of careerist zombies surrounded by a disproportionate mass of misanthropic precariats. Governments must resolve this escalating inequality and heed the comments from the late eminent philosopher and logician [Bertrand Russell](#).....*The road to happiness and prosperity lies in an organised diminution of work.* [553](#)

## [Indentured servitude and peonage](#)

Contingent labour hire has revolutionised employment arrangements and has been furtively marketed by corporations and recruitment companies as a fashionable, amenable and flexible accord. The reality is somewhat different and the entire concept is underpinned by exploitation and insecurity with vague terms and conditions of employment. It portends a dystopian future of a disenfranchised workforce hunting for the next gig, to make a minimum payment on maxed out Visa or Master cards and buy takeaway pizzas on credit, which are prepared and delivered by subjugated associates. [554-555](#)

The socioeconomic repercussions of the [gig economy](#) are rather ominous and it is creating a society where the unfortunate many are toiling for a privileged few with a premonition of indentured servitude and peonage. An [indentured servant](#) or [peon](#) is provided with money and placed under debt. The person receiving the money or an equivalent benefit contracts a legal obligation fortified with criminal penalties to settle the debt by providing labour to the original money master or nominated delegates. The servants invariably borrow more money to meet monthly expenses and become entrapped in a quagmire of cyclical debt. In 1863 [Abraham Lincoln](#) delivered his infamous [Gettysburg address](#), which promoted the concept of [representative democracy](#). This was followed by the thirteenth amendment of the [American constitution](#), which abolished slavery and [involuntary servitude](#). <sup>556-558</sup>

However following the union and intensification of corporate and state power, especially since the late 1970s, [representative democracy](#) has degenerated into government versus the people with the emergence of an [elective dictatorship](#) and subservient [gig economy](#). In 2015 the [State Government of Victoria](#) announced an inquiry into contingent employment arrangements and the labour hire industry. Additional covert investigations by the [Australian Broadcasting Corporation](#) and [Fairfax Media](#) have exposed widespread exploitation and irregularities throughout many industrial and commercial sectors. <sup>559-560</sup>

### The Forsyth inquiry

There are almost 6000 agencies providing contract labour hire across Australia and it is often a legitimate and convenient mechanism for engaging workers. However, the process has been manipulated by many rogue operators to circumvent legislative requirements and eviscerate labour standards. This involves exploitation of vulnerable employees, especially migrants on temporary visas and includes systemic noncompliance with statutory work health and safety requirements. <sup>561</sup>

Franchising with the use of contingent labour is widespread across Australia. It is particularly evident amongst the agricultural, contract cleaning, horticultural, meat processing and retail sectors and has a significant impact on the Australian economy. Several recent high profile examples include the embezzlement of [7-Eleven](#), [Domino's Pizza](#) and [Retail Food Group](#) employees, subjugation of migrant [fruit pickers](#), exploitation of [Aerocare](#) ground support staff and the manipulation of [Tip Top](#) bakery delivery drivers. <sup>562-566</sup>

It was our silver wedding anniversary and like a true [Montsalvat](#) chardonnay socialist, I celebrated in style and took my partner to a place that was really expensive and stayed open quite late. It was undoubtedly a [Good Call™](#) and just a short romantic moonlit stroll to a suburban 7-Eleven store. [567-568](#)

However, a recent joint [media investigation](#) into Australia's largest convenience store chain has unearthed a rotten culture of exploitation and embezzlement throughout its empire. This includes systemic underpayment of wages and falsification of payroll records. The blame dichotomy was almost immediate with the myopic corporate head office condemning rogue franchisees. Its business franchising model is effectively indentured servitude and peonage, which systemically manipulates vulnerable migrants on student working visas and the deception is widespread across its many outlets throughout Australia. [569-570](#)

Experienced conspirators are often engaged as mentors for recently appointed franchisees to teach fraudulent payroll tactics using creative accounting techniques from its corporate bag of tricks. The organisation is an American-Japanese conglomerate with headquarters in the United States. Its Australian corporate office operates over 600 outlets, which generates \$3.6 billion of sales each year with profits of \$1.44 million and is complicit in the extortion of its contingent workforce. [571-572](#)

A former employee worked under four franchisees at three different outlets throughout the Gold Coast hinterland in Queensland. The work often involved extended shifts without a break. In addition to serving customers, activities included cleaning, stacking shelves and surveillance of petrol pumps. If a customer drove off without paying for fuel, the amount was deducted from his wages. The additional working hours provide franchisees with significant power, hubris and leverage via a threat of deportation for breaching student visa working conditions. In the space of 18 hours, the employee faced two successive armed robberies and was threatened by a drug induced intruder wearing a balaclava and wielding a serrated hunting knife. Following the ordeal, he was berated by the store manager for allowing the intruder to escape with the store's proceeds and failing to offer any resistance or restrain the armed assailant. Similar incidents involving extortion of employees and armed robberies have been reported throughout several of its outlets in Victoria. [573](#)



The founder and chairman, [Russell George Withers](#), shared the bounty with his late sister [Beverley Ruth Barlow](#) and the fortune amounts to approximately \$1.5 billion. This consists of the Starbucks chain, several hundred Mobil service station stores and almost \$450 million worth of property including many 7-Eleven outlets, which are leased to gullible franchisees. The opulence extends to a sprawling Yarra Valley estate worth over \$10 million and a \$2.2 million Raytheon Hawker 800XP business jet. In May 2015, Beverley Barlow smashed the record for a residential property sale in Melbourne's affluent suburb of Brighton with the purchase of a palatial bay side mansion for \$20 million. Another extravagant waterfront property is up for sale with a price tag of \$3.4 million. It consists of four bedrooms, three bathrooms and a three-car garage at Noosa Waters on Queensland's Sunshine Coast. <sup>574-579</sup>

Russell Withers and Beverley Barlow did not respond to any questions from investigative journalists. [Allan Fels](#), a former chairman of the [Australian Competition and Consumer Commission](#), diplomatically described [Russell Withers](#) as a forceful businessman. Its franchising scheme was considered one of the toughest, inequitable and coercive business models ever encountered. Meanwhile, the organisation has restructured its executive leadership team. The founding chairman and its chief executive officer [Warren Wilmot](#) recently resigned. A reimbursement plan has refunded almost \$30 million to more than 800 employees and many others have applied for compensation that may exceed \$100 million. The company also proposed a hardship relief program with an offer of subsidies for struggling franchises and an equitable profit sharing scheme. <sup>580-582</sup>

The [Fair Work Ombudsman](#) conducted an investigation into the systemic wage fraud and found the corporate office antagonised problems by failing to use systems and processes to detect or address intentional exploitation of employees. The entire saga prompted the coalition government through its [Department of Employment](#) to provide sufficient resources and reinforce regulatory power using a migrant workers taskforce. Legislation will be enacted to ensure franchisors are held accountable for any exploitation or wage fraud involving vulnerable employees. It will have a profound impact on the \$170 billion franchise industry. Despite the many bright lights, ostentatious advertising, opulence and corporate decadence a ruthless heart of darkness prevailed. This was underpinned by corporate impiety and perfidy with a contemptuous disregard for Australian workplace laws. <sup>583-586</sup>



## Making a crust

The shares in [Domino Pizza Enterprises Limited](#) have surged more than 2500% since listing on the [Australian Stock Exchange](#) almost twelve years ago. In 2016, the organisation recorded a net profit after tax of almost \$90 million and is acclaimed as a phenomenal success story throughout the Australian franchising sector. However, a recent [Fairfax Media](#) investigation reveals more turpitude and corporate impiety. The nation's largest pizza chain persistently extorts its franchisees who subsequently exploit a vulnerable migrant workforce, whilst investors reap substantial dividends. It is yet another example of Americanisation with a race to the bottom and the winner takes all philosophy of callous casino capitalism. <sup>587-589</sup>

The investigation revealed widespread underpayment of wages, illegal transactions involving working visas and a delivery driver scam to circumvent penalty rates. Its dictatorial corporate office exerts relentless pressure on franchisees to expand sales whilst stores are bartered on generated turnover not profit. It receives royalties from each sale as Australians chomp through one million of its pizzas every week and rather ironically some are even bought by construction site managers to celebrate a project's achievement of [zero harm](#). <sup>590-592</sup>

After visiting many outlets across the country, investigative journalists found franchisees were often distressed and many struggled to make ends meet. Some were haemorrhaging thousands of dollars and the exploitation of its vulnerable migrant workforce was essential to remain afloat. Blind Freddy on a galloping horse can easily envisage this trajectory and predict the repercussions of embezzlement, escalating [psychosocial risks](#), drug and alcohol abuse, domestic violence, increasing divorce rates and suicide. <sup>593-594</sup>

In 2016 [Don Meij](#), its chief executive officer, claimed more than \$21 million in salary, benefits and shares, which is almost \$11000 an hour or 20% of net profit. Delivery workers received \$19 an hour and were recently expected to embrace pay cuts of \$2 per hour and relinquish weekend and shift work penalty rates. Its chairman and major shareholder is the fast food mogul, [Jack Cowin](#) with an ascribed wealth of \$1.8 billion. He is the founder and director of [Competitive Foods Australia](#) and recently declared penalty rates were.....*A thing of the past*. However, whilst evading the taxman and contributing to the obesity epidemic, it may have escaped his meticulous attention to detail that [Abe Lincoln](#) abolished slavery way back in 1865 and [indentured servitude](#), [peonage](#) or [blackbirding](#) are illegal in Australia. <sup>595-605</sup>

## Racketeering, fraud and greed

The [Retail Food Group](#) based in Queensland's Gold Coast operates the largest food franchise network in Australia with a market capitalisation of \$800 million. The iconic brands include [Donut King](#), [Brumby's](#), [Gloria Jean's](#), [Pizza Capers](#), [Crust Gourmet Pizzas](#) and [Michel's Patisserie](#) with over 2500 outlets across the country. Its proven business models, which have been perfected over several decades are supplemented by a highly skilled support network to ensure the success of its franchise systems. However, a recent [Fairfax Media](#) investigation paints a slightly different picture and provides further substantive evidence of a disturbing trend throughout the retail sector. <sup>606-609</sup>

After visiting many outlets across Queensland, New South Wales and Victoria media reports confirm widespread underpayment of wages and relinquished penalty rates. Franchisees are struggling to survive and rely heavily on the benevolence of families and close friends. Much of the malaise is attributed to a brutal business model and relentless corporate pressure with crippling fees, excessive royalties, rising labour costs, increasing rents and escalating food taxes. Many outlets are for sale and during the past year hundreds of stores have closed and franchisees have walked away with nothing but misery and a mountain of debt. <sup>610-612</sup>

Its chthonic chief executive officer and managing director, [Tony Alford](#) was once described as the richest executive on Queensland's Gold Coast with an amassed fortune of \$147 million. Following almost two decades with the company he recently stepped down, along with his partner and business associate, [Alicia Atkinson](#) and their byzantine commercial interests remain mysterious. Reports suggest the couple are diversifying assets with the recent purchase of a \$6.4 million trophy home in Port Douglas and a \$5.5 million opulent manor at Tamborine Mountain in the Gold Coast hinterland. Additional property consisting of Byron Bay beachfront development blocks is up for sale and expected to raise almost \$40 million. Racketeering, fraud and greed are not leadership attributes and profit and accrued wealth are the only benchmarks of success in a climate of casino capitalism. It has left a trail of despair amongst many franchisees, which includes decimated savings, broken marriages and destitution. Statements of good corporate governance or [zero harm](#) are merely superficial hogwash and resemble the excessive froth on tepid dishwater that is purveyed as flat white coffee at many Starbucks or Retail Food Group outlets. <sup>613-619</sup>

Temporary migrants under the working holiday visa scheme contribute almost \$3.5 billion to the Australian economy each year and its agricultural and horticultural industrial sectors are especially dependent on seasonal workers. However, the exploitation of itinerant workers in Queensland's Wide Bay region using contingent labour hire is well documented. A young German backpacker died whilst working for [Barbera Farms](#) on a tomato plantation near Childers in December 2009. The cause of death was not released but following an extensive investigation and regulatory authority prosecution, the company pleaded guilty to breaching work health and safety legislation. It operated a labour intensive and contingent workforce but failed to supply drinking water for its employees and control the risk of dehydration and heat stress. More recently in November 2017, a Belgian tourist [collapsed](#) on a farm near Ayr in North Queensland whilst picking watermelons. The victim was transported to hospital and died the following morning from suspected heat stroke. [620-624](#)

In March 2015 the Australian government voted against a broad ranging senate inquiry into exploitation of migrant workers. It was dismissed by our termagant employment minister as being politically motivated. However, the [Forsyth report](#) into contingent labour hire in Victoria details extensive anomalies involving itinerant fruit pickers across the Murray Basin. This was substantiated by a covert media investigation, which disclosed embezzlement, racism, intimidation, extortion, precarious safety practices, sexual assault and many other offences and misdemeanours. It revealed widespread systemic abuse of temporary working visa arrangements with the circumvention of legislative requirements and labour standards by many rogue recruitment organisations. [625-627](#)

Most itinerants are engaged for seasonal harvesting and are occasionally required to work up to eighteen hours a day. Reports confirm one female employee received just \$3.95 an hour, whilst contingent labour hire organisations manipulate the scheme to reap substantial profits and much of the produce ends up at major food retail outlets. The suppliers are subject to rigorous food safety and quality audits and must meet defined specification criteria or the contract is cancelled. However, the Dickensian conditions endured by many itinerant labourers are conveniently disregarded by the large supermarket chains and any response from state governments and their dilatory regulatory authorities is often nonchalant. [628-629](#)

[Covino Farms](#) is a principal supplier to many leading supermarkets. Over recent years the organisation received numerous provisional improvement notices relating to work health and safety misdemeanours and a significant fine following breaches of environmental legislation. In 2013 despite its mediocre performance, the company secured a \$1.5 million grant from the [State Government of Victoria](#), which was sanctioned by [Denis Napthine](#), another [neoliberal](#) premier and acolyte of [trickle-down economics](#). <sup>630-631</sup>

The entire saga is reminiscent of [John Steinbeck's The Grapes of Wrath](#) with its descriptive exploitation of migrant sharecroppers fleeing the [Oklahoma dustbowl](#) during the [great depression](#) in the 1930s. The novel excoriates the financial services sector and depicts the appalling conditions, callous treatment and the frugal existence endured by itinerant Okies during their search for employment in the [Kern County](#) fruit orchards of California. It was banned in many countries and received [harsh criticism](#) from the [Association of Farmers](#) in California because of its socialist nuances. Australian folklore claims the book was restricted by its Queensland government because of an evocative and pornographic paragraph on the last page. However, in 1962 the [Nobel Prize in Literature](#) was awarded to [John Steinbeck](#) for his realistic and imaginative writings, which displayed a sympathetic humour with a keen sense of social perception. The spectre of [Tom Joad](#) must be haunting the boardrooms of many companies across the agricultural and horticultural sectors, especially throughout Queensland, Victoria and South Australia. <sup>632-637</sup>

Most of the vulnerable itinerant labourers in these industries often experience rule by fear and are victims of harassment, intimidation and blatant racism, which is no better than the oldest profession. This suppresses the reporting of safety concerns with an increasing risk of workplace injuries, illness, disease and psychosocial disorders. Moreover, state and federal government departments have failed to resolve this exploitation and hold the unethical and unconscionable contingent labour hire organisations accountable. The problem persists and it demands a coordinated effort from the [Fair Work Ombudsman](#), [Department of Home Affairs](#) and state work health and safety [regulatory authorities](#). It also requires legitimate assistance from the major supermarket chains. Meanwhile, the distortion gap widens as an affluent syndicate of colourful racing identities or caitiffs reap substantial profits whilst indentured servants, governments and the broader community endure the risk. <sup>638-639</sup>

[Aerocare](#), which was owned by the private equity firm [Archer Capital](#), provides ground handling services and safety checks for many major airlines across Australia. It proclaims to be the most trusted outsourced flight support organisation in Australia and New Zealand. However, this declaration is rather inconsistent with a recent [Fair Work Commission](#) ruling, which rejected its latest enterprise bargaining agreement. It failed the better off overall test which evaluates penalty rates, working conditions and shift rosters. The agreement predictably and somewhat conveniently excluded Aerocare's extensive contingent workforce and the decision was corroborated by a recent [ABC television](#) undercover investigation. It disclosed primitive conditions of underpaid casual labourers, [catnapping](#) between split shifts on makeshift beds adjacent to baggage carousels underneath airport terminals. <sup>640-643</sup>

In November 2014 a cargo handling supervisor was inadvertently locked inside the hold of a [Boeing 737](#) shortly before its departure from Brisbane international airport. The incident was handled internally and not reported to the [Australian Transport Safety Bureau](#). In the same month, the cargo door on a [Tiger Air A320](#) aircraft was left wide open as it prepared for departure from Brisbane domestic airport. It was detected by the flight crew and air traffic control, who aborted the take-off. [Aerocare](#) proudly claims its safety record is impeccable and the incidents did not endanger the public. <sup>644-645</sup>

In an industry with a business model that leases its aircraft from Boeing or Airbus and buys fuel on credit, Aerocare recorded a profit of \$13.5 million, which was a 20% increase on the previous year. The four key airports across Australia posted profits of \$1.8 billion. [Qantas](#) a major client of Aerocare produced an outstanding performance during the 2016 financial year. It announced an extraordinary profit of \$1.53 billion, a 57% increase on the previous year, which was unmatched in its prodigious corporate history. The epicene [chief executive officer](#), who frequently uses artificial corporate social responsibility to promote equality, received a staggering \$25 million salary and donated [\\$1 million](#) to the same sex marriage campaign. Meanwhile, Aerocare's contingent labourers eke out an existence on subsistence wages and attempt to catch forty winks on soiled mattresses with grubby bed linen beneath airport terminals across Australia. Many of these indentured servants may not share his enigmatic, sybaritic and egalitarian beliefs. <sup>646-647</sup>

## Breadwinners

During the 1950s, the delivery of bread, cream and milk was categorised as an essential community service and legislation was enacted to secure supply. It has since ossified and effectively deregulated the supply chain. A [recent report](#) prepared by Pricewaterhouse Coopers identified a causal nexus between road safety and driver remuneration. However, the [Road Safety Remuneration Tribunal](#), which established minimum pay rates for drivers, was abolished by the federal government. Meanwhile, media investigations have revealed widespread and systemic exploitation of many owner drivers. <sup>648-652</sup>

[Tip Top](#) is a subsidiary of [Associated British Foods](#) group. It operates the [Aldi](#) supermarket supply chain in Australia and the challenging market conditions required a reconfiguration of its operations. Its owner drivers are now categorised as independent contractors and the introduction of low cost contracts with escalating overheads has significantly increased work health and safety risks. Following the dissolution of the road safety tribunal contract rates and payments have been ruthlessly slashed. It has an incalculable impact on fatigue management and vehicle roadworthiness, which generates penury with escalating [psychosocial risks](#). In abolishing the [Road Safety Remuneration Tribunal](#) the neoliberal government is merely protecting the interests of major corporations at the expense of beleaguered owner drivers and their impoverished families. <sup>653-654</sup>

A recent survey from [Macquarie University](#) into the logistics and supply chain sector indicates 80% of truck drivers work more than 50 hours per week and 10% work over 80 hours. The pressure on owner drivers to falsify vehicle log books is well established but rarely disclosed because of fear and intimidation. In five years to 2016, over 1000 people were killed in truck related crashes. [SafeWork Australia](#) confirms many employers acknowledge that unsafe acts and risk taking results in high levels of injuries and fatalities throughout the supply chain sector. It also suggests the design of work requires extensive analysis to understand why such practices persist and establish how they can be eliminated or reduced. Escalating overheads will inevitably curtail essential maintenance on delivery vehicles and compromise their roadworthiness. This was corroborated following a recent raid at a [Tip Top](#) logistics depot in western Sydney. Regulatory authority inspectors from the [Roads and Maritime Services](#) examined 46 trucks and issued 25 defect notices. <sup>655-657</sup>

The [Australian Securities and Investments Commission](#), indicates supply chain operators have an inordinate insolvency rate and the smaller businesses with five full time employees or less are most likely to go bankrupt. The psychosocial impact is rather predictable and is substantiated in a recent [Deakin University study](#), which revealed 323 truck drivers committed suicide between 2001 and 2010. <sup>658-659</sup>

The [Tip Top](#) delivery drivers are working extreme hours with insufficient rest and their rates have been slashed. Meanwhile the parent company, [Associated British Foods](#), is expected to announce a profit of over \$2 billion, which is an increase of 25% from the previous year. Even the Subiaco besom could do the math on her infamous whiteboard and establish who the real breadwinners are in this casino capitalism arrangement. <sup>660-661</sup>

### Responsibilities, supervision and consultation

Responsibilities with contingent labour hire are often fragmented and confusion abounds as to whether arrangements are a [contract of service or a contract for service](#). This generates legal and organisational uncertainty. The networks are quite intricate and courts adopt a [multi factorial approach](#) to confirm precise contractual relationships, which evaluates the degree of control, level of integration and the totality of interdependence. <sup>662-668</sup>

Labour hiring agencies experience extreme difficulty in the supervision of its employees, especially across multiple sites, with host organisations more than willing to relay or transfer the associated risks. It becomes increasingly complex to synchronise activities, manage risks and coordinate decisions. Agency employees are often unfamiliar with the host site and its workforce, which significantly increases work health and safety risks. <sup>669-671</sup>

Consultation mechanisms are also compromised through deliberate or inadvertent exclusion of agency employees from the host health and safety committee meetings. It creates a fertile environment for reactive [accident theory](#). Moreover, many of its Dickensian symptoms, which include blame, fear and retribution, evolve and flourish accordingly. <sup>672-675</sup>

The uncertainty and legal complexities generated by the [gig economy](#) and its malevolent [precariat](#) creates negative behaviour patterns with increasing injury rates, escalating [psychosocial risks](#) and chronic health problems. This may be a significant contributory factor in the resurgence of coal workers' pneumoconiosis throughout [Appalachia](#) in the United States and across the [Bowen Basin](#) in Queensland Australia. <sup>676-683</sup>



# Accident theory

*A second class mind dealing with third class material is hardly a necessity of life*

Harold Laski <sup>684</sup>

[Accident theory](#) emerged in the 1930s following the great depression and was immortalised by the work of [Heinrich](#). It remains conventional with many organisations, evangelical safety crusaders and careerist zombies despite its reactive, foreboding and happenstance nomenclature. Its views are rather subjective and it lacks logical analysis, scientific rigour and is littered with pejorative terminology. It targets downstream using reductive, mechanistic and linear cause effect ideology. This relies heavily on the benefit and bias of hindsight, which creates a robust cognitive illusion with a pernicious influence on decision makers. <sup>685-695</sup>

## Causation

[Cause and effect](#) ideology is a fundamental tenet of [accident theory](#) and evolves because life can only be understood backwards but must be lived forwards. It is a simplistic and clockwork mechanistic approach underpinned by lazy logic, which engenders blame and retribution. It is embraced by many safety evangelists and careerist zombies without any concept of critical thinking or discernment, which probably explains its persistent popularity. [Causes](#) are categorised as [material, formal, efficient or final](#) and more commonly identified as necessary, sufficient and contributory. These in turn are classified as [proximate or ultimate](#) and are interconnected. It creates a tortuous labyrinth of permutations and combinations rendering the quest somewhat elusive and often futile. It frequently yields tenuous relationships, which is neatly summarised by the statistical caveat.....*Correlation does not imply causation.* <sup>696-698</sup>

Contemporary discussions from [Collingwood](#) conclude that causation is metaphorical and simply a relic of animism foisted upon a science to which it is irrelevant. The term is a linguistic convenience but more often an impediment to understanding the scientific process that leads to injury, damage and loss. It is regularly used in the applied sciences, especially engineering and medicine. This diverts attention from prevention and controlling the future to retribution and blaming the past. <sup>699-700</sup>



## Unsafe acts and conditions

[Heinrich's research](#) on [accident theory](#) concludes 98% of workplace accidents involve unsafe acts and conditions. Its fundamental weakness is an inordinate reliance on the judgemental term unsafe, which is so easy to establish following an event but surprisingly difficult to determine beforehand. This subjective emphasis on unsafe acts diverts attention from [operational risk](#) to general safety hazards. It places an unwarranted focus on system noise and leads to ignoring signal, which can and has resulted in catastrophic consequences. It generates [cognitive dissonance](#) and creates [dispositional and situational attribution error](#), which breeds blame and fear. The next casualty is truth and the subsequent investigation is compromised. <sup>701-708</sup>

Another significant anomaly is that unsafe acts or conditions are seldom [sufficient or necessary causes](#) of workplace accidents. This descriptive and subjective classification does not consider the process involved and fails to account for operator competency and analysis of their knowledge, skills and experience. Unsafe acts or conditions are usually [contributory proximate causes](#) but are often incorrectly categorised to suit customary conventions. A human being is not an infallible machine and the expectation of perfection is somewhat unrealistic. <sup>709-710</sup>

## Taylorism and scientific management

Many global corporate behemoths with authoritarian or militaristic structures display symptoms of entrenched [Taylorism](#). This depicts employees as extensions of machines and alienates them from their work. [Accident theory](#) thrives under such conditions, with its focus on unsafe acts, cause effect dogma, blame and [operant conditioning](#). <sup>711-713</sup>

Casual labour hire arrangements and [technopoly](#) via the introduction of new technology often generates insecurity and atavism and employees frequently resort to managing the structure, especially in adversarial environments. <sup>714-715</sup>

In sporting vernacular, they play the man not the ball and [Kaizen](#) principles, which emphasise that systems and processes influence performance, are neglected or discarded. [Sociotechnical systems](#) theory is reviewed by [Trist](#) and [Bamforth](#) and [Appelbaum](#). The technological impact and its transformation of organisational structures and culture is discussed extensively by [Drucker](#) and [Postman](#). <sup>716-720</sup>

*All professions are conspiracies against the laity*

George Bernard Shaw <sup>721</sup>

The recent resources boom across Australasia involved construction of major gas projects throughout [Queensland](#), [Western Australia](#), [Northern Territory](#) and [Papua New Guinea](#). This created an unprecedented demand for the provision of health and safety advisors, who were also required throughout the mining and renewable energy sectors. It placed a tremendous strain on human resources. The activity was often subcontracted to recruitment consultants or labour hiring agencies and included engagement of migrants on temporary working visas. Discussions with many colleagues and personal experience confirms resourcing processes were somewhat rudimentary and fragmented. This has damaged the legitimacy of industrial safety and left it morally bereft and philosophically rudderless. It is treated with disrespect and regularly disparaged amongst the civil, mechanical and electrical engineering professions and many other disciplines. <sup>722-730</sup>

## Recruitment processes

The minimum qualification required for field safety advisor roles was a [Certificate IV](#), which was offered by many [registered training organisations](#). Accreditation was obtained in less than a week at a cost of \$300 and many labourers or tradesmen seized the opportunity. Clients and major contractors offered substantial commissions for the engagement of safety advisors. Telephone interviews were conducted by recruitment consultants or labour hiring agencies with a limited awareness of the workplace health and safety curriculum and even less familiarity with the [Australian qualifications framework](#) ([Figure 4](#)). <sup>731-733</sup>

Projects were besieged by evangelical SHEeple wielding [Maslow's hammer](#), the law of the instrument, without any perspicacity or concept of business systems and processes. They were soon lost if not bossed and terms such as unsafe, buddy, hazard, mate and risk were often used indiscriminately and synonymously. Many advisors were unable to articulate the fundamental test for a hazard or distinguish between qualitative and quantitative data or descriptive and inferential statistics. An enforcement and compliance ideology soon evolved with safety proselytes patrolling projects in a relentless pursuit of unsafe acts to fulfil their allocated key performance indicators and uphold the [zero harm](#) chimera. <sup>734-743</sup>

The engagement of safety advisors from military, services or nursing backgrounds is common across most resources projects. It suits command and control structures with a compliance and enforcement dogma but merely exacerbates the situation. Unsafe acts often trigger disciplinary action, which include formal warnings or dismissal followed by the safety proselyte's shrill admonishment.....*He didn't follow procedure*. Administrative protocols such as safe work method statements do not significantly reduce the risk. They are merely overly bureaucratic documents, which provide an otiose attempt to cover every conceivable contingency and are usually written to protect the writer. <sup>744-747</sup>

Recruitment processes for senior safety roles also require improvement. Project and corporate safety managers are often appointed holding an undergraduate degree without a foundation science background and emerge as careerist zombies. Many operate like creative accountants to circumvent legislation and ensure productivity remains paramount. Strategies are developed, which align with risk management principles but at an operational level the redolent symptoms of atavistic [accident theory](#) prevail. If the scientific approach to risk management and safety is ignored or unappreciated it soon defaults to a superficial common sense doctrine garnished with flavour of the month nostrums. Society readily acknowledges requirements for medical specialists regarding the diagnosis and treatment of injury or disease. However, supporting science relating to identification and control of industrial safety risks is frequently dismissed and ridiculed. <sup>748-749</sup>

Work impacts on the health and safety of people in organisations, which are systems that are influenced by its sociopolitical environment. The risks must be reduced using suitable models of causation and proportional controls to create a better and safer workplace. A safety professional applies specialised practice to assist and influence the organisation in achieving this sustained improvement. <sup>750-751</sup>

Recruitment processes during the natural resources boom have [dumbed down](#) the occupational health and safety discipline. Its reputation amongst many professions is disparaged and any skerrick of integrity has been shredded. Safety advisors and human resources consultants must review the [OHS body of knowledge](#) framework, which is detailed in [Figure 5](#) and understand its intent. A robust code of ethics supplemented by an extensive revision of the curriculum and improved recruitment processes is critical in order to repair its tattered image and restore some much needed legitimacy. <sup>752-753</sup>

## Occupational health and safety curriculum

After almost 30 years an extensive review of literature confirms there is no clear agreement covering the role of generalist safety professionals throughout industrial and commercial sectors. The discipline is currently renowned for its excessive [Kafkaesque](#) bureaucracy and brutal gotcha culture. It is underpinned by puerile [binary oppositional logic](#) with an emphasis on regulations and compliance to the letter of the law. This places an inordinate focus on objects or insignificant hazards and diverts attention from subjects or [operational risk](#). A dearth of [critical thinking](#) or discernment is evident, which destroys creativity, learning and innovation. It eventually depersonalises and disparages humans who are ultimately treated like [Taylorist](#) automatons or extensions of machines. <sup>754-758</sup>

The legislative framework advocates a performance based, preventive, systematic and consultative risk management approach. It is somewhat constrained by an immature and anachronistic safety curriculum. This teleological schema is merely a [cultural reproduction](#) process that signifies its trajectory, projects its future and preserves the interests of the powerful. Political motives are deceptively disguised and invariably support establishments that regurgitate its content and justify their actions within those institutions. <sup>759-762</sup>

The current safety curricula adopts a mechanistic and reductionist perspective that is infatuated by adversarial legislation and [accident theory](#) apothegms, which place an extraordinary emphasis on reactive performance metrics. After several decades industrial safety remains preoccupied by the absence of harm, which has propagated an entrenched culture of [risk aversion](#). It is alienated by a climate of compliance and enforcement that cultivates blame, fear and retribution. <sup>763</sup>

The way a curriculum is presented significantly influences learning and it has a profound impact on its students. This is frequently referred to as [incidental learning](#) or the [hidden curriculum](#), which is more often caught rather than taught. The current industrial safety curricula merely treats its students as receptacles for data. It confuses metrics with learning and requires methodological and [ontological](#) change using a [transdisciplinary](#) approach. Even socially autistic mercenary executives from the [Bechtel](#) military academy are quite capable of regurgitating meaningless drivel and squawking shallow repetitive platitudes such as.....*All accidents are preventable* and [zero harm](#). <sup>764-769</sup>

The [Certificate IV in Occupational Health and Safety](#) does not fulfil accreditation criteria as a professional education program and its coverage of contemporary theories and business processes is extremely limited. It merely provides an overview of an adversarial legislative framework and its systematic and consultative risk management approach. This is supported by an inordinate emphasis on [accident theory](#), [behaviourism](#) and reactive metrics. Its integrity throughout the industrial safety sector is regarded with extreme cynicism. <sup>770-771</sup>

The current safety curriculum with its scientific, technical, engineering and bureaucratic focus bewilders and demoralises many students and inevitably cultivates [risk aversion](#). It also discourages education and learning, which is exacerbated by an obsessive pursuit of perfection and denial of fallibility. Risk is essentially a subjective concept, despite many attempts to measure it objectively using qualitative and quantitative techniques. Any efforts which disregard its inherent biases or dismiss moral and political issues are fraught with danger. Its reification via an inordinate focus on [structuralism](#), [objectivism](#) and [positivism](#) eventually entangles the process with many of the impurities it attempts to resolve. It is a [wicked](#) and elusive problem and solutions that prove successful with linear cause effect relationships inadvertently generate many toxic derivatives. The prospects are somewhat daunting and can create escalating [psychosocial risks](#). <sup>772-778</sup>

Notwithstanding the recent significant advances in science, technology and psychology very little is understood about the [human unconscious](#). Risk management decisions inevitably result in concessions or derivatives and any overt actions invariably create covert social repercussions. Human fallibility in a stochastic environment means the elimination of risk is a fallacy. Indeed, without residual risk there is no learning or being and any denial of [fallibility](#) is a renunciation of wisdom. <sup>779-780</sup>

There can be no absolute prediction of the future and our inherent unreliability with a propensity for risk and necessity to learn inevitably results in some pain and suffering. Any decisions within human activity systems will always involve approximation or [satisficing](#), which is a compromise between known and unknown facts. Furthermore, an obsessive protection from harm increases fragility and vulnerability. It seems rather paradoxical but essential attributes such as resilience, durability and adaptability are actually acquired from real world turbulence, anarchy and exposure to risk. <sup>781-783</sup>

The [Safety Institute of Australia](#) professional certification scheme has honourable intentions but may propagate a conflict of interest and increase the risk of [cognitive regulatory capture](#). It will eventually degenerate into a meaningless symbolic ritual like the construction industry [white card](#) induction or competency based training tickets. Its mechanistic, scientific and technological focus merely schools or indoctrinates naïve students, stifles creativity and inhibits learning. This is exacerbated by an adversarial and intimidating verification process, which will eventually become as ineffective as the [JAS-ANZ](#) auditing scheme. <sup>784-787</sup>

Several prominent academics have advocated reform via the [safety differently](#) movement. However, the discourse is superficial and merely regurgitates the safe place or safer person dichotomy. The safety curriculum needs restructuring using a [transdisciplinary](#) approach and must recognise risk as a socially constructed and inherently subjective phenomenon. This involves integration of its scientific and technical focus with the fundamental principles of psychology. It requires an increased emphasis on the [social psychology](#) of risk, [critical theory](#), [cognitive dissonance](#), arational [decision making](#), [satisficing](#), education and learning and the power of [semiotics](#) and [semiosis](#). This can resolve many of the inconsistencies between perceived and objective risk and restore some much needed legitimacy to the discipline and repair its tattered image. <sup>788-792</sup>

## Inductions or indoctrination

Another significant issue which has contributed to the duplicity of industrial safety is the site induction process. A coal seam gas project near [Roma](#) in Queensland required eight different safety inductions, which included the meaningless construction industry induction [white card](#). The entire charade had little to do with education and learning and was effectively [single loop training](#) or indoctrination. Indeed, employees from one accommodation camp were prohibited from using an automatic teller machine at an adjacent site because they had not completed its induction. Inductions were also required to use the gymnasium at several camps. This [displacement activity](#) achieves the precise opposite of its objectives and anaesthetises inductees against leaning. It merely involves regurgitation of legislation and corporate directives. Every participant is deemed competent via a counterfeit questionnaire that generates a predetermined outcome, which reflects and validates the integrity of the nostrum.....*In the long run, spoon feeding merely teaches us the shape of the spoon.* <sup>793-795</sup>

## Another brick in the wall

*An educated, healthy and confident nation is harder to govern*

Tony Benn <sup>796</sup>

Almost all [education](#) has a political motive, which promotes national, religious or social group interests at the expense of its detractors. It determines the subjects taught, the knowledge provided or suppressed and the customs and conventions students are expected to acquire. In the industrial safety curriculum, learning is akin to schooling and it confuses process with substance. It is mostly indoctrination and the information is merely absorbed and repeated. This obfuscates [teaching with learning](#) and imagination is controlled to accept ceremony over value....*We don't need no education, we don't need no thought control.* <sup>797-799</sup>

Medical treatment is mistaken for health care, police protection for safety and military prowess for national security. Issues such as welfare, learning, dignity, independence and creativity merely reflect the performance of establishments serving these ends. Education occurs only when there is an ethical intent to enhance the wisdom and development of individuals. It requires a [community of reciprocity](#), empathy, meaning and engagement with an emphasis on self-discipline. <sup>800-803</sup>

The ultimate objective is recognizing how to live in the real world surrounded by fallible people in a stochastic environment with an uncertain future. The challenges are quite formidable, especially when careerist zombies with an obsessive focus on perfection and denial of [fallibility](#) endorse incongruous, unrealistic and embarrassing ideologies such as [zero harm](#). This has created a climate of [risk aversion](#) and there can be no learning without risk. Education and learning requires devotion to personal development and commitment to reform using a much more sophisticated approach. <sup>804-806</sup>

[Single loop training](#) or indoctrination restrains progress, which inhibits maturity and wisdom. The acquired knowledge is merely superficial with repetitive vapid clichés such as reaching out or moving forward. [Double loop learning](#) is a generative process that contests traditions and assumptions and encourages creativity to develop alternative trajectories. A paradigm shift only occurs via [triple loop learning](#), which is learning to learn. It cultivates [deep intrinsic knowledge](#) that is much more meaningful and resilient than single loop training or replication of data using algorithms via the fallacy of [machine learning](#) ([Figure 6](#)). <sup>807-809</sup>



## Machine learning

The mechanistic archetype that dominates industrial safety with its excessive focus on metrics has generated a tenuous relationship between cultural value and statistics. This inordinate emphasis on data regards the risk as purely scientific and objective, which dismisses its inherent subjective features and many immeasurable attributes. Individuals become enslaved by the deification of systems and are rendered powerless by an overwhelming bureaucracy that generates an exponential increase in inertia. <sup>810-811</sup>

Catacombs of worthless data conveniently ignore the distinction between [descriptive and inferential statistics](#). Feeble cause effect correlations are established in the obsessive pursuit of perfection with the emergence of amorphous traits such as [apophenia](#), [pareidolia](#), randomania, [clustering illusions](#), agenticity and patternicity. It generates a chimera of anthropomorphic machine learning using a formulaic ritual. This produces a predetermined outcome with a denial of [fallibility](#) that creates unnecessary complexity, [agnotology](#) and [obscurantism](#). <sup>812-816</sup>

[Machine learning](#) evolved from the mechanistic disciplines of engineering and computer science, which readily accepts that learning is data transference and replication. This amalgamation of humans with machines or [transhumanism](#) has no reference to subjects and its inordinate emphasis on objects implies anything can learn. Machines have no social identity and cannot dream, create, meditate, fornicate or imagine and the attribution of learning to an object is complete nonsense. The discourse of [machine learning](#) disguises an ideology of perfectionism. Its delusional misrepresentation about learning and faith in machines is merely [technique](#) and a denial of human [fallibility](#).....*Graveyards are full of indispensable men or infallible people.* <sup>817-821</sup>

The objective of [transhumanism](#) is to radically alter human nature by means of technological advancement. It endeavours to move society into the next stage of human development, where man achieves super intelligence and emotional wellbeing. The rapid expansion of science and technology in the new millennium has radically transformed our social landscape with a foreboding trajectory and corrosive impact on democracy. Society has become more abstract with virtual and fabricated images that are dissociated from real world events and substantive evidence. <sup>822-823</sup>



A [gig economy](#) has emerged with escalating inequality and stagnating wages. Careerist zombies usurp the working class hero and accumulate or worship objects that merely thrill for a moment and satisfy for a minute. Many of these solipsists are preoccupied by a world of passive vicarious entertainment with little remaining mental energy to address real world problems and tackle risk.....*How beautiful mankind is! O brave new world that has such people in't.* <sup>824-825</sup>

An omnipresent fusion of humans with technology via ubiquitous iProsthetic smartphones flourishes throughout our suburban shopping malls and across every high street. Incoming calls are invariably screened via voicemail with its dehumanising and automated response, which creates an exponential increase in inertia and [maladaptive anxiety](#). Technology is a patient and contiguous assassin that merely replicates its friendship towards mankind. The forces of mechanisation restrict our ability to make choices or process information. It ignores diverse learning styles and the unique human traits of empathy and free will, which allows mistakes to be confronted with honesty. This enables us to experience reality from different perspectives, which acknowledges [fallibility](#) and inspires each other to repent, recover and learn with dignity. <sup>826-827</sup>

## Learning modes and methods

Many industrial safety practitioners fail to understand the contingent and interrelated nature of education and learning and believe knowledge acquisition and assessment is a neutral process. A binary and simplistic notion of [training, banking and narration](#) is an alienating ideology of oppression and fails to capture the complexity of learning. There are many different modes and methods with no standard prototype that suits every student. Many students learn at different rates and some prefer [experiential learning](#) rather the schooling, teaching or indoctrination. Most tradespersons learn [kinaesthetically](#) but are regularly forced to suffer proselytising inductions via [single loop chalk and talk training](#). <sup>828-829</sup>

Students are attracted to various modes and methods using [multiple learning intelligences](#), which are described by [Gardner's](#) matrix ([Figure 7](#)). This accentuates the tension in learning differences via a horizontal axis of flexibility and direction v control and stability and a vertical axis of design v heart. There are four principal trajectories across its quadrants that consist of learning by experience, analysis, vision and exploration. <sup>830-832</sup>

Many students display tiered and preferential tendencies and are inclined to remain longer in a specific quadrant where they learn best. Learning is about experience, change, ownership, awareness and understanding. It also involves perception, motivation, capability, adaptation, thinking and investigation with a specific emphasis on the learner. Training focuses on the content with messages that are conveniently framed by the sender but are often incoherent to the receiver. This is a critical impediment to education and learning, which inhibits cultural change, particularly within the industrial safety sector. Site inductions and many safety campaigns are merely a data dump or indoctrination process. An understanding of [multiple intelligences](#) and different learning styles soon makes it evident there is no panacea. <sup>833-835</sup>

Learning creates changes in thinking, knowledge, behaviour, values, skills and capabilities, which cannot be attributed exclusively to the overt curriculum or [single loop training](#). It often evolves from oblique information in the [hidden curriculum](#) and involuntary communication conveyed via strategy, actions and subliminal messages. Industrial safety requires a variety of interrelated approaches to enhance the discernment of risk with a significant emphasis on [incidental](#), [situated](#) and [experiential learning](#). <sup>836-837</sup>

Implicit [incidental learning](#) cultivates [tacit knowledge](#), which is extremely difficult to transfer to other people via standard forms of communication such as talking or writing. It is defined as skills, ideas and experience, which have been attained but cannot be straightforwardly expressed or codified. In many cases people are unaware of their acquired [tacit knowledge](#) and its value to others. Its effective transfer generally requires extensive personal contact, regular interaction and trust. This can only be revealed through practice in a particular context and transmitted through social networks. It is usually captured or caught rather than taught, especially when students join a network or [community of practice](#). <sup>838-840</sup>

A student can attain [tacit knowledge](#) without language and apprentices often work with their mentors and learn craftsmanship via observation, imitation, and practice. It is extremely difficult for students to share their thought processes without some form of combined proficiency. Learning and education stems from [tacit knowledge](#), which is exquisitely summarised by [Polanyi](#) as.....*We know more than we can say*. It provides much of the basis for our interactions with people and specific situations and is usually acquired through experience.....*If you think education is expensive, try estimating the cost of ignorance*. <sup>841-842</sup>

Implicit [incidental learning](#) encourages a subliminal or reactive engagement of assumptions, values and knowledge through situated learning. [Experiential learning](#) occurs through its interface with concepts and visual representations and is the difference between [conscious competence and unconscious competence](#). The theory of [situated learning](#) extends beyond constrained endogenous processes. It establishes a trajectory, which encompasses the contextual issues embedded within the physical environment of a particular community and is an integral and inseparable aspect of social practice. Informal learning is an important part of [situated learning](#), which is a cumulative social process underpinned by expert knowledge and skills. These are acquired from shared experiences within the workplace, community or immediate family. <sup>843-846</sup>

Domain specific knowledge is necessary for the development of expertise and it becomes embedded in practice and is transformed via [goal oriented behaviour](#). Its neophytes or novices become part of a [community of practice](#) and gradually move from the periphery towards full participation and involvement. The participants eventually become facilitators and the [community of practice](#) creates its own common sense or [collective coherence](#). It engages learning through trust, interactivity and conversations, which reinforce that relationships are the foundation of accomplishment. <sup>847-850</sup>

The use of [simulated](#) and [experiential learning](#) has been a commonly accepted practice in education for many decades. It is recognised by some organisations as a critical process to inspire learning and trigger organisational and personal development. It promotes the concept of virtual reality via simulated activities to generate real learning. The activity must align with the developmental requirements or learning maturity of its participants, which will stimulate motivation and encourage involvement. <sup>851-852</sup>

[Experiential learning](#) should value the input of contributors and the process must be versatile and flexible to accommodate the experience of its participants. The simulated activities must empower individuals to accept responsibility, develop problem solving skills and discover techniques to succeed. The trainer adopts a different role and becomes a facilitator, which does not require presenting information, telling, indoctrination or teaching. Students are no longer passive sponges that merely absorb data but actively participate in the process and contribute to their own learning and education. <sup>855</sup>

## Learning essentials

Learning disabilities are tragic in children but they are fatal within organisations. Indeed, most corporations fail to live half as long as a person and many die before reaching forty.

There is ample evidence for executives that a catastrophic incident can curtail even this brief existence..... *The proud peacock of today may be only a feather duster tomorrow.* <sup>856-858</sup>

Effective learners must perceive information, reflect on its impact, compare how it aligns with individual experiences and consider how the acquired knowledge provides alternative options or decisions. It is much more than seeing, hearing, moving or touching and rather an amalgam of what we sense and think with how we feel and behave. Without this combination we are merely dilatory participants in a [passive learning](#) process that fails to engage our superior cognitive processes. There can be no change, development or transition without the establishment of trusting relationships, which requires significant resources and skill with inspiration and support from a learning and dynamic social network. The rate people embrace change will be constrained unless its community appreciates an environment that generates trust, motivation, engagement, recognition, resilience and learning. A climate of acceptance and [respect](#) is fundamental for promoting a positive culture, where mistakes are acknowledged. This enables people to recuperate and learn without retribution. <sup>859-860</sup>

In large scale applications, culture follows structure, which provides people with a degree of certainty, security and meaning. It must also demonstrate via the organisation's methodology that its people are supported, inspired, admired and acclaimed. Organisations which disrespect or disenfranchise its employees and restrict freedom or choice are essentially demotivating and often intimidating. The essence of change requires inclination and a proclivity to learn. It must be supported by a measurable recognition and reward process and accompanied by suitable methodology and engagement techniques. This requires an acknowledgement of contribution and tolerance irrespective of the circumstances, tradition and past performance. People support what they create and without any personal benefit, change will encounter resistance. It will be ineffective unless the change agent has the ability to drive and direct transformation and employees have the inclination, capability and capacity to learn..... *Tell me and I forget, teach me and I may remember, involve me and I learn.* <sup>861-863</sup>

## Legitimacy of occupational health and safety

Daily prestart meetings on most projects have degenerated into a liturgy of ontological [sanguma](#). This atavistic ritual is reinforced by paramilitary safety zealots proselytising and beseeching employees to behave safely via melismatic [Znamenny chants](#). It is usually complemented by a [calisthenics](#) nostrum guided by internally accredited practitioners following a [fatwa](#) to eliminate musculoskeletal disorders. However, this disregards statutory requirements covering consultation, risk management and the hierarchy of controls and subliminally blames the victim. This is exacerbated by egregious safety crusaders patrolling sites like neurotic [Tonton Macoutes](#) armed with digital cameras, [behavioural safety](#) check lists and electronic hazard identification sheets to target unsafe acts and conditions. <sup>864-868</sup>

It has created a vicious gotcha culture underpinned by [cognitive dissonance](#), blame and fear with the emergence of an unnecessary and somewhat predictable [Kafkaesque](#) bureaucratic email war. Many of these administrative tools, especially [behavioural safety](#) checklists, use pejorative descriptors such as line of fire, eyes on path and eyes on task. Qualitative irrational performance indicators generate misleading data and if you ask vague questions, expect ambiguous answers. <sup>869-875</sup>

This has opened a [Pandora's Box](#) and is cultivating widespread disdain. Unsafe acts and [negligence](#) are not synonymous, it is a legal paradigm and an industrial relations minefield. Moreover, it requires a careful understanding of [jurisprudence](#) and a discreet appreciation of the fundamental tests, which are used to establish the [tort of negligence](#). It is highly debatable whether such tactics are appropriate for general safety hazards. The application of similar methods to [operational](#) or [material](#) risks has resulted in several high profile disasters with catastrophic consequences. <sup>876-880</sup>

There are ample opportunities for improvement. Entrepreneurial consultants could reach out with sanctimonious offerings of chamomile tea, bamboo wind chimes, bees wax candles and patchouli oil incense burners with looped background renditions of Enya's tranquil Celtic music. This will reduce [psychosocial risks](#) to [as low as reasonably practicable](#) and discharge ethical responsibilities in the unrelenting quest for [zero harm](#). A research report could even be submitted for a [Cochrane systematic review](#) and meta-analysis. The regulators and shareholders would be most impressed.....and pigs might fly. <sup>881-887</sup>

Aspirational terminology such as [zero harm](#) or all accidents are preventable is more suited to scientism and occasionally appears in [neurolinguistic programming](#) or fuzzy [soft systems change management](#) processes. It is incongruous with [risk and energy damage theory](#) and such didactic language must be used sparingly and with extreme caution. A more appropriate description of the discipline when resorting to fundamentalist flavour of the month regimes would be Facebook Safety™ or safety damagement. The repercussions, which include workplace injury, illness, disease and escalating psychosocial issues are anything but.....*Kind of cool, reaching out, excellent or awesome if you like mate.* <sup>888-893</sup>

Recent independent reviews of United Kingdom health and safety legislation triggered controversial comments from [David Cameron](#). He pledged to destroy the health and safety monster and claimed it was an albatross around the neck of British businesses. These sentiments are reflected by several other [neoliberal](#) acolytes, including [Campbell Newman](#) and [Tony Abbott](#) in Australia and [Stephen Harper](#) in Canada. Cohorts of intimidating evangelical safety crusaders from the tattoos to teeth ratio brigade, with jewellery protruding out of every orifice, have inadvertently and somewhat significantly contributed to their cause and shredded any remaining integrity. <sup>894-903</sup>

Project activities include monotonous routine inspections and internal audits, which are generally symbolic and often disclose only minor noncompliance with administrative arrangements and standard operating procedures. It is exaggerated by perfunctory safety observations with a profligate attempt to measure behaviour not actions. This places an unwarranted focus on insignificant issues to fulfil key performance indicators. It does not add value or target the source and conveniently diverts attention from [operational risks](#), which avoids rocking the boat and disrupting production. <sup>904-911</sup>

This was evident during the Queensland parliament coal workers' pneumoconiosis inquiry covering excessive exposure to [respirable coal dust](#) and [crystalline silica](#). An extraordinary focus on compliance and enforcement has permeated the entire resources sector and generated blame and fear. This malaise with its profound American influence was extremely noticeable with [Bechtel](#) and its rigid, militaristic and adversarial regime on [Curtis Island](#) near Gladstone. This has created pettifogging with an inordinate emphasis on hard hat safety at the expense of [process safety](#). Indeed, many safety crusaders are unable to articulate the difference between general industrial safety hazards and material or [operational risk](#). <sup>912-916</sup>

The futility of repetitive inspections is reified by Deming's classic [red beads experiment](#) and reiterated in the [principles for transformation of management](#). The emphasis must focus upstream at the source with better design to reduce risk and complexity. This aligns with the intent of the current [Safe Work Australia strategy](#), business excellence processes and [Gibson's ecopsychology principles](#) and [affordance theory](#).<sup>917-927</sup>

Nevertheless, many careerist zombies or toxic followers and legions of solipsistic evangelical safety crusaders cruise down the slippery slope to [zero harm](#), blissfully unaware with their eyes wide shut. The alleged profession is imploding and self-destructing, much like [Shelley's](#) notorious [Victor Frankenstein](#). It has lost its legitimacy and to reiterate the late British philosopher [Bertrand Russell](#).....*All movements go too far*. The dilemma is encapsulated by the iconic UK progressive rock band, [The Moody Blues](#) and their 1970s classic album...[A Question of Balance](#). Its sleeve features a pensive [Albert Einstein](#).<sup>928-935</sup>

In August 2011, one major organisation used an independent consultant to provide safety advisors at its [Windibri](#) and [Kenya](#) gas processing plants near [Chinchilla](#). A task was allocated to a young safety graduate, which required documenting a risk assessment covering the use of [Glen 20 sanitiser](#). It specifically involved using minor quantities of a commercially available household disinfectant spray to clean dining tables in a warehouse crib room. An invoice for \$10000 covering this displacement activity was submitted for payment and promptly authorised whilst its triviality and value went unchallenged.<sup>936</sup>

On the same project contractors were engaged for maintenance work on a [triethylene glycol](#) distillation column. This involved [working at height](#) at a remote field compressor station using an [elevating work platform](#) when smoke began billowing from beneath its engine cowl. The fire was quickly extinguished but attempts to initiate emergency response from the central processing control room were ineffective. It was unattended and operators had left the site for a corporate town hall meeting in [Chinchilla](#).<sup>937</sup>

The investigation was restrained and questions regarding integrated safe systems of work were met with some bewilderment. The fire occurred in an electrically classified [hazardous area](#) but was not recorded as a [high potential incident](#). There is no record of the event on [regulatory authority](#) or [industry association](#) websites and no safety alerts were issued. A noticeable feature in the immediate environs was the discarded cigarette butts outside the site office where [permits to work](#) were issued.<sup>938-939</sup>



During November 2011 at another nearby facility a scheduled shutdown was required for inspection and testing of pressure safety valves on its central processing plant. The planning was conducted with military precision and permits to work were issued for specific tasks. The activity began at sunrise and involved depressurising the network. The shutdown team verified isolation of equipment and obtained their permits accordingly. Residual natural gas was discharged directly to atmosphere via the compressor vents as the work crew waited on the control room concourse. [940-942](#)

Clouds of methane dispersed above the processing plant and shrouded its perimeter floodlights, which had not been electrically isolated. A maintenance electrician confirmed condensation had been observed inside several floodlight housings but was unable to verify their flameproof rating or intrinsic safety [design features](#). Further discussions with operators confirmed emergency sirens and strobe lights for the plant were inoperative. The equipment had been mechanically mounted and was awaiting electrical installation and no evacuation drills had been performed since the plant was commissioned. After depressurising, the activity proceeded in accordance with the shutdown schedule and the processing plant and its network resumed normal operations. [943-945](#)

A [lessons learned](#) meeting was scheduled the following day to discuss the shutdown and evaluate opportunities for improvement. Several issues were raised and included venting residual natural gas directly to the atmosphere, which breached statutory requirements. This was the only option available as the facility was not equipped with a flare to burn surplus methane. The plant's flame and fire protection system was isolated during the shutdown but the organisation's insurance company was not notified. The defective emergency response warning alarms and failure to isolate perimeter floodlights were conveniently disregarded. [Regulatory authorities](#) were not notified of any [high potential incidents](#) and no incident reports were documented or safety alerts issued. [946-948](#)

The entire project's chequered history began somewhat controversially with contentious [environmental approvals](#) and it was essentially a [race to the bottom](#). In September 2009, a contractor was struck by flying fragments from an [exploding gas sampling filter](#) and received a broken leg. The [BG Group](#) and [QGC](#) merger eventually ended in a trail of tears and the organisation was recently acquired by [Royal Dutch Shell](#). A significant focus on compliance, enforcement and pettifoggery remains. [949-952](#)



An obsolete gas processing plant at [Silver Springs](#) near [St George](#) in Queensland was acquired by [AGL Energy](#) from [Mosaic Oil](#) in 2011. It was converted into a gas reinjection and underground storage facility to provide additional capacity during commissioning activities for major coal seam gas projects. This required extensive refurbishment and much like many of the coal seam gas projects there was an inordinate focus on compliance and enforcement. It placed an extraordinary emphasis on lower order controls. The accommodation camp kitchen was equipped with a gas cooking range that had been illegally connected to the deodorised gas supply from the processing plant for many years. It was considered an acceptable risk during the revamp but any noncompliance with site personal protective equipment requirements attracted disciplinary action. <sup>953-955</sup>

The safety strategy was underpinned by [accident theory](#) with its adversarial and absolute axioms, which included life-saving rules, [zero harm](#) and all accidents are preventable. Its focus on leadership accentuated the traditional Batman hero worship paradigm. During my tenure I received sad news from overseas that my mother had passed away aged 98 years. I arrived at work that morning and booked return international flights during my lunch break to attend the funeral service the following week. <sup>956-957</sup>

The response from an inarticulate mercenary redneck safety manager demonstrated anything but leadership. Humanitarian traits such as [respect](#), compassion and empathy were disparaged. The most immediate concern was how much compassionate leave would be required and any skerrick of sympathy lay somewhere between shit and syphilis in its corporate glossary. Its upstream gas general manager, who recently retired, displayed all the didactic hubris of a [Harvard Business School](#) graduate with a socially autistic and militaristic demeanour. The organisation significantly underestimated the [Hunter Valley](#) community expectations and the dogged resilience of its residents and has since divested its coal seam gas interests in the region.....*Since leaders are no longer equated with being superior, followers should no longer be equated with being subordinate.* <sup>958-961</sup>

In November 2012 construction of water treatment facilities commenced in the western development area of the APLNG project at its [Reedy Creek](#) site. Initial activities involved early earthworks using a prequalified principal contractor and subcontractors. Following several indoctrinating inductions I went for a short stroll along the common access road towards the project construction site. <sup>962</sup>

I was equipped with mandatory personal protective equipment and carried a two-way radio and mobile phone. It created absolute mayhem and panic with hysterical chatter over the airwaves. The project's senior safety coordinator was extremely concerned that I may be bitten by a brown snake and a vehicle was despatched and returned me to the project office. Maybe I required a safe work method statement, job safety analysis or a permit to work and walking frame to eliminate the risk or secure my safety. [963-964](#)

The following day, inspections on elevating work platforms, compressors, generators and water pumps around the site confirmed daily preoperational checks had been documented. However, quarterly and annual mechanical inspections were overdue or not recorded in the equipment log books. Further inquiries regarding [powered mobile plant](#) premobilisation protocols and record keeping requirements were met with obfuscation. [965](#)

This response prompted an audit of [powered mobile plant](#), generators and compressors across the site. The principal contractor's project manager reacted somewhat deceitfully and attempted to circumvent the process. An email instructed the powered mobile plant coordinator to affix out of service tags to any noncompliant equipment before the audit commenced. Several weeks later another elevating work platform was discovered at a site lay down area and its quarterly mechanical inspection was several months overdue. An out of service tag was immediately affixed to the equipment and the log book presented to the project safety manager. An additional inspection several days later confirmed the log book had been updated. However, the absence of any tyre tracks in the laydown area indicated the equipment had never moved. [966](#)

During early earthworks malfunctioning powered mobile plant often required troubleshooting and maintenance. A subcontractor was engaged and provided a mobile workshop for roving inspections and field repairs. It was equipped with an oxy-acetylene welding kit in the back of an enclosed vehicle and no [hot work permits](#) were ever issued for specific activities. The response from the principal contractor was somewhat nonchalant but noncompliance with personal protective equipment requirements attracted disciplinary action. Several months later an overhead awning with shade cloth was installed above freight containers in a laydown yard. It involved welding and the contents of a freight container caught fire resulting in extensive asset damage. No hot work permit was issued and the container was not even inspected before the [welding](#) commenced. [967-968](#)

Freight containers at remote field workshops were frequently used for the [storage of surplus equipment](#), chemicals, redundant forklift batteries and tyres, compressed gas cylinders, spare fuel supplies and even bed mattresses. Many have inadequate ventilation and the plywood floors are often contaminated with spilled diesel or petrol. A scorching hot summer day with an unsupervised apprentice mechanic smoking a cigarette is all it takes. These issues were raised with the principal contractor's senior safety coordinator and the response generated further obfuscation. Despite the corporate rhetoric, individuals who report or elevate significant risks are invariably ostracised and despatched to the project's transit lounge. Many are usually categorised as troublemakers or whistle blowers and constructively dismissed...*If you are not prepared to resign or be fired for what you believe in, then you are not a worker, let alone a professional. You are a slave.* [969-971](#)

Some weeks later the principal contractor's senior safety coordinator, an avowed acolyte of [behavioural safety](#), required emergency treatment for stomach pains at the project medical centre. The individual was evacuated from site with suspected gall stones and was smoking whilst attached to a drip and walking from the medical centre to an awaiting ambulance. A contemptuous disregard for your own health often mirrors your consideration for the welfare of others. Meanwhile, the principal contractor's parent company was embroiled in controversial allegations of entrenched corruption. It responded by changing its name and management to disguise the stigma but has seemingly failed to mend its ways. [972-973](#)

Personal experience and discussions with colleagues across the resources sector confirms these are not isolated incidents and the malaise is systemic. It reinforces that industrial health and safety risk is indeed a [wicked problem](#). Single dimension technical solutions often prove ineffective and usually amplify complexity. The legal and financial consequences are shameful but pale into insignificance compared with the moral or social issues. This is reflected in the recent collapse of [Carillion](#), a British multinational facilities management and construction services company. The [race to the bottom](#) is nasty, brutal and usually on credit and much like professional sport, it is war minus the shooting. It is exacerbated by absolute ideologies such as all accidents are preventable and [zero harm](#). The [doublethink](#) cultivates cynicism, extirpates learning and destroys the legitimacy of occupational and health and safety. [974-977](#)

## A dismal science

Despite its professional status economics is disparagingly termed the [dismal science](#). Its practitioners often struggle to articulate its complexity and it is frequently categorised as a pseudoscience or besmirched as scientism. Economists have developed enigmatic concepts such as [gross domestic product](#) and several algorithms that establish a tenuous relationship between [supply and demand](#). This creates a scientific illusion or chimera, which was spectacularly shattered following the [great financial crisis](#) and confirmed the stock market is nothing more than a glorified casino. A valid test for any subject to be classified as a science lies in its ability to predict future events and not simply explain the past. <sup>978-980</sup>

[Newtonian physics](#) laid the foundations for modern science and [quantum mechanics](#) successfully predicts the behaviour of subatomic particles. Economics is bereft of such scientific exploits and its practitioners are often accused of charlatanism and purveying snake oil. Physical science also has its detractors and deception is easily disguised via a barrage of equations and often remains unchallenged even though a controlled experiment is a fallacy. Scientism is increasingly common throughout the social sciences and transfuses into industrial safety with a relentless pursuit for the philosopher's stone to resolve its many trials and tribulations. [Accident theory](#) and ideologies such as [zero harm](#) or cause effect analysis merely compound the problem. Its inordinate focus on recordable [injury frequency rates](#), is no better than a form guide at the Flemington races spring carnival. <sup>982-985</sup>

Industrial safety, much like economics, is particularly vulnerable to scientism and like many human activity systems it is susceptible to an increased propensity for approximation. Human beings are complex creatures and not extensions of machines or the sum of a system's inputs and outputs. [Decision making](#), particularly under a cloud of uncertainty or complexity, is anything but rational and more often emotional or even arational. However, it is not entirely ontological sorcery and its epistemological or quantitative risk analysis approaches cannot be summarily dismissed. There are many exogenous and endogenous biases, which significantly influence emotions and perceptions and rational or objective techniques do provide some beneficial balance. The development of safety as a science will broaden the repertory of scientific methods and reinforce its foundations to restore its tattered legitimacy and integrity and expose many of the snake oil charlatans. <sup>986-988</sup>

# Occupational health and safety management systems

*We shape our buildings; thereafter they shape us*

Winston Churchill <sup>989</sup>

During the 1980s Australian industry embraced the concept of total quality management, which was based on the [Deming](#) plan do check act cycle. This progressed into quality assurance with the development of business improvement processes. It coincided with an extensive review of New South Wales occupational health and safety legislation during the late 1990s. The subsequent [McCallum](#) report and recommendations advocated a systematic and consultative risk management approach using a performance based regime. <sup>990-993</sup>

Safety management systems emerged, which aligned with quality and environmental management standards and [Figure 8](#) provides details of the principal elements. More recent developments include an internationally recognised standard. <sup>994-1001</sup>

A [safety management system](#) is best viewed as an organising framework that provides effective direction to coordinate health and safety activities in response to incipient endogenous and exogenous risks. It should define objectives and targets, which align with policy requirements and incorporate a robust continuous improvement process to resolve inconsistencies. This provides organisations with a corporate memory and an ability to learn from its mistakes. It also allows systems to be independently audited and certified. <sup>1002-1006</sup>

## Commitment and policy

An occupational health and safety policy is a statement of commitment and intent using principles which reflect the organisation's approach to work health and safety. It provides a framework for action with the establishment of suitable objectives and targets. The policy is a principal element of the safety management system and reflects the organisation's overall strategy. It must reinforce management commitment and be countersigned by the most senior executive in the organisation. Policy development must encompass vertical and lateral communication with effective consultation amongst employees throughout every structural level of the organisation. Executives and senior managers must demonstrate leadership with [respect](#) and [humility](#) and it is critical their actions reflect and align with the policy and its objectives. The policy must be regularly reviewed to guarantee its sustainability or it will be condemned to ineffective obsolescence. <sup>1007-1011</sup>

## Planning

Failing to plan is planning to fail and perfect planning prevents piss poor performance. These aphorisms, irrespective of the code or discipline, are drilled into every elite professional. It holds even more significance with health and safety because unintended adverse consequences may involve burying the victims. The organisation must plan to fulfil its policy, objectives and targets with an upstream emphasis on prevention through better design to reduce risk and complexity. The standard of controls must be proportional to the likely worst consequence and the safety management system must align with other business systems and processes. This increases flexibility and expedites response to changing demands to ensure a superior safety performance. [1012-1013](#)

Relationships are the foundation of accomplishment and consultation is mandatory across every structural level of the organisation. This must involve employees who are exposed to risks at the coalface because people inevitably support what they create. It should address operational risks that arise from the unique circumstances or conditions pertaining to its specific activities. This is critical with exposure to health risks, such as [asbestos](#), [respirable coal dust](#) and [crystalline silica](#), where symptoms are often dormant and usually manifest following prolonged exposure. The planning process consists of an initial review and gap analysis against legislative requirements to identify inconsistencies, establish a risk profile and determine the standard of controls and resolution of any anomalies. It should also consider contractor management protocols and contingency arrangements for emergency response, critical incident recovery and business continuity. [1014-1022](#)

Safety management plans must define functional responsibility and accountability and determine how prescribed objectives and targets will be achieved. The objectives are the overall goals covering safety management and allow organisations to measure performance against defined targets. These must be specific, measurable, achievable and realistic and time bound. Objectives and targets must be regularly revised in consultation with employees to remain relevant and align with the organisation's dynamic risk profile. These must be supplemented by active and reactive performance indicators, which focus on upstream inputs and downstream outputs to measure the overall achievements of its safety management system. [1023-1024](#)

## Implementation

Effective implementation involves provision of capabilities and support mechanisms to reflect and align with the policy and meet its defined objectives and targets. The organisation must ensure it has sufficient capability to implement requirements and provide suitable human, physical and financial resources. It should be integrated with existing business systems and processes, which define functional responsibility and accountability. This reduces complexity and avoids unnecessary duplication of activities. [1025-1029](#)

Extensive consultation, participation and cooperation with employees is required across the entire organisational structure. Change imposed often degenerates into change opposed through ineffective communication and people will invariably support what they create. A training needs analysis is essential to establish competency requirements, which must meet statutory obligations and align with the risk profile. The training program should address the health and safety policy, risk management processes and include arrangements for emergency response and first aid. Competency requirements should be proportional to the level of involvement with specific activities. The management system must include details covering supply of goods and services, including the use of contractors. Contracts must detail precise health and safety requirements for the provision of labour and define specification criteria for supply of materials and equipment. [1030-1033](#)

Ensuring capability will require support action, which involves effective consultation and communication protocols. The best form of communication is face to face via the immediate supervisor and the topic must be meaningful and relevant to the working environment. In situations where this is impractical teleconferencing and an extensive range of electronic media can be used for the distribution of relevant information. However, data transmission must not be confused with communication, which involves listening with the proportional use of two ears and one mouth. Documentation must be authorised as required, customised to reduce bureaucracy and remain current. Record keeping must meet statutory requirements, especially when health surveillance and access to confidential medical records is required. This raised significant concern during the Queensland [coal workers' pneumoconiosis](#) parliamentary inquiry following disclosures that personal medical records and X-rays were stacked in a remote freight container and janitor's broom cupboard. [1034-1038](#)



Hazards pertaining to operational activities must be identified and controls implemented to eliminate or reduce the risks. However there are no explicit or consistent hazard management principles within safety management system standards. Most approaches consist of capricious subjective techniques using checklists and other rudimentary intuitive processes. This is compounded by risk estimation using the putative risk matrix, which is an idiosyncratic qualitative tool. It attempts to shoe horn emotional laden thought into a coherent [decision making](#) process and curtails discernment. <sup>1039-1042</sup>

Hazard identification and risk management is an iterative process, which is summarised in [Figure 9](#) and risks must be reduced using effective controls that are proportional to the likely worst consequence. These must focus upstream at the source with an emphasis on better design to reduce risk and complexity. This is accomplished using the hierarchy of controls and requisite variety and it must target operational or material risk. The process should cover purchasing and supply of goods or services and use of contract labour hire. Companies must ensure that procedures are developed for engagement of contractors who perform activities on behalf of the organisation whilst using its premises, equipment and other assets. The selection of contractors should be based on merit and their ability to complete the scope of works in a professional manner. Major contractors should hold [independent certification](#) to a recognised safety management system standard and provide evidence of surveillance audits from a registered [conformity assessment body](#) to verify their integrity. <sup>1043-1047</sup>

The [safety management system](#) adopts a preventive approach and focuses predominantly upstream. However, if the response to unplanned events is delayed or uncoordinated the consequences can be catastrophic. This was evident in several high profile disasters including [Aberfan](#), [Piper Alpha](#), [Hillsborough](#) and [Deepwater Horizon](#). The terms of reference for the [Grenfell Tower](#) inquiry include contingency arrangements and performance of statutory authorities following the fire. This reinforces requirements for effective emergency response and evacuation plans, which must be regularly rehearsed in conjunction with emergency services. Critical incident recovery plans detailing first aid, rehabilitation, counselling and pastoral care arrangements are also required to expedite return to work and reduce [psychosocial risks](#). These should be supplemented by [business continuity plans](#) to provide a coordinated response and prompt return to normal operations. <sup>1048-1052</sup>



## Measurement and evaluation

Organisations must measure, monitor and evaluate health and safety performance and take preventive and corrective action as required. This will determine the effectiveness of current arrangements in meeting defined objectives and targets pertaining to the health and safety policy. This is accomplished using an extensive range of positive and negative performance metrics. Positive or active indicators target upstream on system inputs and negative or reactive indicators focus downstream on its outputs. Measurement and evaluation includes regular inspection, testing and monitoring and the risk profile should determine the frequency of these activities. This should be performed by competent personnel using calibrated equipment. However, inspection does not improve or guarantee quality and controls such as gas testing, dust sampling, noise dosimetry and health surveillance are essentially reactive processes..... *You cannot inspect quality into a product.* The emphasis must move upstream and target design to reduce risk and complexity. [1053-1057](#)

Audits of the [safety management system](#) should be conducted at regular intervals to measure its effectiveness. These may be internal or independent external surveillance audits performed by competent personnel using a standardised process and defined specification criteria to ensure consistency. The audit frequency should be determined from previous performances and the risk profile, which requires evaluation during the management review process. Following inspections and audits, non-conformances and recommended preventive and corrective actions should be documented and implemented in accordance with defined target dates. [1058-1061](#)

Investigations are often required following work health and safety incidents and the scope depends on the actual and potential consequences. These should be performed using an independent team selected by senior management to avoid conflict of interest. The process must consider contributory factors, especially system performance with an emphasis on prevention and controlling the future. A quest for cause is blaming the past and provokes retribution. The corrective actions must focus on elimination of the hazard or reducing the associated risk using controls that are proportional to the likely worst consequence. This may require significant change and capital expenditure, which will involve consultation with senior management to review recommendations and approve resources. [1062-1064](#)

## Review and continual improvement

The organisation must regularly review and continually improve its safety management system. This should include evaluation of endogenous and exogenous risks or it will be condemned to ineffective obsolescence. The review process must involve executive leaders and other nominated representatives from every level of the organisational structure. Its scope must include organisational activities, products or services and their impact on the health, safety and welfare of employees and contractors. [1065-1066](#)

The review should address the effectiveness of the health and safety policy and the suitability of its supplementary objectives and targets. This should include evaluation of internal and external audit reports to confirm recommendations have been implemented and verify the status of outstanding actions. It should also evaluate the impact of external risks, which may include changes to statutory legislation, client requirements and the availability of new technology. Continual improvement must focus on the process to align with the principles of operational excellence. This eliminates blame and a robust and stable discipline evolves, which places an emphasis on design to reduce complexity and risk. It also produces superior safety performance. [1067-1068](#)

## Hard systems change management

The hard systems change management approach is an inorganic clockwork model with an over reliance on rational [decision making](#). It places an inordinate emphasis on audit and inspection processes rather than resolving workplace hazards. Indeed, many organisations have dispensed with certification due to audit fatigue and its excessive bureaucracy despite efforts to integrate systems. Moreover, there are no explicit hazard management principles within safety management system standards. [1069-1074](#)

Hard systems change management disregards the subjectivity of risk and the complexity of soft systems, which includes unitary, pluralist and coercive relationships. However, [safety management systems](#) do provide a formal framework and a recurring theme in organisational development is that in large scale applications culture follows structure. This aligns with business excellence processes and [Gibson's](#) ecopsychology principles and affordance theory. It also reflects one of [Churchill's](#) many maxims.....*We shape our buildings; thereafter they shape us.* [1075-1079](#)

## Bureaucratic risk management

*The only thing that saves us from the bureaucracy is its inefficiency*

Eugene McCarthy <sup>1080</sup>

Legislation prescribes requirements covering risk management and [high risk construction work](#) requires safe work method statements, which are often supplemented by safety management plans, emergency response plans, bridging documents and additional formulaic practices. These include a job safety analysis, task hazard analysis, take five processes, standard operating procedures, safe work instructions and an authority to work. Nominated tasks also require a permit to work and the entire ritual frequently degenerates into gridlock. This creates frustration and a ceremonial bureaucratic culture prevails. On one major coal seam gas project it was promoted as excellence in the basics in a pitiful and otiose attempt to demonstrate due diligence. <sup>1081-1086</sup>

Documentation becomes overly complex and is invariably written to protect the writer. It is produced using word processing software with its many decorative functions and describes only a limited resemblance to coalface activities. There are often significant variances and it creates a process perception paradox, which rather alarmingly cultivates a form over substance culture and further compromises legitimacy. <sup>1087-1095</sup>

### Safety management plans

Legislation covering high risk construction work prescribes requirements for safety management plans, which are frequently documented by external safety consultants. The plan is often a bureaucratic boiler plate ledger, which offers ample content but is bereft of any process. It merely regurgitates statutory legislation in an alternative format and provides an insignificant degree of protection. Plans are often duplicated from a previous project with a completely different risk profile and the process merely involves changing the project name and logo, commencement date and identification number. A *War and Peace* tome is then submitted for approval in accordance with contractor prequalification protocols, which are a superficial administrative charade..... *The plan by its very length defends itself against the risk of being read.* The significant resources allocated to this bureaucratic displacement activity would be much better deployed upstream with a meaningful emphasis on design to reduce project risks and complexity. <sup>1096-1099</sup>

## Emergency response plans

Legislation prescribes requirements covering implementation of emergency response plans. However, many evangelical safety crusaders are oblivious to the process leading to injury, damage or loss. This often manifests via an inordinate reactive focus on handling natural disasters or workplace serious incidents at the expense of upstream prevention and limiting consequences through better design. It generates additional documentation covering every conceivable event with overly bureaucratic procedures, which are invariably written to protect the writer in yet another feeble attempt to demonstrate due diligence. <sup>1100-1101</sup>

The [Australasian Inter-Services Incident Management System](#) is commonly used throughout the resources sector. Its robust process enables a seamless integration of activities and resources using multiple agencies for the resolution of emergency situations. This is often used for natural disasters and other large scale emergencies such as bushfires, floods, cyclones and earthquakes. It advocates a go big and early approach based on management by objectives, functional management and span of control. This covers four generic levels and the structure is scalable and adaptable to suit any emergency ([Figure 10](#)). However, site specific emergencies such as minor fires, bomb threats and civil disorder and are often handled using an [emergency control organisation](#) with a designated chief warden and emergency response plan ([Figure 11](#)). If the situation escalates it may require activation of critical incident recovery and business continuity plans with external assistance from inter-service agencies. This often involves the use of administrative bridging documents with additional communication protocols, which inevitably crash and impede or complicate the emergency response process. <sup>1102-1104</sup>

The documentation ossifies with invalid contact details, superseded response plans and obsolete roles and responsibilities. Duty officers are frequently appointed by proxy and often become sacrificial lambs during a public inquiry with its predictable quest for a scapegoat, which is merely a retrospective judgement of convenience. Many of these symptoms are repeatedly revealed after major disasters and the significant resources would be much better deployed upstream. It should focus on prevention through better design to reduce risk and complexity. This will inevitably arise during the Grenfell Tower [commission of inquiry](#) and appear in the subsequent report but who will listen, read and most importantly act. <sup>1105-1109</sup>

## Safe work method statements

The bureaucracy, unlike wealth in trickle-down economics, cascades right down to the coalface with legislative requirements covering [safe work method statements](#) for high risk construction work. It has created a bureaucratic monster with a perverse perception that safe work methods statements provide better protection than other risk management protocols. This is merely an axiomatic ritual using an idiosyncratic qualitative process. It has cultivated a form over substance ideology, which offers insignificant value and an extremely tenuous defence against due diligence. The [Kafkaesque](#) bureaucracy is unlimited and extends even further to include authority or permit to work processes and the use of standard operating procedures or safe work instructions. Other project activities, where the risks are considered less significant, require a job safety analysis, task hazard analysis or take five process. Much of this effort is regrettably misplaced and the significant resources must be redirected upstream with an emphasis on better design to reduce project risks and complexity. <sup>1110-1113</sup>

## The risk matrix

[Risk estimation](#) is determined using the putative consequence and probability two dimensional matrix. Contrary to popular belief, this is only a qualitative tool which uses numbers as labels. Its categories precede the data with a profound impact on [decision making](#) and the process has degenerated into an aesthetic and futile administrative convenience. It disguises the significant variable of exposure and does not reflect the typical inverse logarithmic relationship between frequency and consequence value. <sup>1114-1120</sup>

The limitations of qualitative and quantitative risk assessment processes are discussed extensively by many safety professionals and academics. The [risk matrix](#) is the wrong answer to the wrong question and is a particularly blunt instrument, which is considered no better than tossing a coin or using a [Hasbro Ouija board](#). Its ordinal or nominal [scales](#) are easily manipulated to suit hidden agendas and it is impractical for the justification of significant expenditure on valuable assets. An electronically manicured and over egged safe work method statement or job safety analysis won't extinguish a fire. Indeed, much of the documentation observed across many projects is style over substance. It is unreasonably bureaucratic and nothing more than a combustible hazard and would provide better value in a construction site ablutions block. <sup>1121-1131</sup>

## Hierarchy of controls

*He blew his mind out in a car, he didn't notice that the lights had changed*

Lennon & McCartney <sup>1132</sup>

Health and safety legislation requires that the standard of control must be proportional to the likely worst consequence with an obligation to provide a safe place and system of work using adequately trained employees. This expectation is popularly promoted as the hierarchy of controls ([Figure 12](#)). It places an emphasis on a safe place and system of work with a minimum reliance on the behaviour of those at risk. Indeed there are many legal precedents, which reinforce that individual performance must not be judged against a hypothetical perception of perfection. It is necessary to account for physical and psychological attributes, degree of experience and knowledge and skills or competency. The failure to provide the required standard of care is referred to as [negligence](#). <sup>1133-1136</sup>

The [hierarchy of controls](#) is best suited to the field of occupational hygiene but its preference for a safe place and changing the situation is equally applicable to risk control. [Haddon's](#) energy damage countermeasures provide an even better alternative. It is more process oriented and offers increased flexibility to fulfil the law of [requisite variety](#). <sup>1137-1138</sup>

However, traditional [accident theory](#) concludes most accidents are attributed to unsafe acts, which places an inordinate focus on human behaviour and is inconsistent with statutory legislation. Risk theory promotes the reliability of controls with an emphasis on minimum failure rates over time. The most reliable control measures are those which focus on improved design with better technology to reduce reliance on human behaviour. This coincides with the moral argument of law. <sup>1139-1140</sup>

Most safety advisors require a detailed knowledge of the standard of care that is prescribed in their jurisdiction and can recite the hierarchy of controls parrot fashion. However, statutory legislation prescribes requirements for reporting notifiable incidents, which are followed by a comprehensive investigation. A review of project [risk registers](#) and investigation reports often exposes the [Pareto](#) principle with evidence of an alternative race to the bottom. Somewhat regrettably, the majority of corrective actions involve a precarious over reliance on cosmetic lower order administrative protocols or the use of personal protective equipment, which disregards statutory obligations. <sup>1141-1147</sup>

## Lower order controls

Following investigations paradoxical nostrums are often implemented. These include lower order controls such as additional warning signs, disciplinary action, retraining, revision of safe work method statements or standard operating procedures and the use of supplementary personal protective equipment. It is a decorous façade, which is inconsistent with the law of [requisite variety](#) and does not significantly reduce the associated risk.

Documentation becomes increasingly complex, which cultivates bureaucracy and eventually generates disdain and distrust. Active lower order controls focus on changing people and it is much more effective to change the situation. [1148-1154](#)

## Warning signs and training

A panoply of safety signs is commonplace on most projects and superfluous laminated warnings are often displayed haphazardly and mounted using string, cable ties or adhesive tape. Many are confusing, noncompliant with guidance standards and ineffective.

Elevating work platform engine hoods display a betokening - *Danger Moving Parts*. Project offices, especially crib rooms, are bedecked with futile warnings. Doors are affixed with a presaging - *Danger Door Opens Inwards* and kitchen cisterns are supplemented with soothsaying labels - *Danger Hot Water*. Departure lounge windows at a regional airport were decorated with a wonderful oxymoronic pièce de résistance - *No Smoking Prohibited*. At least it was spelt correctly or perhaps it was innovative choice architecture. [1155-1158](#)

Laminated safety signs such as *Danger Crane Operating* may assist paramedics find an injured person on a large construction site. However they are more often heard, semiotically fluttering in the breeze, like Reject shop plastic windmills on a suburban cemetery grave or makeshift [roadside traffic accident memorial](#). [1159-1160](#)

At one project, the corrective action for light vehicles interacting with powered mobile plant on access roads required a verification of competency for light vehicle drivers. This was completed by an accredited trainer from a registered training organisation and every driver was assessed as competent. It was a classic displacement activity and diverted attention from using higher order controls such as segregation. If obscenities and the terms mate or buddy were excluded from two way radio chatter during traffic control, the silence would be deafening. [1161-1163](#)

Legislation prescribes requirements covering general construction induction training. This is accompanied by site specific inductions, which provide organisations with a perfect opportunity to improve recruitment processes and demonstrate leadership. However, participant feedback confirms site inductions are merely a superficial death by Pierrepont exercise. It conflicts with andragogic principles and every attendee passes with flying colours, which verifies the presenter has a pulse and inductees can scrawl their name on the attendance register. [1164-1169](#)

## Golden rules

Many projects also display and enforce platinum, golden, cardinal or lifesaving rules, which are regularly reiterated during inductions, prestart meetings and toolbox talks. Breaches often result in dismissal and rather predictably, it generates blame and fear, which conflicts with [Deming's principles](#) for the transformation of western management. [1170-1171](#)

It was the great dissenting philosopher, [William Hazlitt](#), who commented that.....*Rules and models destroy genius and art* and the renowned Roman politician, [Marcus Tullius Cicero](#), remarked.....*The more laws, the less justice*. Laws of fear and alternative approaches for achieving compliance using [behavioural economics](#) [nudge theory](#) are discussed by [Sunstein](#) and [Thaler](#). This advocates [libertarian paternalism](#) and promotes an innovative [choice architecture](#) philosophy. [1172-1177](#)

## Bureaucratic nostrums

On one major coal seam gas construction project eye complaints occasionally required medical treatment to remove foreign bodies. Safety glasses were mandatory on the project and compliance was evident. The ailments often materialised at the project accommodation camp, several hours after finishing work. Treatment was provided at the site medical centre and the incidents were categorised as recordable injuries, without any preliminary analysis of the [event mechanism](#). An extensive and unnecessary investigation followed, which recommended mandatory use of foam backed safety glasses. This disregarded the hierarchy of controls and failed to address the problem at the source via [local exhaust ventilation](#). Moreover, it significantly increased the risk through impaired vision, especially when operating powered hand tools under hot and humid conditions and generated [maladaptive anxiety](#) across the entire project. [1178-1182](#)



On another project an employee received minor burns to his lips and tongue eating a jam filled doughnut, which had been heated in a crib room microwave oven. The injury required medical treatment and an extensive investigation followed to establish root, necessary and contributory causes. Warning labels were affixed to microwave ovens and pie warmer doors in each crib room across every project site. <sup>1183</sup>

In August 2013, a young labourer had been working on a coal seam gas project in central Queensland for approximately two weeks. The employee was removing an entangled tree root from the bucket wheel of a pipeline trenching machine and received serious hand injuries. The lower limb was amputated following unsuccessful microsurgery. <sup>1184</sup>

Entrapment risks were evident and indeed flexible rubber strips were affixed to the bucket wheel compartment in a futile attempt to restrict access to moving parts. The subsequent investigation placed an inordinate focus on the failure of lower order administrative protocols. It highlighted inadequate supervision and the ineffectiveness of training programs for inexperienced employees. However, legislation requires that the standard of control must be proportional to the likely worst consequence. The equipment guarding was somewhat inadequate with a rudimentary agrarian design, which allowed unrestricted access to its internal components. The supplementary installation of photoelectric sensors with automatic shutdown and dual [redundancy mechanisms](#) to reduce the associated risk of entrapment was quite feasible. <sup>1185-1186</sup>

Following the investigation, access to mechanical components was restricted using a passive barrier, which was mounted around the equipment. Warning signs were also displayed to dispel anachronistic superstitions or exorcise evil spirits. It is all too frequent and somewhat unfortunate that many solid higher order control measures have a corpse or two as a foundation. <sup>1187-1190</sup>

The incident provides further substantive evidence that many project requirements including contractor prequalification protocols and plant risk assessments are merely bureaucratic nostrums. It is an ineffective smoke and mirrors exercise and feeble attempt to demonstrate due diligence. Systemic risk control structures similar to the German professional industry associations or [Berufsgenossenschaften](#) are required. This includes contractor registration and equipment design approvals, which are linked to insurance premiums. <sup>1191-1194</sup>

In September 2014, an employee with a principal contractor suffered fatal head injuries joining polyethylene pipes with an industrial welding machine. The work group were attempting to lift a section of welded pipe from the equipment using slings and an internal lever was inadvertently activated. It caused a support roller to rise which crushed the victim's head against the structural framework. The deceased was married with a young family. A search for moral high ground was almost immediate with the delivery of an impromptu project toolbox talk, which commenced with a minute of silence. A woollen beanie was passed around the project office concourse and colleagues were requested to dig deep for donations to support the dependents. <sup>1195-1196</sup>

This was followed by a corporate email stating the client would match any contributions obtained via site fund raising activities. A candle lit vigil ensued with raffles and auctions of sporting memorabilia and other paraphernalia during special functions at the accommodation block wet mess. An executive [fatwa](#) demanded an audit on every item of [powered mobile plant](#) across the project and controls were implemented to prevent the inadvertent activation of selected equipment. Laminated warnings appeared on the engine cowls of scissor lifts and elevating work platforms stating *Danger Moving Parts*. The significant risk of entrapment and crush injuries when operating the equipment amongst overhead pipelines and cable trays was conveniently disregarded. The [principal contractor](#) went into liquidation and was fined \$160,000 with additional legal costs totalling \$3000. The estimated cost of the entire project was \$27 billion and its executive director received a substantial remuneration and generous performance bonuses worth almost \$2 million. The plight of the bereaved in an era of casino capitalism with its winner take all philosophy can only be imagined. <sup>1197-1202</sup>

These Dickensian symptoms are reminiscent of the industrial revolution with its [Health and Morals of Apprentices Act](#), which was introduced by [Sir Robert Peel](#) in 1802. This was subsequently augmented by a prescribe, police and punish regime using the holy trinity of [common employment](#), [volenti non fit injuria \(voluntary assumption of risk\)](#) and [contributory negligence](#). Despite a fustian campaign proffering excellence in the basics, very little has changed. It was indeed pretty basic, irrationally bureaucratic but far from excellent. The direct costs of over \$3000 per day failed to add any value or reduce project risks and it subliminally blamed the victim. <sup>1203-1206</sup>

Other totalitarian controls included electronic surveillance systems for monitoring speed and use of seat belts in light vehicles. The original intent to moderate driver behaviour was progressive. However, it soon degenerated into a pissing contest and blame game with disciplinary action. This often involved instant dismissal and a window seat on the next plane home to the point of hire. Seat belt monitoring was easily circumvented by field employees using an oblique supply of redundant buckles from local car wrecking yards. <sup>1207</sup>

Screening for alcohol and other drugs across projects was monitored with clinical precision and involved mandatory breath alcohol analysis supplemented by random drug testing. This was performed by accredited personnel using defined protocols to address the complexities covering invasion of privacy and civil liberties. The process is often considered inequitable and evidence indicates that screening did not occur as regularly in corporate project offices. Additional problems arise through the use of inconsistent approaches. Australia adopts a [harm minimisation](#) strategy using broad based prevention and reduction techniques whilst the United States, somewhat unsurprisingly, prefers a prohibition, enforcement and [zero tolerance](#) philosophy. It is most interesting and paradoxical that similar clinical precision and tenacity did not apply to monitoring and health screening protocols for exposure to [respirable coal dust](#) and [crystalline silica](#) in the Queensland mining industry. <sup>1208-1218</sup>

Many of these systemic encumbrances are prevalent across most resources projects and create incalculable adverse consequences. This subjugates [principle based leadership](#) and is inconsistent with the cultural enablers of [operational excellence](#), which include leading with [humility](#) and [respect](#) for every employee. It is hardly surprising that safety has lost its legitimacy and is treated with complete disdain by many employees. This is reiterated by another infamous quote from [W. Edwards Deming](#).....*Export anything to a friendly country except American management.* <sup>1219-1223</sup>

Oppressive leadership, compliance and enforcement and the dominance of active lower order controls are redolent of primitive regimes and [accident theory](#), which aims to create a safer person and is inconsistent with statutory obligations. [Risk and energy damage theory](#) promotes reliability using passive technological controls. This decreases reliance on human behaviour. It targets the source and creates a safe place through better design, which reduces risk and complexity and aligns with [common law duty of care](#) requirements. <sup>1224-1226</sup>

## Incident aetiology

*Do not choose a coward's explanation that hides behind the cause and the effect*

Leonard Cohen <sup>1227</sup>

An understanding of [incident aetiology](#) is intrinsic for the prevention of disasters and stemming the tsunami of workplace injury and disease. The term accident is defined as an unplanned, unexpected and unwanted event that gives rise to injury, damage or loss and has been disparaged by many notable academics. It is described as an ersatz concept with a concoction of legal, medical and statistical overtones and many theoretical models have evolved in an attempt to unravel and resolve the mystery of causation. <sup>1228-1231</sup>

Simple linear models assume that accidents occur through a sequential interaction of conditions or circumstances and can be prevented by simply removing the causal nexus. Complex linear models propose that accidents involve a direct combination of proximate unsafe acts and distal latent conditions, which can be prevented using robust barriers and defences. Complex multi-dimensional models recognise that failure occurs when the entire system variance and tolerance exceeds its functional capabilities. <sup>1232-1235</sup>

### Heinrich's domino theory

The traditional model of accident causation is [Heinrich's domino theory](#), which remains enduringly popular despite its many inconsistencies. It is underpinned by axiomatic cause effect ideology with the assumption that a preventable injury is a natural culmination of sequential events. The theory proposes that the ancestral and social environment creates inferior personal characteristics and improper behaviour, which results in unsafe acts that cause accidents resulting in injury or damage ([Figure 13](#)). <sup>1236-1238</sup>

It concludes that the majority of accidents are caused by unsafe acts and its simple solution advocates removing the cause to prevent accidents. This has created a somewhat futile and elusive search for causes and [Heinrich's](#) subtle distinction between cause and control is frequently overlooked. Despite its pejorative, subjective and judgemental terminology the theory remains persistently popular and is readily accepted by cohorts of safety zealots and careerist zombies. However, people are not infallible machines and an extraordinary expectation of enduring perfection is somewhat unrealistic. Moreover, unsafe acts and conditions are seldom sufficient or necessary causes of workplace accidents. <sup>1239-1240</sup>

## Reason's model of system safety

Linear cause effect models do not reflect the reality of incident aetiology and frequently fail to address the complexity of causation. [Human error](#) is not the sole cause of undesirable consequences and dormant systemic problems are often significant contributory factors.

This created an alternative approach, which considers the byzantine and antagonistic interaction of upstream organisational factors or latent conditions and downstream active failures at the human machine interface. <sup>1241-1243</sup>

The focus of investigations has changed from blaming individuals to an honourable and dignified systems approach with virtuous outcomes. It establishes a variety of defences or barriers to reduce adverse consequences and is summarised by [Reason's](#) model of system safety in [Figure 14](#). This transfers the locus of causation to a constructive analysis of behaviour and [decision making](#) based on the enabling and prevailing conditions. It creates a learning and just culture without connotations of blame, fear and retribution. <sup>1244-1245</sup>

## Functional resonance analysis method

The application of complex linear models is often limited to tractable processes and contemporary research focuses on the multi-dimensional aspects of causation and emergent outcomes. This recognises the reality that failure can occur via an intricate network of mutually interactive variables. It is only through unravelling this labyrinth of complexity that causation can be understood to prevent disasters and curtail the tsunami of injury, damage and loss. Many sociotechnical systems are intractable and prevailing conditions rarely align with theoretical expectations. Individuals, work teams and the organisation react accordingly and adjust their performance to meet the demands and it seldom results in failure. However, in a combination with variances in latent conditions, technological glitches and inadequate defences unexpected outcomes may emerge with devastating consequences. This is termed [functional resonance](#) and it is summarised by [Hollnagel](#) ([Figure 15](#)). <sup>1246-1247</sup>

Safety advisors must be conversant with the application of specific causation models and understand the idiosyncrasies of cause effect ideology. The identification of proximate causes merely leads to treating symptoms and blaming the past with an insignificant impact on controlling the future. It is best summarised by the late [Leonard Cohen](#).....*Do not choose a coward's explanation that hides behind the cause and the effect.* <sup>1248-1249</sup>

## Cause and effect

[Cause effect](#) ideology is a fundamental tenet of [accident theory](#) and has been subject to extensive critical analysis over many years. It is overly simplistic, mechanistic and advocates unsafe acts or [human error](#) lead to injury or damage. This has received widespread acceptance amongst many safety advisors. Several variations have evolved, which are essentially linear and suit tractable processes. They are fundamentally flawed and impractical for [sociotechnical systems](#). Investigations are often invalidated by deceptive categorisation of evidence to achieve a desired outcome of blaming the victim. <sup>1250-1260</sup>

Following several hours of painstaking and meaningless deliberation over [proximate](#), [distal](#), [sufficient](#), [contributory](#) and [necessary](#) causes, the outcome frequently divulges a statement of the bleeding obvious. This relies heavily on the benefit and [bias of hindsight](#), which usually discloses [human error](#). It is classic [20/20 vision](#) and merely allocates or redirects blame onto subordinates and the culpability cycle continues ad infinitum. <sup>1261-1270</sup>

Another significant limitation with cause effect dogma is that it nurtures an atavistic and overwhelming desire to find scapegoats and seek closure or retribution. Many of these symptoms were evident following the [Hillsborough](#) stadium disaster in April 1989 and are discussed extensively by [Scruton](#). Following disasters, especially involving transport, [human error](#) is usually ascribed as the cause by investigators or the media. It is often a consequence, which is influenced or provoked by other factors. The term cause must be used sparingly during investigations, nonetheless it features prominently within the title of two putative proprietary tools. <sup>1271-1278</sup>

[Heinrich's accident theory](#) confirms almost 90% of workplace accidents occur through unsafe acts, which is especially comforting for senior management. It implies there is very little or nothing they can do regarding prevention and explains its persistent popularity. The ascription of [human error](#) is unhelpful and akin to saying falls are due to gravity. It often implies blame, which is misleading and pejorative and compromises investigations. This diverts attention from engineering controls, which focus on changing the situation and addressing the problem at the source. Changing the human condition is a complex and difficult task. However, modifying the working environment is often more effective and far less complicated.....*We shape our buildings; thereafter they shape us.* <sup>1279-1285</sup>

## Human error, fallibility and anxiety

[Accident theory](#) claims unsafe acts or [human error](#) account for most industrial accidents.

[Human error](#) has been defined as the failure of planned actions to achieve their desired ends without the intervention of some unforeseeable event. This distorts and obscures the aetiology of industrial accidents and classifies [human error](#) into a single category, which inevitably blames the victim. Humans are a socially dependent species and conditioned by necessity, which renders them vulnerable. Indeed, failure is a necessity of survival and should not be categorised as good or bad. The term [human error](#) is a meaningless idiom and its use by many behaviourists repudiates existence or being. Industrial safety conveniently disregards the enigma of human unconscious yet it is critical for defining and understanding [fallibility](#). The totalitarian discourse of perfection, which dominates the industrial safety sector corrupts fallibility and renders [human error](#) sacrilegious. <sup>1286-1289</sup>

Current putative investigation processes adopt a more holistic systems approach but remain essentially linear and reductionist. The [binary oppositional logic](#) is somewhat superficial and mechanistic and it frequently attributes rationality to unconscious decisions. This treats [decision making](#) like an and/or gate in an [event](#) or [fault tree analysis](#) diagram. It ignores that most decisions are often emotional or even arational and the trajectory has significantly amplified the blame dichotomy. Any actions taken unconsciously cannot be described as a [rational choice](#).....*How can anyone choose to reason falsely?* <sup>1290-1293</sup>

Resolving [fallibility](#) using higher order controls eventually generates an increased focus on [human factors](#). This places an inordinate emphasis on black box psychology or [cognitive behaviour](#), which is exacerbated by [zero harm](#) ideology and an unrealistic pursuit of perfection. [Fallibility](#) is a condition of humanity and it reifies risk. Its denial evolves from the dialectic between choice and necessity and somewhat paradoxically, it ignores uncertainty and curtails liberty. Industrial safety with its unwarranted focus on [accident theory](#) cannot handle the enigma of [fallibility](#) or recognise risk as a [wicked problem](#). It is blinded by its own religious verbosity and becomes increasingly pious with fundamentalist ideologies such as vision zero. A capricious trajectory emerges from the advancing technology and culture is surrendered to the [technique](#) or [technopoly](#). It depreciates learning, despises failure and dehumanises people, which significantly increases [psychosocial risks](#). <sup>1294-1298</sup>



Even after minor incidents, the painstaking search and quantification of [human error](#) has become mandatory in industrial safety. Following any transgressions, reparation and remorse are obligatory requirements. Individuals are often besmirched via a Spanish inquisition, which is adjudicated by a [zero harm](#) advisor, the accredited witchfinder general. The incriminating evidence is invariably supplied by an overly ambitious safety crusader and.....*Every time it clicks, what the iPhone depicts, steals a little piece of soul.* <sup>1299-1302</sup>

The wickedness is over analysed at the next project meeting and the sinners are hanged out to dry in the crib room pending disciplinary action. They must atone for their evil deeds with an avowed commitment to [zero harm](#) and attend further indoctrinating inductions.....if they still have a job. Many significant scientific discoveries have occurred serendipitously and errors or mistakes are essential for learning. The desire for infallibility is a denial of death and disguises the realities of failure. It creates a miasma of materialism, consumerism, individualism, pettifogging, [anomie](#), despair and anxiety. This is exacerbated by ideologies such as [zero harm](#).....*To err is human, to forgive, divine.* <sup>1303-1307</sup>

Many of these symptoms are evident throughout the resources sector, especially on [fly in and fly out](#) projects with prolonged absences from immediate family and close friends. After achieving mechanical completion at one coal seam gas project, the client and principal contractor allowed employees to attend a celebratory function at a local hotel. During the revelries an employee fell from a courtyard barbecue table and the immediate injuries were considered superficial. On returning to site the victim's condition deteriorated rapidly and examination at the project's medical centre diagnosed a damaged kidney. The employee was immediately evacuated via air ambulance to a Brisbane hospital. <sup>1308-1309</sup>

Later the same evening another group of employees were returning to the accommodation camp by car following the festivities. One of the occupants, a project mechanical supervisor, climbed through the passenger seat window and began cheating death by car surfing on the vehicle roof. The individual lost balance, fell onto the roadside and suffered multiple injuries, which required transport by ambulance for treatment at a regional hospital. Investigations revealed many anomalies and the inevitable contradictory [eye witness statements](#). The events were furtively classified as non-work related and reinforced [Sartre's](#) concept of bad faith. This merely preserved the project's [zero harm](#) ideology and protected [corporate social responsibility](#), reputations and most importantly, performance bonuses. <sup>1310-1311</sup>



## Key performance indicators

*Life can only be understood backwards but it must be lived forward*

Soren Kierkegaard <sup>1312</sup>

Performance monitoring is essential in any management system and provides a benchmark for continual improvement. If monitoring fails to measure upstream inputs, processes and downstream outputs, the data will be unreliable and undermine legitimacy. Executive leaders often broadcast superior business performance using positive indicators, which include percentage profit or return on investment. However, safety achievements are traditionally proclaimed using [injury frequency rates](#), which are an ex post facto metric. This measures success via a system failure and is statistically unreliable as a performance indicator. Safety is defined as freedom from the risk of injury and reactive metrics are inordinately influenced by high probability and low consequence events. It disguises the typical inverse relationship between frequency and consequence value, which is often disclosed when major disasters occur despite impressive workplace injury statistics. <sup>1313-1318</sup>

The primary objective of measuring health and safety performance is to provide information on the progress and status of existing arrangements for controlling the associated risks. However, there is no silver bullet metric and a comprehensive systematic approach is required. The maxim.....*If you can't measure it you can't manage it and what gets measured gets done* requires extreme caution. Reactive metrics must be supplemented by positive indicators to establish the entire safety management system effectiveness via analysis of its inputs, process and outputs ([Figure 16](#) and [Figure 17](#)). <sup>1319-1320</sup>

### Positive or active indicators

Active indicators must focus upstream on prevention at strategic and business unit levels in the organisational structure. The objective is to detect and provide advance warning of latent conditions or pathogens. This is accomplished by monitoring upstream inputs and the safety management system's processes and provides opportunities to implement preventive action. Specific examples include the number of hazards eliminated through better design or the ratio of hard to soft controls detailed in project [risk registers](#). Active indicators are often established without considering the process leading to injury, damage or loss using a downstream reactive reference point with an inordinate focus on unsafe acts. <sup>1321-1323</sup>

## Negative or reactive indicators

Reactive indicators are traditionally used for monitoring safety performance and include the total recordable injury frequency rate. This is a statistically unreliable ex post facto metric, which uses a system failure to measure success. It is exclusively influenced by relatively minor cases and is statistically deceptive as a benchmark for potential disasters. [1324-1327](#)

The definition varies between international jurisdictions and frequency rates are regularly manipulated to meet prescribed targets, which are inconceivably linked to incentive schemes and substantial dividends. Despite project fatalities, disabling injuries and a mantra of [zero harm](#), executives still receive lavish bonuses, while the devastated dependents of victims are abandoned, quickly forgotten and left to rebuild their shattered lives. [1328-1336](#)

## Manipulation of injury frequency rates

The manipulation of data is easily accomplished using accrued hours from tenuous sources, which include ancillaries in corporate offices, logistics contractors, consultants, security providers and catering and accommodation personnel. If these employees sustain a recordable injury, it is conveniently categorised as unrelated to the project. The hours worked accumulate but the injury is excluded from statistics. This significantly increases the denominator in the [calculation formula](#), whilst its numerator remains static. The frequency rate soon plummets and legitimacy is even further compromised. [1337-1338](#)

Fabricated figures are presented to executive team leaders, who are relieved when targets are achieved and project bonuses are preserved. However, [apophenia](#) prevails and it fulfils the increasingly common illusion that worthless statistics are better than no data at all and the measure gets managed, not the performance. This is neatly summarised by [W. Edwards Deming](#).*.....People with targets and jobs dependent upon meeting them will probably meet the targets, even if they have to destroy the enterprise to do it.* [1339-1345](#)

It is much easier to fool people than to convince them that they have been fooled and statistics, especially total recordable [injury frequency rates](#), often conceal more than they reveal. This disguises the typical inverse relationship between frequency and consequence value and diverts attention from operational risk. [Injury frequency rates](#) must always be evaluated with extreme caution because correlation is only a measure of association between two variables and does not imply causation. [1346-1348](#)

# Emotional engineering

*Our major obligation is not to mistake slogans for solutions*

Edward Murrow <sup>1349</sup>

[Huxley's](#) classic dystopian novel, [Brave New World](#) proffers a foreboding description of [Helmholtz Watson](#), a senior lecturer with the Bureaux of Propaganda at its College of Emotional Engineering. His role involved indoctrination of lower caste [Deltas and Epsilons](#) via subliminal conditioning with slogans and hypnopaedic mantras. This chimera is evident across most major construction projects.....*Safety is our No. 1 priority; Safety is a choice you make; Risk taker accident maker; Chance leads to accident; Call an electrician not a magician; All accidents are preventable* and the pestilential [Zero Harm](#). <sup>1350-1354</sup>

## Safety slogans and posters

Across many projects one often encounters an assortment of patronising and jingoistic [Orwellian](#) safety slogans and posters, which are like the rattling of a stick inside a swill bucket and similar to advertising or junk mail. They do not save lives, provide insignificant protection and offer no value. It is merely another displacement activity and indicates [accident theory](#) is thriving and supported by an adversarial regime, which treats people as objects or extensions of machines and subliminally blames the victim. <sup>1355-1359</sup>

Crib room walls and toilet doors are festooned with a beguiling array of posters beseeching employees to behave safely and supplementary slogans are displayed at security entrance gates and embroidered into company clothing. On one major coal seam gas project a monthly safety theme was promoted and advisors would affix posters on toilet doors across the site. Many were ripped down or defaced with derogatory comments and a confrontational environment underpinned with fear, distrust and loathing was evident. <sup>1360-1362</sup>

The promotion of safety slogans belittles and disparages employees and creates adversarial relationships. It is inconsistent with the [W. Edwards Deming](#) system of profound knowledge and management practices.....*Eliminate slogans, exhortations and targets*. Safety slogans are a symptom of atavistic [accident theory](#) and are promoted in an attempt to reduce unsafe acts, which are seldom [sufficient or necessary causes](#) of workplace accidents. The resources would be better deployed upstream with an increased and meaningful emphasis on design to reduce risk and complexity. <sup>1363-1365</sup>

## Incentive schemes

Slogans and posters are often supplemented with safety incentive schemes, which consist of financial rewards or celebratory recognition for nominated departments, project teams or individuals. Financial schemes invariably focus on the achievement of specific targets and are often linked to reactive [injury frequency rates](#). This effectively inveigles employees in an attempt to change attitudes and uses failure to measure success. It can discourage reporting, increase cynicism and erode legitimacy. Celebratory schemes involve acknowledgement from suppliers, industry associations and peak representative bodies and include congratulatory dinners, barbecues or tickets to major sporting events, which is fertile ground for regulatory capture. [1366-1368](#)

Across many resources projects specific individuals or groups receive bonuses, recognition and awards or trinkets for exceptional safety performance. These include binoculars (for covert surveillance of unsafe acts), Akubra hats, polo shirts (with embroidered safety slogans), leather belts, golf balls and even steak knives. This is inconsistent with behavioural safety theory because attitude does not necessarily correlate with behaviour and the link is somewhat tenuous. Incentive schemes are not automatic performance generators and often fail to mitigate the associated risks. Diverse motivational tactics are required for different people and many incentive schemes inhibit reporting and are considered denigrating or condescending. [1369-1377](#)

Production bonuses and incentive schemes were debated vehemently at recent public hearings during the Queensland parliamentary inquiry into coal workers' pneumoconiosis. They were also evaluated during the [NSW Mine Safety Advisory Council](#) Digging Deeper project and sites suggested that offering significant bonuses would deter reporting. The subsequent report confirms incentive schemes which involve payment for meeting a prescribed reactive target cannot guarantee consistent or reliable safety performance and provide insignificant value. It also recommended schemes be carefully reviewed to ensure rewards do not compromise safe working arrangements. The focus should transfer from meeting reactive outcomes to positive performance indicators. However, much like safety slogans, incentive schemes are a displacement activity and resources would be better deployed upstream with an emphasis on design to reduce risk and complexity. [1378-1380](#)

*Wenn ich Kultur höre entsichere ich meine Browning*

Hanns Johst <sup>1381</sup>

[Safety culture](#) like many soft system change management elements is somewhat vague and subject to definitional dilemma. It is often envisaged as a predictable and concrete entity that is easily managed and measured in isolation using safety culture [surveys](#). This merely disguises the blame dichotomy and fails to provide a coherent explanation for malfunctioning technological systems. It often creates a cemetery of categorical data and populates project [risk registers](#) with an inordinate amount of emotional engineering or abstract nostrums and subliminally blames the victim. <sup>1382-1383</sup>

## Organisational culture

[Safety culture](#) is merely a component of a much broader [organisational culture](#), which requires careful consideration of [soft systems](#) change management processes. Any attempts to control and manage such an abstract and evasive concept may well result in undesirable consequences. This requires extreme caution using a process and evidence based transdisciplinary approach to remove much of the conjecture and supposition. It must target upstream with an emphasis on better design, restructuring and changing business systems and processes to dissolve emergent issues. This is reflected in [Gibson's](#) ecopsychology and [affordance theory](#) and much of the work from [Ackoff](#). It also aligns with the principles of [operational excellence](#) and unique characteristics of [high reliability organisations](#). <sup>1384-1387</sup>

There is an intricate relationship between safety culture, structure and process and several quintessential concepts and selected tools are critically analysed by [Taylor](#). This includes [Hudson's](#) hearts and minds program and the pathological to generative cultural maturity model detailed in [Figure 18](#). [Hofstede](#) et al also investigate how workplace values are influenced by culture at national and organisational levels. <sup>1388-1395</sup>

Much of the discussion ignites the nature or nurture debate and rekindles [C P Snow's](#) controversial [Rede lecture](#) covering the [Two Cultures](#), which explores the divergence of sciences and the arts or humanities. Further detailed analysis of organisational behaviour is provided by [Larman and Seddon](#) and the diagnosis and changing of its culture is reviewed extensively by [Cameron and Quinn](#). <sup>1396-1400</sup>

## Zero vision

The field of occupational health and safety is in a crisis of its own making and has lost any skerrick of integrity because of its [bad faith](#) and lack of principles. It has been operating in an echo chamber for so long that its acolytes only hear each other's propaganda. Meanwhile, the silent majority has abandoned any prospect of significant or meaningful social reform to stem the holocaust of workplace injury, illness and disease. [1401-1403](#)

[Propaganda](#) involves the ideological manipulation of ideas using indoctrination to support and defend political interests via suppression and exclusion. It relies heavily on naivety, obedience, compliance and lack of discernment to deceive, convince and confuse the laity. This is ineffective without communication and the transfer of knowledge, which usually involves distortion of the truth with no [respect](#) for integrity. Indoctrination inculcates beliefs using devious tactics with an inordinate focus on power, control, fear and deception. This technique is often confused with learning and it is evident throughout countless workplace safety inductions via beguiling mantras such as.....[Zero harm](#), *all accidents are preventable* and *safety is a choice you make*. [1404-1405](#)

In recent years, the ubiquitous and pestilential concept of [zero harm](#) has been introduced into corporate safety strategies and provokes heated debate to rival the nature or nurture polemic. It emerges in [operational excellence](#) with its pursuit of perfection via continuous improvement and the aspirational goal of zero defects. This is a symbolic gesture and [soft systems](#) change management process, which focuses on meaning and culture in organisations. It enables leaders and managers to shape values and beliefs and build spirit through ritual and ceremony. [Vision zero](#) is another example of emotional engineering, which is relentlessly promoted by statutory authorities, industry associations, peak representative bodies and executive leaders. It creates a calculative culture and furtively advocates deregulation. This focuses on the absence of injury or harm and cultivates pettifogging and political chicanery, which involves moving goalposts or manipulating data to meet project performance indicators. It eventually erodes trust and destroys motivation, learning and legitimacy. [Vision zero](#) is an asinine shibboleth that displays zero vision and creates [binary](#) black and white oppositional dialogue. There are no shades of grey and the adversarial fiat.....*If you are not with us, you are against us* often prevails. [1406-1415](#)

Organisations that adopt this blind faith ideology are reminiscent of the sepulchral city in [Joseph Conrad's Heart of Darkness](#). An alabaster exterior of perfection disguises a crypt of rotting flesh with recurring themes of blame, fear, retribution, despair and anomie festering below the surface. It is merely a superficial quest for moral high ground that depicts a palliative chimera of humanitarian compassion and soteriology but the reality is quite different. It surreptitiously disguises deregulation and a laissez faire doctrine that creates absolute power, which corrupts absolutely. <sup>1416-1418</sup>

A brutal totalitarian regime prevails ruled by martinets who are deceptively portrayed as great leaders. However, they are not good men and are usually socially autistic mercenaries with a treacherous tyrannical temperament underpinned by hubris, power and control. The discourse of [zero harm](#) is littered with authority, absolutes, regulations, compliance and enforcement. It is bereft of any flexibility or discretion and extenuating circumstances are almost immaterial. This centralises supremacy with a complete disregard for human [fallibility](#), continual improvement and the complexities of [decision making](#), which eventually extirpates learning, ownership, care and integrity. <sup>1419-1421</sup>

[Zero harm](#) is redolent of [Orwellian Newspeak](#) or [Doublethink](#), which intentionally obscures and distorts the meaning of words using anodyne officious jargon to masquerade hidden agendas. It is often supplemented by a deluge of confected grief with an interminable reparation process. This diffuses and defuses outrage into divisive and innocuous channels of bureaucracy, which socially engineers the laity into passivity, obedience and compliance. The ideology has achieved cult status and the blind faith was displayed in all its fervent splendour at the recent [World Congress](#) on Safety and Health at Work in Singapore. It was pure political theatre and corroborated by a [Vision Zero](#) theme which.....*Aims to inculcate a mindset that all injuries and ill-health arising from work are preventable.* <sup>1422-1425</sup>

The [Vision Zero](#) sermon was piously and unremittingly promoted throughout the entire crusade with faith based statements, which were supplemented by allegory and colossal billboard iconography. An unrelenting indoctrination process involved total absorption via standard social psychological techniques such as [group think](#), [affect heuristic](#) and [conformity bias](#). Its fundamentalist ideology was underpinned by fear of harm and supported by semantic conformance and obedience using language of perfection and intolerance.....*If you're happy and you know it clap your hands.* <sup>1426-1429</sup>



Most [propaganda](#) displays familiar traits of oppressive ideology and the zero vision juggernaut is certainly no exception. The lexicon is extremely political, adversarial and devoutly religious. It is littered with emotive and iconic terminology and much like war, its first casualty is the [truth](#), which is often disguised via vague, bewildering and contradictory statements. Its utopian promises and absolute descriptors disregard [fallibility](#) and the ultimate trajectory is dehumanisation. This absurd ideology with its linguistic design restricts freedom of thought and discernment. It generates cynicism with its inordinate focus on objects and statistics, which eventually destroys learning.....*[Political language](#) is designed to make lies sound truthful and murder respectable and gives an appearance of solidity to pure wind.* <sup>1430-1432</sup>

The [Safety Institute of Australia](#) contributed to the [Doublethink](#) enigma with a formal presentation to promote successful examples of [zero harm strategies](#). However, somewhat paradoxically, it maintains an [agnostic](#) stance on the ideology. Opposition to [zero harm](#) especially amongst corporate behemoths, generates emotional outrage and antagonists are categorised as heretics or infidels and excommunicated from the fold. Any skerrick of dissent is ruthlessly crushed with clinical totalitarian determination and ambivalence or denial is considered sacrilegious and tantamount to corporate suicide. <sup>1433-1434</sup>

[Zero harm](#) is often supplemented with additional organisational development techniques, which include role negotiation, inter group confrontation, organisational mirroring, fish bowling, team building and cultural surveys. Like many soft system features, it is rather vague and subject to definitional dilemma. It is a safety slogan, which is perceived as a numerical target and is embedded in [accident theory](#) with its ideology of behaviourism and miasma of blame, fear and retribution. <sup>1435-1438</sup>

Vision zero is incompatible with quality management principles and several of the fourteen points for the [transformation](#) of management. These include avoid using numerical targets or quotas and remove slogans imploring employees to achieve unrealistic goals. An obsessive pursuit of perfection or infallibility creates [maladaptive anxiety](#), pettifogging and [apophenia](#), which cultivates under reporting and avoidance. It also amplifies trivial issues, exaggerates criticism and is inconsistent with [Kaizen](#) principles. After achieving a target of [zero harm](#) it is quite reasonable to ask where to next? .....*The essence of being human is that one does not seek perfection.* <sup>1439-1444</sup>



## Goal setting, measurement myopia and apophenia

The aphorism... *What gets measured gets done* is often reiterated during discussions on performance indicators but it is somewhat naïve to believe the establishment of goals is a simple and objective activity. It places an inordinate emphasis on objects with targets that can be easily measured and eventually debilitates and dehumanises society leaving behind a data cemetery full of trivia. Indeed, the elusive attributes of wisdom, loyalty, discernment and other ethical qualities are often scorned and categorised as gratuitous impediments in the current ruthless neoliberal climate of casino capitalism. This narrow inhumane focus destroys ethereal features such as creativity, imagination, motivation, compassion, integrity and care and creates irrevocable and counterproductive consequences. <sup>1445-1447</sup>

Goal setting is a complex exercise covering several dimensions, which consist of three principal states that require a diverse range of measurement techniques ([Figure 19](#)). Goals normally adopt a promotional or preventive focus and are interactive and competitive. Lower order goals are often easier to establish and can be measured quantitatively, whereas middle order targets are determined semi-quantitatively. Higher order goals are invariably prodigious, aspirational and generally intangible. <sup>1448-1449</sup>

During the allocation of goals it is worth evoking that actions generate side effects and values are caught not taught. Most behaviour is generated subliminally and every conscious goal has a subconscious corollary, which affects human, physical and financial resources. A relentless pursuit of perfection with lower order goals can generate [measurement myopia](#), [analysis paralysis](#) and symptoms of [apophenia](#). This includes [overfitting](#), [gambler's fallacy](#), [answer shopping](#) or [confirmation bias](#). It also advocates [single loop training](#) and [Pavlovian conditioning](#) and a calculative tenacity evolves. Statistics are manipulated to meet goals and rather than evaluate what is beneficial, the emphasis transfers to trivial parameters that can be easily measured and the metric gets managed instead of performance. <sup>1450-1454</sup>

In occupational health and safety, the traditional [SMART](#) approach when establishing lower order goals is conveniently disregarded in favour of aspirational, unachievable and absolute ideological targets such as [zero harm](#). This perfectionist language requires omnipotent and omniscient attributes and is a recipe for depression, anxiety and frustration. It grooms failure, denies [fallibility](#) and eventually extirpates learning, wisdom and discernment. <sup>1455</sup>

Every major coal seam gas construction site in Australia used contingent labour hire, which required accommodation and catering facilities. At one project a catering assistant was cleaning galley benchtops and inadvertently placed his hand into a pot of boiling water. The burns required specialist treatment and the victim was transferred to a regional hospital using a Medivac helicopter and it was recorded as a lost time injury. The foreseeable political chicanery was as equally prompt, clinically efficient but somewhat unethical. Professional [ethics](#), which are paramount amongst emergency response crews, paramedics and other health care providers were nonchalantly disregarded by executive leaders and corporate safety's careerist zombies. [1456-1457](#)

The incident was obviously work related but which department carried the stigma was soon resolved by moving goalposts and increasing bureaucracy. It occurred in the camp kitchen and was conveniently categorised as unrelated to the construction project. This protected reputations and preserved the project's [zero harm](#) ideology, which appeased the executive leaders and secured their gratuitous project bonuses. Meanwhile, the subsequent [root cause analysis](#) or Spanish Inquisition inevitably blamed the victim. This was not an isolated occurrence and it is common practice with facilities management organisations in accommodation camps, especially with musculoskeletal disorders. [1458-1460](#)

Another extraordinary initiative included a frivolous attempt to assess safety culture on a particular coal seam gas construction site. This involved an electronic survey using iPads, which were strategically mounted around the project office concourse. Employees provided a response to ten binary questions, which were reviewed each week to measure the project's safety pulse and results were distributed to executive leaders. The initial survey produced an unexpected outcome when a significant proportion of employees categorised the project as unsafe. This created [maladaptive anxiety](#) amongst executives but not one leader challenged the data validity. However, further investigation and questions regarding [exploratory data analysis](#) and [statistical significance](#) produced a bewildering gape from the safety crusader who promoted and sanctioned the survey. The solution involved reframing questions and repeating the proselytization until the leadership team received the results it wanted. In an era of artificial intelligence, algorithms and electronic surveys, this futile [displacement activity](#) reinforced that worthless statistics are considered better than no data at all. [1461-1466](#)

## Micromanagement

In any discussions on leadership the subject of [micromanagement](#) inevitably arises and is accentuated by the traditional hero worship myth. Micromanagers invariably take credit for successful ventures but blame is soon deflected onto subordinates when strategies fail.

Other prominent features include impetuosity, insecurity and immaturity. Data transmission overwhelms communication and the amount of emails generated is inversely proportional to the knowledge of their portfolio. It undermines work health and safety performance and totalitarianism becomes synonymous with leadership, which creates a culture of risk aversion. The quest for perfection under the rubric of [zero harm](#) or all accidents are preventable has generated even more blame, intimidation and pettifogging. <sup>1467-1469</sup>

Coal seam gas projects in the eastern region of the [Surat Basin](#) were subject to intensive micromanagement. Site access from Brisbane was easily accomplished via a direct charter flight and executive leaders could visit several projects on a whistle stop tour. This fulfilled allocated performance indicators with a return flight home on the same day. Access to the western region involved a flight to [Roma](#), a lengthy drive and overnight accommodation in a construction camp and visits from corporate leaders became infrequent with less scrutiny. The difference in culture at respective sites was significantly noticeable. Projects in the eastern region were seething with discontent, blame, intimidation and fear. In the western district a zone of reciprocal relationship was evident and leaders relinquished and received power with a [deference to expertise](#). <sup>1470-1473</sup>

As projects wound up the dominance of joint venture partner [ConocoPhillips](#), with its militaristic structure, became increasingly hostile. Indeed, the final project in the western region was ironically self-proclaimed as the jewel in the crown but it rapidly deteriorated into a totalitarian regime with a quagmire of malevolent bureaucratic frustration. One employee was reprimanded by a corporate safety manager for wearing tinted safety glasses at a dawn prestart meeting and received an official warning. A radio repeater for initiating emergency response was stolen from the project first aid room and probably ended up on an electrical contractor's fishing boat. Ethics in leadership is discovered through honesty with risk and there is no leadership in [micromanagement](#), which destroys momentum.....*It's a terrible situation to look over your shoulder when you are trying to lead and find no one there.* <sup>1474</sup>

## Safety differently

Almost one year into a coal seam gas construction project a major contractor decided to reinvigorate its corporate strategy, attenuate [zero harm](#) and embrace [safety differently](#). This consisted of three fundamental tenets, which stated that safety was about the presence of positives, people were the solution and it was an ethical responsibility downwards, not bureaucratic. It was implemented by the project safety manager at an operational level in conjunction with a convoluted *Excellence in the Basics* program. This included safe work method statements, job safety analyses and task hazard analyses and take five protocols. [Permits to work](#) were also required for nominated activities. It was antagonised by a [behavioural safety](#) program and supervisors were allocated two safety observations each week in an obsessive pursuit of unsafe acts. A safety administrator monitored compliance and individuals were reprimanded at weekly kangaroo courts for finding insufficient unsafe acts and failing to meet prescribed targets. <sup>1475-1476</sup>

It was incongruous with the fundamental tenets of the corporate safety strategy and a rotten stench of [accident theory](#) prevailed. The strategy was ineffectively communicated by a socially autistic project safety manager, who was unaware of the significant differences between risk and [accident theory](#). [Safety differently](#) was indeed an appropriate epithet but it created confusion, distrust and resentment. It demonstrated that the alignment of business systems and processes is critical throughout every structural level of the organisation. <sup>1477-1479</sup>

## Blame, fear and retribution

The malodorous symptoms of blame, fear and retribution are often associated with the miasma of atavistic [accident theory](#). It is exacerbated by autocratic organisational structures, using adversarial legislation and standard operating procedures, which are written to protect the writer. Following workplace fatalities a heated debate about statutory legislation, criminal [negligence](#) and justice or closure inevitably arises. In primitive tribal societies retribution is often swift with fatal consequences. However, in civilised countries closure is confined to an intimidating courthouse. It is prolonged and codified and the only parole for the bereaved is death or dementia. The resources would be much better deployed with a preventive upstream focus on better design to reduce risk and eliminate the anguish and lingering pain of bereavement. <sup>1480-1482</sup>

# Ancestry and social environment

*When the rich wage war it's the poor who die*

Jean-Paul Sartre <sup>1483</sup>

Ancestry and social environment is identified as a causal nexus in [Heinrich's accident theory](#). It proposes personality traits such as impatience, avarice, recklessness, intolerance and forgetfulness are inherited or developed through the social environment, which causes unsafe acts and creates workplace accidents. This often blames the victim and ignites the traditional nature or nurture polemic, which raises the spectre of eugenics and propagates hallucinations of [Huxley's](#) dystopian [Brave New World](#). It is irrational to consider hereditary and environmental issues independently and it is now widely acknowledged that they interact in a complex manner to influence individual behaviour. <sup>1484-1488</sup>

## Cultural dimensions

[Hofstede's cultural dimensions theory](#) recognises humans are unique individuals and explores the impact of national cultures on workplace values. The dimensions represent independent preferences for one state of affairs over another. It distinguishes countries from each other as opposed to individuals via a qualitative and comparative analysis using the following elements: <sup>1489-1493</sup>

## Individualism v collectivism

Individualism is a prominent feature under any neoliberal regime and can be defined as a preference for an emancipated social structure, where individuals have an expected and independent responsibility to care for themselves and their immediate dependents.

Collectivism is an informal cohesive framework where individuals expect their close relatives, clan or race to provide care in exchange for unequivocal loyalty. <sup>1494-1496</sup>

## Power distance index

This expresses the degree to which less powerful members of society accept and expect that power is distributed unequally. In societies with a high degree of power distance its individuals accept hierarchical authority with little justification. A low degree of power distance indicates a concerted and relentless effort by its members to expose and reduce inequity. <sup>1497-1502</sup>

## Masculinity v femininity

In a business context it is often categorised as the tough or tender approach. Masculinity displays a societal preference for achievement, competition, heroism and assertiveness with material rewards for success. Femininity attributes demonstrate cooperation, empathy and modesty with a concern for the quality of life, especially amongst the aged, destitute and disadvantaged..... *You can judge a society by the way it treats its prisoners.* <sup>1503-1505</sup>

## Uncertainty avoidance index

This expresses the degree to which members feel uncomfortable with uncertainty and ambiguity. In countries with a strong uncertainty avoidance rigid codes of conduct, values and beliefs are evident with an intolerance for the unorthodox. A weak index indicates a more relaxed attitude where practice has a preference over entrenched principles. <sup>1506-1508</sup>

## Joint ventures

Major projects throughout Australasia are often joint ventures between several global behemoths, which reduces their financial risk. It often involves engagement of a multi-national workforce on temporary migrant visas across every level of the organisational structure. This can generate friction and the corporate vision, values or beliefs must account for significant cultural differences, especially in remote developing countries. <sup>1509-1511</sup>

The [Hofstede](#) model does not define discrete personalities, it merely provides a generic qualitative profile of national culture. Its interdependent [cultural dimensions](#) must be addressed to resolve socio-political and economic risks. This will establish harmony, stability and eliminate social encumbrances such as blame, fear, retribution and corruption. <sup>1512</sup>

Further extensive research on [cultural diversity](#) and managing work health and safety risks in heterogeneous environments at organisational levels is provided by [Starren](#) et al. It is especially critical under an elective dictatorship and [neoliberal hegemony](#) using [zombie politics](#) with a proclivity for [casino capitalism](#) and [individualism](#). This is exacerbated by a [laissez faire](#) doctrine, which advocates deregulation in favour of production over protection. In large scale applications, culture follows structure although the change process is often demotic It is critical to remember that [an economy is not a society](#).....[Sous les pavés, la plage.](#) <sup>1513-1523</sup>

# Behaviourism

*If your only tool is a hammer, every problem becomes a nail*

Abraham Maslow <sup>1524</sup>

Most global corporate behemoths, especially American multinationals with militaristic command and control organisational structures are advocates of [behaviourism](#). Many uphold the fallacy that behaviour can be measured objectively and managed accordingly. This misconception has been embraced by the wider community and throughout the resources sector via the maxim.....*What gets measured gets done*. It has permeated industrial safety and entire departments have been established with an inordinate emphasis on measurable behaviour. Much of this effort is yet another [displacement activity](#) because most of our unique attributes such as empathy, compassion, salvation, integrity, wisdom and love are immeasurable. Moreover, any attempt at measuring these incalculable traits renders their intrinsic value as meaningless as [zero harm](#). A traditional axiom from medical diagnosis states that [absence of evidence](#) is not always evidence of absence but many [behaviourists](#) conveniently disregard this sagacious dictum. <sup>1525-1528</sup>

[Behaviourism](#) involves a systematic denial of meaning and is a renunciation that violates evidence and the commonplace experience of humanity. [Behaviourists](#) have inveigled many acolytes to believe behaviour is a simple stimulus and response relationship. This leads to aversion or reinforcement and subjective experience and consciousness are considered irrelevant. The theory, somewhat spectacularly, fails to explain how [Beethoven's](#) late quartets were a conditioned response to his prevailing circumstances, especially during the last decade of an illustrious career in classical music. <sup>1529-1531</sup>

The concept is often disguised as [human factors](#) by many purveyors of snake oil with their extraordinary claims of proficiency. This charlatanism merely recognises individuals as components in a system and inevitably reverts to [behaviourism](#). Humans are not the sum of inputs and outputs and behaviour cannot be simply verified by an assets and liabilities statement or an account ledger detailing deposits and withdrawals. Understanding risk, human judgement and [decision making](#) is far more complex. A myopic human behaviour focus is an extremely capricious trajectory that generates many disagreeable outcomes and destroys learning and ownership. <sup>1532-1533</sup>

Behaviour is extremely subjective and cannot be observed neutrally. It is always subject to interpretation via an extensive range of human prejudices or biases. [Social psychology](#) is littered with [countless experiments](#) that demonstrate how attractive features and sartorial elegance are foundational to misjudgement and inaccuracy. Any notion that behaviours are objective and measurable is complete nonsense. [Behaviourists](#) place an inordinate reliance on the benefit and [bias of hindsight](#).....*Different does not equal wrong.* <sup>1534-1536</sup>

There are many arbitrary factors or unpredictable anomalies that make behaviours extremely difficult to explain and it is critical to establish relationships before exercising judgement. Even after many years of marriage most couples remain reticent or are extremely prudent about jumping to conclusions regarding each other's behaviour. Corporate sociopaths or psychopaths are quite adept at disguising their deportment, which renders the measurement of behaviour extremely unreliable. <sup>1537</sup>

### [Behaviour based safety](#)

[Behavioural safety](#) is a mythical preoccupation that imagines behaviour can be controlled and undermines the importance of moral responsibility, ownership and learning. It is a delusional anthropology, which treats humans as extensions of machines. This ignores the concept of human motivation and disregards the diversity of human perception. Behavioural safety observations without establishing relationships and responsive communication are a recipe for [maladaptive anxiety](#). It is subjective speculation and depicts more about the superiority and pomposity of its observers rather than the performance of scrutinised employees. Snooping with binoculars and the use of digital cameras and checklists merely regards hypothetical interpretations as the truth and it is hardly a suitable foundation for establishing cordial relationships, trust and a learning culture. <sup>1538-1541</sup>

Most organisations embracing [accident theory](#) are avowed acolytes of [behavioural safety](#) and predictably target unsafe acts at the coalface, which cultivates blame and impedes organisational development. The focus is predominantly on the absence of safety and compliance with lower order controls. Assessment tools are littered with pejorative and vague descriptors such as line of fire, eyes on path or eyes on task and it produces a predetermined outcome. This implies [human error](#) and is inconsistent with the philosophy of [multifactorial causation](#) and significantly increases [psychosocial risk](#). <sup>1542-1549</sup>



[Behavioural safety](#) is only an administrative control and extremely popular in American companies or organisations with adversarial structures. It does not measure safety performance and is merely counting, which generates descriptive, subjective, qualitative and categorical data. This is of limited use or value and statisticians frequently reiterate that correlation does not necessarily imply causation. Albeit much less scientific, it is analogous with [Taylorism](#) time and motion studies, which alienate employees from their work and creates a dystopian environment. This is reflected by Winston's repetitive cadaverous comments in [George Orwell's 1984](#).....*Who controls the past controls the future, who controls the present controls the past.* <sup>1550-1558</sup>

Despite statutory requirements, many [behavioural safety](#) advocates disregard the [hierarchy of controls](#) and focus on changing the person. This is accomplished by monitoring and correcting behaviour using [operant conditioning](#) and the techniques of positive and negative [reinforcement](#) for controlling the associated risks. <sup>1559-1561</sup>

[Fleming and Lardner](#) recommend caution with [behaviour based safety](#) approaches and reinforce how it can divert attention to address symptoms and disregard the cause. This focus on the receiver and changing individual behaviour is inconsistent with common law duty of care requirements. [Cohen](#) and [Nader](#) provide further extensive discussions covering road safety, vehicle engineering design and the effectiveness and complexity of changing human behaviour. <sup>1562-1565</sup>

[BF Skinner](#) was a pioneer of radical [behaviourism](#) and also the author of [Walden 2](#), a utopian novel that espoused a rationally designed society. Its authenticity reflects and aligns with the socialist nirvana that emerged throughout Paraguay during the late nineteenth century. Many of [Skinner's experiments](#) were conducted on rodents and pigeons although most of his books were written about people. [Kohn](#) claims [operant conditioning](#) has many misleading assumptions and limitations and its effectiveness is only ephemeral. It also generates intrinsically objectionable and persistent counterproductive consequences. <sup>1566-1568</sup>

Recent comments from prominent American [behavioural safety consultants](#) indicate there is a conceptual transition. Many of the claims and hyperbole extolling phenomenal accomplishments have since been moderated and there is now some acceptance that most workplace injuries are not the sole consequence of unsafe acts. <sup>1569-1572</sup>

At one major coal seam gas project near [Roma](#), in Queensland a visit from the executive leadership team included [behavioural safety](#) observations to fulfil their allocated performance indicators. The activity selected involved [working at height](#) and installation of cladding on a compressor housing using subcontractors. The observation checklists were designed to generate a predetermined outcome via subjective and pejorative terminology with an inordinate focus on unsafe acts. However, the observers failed to notice that [elevating work platform](#) log books did not correspond with the equipment serial numbers. <sup>1573-1574</sup>

Daily preoperational checks were documented but failed to identify that quarterly and annual mechanical inspections for the equipment and fire extinguisher checks were overdue. The subcontractor inadvertently circumvented the plant premobilisation process and brought the hired equipment directly onto site. The activity also required a working at height permit, which failed to identify the critical anomalies. This provided additional substantive evidence that a systemic malaise of form over substance supplemented by an inordinate focus on behaviour not actions, is evident across many resources projects. <sup>1575</sup>

## Behaviour management

[Behaviour management](#) requires an understanding of many interdependent factors, which include motivation, ownership, culture, relationships, personality, curriculum development, learning styles, teaching strategies and a host of interrelated issues. Many industrial safety teaching and training providers usually offer myopic [behaviourist](#) solutions. This often involves [operant conditioning](#) via black box psychology and disregards basic fundamentals of behaviour management. The subject is indeed extraordinarily complex with many formidable challenges that requires specialist and professional guidance. <sup>1576-1577</sup>

[Behaviourist theory](#) assumes people are the sum of inputs and outputs and behaviour can be modified and controlled by [operant conditioning](#). Its founder [John B Watson](#), adopted an unusual stance, which began as methodology and became [ontology](#). It proposed behaviour of man and animals must be considered on the same plane and as being equally essential to a general understanding of behaviour. This ignored any notion of consciousness and it was effectively black box psychology that followed an argument to an absurd conclusion and believed the outcome, which merely classified humans as glorified [Pavlov's dogs](#). <sup>1578-1579</sup>

[Cognitivist theory](#) recognised difficult behaviour emerged from poor judgement and the parameter of thought was added to the recipe. An advanced and more progressive approach integrated the disciplines to create cognitive behavioural theory. This acknowledges the challenges emerge from substandard inputs, mediocre thinking and ineffective incentives or deterrents. Alternative theories focus on emotional development or [social psychological](#) issues. <sup>1580-1582</sup>

The work of [Floyd Allport](#) generated a wave of experiments which examined how social arrangements influenced judgements and [decision making](#) and a new dawn emerged in the form of [social psychology](#). This placed an emphasis on relationships and evaluated how people's thoughts, feelings and behaviours were affected by the actual, imagined or implied presence of others. Further research by [Cialdini](#) identified [six weapons of persuasion](#) that affect judgement and [decision making](#). These include reciprocation, commitment to consistency, social proof, authority, liking and scarcity. <sup>1583-1585</sup>

In reality, when managing risk individuals are significantly influenced by the situation and their environment. [Social psychology](#) recognises that conformity, obedience and social perception are bounded by the situational context rather than character. [Kurt Lewin](#), a pioneer of [social psychology](#) described the reactions of individuals and groups to changing circumstances and launched the concept of [group dynamics](#). It recognised established groups form a unified system with unique synergistic attributes that could not be understood by the analysis of its individual members. Indeed, humans invariably overestimate the importance and power of individual responsibility and are underwhelmed by the influence of social situations. This is often termed [fundamental attribution error](#) and it places an inordinate emphasis on personality, intelligence or consistently, common sense. <sup>1586-1590</sup>

The [social psychological](#) approach argues that behaviour is best managed via a learning environment rather than a counterintuitive emphasis on individual responsibility and traditional [behaviourist](#) focus. Influencing behaviour in a social context is critical and the importance of [semiotics](#) cannot be underestimated. It requires an understanding of power and the nature of influence on individuals or groups. The language of absolutes such as [zero harm](#), intolerance, infallibility and compliance and enforcement is more suited to [behaviourist](#) methodology and is excluded from the discourse in [social psychology](#). <sup>1591</sup>

## Admirable evasions

[Black box psychology](#) is almost as bizarre a cultural product as [phrenology](#) or [spiritualism](#) and it disregards the existence and significance of human self-consciousness. Nonetheless, there has been extraordinary growth in the research of human behaviour, which includes [psychoanalysis](#), [psychotherapy](#), [behaviourism](#), [cognitive behaviour therapy](#), [cybernetics](#), [sociobiology](#), [ecopsychology](#), [neuropsychology](#), [neurolinguistic programming](#) and [neuroscientific imaging](#) plus several shards or crystals of [neurochemistry](#). <sup>1592-1605</sup>

[Dalrymple](#) critically evaluates how psychology undermines morality and provides further interesting observations and extensive comments on this vast, arcane and dynamic discipline. Notwithstanding these remarkable developments and despite the [logorrhea](#), it would be a bold person who claims that our self-understanding, with the forlorn hope of an existence free of inner and outer conflict, is now greater than that of [Montaigne](#) or [Shakespeare](#). <sup>1606-1609</sup>

The truth and human motives are rarely pure and never simple and we owe incomparably more to improved sewerage than to psychology. The human brain, for something supposedly so brilliant and evolutionary advanced, is a pretty messy, extremely fallible and complicated organ. This supports the philosophy of the late and much lamented [Trevor Kletz](#).....*Try to change situations, not people*. It is much less complicated than teaching rodents or pigeons how to play table tennis. Alternative aesthetic nostrums include [scientology](#), [neurolinguistic programming](#) and wallowing in the swamp of snake oil or [obscurantist](#) psychobabble. Challenging and breaking oppressive power and control is not a daunting task and many triumphant examples are provided by [Nader](#), who has devoted a lifetime to advocating democracy and promoting social reform. <sup>1610-1616</sup>

In the 1970s dozens of think tanks throughout the western world were allocated billions of dollars to promote an economic model of deregulation, diminution and privatisation. This corporate call to arms was instigated by [Lewis Powell](#) and [Bryce Harlow](#) in the United States to reform the egalitarian clemencies of the 1960s. It involved the merger of corporate and state interests and an enormous redistribution of power. Its impact has destroyed many of the social reforms of democratic governments, including industrial safety.....*The measure of a man is what he does with power*. <sup>1617-1620</sup>

# Principle based leadership

*The function of leadership is to produce more leaders, not more followers*

Ralph Nader <sup>1621</sup>

[Accident theory](#) is bereft of any process or guiding principles, which are essential for promoting cultural change. It is littered with subjective speculation and many of its supporting tools result in bureaucratic egocentric controls or other aesthetic nostrums. This includes [behavioural safety](#) programs, which are used in a vainglorious and otiose attempt to shoe horn an incongruous concept into a risk management framework. It places an inordinate focus on how, what and especially who, which predictably blames the victim and delivers only a modicum of substance or meaning. The influence of guiding principles is often neglected and an inflexible and rule based hybrid structure evolves, which is exacerbated by the redolent symptoms of ignorance, blame, fear and inevitably retribution. <sup>1622-1627</sup>

## Principles or procedures

A distinctive but excruciating feature of [accident theory](#) is its insufferable focus on compliance with rules and prescriptive procedures, which are usually bureaucratic administrative protocols that protect the writer. Documented procedures merely define what to do and how to perform and require occasional supervision to ensure compliance and reliability. This suits tractable processes because it produces consistency with minimal effort and limited requirements for [decision making](#). However, during process glitches or malfunctions a dilemma often arises when the procedures are inapplicable to the enabling or prevailing conditions. The inflexibility creates an [efficiency thoroughness trade off](#) and constrains initiative or intuition. <sup>1628-1631</sup>

[Principle based leadership](#) offers a suitable alternative and aligns with the concept of [nudge theory](#), which promotes [libertarian paternalism](#) with a [choice architecture](#) philosophy. This provides suggestions as opposed to instructions, which increases scope to achieve specific outcomes. It creates flexibility and creativity, which emancipates employees and encourages teamwork. [Principle based leadership](#) requires tenacity and patience because decisions are based on individual judgement. This requires identification of values that will achieve business outcomes, discarding irrational policies or procedures and developing new principles that empower employees to achieve the corporate vision. <sup>1632-1634</sup>

## Emotional intelligence

Leading with [respect](#) and [humility](#) are the fundamental tenets of [principle based leadership](#) but its essence is [emotional intelligence](#). The principal attributes which create superior performance include self-awareness, self-regulation, motivation, empathy and social skills. A gamut of motivational tactics is required to inspire different people and [emotional intelligence](#) allows leaders to identify the impact of their actions on others, especially colleagues and subordinates. Leadership skills can be developed through [critical thinking](#) and a reflective and frequent introspective review of performance. This requires empathy to encourage teamwork using positive, restrained and polite behaviour.....*If your only tool is a hammer every problem becomes a nail.* It has a pronounced and measurable effect on relationships and engenders trust, credibility, [respect](#) and impartiality. <sup>1635-1639</sup>

## Misalignment of systems and processes

The misalignment of systems and processes often generates despair and a trail of tears. It delivers superficial fabricated metrics such as total recordable [injury frequency rates](#) with an elusive and futile search for tenuous causes. This diverts attention from higher order controls and produces a mediocre performance, which is reflected by the resurgence of [black lung](#) in the Queensland coal mining industry. The desolate plight of its victims resonates in the poignant lyrics of an [Allan Taylor](#) folk song.....*Another night not sleeping, roll on the day. Every night you fight for breath. It hurts so bad, you wish for death, roll on the day.* <sup>1640-1642</sup>

Guiding principles focus upstream and answer the question why, which provides meaning or substance to methodology. This establishes relationships, encourages teamwork and enhances performance to produce successful outcomes. The responsibility of leaders is to ensure behaviour aligns with guiding principles. This expedites cultural change and creates improvement through an understanding of the intricate interdependency of business principles, systems and processes. <sup>1643-1647</sup>

However, despite substandard performances, leaders often receive gratuitous bonuses or [golden parachutes](#) followed by sinecures as non-executive directors. A climate of [vulture capitalism](#) or [lemon socialism](#) ensures profit is [privatised](#) and loss is [socialised](#). It does not reflect or align with the spirit of [corporate social responsibility](#), [good governance](#) and [organisational codes of conduct](#).....*Si monumentum requiris, circumspice.* <sup>1648-1656</sup>

## Leadership and ethics

Discussions on [leadership](#) usually accentuate the hero myth and the terms great and good are often used synonymously. This militaristic and mechanistic paradigm places and inordinate emphasis on individual achievements at the expense of followers and collective triumphs. It promotes a messianic cult status and crusading spirit, which ignores social interpretation of events and disregards the intricate interdependence between following and leading. <sup>1657-1660</sup>

[Leadership](#) is bequeathed by followers and its principal attributes include [respect](#) and [humility](#). Many leaders would be ineffective without the positive aspects and perceptions of their acolytes. A myopic clockwork approach without establishing the context and analysis of social arrangements constrains options. This often compels followers down restricted and counterproductive channels in an otiose attempt to resolve [wicked problems](#)..... *Vision is the art of seeing what is invisible to others.* <sup>1661-1664</sup>

During discussions on [leadership](#) the terms [ethics and morals](#) are frequently exchanged but they have subtle differences and often clash. Morals define personal character whilst ethics underpin a social system in which individual morals are applied. All ethics are social and relational and conduct is considered unethical when it belittles [respect](#) and compassion. Bureaucrats exercise authority via soft power and expect obedience, whereas renowned sociopaths such as [Stalin](#) or [Ceaurescu](#) used intimidation or fear and enforced people to capitulate. Effective leaders must make a positive and meaningful difference to the livelihood and learning of others using an influential, reciprocal and [interactive process](#). <sup>1665-1666</sup>

Relationships are the foundation of accomplishment and in an era of click democracy it is quite simple to inveigle or seduce the masses. This is often achieved through social media via false dichotomies, shallow slogans or nostrums, which readily appeal to the laity. Father Time or Mother Nature eventually exposes ineffective leadership and inferior judgement from desperate and disparate disciples. [Churchill](#), [Hitler](#) and [Napoleon](#) were frequently acclaimed as great leaders but there is ample evidence to suggest they were not good men. Followers have a responsibility to [speak the truth to power](#), which is particularly relevant to the current regime in the United States under the presidency of [Donald Trump](#). It is best summarised by [Joseph de Maistre](#)..... *Every country has the government it deserves.* <sup>1667-1669</sup>



## Independent auditing

*Those who cast votes decide nothing, those who count the votes decide everything*

Joseph Stalin <sup>1670</sup>

Independent auditing of safety management systems is conducted using several mechanisms, which include the Joint Accreditation System of Australia and New Zealand [JAS-ANZ](#) and workers' compensation [self-insurance](#) schemes or through the use of external safety consultants. <sup>1671-1672</sup>

### The JAS-ANZ scheme

Major organisations in the resources sector implement contractor prequalification processes to fulfil their due diligence requirements. This requires contractors to obtain independent certification to a recognised safety management system standard. Certification is provided by [conformity assessment bodies](#) who are accredited through the JAS-ANZ [scheme](#). It enhances international and domestic trade and commerce, which reduces risk and provides organisations with a competitive edge. Each year, the [Department of Industry, Innovation and Science](#) minister receives a corporate statement of intent and an annual report from the JAS-ANZ [governing board](#) to fulfil governance requirements. <sup>1673-1679</sup>

The benefits of [independent certification](#) through the JAS-ANZ [scheme](#) via its [conformity assessment bodies](#) allows an organisation to control its internal systems and offers opportunities for [continuous improvement](#). This reduces variance and provides impartial assurance of organisational capabilities to customers and other interested parties, including regulatory authorities. The JAS-ANZ [assurance symbol](#) is a valuable asset because it instils confidence in new and existing clients and promotes reliability. It also indicates the organisation is meeting its mandatory legislative requirements. <sup>1680-1681</sup>

The terms accreditation and certification are often used synonymously but have precise definitions within the conformity assessment sector. [Accreditation](#) involves the verification of a conformity assessment body's competence, credibility, independence and integrity to perform its assessment activities. [Certification](#) is provided by an accredited [conformity assessment body](#) and confirms an applicant's compliance with specified standards. It is an independent attestation that is specifically related to products, systems, processes or persons. <sup>1682</sup>



JAS-ANZ develops [specification criteria](#) for the accreditation and performance monitoring of [conformity assessment bodies](#). It also provides a framework for the effective management of assurance schemes. [Conformity assessment bodies](#) require reaccreditation every four years and their auditing performance is regularly monitored. Its safety auditors are certified via an independent personnel certification process. The scheme prescribes requirements for regular surveillance audits in accordance with a defined JAS-ANZ [procedure](#) to guarantee effectiveness and sustainability. <sup>1683-1686</sup>

Notifiable incidents were recorded on one major coal seam gas construction project and included a major asset damage event, two disabling injuries and a fatality. Despite the magnitude and duration of the project plus its cost and the inherent risks, there was no evidence of any independent surveillance audits from a [conformity assessment body](#). Moreover, several of its principal contractors held accredited certification to a recognised [safety management system standard](#). <sup>1687-1691</sup>

This anomaly was raised on several occasions with the coal seam gas operator and its principal contractor and documented in a project completion report. However, its significance was disregarded and it failed to attract any acknowledgement from the project leadership team. A formal complaint about the scarcity of surveillance audits by the [conformity assessment body](#) was also registered with JAS-ANZ using its electronic good faith [complaints](#) reporting process. <sup>1692</sup>

Further investigation via the [JAS-ANZ website](#) revealed an irregularity with the principal contractor's certification, which included an unusual five year expiry date. Additional concerns were also raised with JAS-ANZ as to whether this was an isolated case or a systemic problem involving other conformity assessment bodies but no clarification was provided. The response from JAS-ANZ was quite extraordinary and merely recommended contacting the conformity assessment body directly, which would certainly subjugate any confidentiality. No formal feedback was ever received and the complaint was merely diffused and defused into harmless channels of bureaucracy. Insufficient surveillance audits on such a significant project compromises the scheme's integrity. It also provides further evidence of the pluralistic ignorance and systemic failures, which are often disclosed during [parliamentary inquiries](#) into disasters and the emergence of industrial diseases. <sup>1693</sup>

The [Department of Industry, Innovation and Science](#), through its vision and [free trade agreements](#), fosters growth and productivity for globally competitive industries by streamlining regulation. However, in the current [neoliberal laissez faire](#) climate this emasculates the legislative framework, circumvents International Labour Organization [conventions](#) and neglects audit and screening mechanisms. This is verified by the recent charade of health surveillance protocols and subsequent resurgence of [coal workers' pneumoconiosis](#) throughout the Queensland mining industry. <sup>1694-1701</sup>

## Self-insurance scheme

Several major organisations in the resources sector throughout Queensland are insured via the regulatory authority [workers' compensation](#) self-insurance scheme. This establishes [performance monitoring criteria](#) and includes auditing of work health and safety performance using independent [accredited auditors](#). <sup>1702-1705</sup>

The process involves an [initial legislative compliance review](#), which is completed by the [Queensland Office of Industrial Relations](#). This is followed by an independent third party audit of the organisation's health and safety management system. The applicant must select a government [accredited independent auditor](#) and impartial screening is required to verify there is no conflict of interest. The audit includes an assessment of preselected sites and associated activities and the presentation of preliminary findings with an evaluation report. This involves a systematic review of activities against defined criteria to ensure outcomes comply with planned arrangements. It also verifies actions are effectively implemented to reflect and align with the organisation policy and objectives. The scheme prescribes requirements for internal surveillance audits and its [audit tool](#) details specification criteria, which align with the requirements of [AS/NZS 4801:2001](#). However, the resurgence of [black lung](#) in the Queensland mining industry indicates the [self-insurance auditing process](#) failed to identify an operational or material risk and is merely a superficial nostrum. <sup>1706-1709</sup>

## External safety consultant audits

Smaller organisations with limited resources often use services of external safety consultants, who can perform audits against [AS/NZS 4801 specification criteria](#). However, there are no explicit legislative requirements covering accreditation of providers or its auditors and independence is often compromised by commercial imperatives. <sup>1710</sup>

*Integrity has no need of rules*

Albert Camus <sup>1711</sup>

The work health and safety legislative framework in Australia adopts a systematic and consultative risk management approach, which is underpinned by duty of care principles of common law. It has generated a focus on development and implementation of safety management systems based on the [Deming quality management cycle](#). In large scale applications, culture follows structure and organisations have established a formal framework using an objectives hierarchy and performance monitoring requirements with defined specification criteria. However, many other contributory factors are overlooked and clockwork mechanistic models often ignore endogenous issues such as organisational culture, power distance issues and leadership styles. <sup>1712-1720</sup>

Change management and organisational development has become extremely complex with the introduction of a cornucopia of abstract [soft systems processes](#). This has created an increase in [obscurantism](#) and [agnotology](#) and the resultant dog's breakfast would be much better described as safety damagement. [Ackoff](#) addresses this predicament through the art and science of mess management and analyses four different approaches, which include absolving, resolving, solving or dissolving. <sup>1721-1725</sup>

### Absolving

Systems experience natural variation and [exploratory data analysis](#) techniques have been sadly neglected at every structural level within organisations. Many misfortunes evolve from our inherent inability to sit quietly in a room and do nothing and in certain situations it is often the best tactic. This is termed absolution and tampering with the system merely exacerbates the condition because the problem is entrenched in common cause variation. <sup>1726-1728</sup>

It is reified by the influential [funnel experiment](#), which describes the adverse effects of altering a process without analysis of its mechanisms. This occurs on many construction projects following minor injuries, which require futile investigations to establish [root causes](#).

The problem is often aggravated by a [zero harm](#) fiat and inevitably results in managing the metric instead of performance. It fabricates reporting, which is reiterated by [W. Edwards](#)

[Deming](#).....*Whenever there is fear, you will get wrong figures.* <sup>1729-1732</sup>

## Resolving

This approach is commonly encountered throughout the resources sector and on short term construction projects. It is embraced by many safety crusaders and relies heavily on heuristics with trial and error and the use of [Maslow's hammer](#) or a [Birmingham screwdriver](#). It provides a simple solution to a complex problem and [accident theory](#) with its many miasmatic symptoms prevails. [Behavioural safety programs](#) are often evident, which creates escalating [psychosocial risks](#) and a looming spectre of [eugenics](#). <sup>1733-1737</sup>

This satisfies many project managers but its clinical and primitive tactics lack analytical rigour and performance is measured qualitatively using vague, judgemental and subjective descriptors. Many other social encumbrances evolve including blame, fear and retribution. Industrial relations disputes inevitably arise and delay progress, which increases costs and compromises the fundamental objectives of completing the project on time, within budget and without injuries. <sup>1738-1740</sup>

## Solving

In contrast to resolving issues, problem solvers adopt an [epistemological](#), approach, which is heavily reliant on research and scientific methods. It eschews qualitative processes in favour of objective analysis using quantitative data. This suits tractable or mechanistic systems and involves techniques such as [fault tree](#), [event tree](#) and [human reliability analysis](#). These tools are favoured by chemical engineers and are commonly used in the military or petrochemical industries. <sup>1741-1743</sup>

This provides a logical analysis of what happens before and after an event and identifies its [mechanisms](#) and outcomes. It can also integrate human reliability analysis into fault trees for [sociotechnical systems](#). However, this fails to account for many of the abstract and incalculable elements associated with [human behaviour](#), which makes the allocation of probabilities extremely difficult. <sup>1744-1746</sup>

Mechanistic assumptions frequently involve [binary reasoning](#) and do not address the interdependency of individual elements. This may neglect essential synergistic or antagonistic properties of the entire system and what are often perceived as facts may only be abstractions with a tenuous link to reality. <sup>1747-1749</sup>

## Dissolving

The limitations of resolving and solving tactics has resulted in the emergence of an innovative and alternative concept, which involves dissolution of problems. This is accomplished by changing the situation or environment in which the impediment is embedded to eliminate or remove the problem. The objective is to achieve a desired state where the condition cannot arise and it is often termed the design approach. <sup>1750-1752</sup>

This targets reconfiguring the entire system that contains the problem with a focus on changing structure, systems and processes. It promotes [discernment](#) and reflects [Gibson's](#) approach and [affordance theory](#), which aligns with the principles of [risk and energy damage](#), [operational excellence](#) and [high reliability organisations](#). Only a minority of project managers and safety professionals embrace this philosophy, which focuses on development as opposed to growth or survival. A rubbish dump can grow without developing but a person can develop without growing. <sup>1753-1760</sup>

## Organisational development

Most of the literature covering organisational change recommends redesign at every structural level. This includes corporate strategy, structure, processes, work groups and individuals. It requires management of meaning and exercising power skills to intervene with political and cultural systems. [Hard systems](#) change management uses a scientific and mechanistic approach and often assumes people make rational decisions to solve problems. This neglects the complexity of [sociotechnical systems](#) and can disregard the critical significance of cultural, political, symbolic and cognitive dimensions frequently associated with organisational life ([Figure 20](#) and [Figure 21](#)). <sup>1761-1765</sup>

There is often disagreement on what constitutes the problem let alone what changes are required, which creates untold confusion. The purpose of specific strategies and protocols and why they are adopted is often challenged by people but never reconciled. Alternative [soft systems](#) change management approaches using [organisational development](#) techniques are required. This focuses on the entire system, the significance of people and [adaptive and generative learning](#). The [Lewin](#) three phase model and [Bolman and Deal's](#) reframing process provide further extensive analysis. However in large scale applications, it is critical to remember that culture follows structure. <sup>1766-1770</sup>

# Risk and energy damage theory - A process based approach

*Ask not what's inside your head but what your head's inside of*

William M Mace <sup>1771</sup>

Despite its conventional recognition by many organisations and safety evangelists, when subjected to critical evaluation, [accident theory](#) is lacking in logical analysis and scientific rigour. [Haddon et al](#) reinforced that science must be based on an understanding of its fundamental processes rather than using descriptors. [Accident theory](#) was reviewed during road safety research in the United States and the discipline was described as being in a state of conceptual rigor mortis. <sup>1772-1780</sup>

## A convergence of ideas

In the 1950s, [Gordon's](#) epidemiological research merged with [Gibson's](#) ecopsychology principles and [affordance theory](#). Recent developments include integration with [Haddon's](#) tiger strategies and a convergence with [Rowe's](#) anatomy of risk. This has been reified by [Viner's](#) extended energy damage and generalised time sequence model, which provides safety with a uniform process based theory. It adopts an objective and scientific evidence based approach consisting of three principal features. Events resulting in injury or damage involve a transfer of [energy](#) and the process occurs sequentially with a degree of uncertainty or risk. <sup>1781-1791</sup>

## Energy damage

[Energy](#) is defined as the ability to do work, which is a product of the application of a force to an object and the distance it moves in the direction of the applied force. Its standard unit of measurement is the [Joule](#). The term damage indicates that an object or person has been adversely affected and is loosely defined as a preventable change to the desirable qualities of anything we value. Physical laws prove that whenever this occurs it involves the transfer or release of a sufficient amount of [energy](#). In a closed system [energy](#) can neither be created nor destroyed and is merely changed from one form to another. <sup>1792-1795</sup>

A [hazard](#) is somewhat loosely defined as a source of potential harm, which could include a parliamentary budget speech or listening to rap music. However, the definition offered by [Viner](#) as a potentially damaging [energy](#) source is much more meaningful and objective and specific examples are detailed in [Figure 22](#). <sup>1796-1800</sup>

## The generalised time sequence model

[Energy](#) sources are normally contained but when the control [mechanism](#) fails an event occurs, which is defined as the loss of control of a potentially damaging [energy](#) source. The [generalised time sequence](#) model analyses how the [energy damage](#) process evolves using three distinct time zones. It examines enabling conditions and circumstances, which include prerequisites and the event [mechanism](#). The prerequisites or latent conditions establish why the event occurred and include organisational factors, the environment, plant and equipment, the nature of activities and the work groups and people involved. The [mechanism](#) determines how the event unfolds and investigates the failure of controls. These are termed active failures and analysis confirms whether malfunctions are intentional, unintentional or incidental. <sup>1801-1804</sup>

Concluding conditions and circumstances involves outcome and consequence analysis following the event and its impact on susceptible assets and people. It establishes if the threat is antagonistic, immediate or prolonged and determines the effectiveness of any response to divert, absorb or remove assets and people. It also evaluates the extent of damage, injury or loss, which is dependent on limiting the consequences, contingency planning, emergency preparedness, rehabilitation and repair. The extended energy damage and generalised time sequence model is featured in [Figure 23](#). <sup>1805-1808</sup>

## Uncertainty

A fundamental tenet of [risk theory](#) is that if something is possible it is only a matter of time before it happens. Risk is [defined](#) as the effect of uncertainty on objectives, which encompasses speculative risk. However, pure risk, which is more applicable to industrial safety, is the uncertainty that an adverse consequence of a given size will occur. <sup>1809-1811</sup>

Frequency is a critical parameter in risk estimation and is a function of probability and exposure. It enhances perception of risk based on experience and displays an inverse logarithmic relationship with consequence value ([Figure 24](#)). <sup>1812-1814</sup>

This reifies risk and enables it to be measured objectively, quantitatively and fiscally using real numbers. It offers a logical approach with a rational and simple appreciation of the correlation between risk and loss, which is reinforced by comments from the late [Trevor Kletz](#).....*If you think safety is expensive, try an accident.* <sup>1815</sup>

## Safe, unsafe or dangerous?

On most construction projects the words safe, unsafe and dangerous are often used irrationally and synonymously without any discernment. The risk diagram in [Figure 24](#) examines [societal risk criteria](#). It identifies the area immediately below the lower isometric risk line as tolerable and albeit judgementally, the risk can be conceivably classified as acceptable. However, governments are invariably and extremely risk averse and the area above the upper isometric risk line is explicitly categorised as unacceptable. [1816-1819](#)

The diagram indicates the highest level of risk is in the top right hand corner with the lowest value situated in the bottom left hand region. The two isometric risk lines have a negative  $45^\circ$  slope and are a function of frequency of the number of fatalities per annum and the number of fatalities and its risk scale has a positive  $45^\circ$  slope. The upper isometric risk line ( $R_U$ ) has a constant unacceptable numerical risk value of  $10^{-2}$  and the lower isometric risk line ( $R_L$ ) has a constant tolerable numerical risk value of  $10^{-4}$ . The lower left corner is classified as safe but the possibility of a fatality still exists because the [energy](#) source and exposure to it remains and zero risk, by definition is impossible. It is quite evident the upper right region is predictably the most dangerous. This approach offers a rational definition of safe as a tolerable degree of risk whereas dangerous is considered unacceptable. Neither safe nor dangerous are discrete points on the risk diagram but they are most applicable at the lower and upper extremes of the risk scale. This ranges from  $10^{-8}$  near the bottom left corner and increases to  $10^2$  in the top right hand region. [1820-1821](#)

The terms safe, dangerous, tolerable and unacceptable are inherently pejorative and risk can be regarded as either safe or dangerous by any interested parties. It is often categorised according to individual or group [perceptions](#), which are influenced by many exogenous and endogenous factors. Legislation generally uses broad statements such as.....*to secure the health and safety of workers* but offers no definition to accompany its judgemental terminology. However, a tolerable risk can be classified as one in which the standard of control is proportional to the likely worst consequence. This must also be acceptable to the specific individual, the general community and other interested parties. The main objective is to establish an acceptable standard of risk control and not to select a particular cell in the risk matrix or decide how much risk is tolerable. [1822-1824](#)



## Risk perception

Contemporary approaches to risk are broadly categorised as intuitive subjective speculation or rational objective evaluation. The dichotomy originates in Greek philosophy with its subjective and objective quest for truth. It has generated intense conflict between the laity and risk professionals through emotive and political debates over scientific facts and the elaborate public perception of danger. Subjective judgements about risk usually occur spontaneously and it is evaluated via experiential thinking and often perceived as reality. This manifests via risk as feelings with an instinctive response to danger and remains the dominant paradigm for accepting risk, irrespective of any scientific objective evaluation. Disputes inevitably arise during discussions over emerging technology, natural disasters, nuclear energy, environmental pollution, climate change, public health, terrorism and gun control. An interesting taxonomy is offered by [Tannert et al](#), which provides an extensive review of the [precautionary principle](#), [ethics of uncertainty](#) and [decision making](#) via their igloo of ignorance ([Figure 25](#)). <sup>1825-1828</sup>

The technical concept is somewhat [objective](#) with a narrow focus and is normally expressed as a function of [probability and consequence](#). It is relatively simple to understand, which implies it can be accurately measured and effectively managed. This generates a chimera via an inequitable and inhumane number although the potential consequences can vary significantly amongst individuals, groups and endangered communities. <sup>1829-1832</sup>

The laity perspective of risk is quite complex, extremely [subjective](#) and influenced by community, individual or group attitudes and values. It is particularly dependent on the situation and creates an intriguing societal dilemma whereby public policies, which are underpinned by [objective quantitative analysis](#), conflict with the general public response. This reflects and aligns with [utility theory](#), [the law of diminishing marginal returns](#) and [Bernoulli's hypothesis](#), which states that one should not accept a high risk option if potential returns provide insignificant utility or value. <sup>1833-1838</sup>

Several theories have evolved to explain [risk perception](#) using [psychology](#), [anthropology](#) or [sociology](#) and [transdisciplinary](#) approaches. This offers some clarification why similar risks can be evaluated objectively but are perceived in different ways to produce an unexpected, subjective and politically emotive response from the laity. <sup>1839-1843</sup>

[Rowe](#), [Viner](#), [Kasperson](#) and [Slovic](#) provide extensive reviews of the social and personal contexts pertaining to risk and identify many of the interrelated aspects which can significantly influence community, individual or group responses. <sup>1844-1847</sup>

[Endogenous risks](#) for a risk agent are typically self-imposed and often include domestic and recreational activities. A [voluntary](#) and equitable risk provides freedom of choice and allows the exercise of free will with an opportunity to evaluate benefits. A knowledge of the risk implies the agent understands it exists and is aware of the consequences. <sup>1848-1850</sup>

[Exogenous risks](#) are imposed by external factors and usually involve events such as extreme weather conditions and other natural disasters. An involuntary and inequitable risk does not provide freedom of choice or allow the exercise of free will and prevents the agent from evaluating benefits. However, the agent may be indifferent to the risk and makes no attempt to understand the [mechanism](#) or recognise the consequences. If the agent has no knowledge of the risk, a general uncertainty may prevail or information has been deliberately withheld. This occasionally arises when symptoms are latent and manifest following prolonged periods of exposure. It was particularly evident with asbestos, coal dust and respirable crystalline silica. <sup>1851-1854</sup>

In the early 1900s many revanchists in the United States advocated that inhalation of [coal dust](#) provided protection from tuberculosis and it received considerable support, especially from the Pennsylvanian coal companies. A presentation to the British Medical Association suggested the rarity of consumption in coal workers was attributed to special protective features in coal mining operations. It provided an extraordinary citation promoting the beneficial antiseptic properties of carbon. Further research into occupational medicine and dust diseases during the 1920s pronounced the body's natural defences were quite capable of defeating potential lung disorders such as [coal workers' pneumoconiosis](#). This lucratively diverted attention from the deleterious effects of respirable coal dust. <sup>1855-1857</sup>

The personal context in which risk is experienced is extremely sensitive and may appear irrational. In certain situations public response is expressed via primitive outrage whilst identical objective risks are tolerated or attenuated and treated with indifference or disdain.

Several classic examples include [smoking](#), [driving without seatbelts](#), [aflatoxins in peanut butter](#) and [exposure to radon](#). <sup>1858-1860</sup>

Research during the late 1980s identified three principal and interrelated features which influence [communal response to risk](#). These include anxiety or the dread factor, knowledge of the risk and the magnitude of its consequences. The dread factor specifically relates to the perceived worst consequence and a notion of uncontrollability. The state of knowledge can range from familiar through to unknown and often encompasses uncertainty, especially with nuclear energy, public health, gun control, terrorism and other events involving potential catastrophic consequences. It generates strong and visceral emotions such as fear that generally amplifies risk or even anger, which has the opposite effect and attenuates judgement. [1861-1867](#)

Emotional proximity has a significant influence on risk perception and the impact unsettles individuals, immediate dependents and extends to families, close friends, communities and different nationalities or cultures ([Figure 26](#)). Following the 1966 [Aberfan](#) tragedy, controversial assessments were proposed by the incumbent government to substantiate bereavement claims from grieving families. Class actions have also been reignited against the South Yorkshire and West Midlands police forces. This followed a recent independent inquiry, which returned verdicts of unlawful killing arising from the 1989 [Hillsborough](#) soccer stadium disaster. Accidental death rulings were annulled by a high court decision but the latest findings, whilst welcomed by bereaved families and dependents, will inevitably generate debate about the definition of [lawful killing](#). [1868-1872](#)

Risk is significantly discounted following adverse events and time heals all wounds with an inevitable diminishing consequence value ([Figure 27](#)). Following serious incidents an executive fiat immediately prohibits similar activities, which generates anxiety at operational and tactical levels. The atmosphere is like walking on eggshells but six to eight weeks later behaviour returns to normal and the consequence value is disregarded or overlooked. It is especially evident with driving behaviour following the receipt of infringement penalties for speeding or running red traffic lights. [1873-1876](#)

The possible worst consequence is normally emphasised to the exclusion of other considerations despite evidence of low probability. This often emerges during debates over nuclear energy and waste processing and the [not in my back yard](#) and [locally undesirable land use](#) syndromes frequently arise. [1877-1879](#)

Communities will argue vehemently that the consequences are unacceptable no matter how low the calculated probability. Individuals invariably judge the probability as irrelevant, especially if personal consequences are unacceptably high. This dilemma is regularly experienced if a person ever requires radical corrective surgery such as lumbar spinal fusion. It is usually reinforced by a caveat from the medical profession stating surgical treatment via a general anaesthetic is the last resort. <sup>1880</sup>

The dread factor described by [Slovic](#) includes feelings of horror, revulsion or fear. It is influenced by the perceived worst consequence and its uncontrollability. This was especially evident during the [Ebola](#) outbreak and public response was provoked by classic ingredients of entropy, catastrophic potential, involuntary exposure and fatal consequences. Virologists confirm it is not easy to catch and does not spread like wildfire as depicted in Hollywood or on commercial television. It cannot be transmitted through coughs and sneezes like common colds and influenza. The modes of transmission are quite complex and involve contact with bodily fluids such as the blood or vomit of infected persons. <sup>1881-1882</sup>

The impact of trust is also an important factor, especially when personal control over a feared or involuntary risk is minimal. Integrity is often eroded by any perceived vested interests and establishing public trust is quite complex. It is asymmetric and difficult to create, simple to destroy and almost impossible to regain once it is lost. <sup>1883-1886</sup>

The most frequent consequences also receive an inordinate amount of attention despite their insignificance. This is often evident during safety committee meetings with prolonged insufferable discussions over defective tap washers or broken light bulbs. It frequently occurs through excessive monitoring of unsafe acts and conditions via demoralising behavioural safety observations or futile repetitive inspections to fulfil allocated key performance indicators. <sup>1887-1888</sup>

This merely generates pettifogging, which incubates the deadly diseases of blame and fear and diverts attention from [operational or material risk](#). It is somewhat astonishing that deep water drilling in the Gulf of Mexico proceeded without prescribed requirements for critical negative pressure testing. However, failing to maintain three points of contact using stairwells or walking around corporate offices without the lid on a cup of coffee attracts disciplinary action. <sup>1889-1891</sup>

[Anthropology](#) or [sociology](#) approaches to risk perception are underpinned by [cultural theory](#), which defines risk as a joint product covering knowledge of the future and consent regarding the most desired prospects. It implies differences in culture arise from symbolic dimensions of social studies and other topics such as art, religion, ideology, science, law, morality and common sense, which can significantly influence community response. The theory also reinforces that [risk perception](#) does not occur in a social vacuum and the judgement of danger and acceptance of risk is a function of collective acknowledgement and cultural support. <sup>1892-1893</sup>

Political conflict over air pollution and nuclear power during the 1980s generated extensive research from [Douglas](#) and [Wildavsky](#) using group and grid dimensions. This suggests [perception of risk](#) is manipulated through [collectivism](#), [individualism](#), [egalitarianism](#) and [fatalism](#), which are socially constructed by institutions and cultural beliefs. It implies individuals selectively respond to risk according to preferred conventions. [Cultural theory](#) offers an interesting alternative but attracts extensive criticism mainly because it diverges from the conventional [psychometric paradigm](#) and philosophy of [rational choice](#). <sup>1894-1900</sup>

However, more recent developments at [Yale Law School](#) include the [cultural cognition project](#), which adopts a transdisciplinary approach. This involves a convergence of ideas and integration of [cultural theory](#) with the [psychometric model](#) and [behavioural economics](#). It has been substantiated by [recent surveys](#) in the United States covering an extensive range of societal risks. [The study](#) used selected group and grid scales to reflect and align with two distinct dimensions of social organisation. <sup>1901-1902</sup>

Survey results indicate cultural polarisation is evident across a wide range of societal risks, which included climate change, gun control, public health and terrorism. The selected group and grid dimensional scales had a profound impact on [risk perception](#) and were more predictive than traditional social categories of gender, race, education, personality, political affiliations and socioeconomic status. <sup>1903-1904</sup>

Further research in the late 1980s focussed on [transdisciplinary](#) approaches with the integration of concepts from [communications theory](#). This examines how risk is manipulated through its interaction with psychological, social and cultural processes, which amplifies or attenuates [public perception](#). <sup>1905</sup>

## Social amplification and attenuation of risk

Contemporary research into [transdisciplinary](#) approaches describes risk as a phenomenon consisting of biophysical attributes and social dimensions. Existing assessment and management techniques are somewhat ineffective and fail to fully appreciate the social context or recognise the subjective speculation and objective evaluation dichotomy. The [social amplification or attenuation](#) of risk offers an integrative approach, which implies that absolute and socially determined risk are an illusion. The framework recognises how institutions and structures process risk and that social interactions may amplify or attenuate public response. It also examines the impact on individuals, groups and the community and the response from government, corporations and its employees ([Figure 28](#)). 1906-1908

[Amplification or attenuation](#) occurs by many mechanisms but society generally learns about specific events indirectly through information systems and technology as opposed to direct personal experience. Mass media is the most common and effective communication network for manipulating community response to risk via its multiple and often conflicting roles. This is accomplished by the extent of coverage with 24/7 news broadcasts, the volume of information and framing the risk through symbols, metaphors and discourse. The degree of escalation or diminution enhances or contracts ripple effects, which significantly influence behavioural response. This produces secondary and tertiary impacts that control societal reaction and if any stigma prevails the consequence is dynamic and often persistent. Many high profile events offer substantive evidence covering the social amplification or attenuation of risk. 1909-1914

During 1917 the [Radium Girls](#) flocked to work in factories throughout New Jersey and Illinois painting the dials of watches, clocks, compasses and other military instruments. There was plenty of competition for jobs and the naïve young women were lured via a prestigious and patriotic wartime crusade with offers of a lucrative salary. The work involved delicate painting with Undark, an intriguing luminous substance containing radioactive radium and lip pointing to hone the tips of paint brushes. The young ladies were told the paint was harmless and actually beneficial for their health. After several years of exposure many of the girls became violently ill and symptoms included loose teeth, halitosis, excruciating pain and rotten jawbones. 1915-1916

The first victim died in 1922 aged just 24 years and her death was recorded as syphilis, much to the dismay of her family and close friends. Sickness continued with evidence of decaying teeth, friable bones and disintegrating spines. The owners denied it was happening and subsequent autopsies by company appointed doctors disguised the cause, whilst the death toll escalated. Radiation levels were falsified or concealed, although two victims were buried in lead-lined coffins at the [Ottawa Oakwood Memorial Park in Illinois](#). 1917-1919

In 1934 a small group of courageous female employees took legal action against their employer, the [Radium Dial Company](#). Many were sick with anaemia, sarcomas, decaying jaws or amputated limbs and knew they were dying. Under a preferred sobriquet, entitled Society of the Living Dead, their tenacity prevailed with a concluding establishment of legal protection via federal health standards for future generations. During the trial, the company ceased operating but the owner soon opened another factory under a different name at nearby premises. Safer conditions were promised but radioactive waste was emptied into toilets and ventilation shafts discharged near an infant's playground. The sickness was unrelenting but the factory owner, city officials and most people in the region displayed a casual indifference. In 1978 federal inspectors found radiation levels significantly exceeded prescribed limits and the factory was closed. The saga has many similarities with other deadly industrial diseases such as [mesothelioma](#) and [coal workers' pneumoconiosis](#). 1920-1926

In upstate New York during 1892 [William T. Love](#) proposed development of a hydroelectric scheme to connect the upper and lower [Niagara Rivers](#). It involved construction of a large canal and harnessing water to provide cheap power for the community. However, following an economic depression, financial support for the project collapsed and it was abandoned, leaving behind a large open channel. The land was eventually auctioned and over many years it became a toxic waste dump for the [Hooker Chemical Corporation](#), a subsidiary of [Occidental Petroleum](#). It was also used as a municipal tip for the [City of Niagara](#) and by the [United States Army](#) for the disposal of chemical warfare, possibly from the [Manhattan project](#). The site was backfilled in the early 1950s, covered with earth and sold to the regional education board for the symbolic token of one dollar. The transfer deed included a caveat disclosing that the environs contained buried toxic chemicals and a disclaimer, which absolved the company of any future liability. 1927-1930



In 1955 a newly constructed elementary school opened its doors at ground zero to an annual intake of almost 400 students and extensive urbanisation. The regional education board failed to appreciate the risk and details of the site history, previous owners or their activities were not released to unsuspecting residents or the public. It all appeared rather innocuous with little evidence that over 20,000 tons of toxic waste was buried beneath the surface whilst residential development continued apace. Authorities were soon besieged with anxious complaints about offensive odours and the inexplicable appearance of unidentified substances in the immediate environs. An insouciant response from city officials involved superficial site visits and leachates were merely absorbed with a veneer of fly ash. <sup>1931-1933</sup>

An independent study from the [Calspan Corporation](#) in the 1970s identified toxic airborne contaminants and waste chemical drums on or beneath the surface. It also reported pollution of the storm water system with carcinogenic [polychlorinated biphenyls](#). The city authority merely installed circulating window fans at selected residential properties. Public health problems soon emerged, including increased cancer rates, stillbirths and miscarriages, which were callously dismissed by health authorities as trivial housewife data. Birth defects were classified as genetic and sexual proclivity was categorised as the cause of urinary tract infections, although many of the disorders involved infants. Following sustained pressure from the [homeowners association](#), the disturbing plight of its residents captured nationwide interest and the site was eventually determined an emergency declaration area. <sup>1934-1936</sup>

In October 1980, [President Carter](#) ordered a total evacuation of the community and the federal government provided funds for relocation of over 800 families. It also created a Superfund scheme, which held polluters accountable and required organisations to restore contaminated sites. Rehabilitation took over 20 years and the government spent almost \$400 million to remediate the mess. [Occidental Petroleum](#), who also operated the [Piper Alpha](#) oil production platform in the North Sea, reimbursed \$129 million. Homes adjacent to the canal were demolished and only the creek and sewerage systems were cleaned. Federal regulators have since declared the area habitable and remaining homes outside an arbitrarily defined exclusion zone will be sold to naïve families. The title deeds will probably contain an unfathomable legal caveat drafted by an unprincipled Philadelphia lawyer to absolve local, state and federal governments of any future liability. <sup>1937-1941</sup>



The response from authorities, including health studies and evacuation of families was purely for political expediency and the protection of reputations. None of the decisions were based on scientific evidence and only the tenacity of a homeowners association ensured affirmative action. In an era of universal deceit and scepticism, telling the truth becomes a revolutionary act and [Love Canal](#) provides yet another example of the repulsive effects of ruthless, socially autistic and amoral corporate behaviour. In the United States, [Love Canal](#) attracted extensive media coverage along with other significant events, which included the [Valley of the Drums](#) in Kentucky and recent pollution of the [Animas River](#) in Colorado. Meanwhile, the US federal government [trust fund](#) has evaporated, which reflects the intent and impact of [casino capitalism](#). Any future environmental risk and remediation costs will inevitably be borne by the community and its tormented taxpayers. [1942-1949](#)

Major environmental incidents throughout [Oceania](#) include [Ok Tedi](#) in the Western Province of Papua New Guinea, [Panguna](#) copper mine on Bougainville Island and [Gold Ridge](#) at Guadalcanal. In Australia, technicians were exposed to highly toxic chemicals during repair of jet fighter fuel tanks at the [Royal Australian Air Force](#) base in Amberley. More recently, farmers and families are seeking compensation following contamination of water supplies from [perfluorinated firefighting foams](#) used at several regional air bases. Elevated levels of carcinogenic [trichloroethene](#) have also been reported in some Adelaide suburbs. [1950-1958](#)

Many of these events are influenced by the political economy and the long march of neoliberalism. This gained traction during political upheaval in Chile, which stimulated the economic philosophy of [Milton Friedman](#). It intensified during the [Thatcher](#) and [Reagan](#) era and continued unashamedly under [Blair](#) and [Clinton](#). The ultimate objective of [neoliberal economics](#) is to extirpate humanitarian or social reforms of democratic governments, which include health care, education, social security and superannuation. This relentless campaign polarises society and creates inequality, [peonage](#) and [indentured servitude](#). [1959-1960](#)

Irrespective of political allegiance, if [subjective risk](#) is perceived as reality it must be brought closer to [pure risk](#). This can be accomplished through education and learning to identify [wicked problems](#) and make subjective estimates much more explicit. It will enhance community awareness, generate trust and correlate with [objective risk](#). History may not repeat itself but is sure does rhyme and another chilling [Orwell](#) quote resonates..... *The further society drifts from the truth, the more it will hate those that speak it.* [1961-1962](#)

## The Gordian knot

The dichotomy between subjective speculation and objective evaluation covering industrial health and safety risks is best described as a [wicked problem](#). A complex enigma emerges, which often generates intense political debate over scientific facts and the elaborate public perception of danger. This challenges an organisation's capacity, capability and competency and places enormous strain on corporate governance structures. Moreover, traditional rational and objective solutions that are applied to tame problems are too mechanistic, ineffective and often produce toxic derivatives, which exacerbate the situation. <sup>1963-1965</sup>

[Wicked problems](#) are dynamic, socially complex, inherently unstable and extremely difficult to define. The nature and extent of the predicament varies between corporations and their lobbyists, governments, communities and individuals. Each version is usually fragmented and contains an element of truth although it cannot be fully substantiated. It is antagonised by many interactive causal factors and solutions often create unpredictable consequences, which are incongruous with objectives. Power is usually dispersed and accountability transcends internal corporate structures and organisational boundaries to include federal, state and local governments, society, community groups and individuals. <sup>1966-1967</sup>

In reality many of the problems are located somewhere on a wicked and tame continuum with no mercurial solution. Traditional adversarial techniques using [Maslow's hammer](#) with draconian legislation, industrial manslaughter, increased penalties and other sanctions are often counterproductive and merely create blame and fear. Recent research advocates a collaborative, innovative and flexible approach using [discernment](#) and consideration of the separation of power amongst major syndicates, groups, communities and individuals. <sup>1968-1969</sup>

An innovative concept based on the [Gordian knot](#) depicts the interrelationship between the context, people and systems ([Figure 29](#)). This considers the inherent instability of the situation and the environment in which the problem and solutions coexist and accounts for political, environmental, chronological and ideological constraints. The model signifies the diverse range of perspectives amongst different social groups and their incompatible and competing values or ideologies. It features the complexity, ambiguity and interaction of systems and their contribution to the predicament, which also reflects and aligns with [Ackoff's](#) art and science of mess management. <sup>1970-1973</sup>

## The Cynefin framework

[Effective leadership](#) and [decision making](#) is not a one size fits all proposition and leaders must adapt their approach to align with situational complexities. This can be achieved using the [Cynefin](#) framework, which is a qualitative sense making model that enriches [decision making](#) in [stochastic](#) environments. It provides leaders with a sense of place to evaluate behaviour and afford an effective response to specific situations. <sup>1974-1975</sup>

The framework was developed using a [transdisciplinary](#) approach from [complexity](#), [learning](#) and [network](#) theories. It enables leaders to identify their perception of situations and elucidate their own and other people's behaviour. It consists of four principal domains or quadrants, each of which requires different actions ([Figure 30](#)). The simple and complicated domains apply to stable or predictable conditions with tangible [cause and effect](#) relationships and evidence based facts. The complex and chaotic quadrants cover unordered circumstances with [emergent](#) properties that require [pattern based](#) leadership. In this environment, any correlation between [cause and effect](#) is somewhat tenuous and is usually determined with the benefit and [bias of hindsight](#). <sup>1976-1978</sup>

The simple or obvious quadrant is the domain of [best practice](#). It applies to tame, tractable and stable situations or known knowns involving a distinct [cause and effect](#) relationship. Problems are resolved [rationally](#) via a sense, categorise and respond approach using a defined procedure based on [best practice](#) and the effectiveness has been substantiated. It is underpinned by prescription using statutory legislation and standard operating procedures without any degrees of freedom. However, over simplification and complacency can cause situations to deteriorate and rapidly degenerate into chaos. <sup>1979-1980</sup>

The complicated quadrant consists of known unknowns and is the domain of experts. [Cause and effect](#) relationships are not immediately apparent and require analysis of several options using collective specialist knowledge, [good practice](#) and evidence based facts. The situation requires a sense, analyse and respond approach using [scientific, technological, engineering and mathematical](#) techniques. However, expert panels often exclude novices, which may inhibit innovation and creativity and entrenched thought processes can produce [analysis paralysis](#). Specialists groups can also cultivate [groupthink](#), whereby the desire for harmony or conformity results in [irrational decision making](#) and dysfunctional outcomes. <sup>1981</sup>

The complex quadrant is the domain of [emergence](#) and applies to [unknown unknowns](#) or [wicked problems](#). [Complexity](#) often occurs following mergers and acquisitions and changes to the organisational structure, which produces instability and uncertainty. It requires creative and innovative ideas using probe, sense and respond tactics and collaborative exploration to gather additional data. Most importantly, it demands patience and tolerance, which allow instructive patterns to emerge amidst the [stochastic](#) environment. This domain presents several challenges because traditional leaders using [command and control](#) techniques are reluctant to tolerate failure or accept [fallibility](#). Moreover, tactics using simple solutions that successfully resolve tame problems may be ineffective. This can exacerbate confusion and create additional impediments such as [functional resonance](#). <sup>1982-1983</sup>

The chaotic quadrant is the domain of rapid response and is defined by extreme turbulence with enigmatic or unknowable circumstances. It requires [pattern based](#) leadership and the establishment of [cause and effect](#) relationships is often futile and wastes precious time. Multiple spontaneous decisions are required using an act, sense and respond approach under extreme pressure. It demands direct and explicit communication with prompt and decisive action to contain the situation and restore order. A significant challenge with this domain occurs when the context changes. The [command and control](#) structure dominates when normal operations resume and a [leadership hero myth](#) prevails. This can be resolved with the appointment of a parallel team to identify and address opportunities that inevitably arise during a crisis. <sup>1984-1985</sup>

Another context occasionally arises, which involves complete disorder. It can be quite difficult to identify during its emergence and anarchy prevails with multiple perspectives jostling for priority. This can be addressed by tackling the mayhem reductively and assigning individual components to a specific domain, which enables leaders to make effective decisions that reflect and align with the context. <sup>1986-1987</sup>

Many leaders are often required to act against their instincts and traditional leadership attributes such as charisma, intuition or intellect often prove ineffective in the contemporary business environment. Prudent executives must embrace [complexity](#), [fallibility](#) and paradox and adopt a flexible approach to reflect and align with the prevailing conditions. In an era of increasing uncertainty, the [Cynefin](#) framework can help leaders embrace risk, respond to hazards or threats and enhance [decision making](#) accordingly ([Figure 31](#)). <sup>1988-1989</sup>

## Systemic control of risk

*Il n'est pas certain que tout soit incertain*

Blaise Pascal <sup>1990</sup>

Societal concerns about exposure to risks from current activities, emerging technology or natural causes can be addressed and reduced systemically. It requires an intentional, rigorous and coordinated effort from everyone who influences or controls risk. This includes employers, employees, industry associations, insurers, suppliers, training and education establishments, the legal profession and regulatory authorities. It promotes a philosophy for controlling and minimising risks with a dominant emphasis on system design and operation. The entire system must include a legislative framework administered by the government to guarantee maximum safety. This must embrace [quality assurance](#) and contain [redundancy mechanisms](#) for critical systems. It should also specify training, licensing and registration requirements and certification or authorisation of personnel, plant, equipment and selected operational activities. Other criteria include inspection, enforcement and auditing regimes with a review process to ensure the system fulfils its objectives. In Germany, many of these attributes are detailed in the constitution of the [Berufsgenossenschaften](#) scheme, which determines and charges insurance premiums. Its registered businesses must belong to an industry association and the scheme operates as an industrial memory and quality improvement body. It also provides conventional knowledge and wisdom with purchasing power that is supported by a [continual improvement](#) process. <sup>1991-1997</sup>

Society tends to accept risks from systems that provide an absolute, validated and vigilant attention to safety as opposed to situations where it is relatively uncontrolled. The controllability of risk is discussed extensively by [Rowe](#) using three principal classifications, which include positive, level and negative systemic control. This involves measuring system performance and degree of control over time, which generates learning curves to provide a trend analysis of system safety. Positive systemic control is commonly used throughout transport safety systems and also in the defence, aeronautical and nuclear energy sectors. Absolute control means risk is decreasing on a total industry basis, irrespective of its growth and a specific example includes fatalities per year attributed to aviation transport. Relative control relates to an activity index such as fatalities per passenger miles flown. <sup>1998-2001</sup>

As a system matures positive systemic control verifies that its associated risks may be increasing albeit at a proportionally lower rate. Depending on the specific metrics this can validate absolute or relative control to confirm risk is decreasing chronologically. Level systemic control implies that risk increases no faster than the system's rate of expansion and is characterised by stability over time. Negative systemic control indicates escalating uncertainty and that risk is uncontrolled and progressively increasing. The most desirable approach is a system that employs a positive degree of control, which is demonstrated using an absolute basis for control effectiveness. <sup>2002-2003</sup>

Other mechanisms are discussed by [Rowe](#) and involve techniques that are somewhat specific and not entirely systemic. These include control via explicit design features, inspection and regulation or a hybrid risk management system. Design features covering [fire protection](#) are common in [building codes](#). However, following occupancy, emergency escape routes are often blocked and equipment such as hose reels and extinguishers is vandalised, stolen or rarely maintained. In [heritage listed buildings](#), where design is impractical or even prohibited, the emphasis often transfers to active control measures, which are supplemented by a stringent inspection regime. Inspection and regulation provides positive control through operational systems, to eliminate or reduce risk. It is accomplished via feedback of information to determine the effectiveness of existing arrangements or whether additional controls are required. Other specific examples include [product safety recall protocols](#) and [mandatory vehicle inspections](#), which are linked to [government registration schemes](#) and compulsory third party insurance. <sup>2004-2010</sup>

A risk management system uses a combination of control through explicit design features supported by stringent inspection and regulation regimes. The scope and power is restricted to the organisation and it provides a formal structure via [systems engineering](#) principles to identify, assess and control risk. This is accomplished through a simple, practical and iterative process, which is summarised in [Figure 32](#). It can be used to achieve systemic control but is merely a component of an entire system with a limited span of control, which is generally site-specific. [Viner](#) provides extensive comments covering [strategic and tactical](#) management of risk, which consists of [six essential features](#) and reinforces that the standard of control must be proportional to the likely worst consequence. <sup>2011-2017</sup>

## Risk management systems

In Australia, the work health and safety legislative [framework](#) adopts a preventive, systematic and consultative [risk management](#) approach. Indeed, most corporations have integrated these requirements into an organisational [risk management system](#). It provides an opportunity to understand the process leading to injury, damage or loss with an emphasis on practical reality rather than abstract or clandestine complexity. [2018-2024](#)

A [risk management system](#) requires an overall [strategy](#), which establishes the context with an explicit intent to manage risk and ensure effective controls are continuously maintained. This must demonstrate commitment from incumbent executive managers and be inculcated to any successors. A formal risk management plan must detail arrangements and allocate responsibilities for managing organisational risks. It must be supplemented by a policy statement with objectives and targets. [2025-2026](#)

A site-specific [inventory](#) or [risk register](#) must complement the risk management plan. This requires a structured approach that distinguishes [energy](#) sources from other threats and general safety risks from operational risks. Controls must focus upstream at the source with an emphasis on design to reduce risk and complexity. Superior and reliable controls are required for [operational risks](#), which may need senior management approval and alternative or additional implementation tactics. There is no explicit legislative requirement to estimate the magnitude of the risk, which is often and unnecessarily accomplished using the putative and unreliable [risk matrix](#). Predicting likelihood or probability from its arbitrary ordinal and nominal scales is an aesthetic administrative convenience. It is merely another displacement activity which provides a false sense of security that risk is being effectively managed. The identification of the likely worst consequence will suffice as this establishes the standard of control and specific resources required to maintain [reliability](#) over time. [2027-2037](#)

The effectiveness of nominated control measures for identified risks in the [inventory](#) must be regularly reviewed at predetermined intervals. It is a critical activity because risks change over time along with legislation, standards, and codes of practice, technology and community expectations. The [inventory](#) should be designed to activate a review process, which may identify latent conditions or system pathogens, prevent ossification and provide substantial opportunities for improvement. [2038-2040](#)



The organisation, especially through its executive leaders and line managers, must inculcate a [collective intent](#) covering inspection, monitoring and maintenance of control measures identified within the [inventory](#). It requires integration with an audit plan and establishment of inspection intervals for specific control measures to ensure reliability is maintained or even improved. This demonstrates [purposeful control](#) and provides substantive evidence of meaningful supervisory activity. It also offers opportunities to discover active failures or noncompliance relating to existing controls with options to improve resilience. [2041-2042](#)

Following any occurrence or release of [energy](#) and transfer to a recipient, corrective action is required. This must include a documented response with an extensive review of the [inventory](#). Specific control measures must be implemented or improved and target the source to prevent recurrence of the event. Details of the occurrence and recommended corrective actions must be promulgated throughout the entire organisation and disseminated to relevant industry associations. The risk management plan must be incorporated into management practices and its iterative process ensures that continuity of effort and purpose is maintained as the organisation matures. It is especially critical following mergers and acquisitions, which often involve a changing of the guard with the loss of many experienced employees. If the intent of [risk management](#) is inadequately communicated to successive leaders, the process will be condemned to ineffective obsolescence. [2043-2044](#)

A recent high profile example of appalling [risk management](#) involves [British Petroleum](#) under the helm of its flamboyant chief executive, [Lord Browne](#) and immediate successor, [Tony Hayward](#). During the late 1990s the organisation embarked on an extensive mergers and acquisitions campaign followed by savage budget cuts. A series of significant events with catastrophic consequences soon unfolded culminating with the Gulf of Mexico [Deepwater Horizon](#) disaster. [2045-2048](#)

The subsequent investigation into the [Macondo](#) well blow out depicted a saga of hubris, ambition and a safety philosophy with an excessive focus on spilled coffee rather than drilling disasters. A corporate culture venerated risk taking, even as years of merger driven growth and successive rounds of cost cutting consumed its leaders' focus. It was pronounced as an [accident](#) waiting to happen. [2049-2050](#)



## Cultural determinants

The [Deepwater Horizon](#) incident generated intense debate about organisational culture and its specific impact on risk management and attainment of constantly reliable standards. [Viner](#) offers a critical evaluation of cultural determinants, which covers shared antagonistic beliefs, distortion of risk and ignorance about the significance of law and insurance. Accountability, conflict of interest, corruption and the detrimental influence of adversarial communication relationships are also examined. [2051-2052](#)

[Accident theory](#) stimulates antagonistic beliefs, especially through its vague distinction between [cause and control](#) and the inordinate emphasis on [injury frequency rates](#) as a reliable indicator of operational safety performance. This is aggravated by [zero harm](#) ideology and its preoccupation with infallibility, which generates pettifoggery and diverts attention from [operational or material risk](#). Risk is frequently unappreciated and distorted, mainly via the [qualitative risk matrix](#), which is often manipulated to suit hidden agendas. It is further impaired by an inability to recognise the components of risk and acknowledge the typical inverse logarithmic relationship between frequency and consequence value. This disguises the distinction between likely least and worst consequences, which ultimately determines the standard of control that is required. It also creates an aura of unnecessary complexity with a misconception that accidents are unpredictable. [2053-2057](#)

Ignorance surrounding the significance of law and insurance is another common feature throughout many organisations. This is particularly evident with statutory legislation and [common law duty of care](#). The polemic of prescriptive or performance based legislation often evokes intense discussion but evidence confirms both approaches are equally unsuccessful in stemming the tide of injury, damage or loss. [Common law](#) provides practical significance of moral obligations and offers managers an awareness of their responsibilities for a systematic organisational approach to [risk management](#). However, it too has been a somewhat ineffective preventive mechanism with its primary focus on [scapegoating](#) and compensation. Many managers and safety crusaders use the terms unsafe and negligent synonymously and are unaware of the fundamental and particularly onerous tests that are required to establish the [tort of negligence](#). This is often accompanied by extreme naivety regarding [due diligence](#) and inevitably cultivates [risk aversion](#), blame and fear. [2058-2061](#)

Indemnity policies can engender an atmosphere of careless protection. Many line managers are unaware of the [total cost of risk](#) and potential ruin is often insulated by distinct budgets for insurance and maintenance. Some even believe their organisation is insured against breaching statutory legislation and fail to understand that this would create a travesty of justice. Insurance also affords isolation from legal decisions because insurance brokers usually manage the claims and are generally reluctant to mount vigorous defences. <sup>2062</sup>

An effective [risk management](#) system defines accountability and its structure must ensure people are held accountable for their actions rather than beliefs or commitment ..... *You may never know what results from your action but if you do nothing there will be no result.* The executive leadership team must appoint a management representative with the authority to ensure a [risk management](#) system is established and maintained. Performance criteria can be developed to suit organisational requirements using international quality, environmental, safety or risk management standards. However, these guidelines fail to provide rigorous control standards that reflect the specific nature of risks incurred by the organisation. In any business a conflict of interest inevitably arises where pressure to reduce costs or achieve desirable goals usurps technical judgement. This political chicanery is termed the production versus protection dichotomy. It generated extensive and passionate debate during the recent Queensland parliamentary inquiry into [coal workers' pneumoconiosis](#). On many mine sites failing to maintain three points of contact on a stairwell attracts disciplinary action. However, excessive exposure to respirable coal dust was disregarded or summarily dismissed as whinging. Coalface employees were merely intimidated and told to harden up and put an extra spoonful of concrete in their morning cup of coffee. <sup>2063-2067</sup>

Conflict of interest also occurs when power or greed overrides professional discretion and may include [regulatory capture](#). In perfidious societies power is abused to manipulate or frame legislation and affairs of lobbyists are advanced at the expense of public interest. It usually involves [political corruption](#) combined with subtle and penetrative capture to win hearts and minds. [Regulatory capture](#) is easy to identify but very difficult to prove and often accompanies several other socioeconomic conditions such as [rent seeking](#), a [race to the bottom](#) and [revolving doors](#). This has received intense media attention following approval of several [coal seam gas projects](#) and the [Adani Carmichael](#) coal mine in Queensland. <sup>2068-2076</sup>

Adversarial communication protocols, especially under authoritarian organisational structures hinder system performance. Autocratic and didactic behaviour will ensure management receives the information it wants rather than what it needs. This often generates fabricated or polarised reports, which disguise failure to protect reputations or reallocate blame onto subordinates. Lateral communication is also impeded via impenetrable organisational barriers that suppress interdepartmental consultation and prevents the achievement of common goals. This is aggravated by infallibility and an obsessive pursuit of perfection with ideologies such as [zero harm](#). <sup>2077-2080</sup>

The [Shingo](#) model of operational excellence is underpinned by cultural enablers and include leading with [respect](#) and [humility](#). This establishes relationships which are the foundation of accomplishment and engenders trust to reflect and align with [principle based leadership](#). Social engineering techniques are commonly used in aviation and rail transport business management systems to ensure confidentiality, which encourages reporting of critical incidents to achieve successful outcomes. <sup>2081-2084</sup>

## Cultural traits

Cultural determinants can manifest in many ways throughout any organisation to influence its character or traits, which can be categorised as welcoming, resisting, passive, secretive or arrogant. A welcoming culture displays sincerity and creativity and recommendations or suggestions are treated with [respect](#), regardless of an individual's role, power or status. The organisation values constructive criticism, improvement or change using receptive lateral and vertical communication channels, which enhances [risk management](#). <sup>2085-2087</sup>

[Authoritarian structures](#) will often create a hostile environment with a seditious and resisting organisational culture. Employees invariably feel insecure and believe the organisation is vulnerable, which suppresses communication and eschews accountability. Change is opposed, [messengers](#) are shot and [risk management](#) efforts are treated with disdain.

Organisations can also exhibit passive traits with an ambivalence towards [risk management](#). Its employees believe the company can neither be threatened nor changed and any advice or suggestions are considered irrelevant. [Complexity](#) inhibits innovation and responsibility or accountability is diffused and defused using departmental barriers. It is redolent of many bureaucratic corporate behemoths and government organisations. <sup>2088-2090</sup>

In secretive organisational cultures conflict of interest with hidden agendas is often evident. A distinct stench of corruption is perceptible but hard to prove and information of any value is difficult to obtain. A miasma of clandestine power prevails and implementing change is practically impossible. <sup>2091-2092</sup>

Arrogant corporations display obstinate convictions about their superior qualities, especially its organisational culture. Criticism is unwelcome and belittles its sacrosanct values, which are unconditionally endorsed by every employee. The culture can degenerate into a totalitarian regime with an infallible ideology and [too big to fail](#) philosophy. <sup>2093-2095</sup>

Safety culture, whether it is expressed at a national, industrial, organisational or site-specific level, is extremely variable and difficult to measure consistently. It is quite a complex and vague topic that generates intense discussion and disguises several other significantly important features. These include whether the particular organisation is supportive of a preventive [risk management](#) approach and can demonstrate the capability, preferably via an absolute, positive and validated degree of control. In any organisation statutory requirements and [common law](#), where it exists, are compelling reasons for implementing a [risk management](#) system. The interrelated financial aspects and [total cost of risk](#) also require significant consideration. <sup>2096-2099</sup>

## The total cost of risk

The primary objective of any [risk management](#) system is to manage organisational risk, which ultimately leads to a reduction in the total associated costs. However as an organisation matures, the [law of diminishing marginal returns](#), which is closely related to [utility theory](#) and [Bernoulli's hypothesis](#), inevitably arises. The more an organisation attempts to reduce risk, its costs for smaller increments in reduction begin to increase. An alternative perspective is to evaluate the [total cost of risk](#), which is a quantifiable number that can be identified and reduced to fulfil the maxim... *What gets measured gets managed*. It is defined as the total cost of insurance premiums, retained losses and the cost of internal and external risk controls and is summarised in [Figure 33](#). Line managers often assume the [total cost of risk](#) is merely restricted to insurance premiums, which are its most visible component. However, many other indirect costs and hidden expenses are never tracked or summarily dismissed as fixed overheads and the cost of doing business ([Figure 34](#)). <sup>2100-2105</sup>

Insurance premiums include the amount an organisation spends on indemnity. It is indeed the principal component of the [total cost of risk](#) and is easily tracked. Retained losses are best described as out of pocket expenses relating to incurred damages. Significant internal costs are sustained for the protection of people and assets from injury, damage or loss. These involve administrative controls such as training and supply of personal protective equipment. Substantial external costs may also accumulate through the provision of professional resources, which include legal representatives and specialist consultants. Many of these issues are interrelated and their recognition enables suitable operational strategies to be developed and implemented for managing and reducing the associated costs and improving [productivity](#). <sup>2106</sup>

[Viner](#) provides further extensive discussion covering the total cost of risk and [strategic risk management](#). It is evident the same [total cost of risk](#) can be experienced through either small preventive costs with substantially reactive expenditure or via significant precautionary investment and minor spontaneous overheads. The latter approach truly reflects and aligns with [corporate social responsibility](#) and is summarised by the proverb.....*A stitch in time saves nine*. Statistics and discussions with colleagues over several decades confirm the [total cost of risk](#) is predominantly reactive expenditure and many organisations fly by the seat of their pants with a minimal investment in prevention. <sup>2107-2108</sup>

The [total cost of risk](#) provides organisations with a [strategic view](#) of its [risk management](#) efforts. It must be supplemented by a structured and effective [risk inventory](#) that details genuine and substantiated risks. This provides the organisation with a systematic and preventive approach to ensure the standard of control is proportional to the likely worst consequence. A three tier classification structure is proposed by [Viner](#), which addresses [must, should and could do](#) control applications. Must and should do items require an unconditional compliance with legislation, codes of practice, Australian Standards and other best practice guidance. Failing to implement these detailed requirements would result in an extremely tenuous defence against [due diligence](#) or [negligence](#). The could do items are subject to a [cost benefit analysis](#) for justification of expenditure. This structured technique enables organisations to make strategic decisions about where and when improvements are made and establish a safe working environment. <sup>2109-2110</sup>

## Lonely sinking feeling

In March 2001, an improbable but catastrophic chain of events aboard the [Petrobras P-36](#) floating offshore platform about 150 kilometres from the Brazil coastline, claimed the lives of 11 crew members. The explosions also damaged a support column containing emergency drainage tanks and approximately 1200 m<sup>3</sup> of diesel and 300 m<sup>3</sup> of oil spewed into the sea. Despite attempts to salvage the abandoned platform, the US\$ 500 million rig eventually sank to the bottom of the Atlantic Ocean and was declared a total loss. The rig was originally constructed as a drilling platform in 1994 and was subsequently converted into a deep water semi-submersible facility. In May 2004 it started operating at the [Roncador](#) oil field in the [Campos Basin](#), which was managed by the Brazilian state owned company [Petrobras](#). The extensive modifications included retrofitting of emergency drainage tanks into the platform's rear support columns to save space, reduce costs and capitalise on high oil prices and increasing demand. <sup>2111-2114</sup>

Its [executive leaders](#) proudly proclaimed.....*Petrobras has established new global benchmarks for the generation of exceptional shareholder wealth through an aggressive and innovative program of cost cutting on its P-36 production facility. Conventional constraints have been successfully challenged and replaced with new paradigms appropriate to the globalised corporate market place. Through an integrated network of facilitated workshops the project successfully rejected the established constricting and negative influences of prescriptive engineering, onerous quality requirements and outdated concepts of inspection and client control. Elimination of these unnecessary straitjackets has empowered the project's suppliers and contractors to propose highly economical solutions with the win-win bonus of enhanced profitability margins for themselves. The P-36 platform shows the shape of things to come in [unregulated global market economy](#) of the 21<sup>st</sup> century.* <sup>2115-2116</sup>

The investigation findings detailing proximate causes and contributory factors were eerily familiar and comments from the late [Trevor Kletz](#) regarding many industrial disasters resonate.....*Don't bother writing the accident report, I will send you a copy from my files.* There was no evidence covering [hazard operability studies](#) on retrofitting the drainage tanks and Petrobras executives disregarded the [total cost of risk](#) and favoured production over protection. <sup>2117-2118</sup>

## Safety and productivity

Another objective of [risk management](#) is to reduce the number and consequence value of occurrences. This reduces associated costs with potential improvements in [profitability](#) (production per unit of cost) and [productivity](#) (production per unit of time). However, if the efforts are merely inefficient displacement activities it can diminish gross profitability and productivity. In extreme situations the cost of risk management efforts may significantly offset benefits and even create a deficit. The benefits of [risk management](#) may well be [probabilistic](#) but its associated costs are immediate and tangible, which have a decidedly greater influence on people than potential benefits. <sup>2119</sup>

Indeed, in the current [Safe Work Australia](#) work health and safety [strategy](#) its vision advocates healthy, safe and productive working lives and states.....*It has been shown that good work health and safety improves long term business productivity.* This is reinforced by the [Safety Institute of Australia](#) in its recent [policy agenda](#). However, it inadvertently supports a policy of [self-regulation](#), which culminates in [laissez faire](#) safety and [deregulation](#). The relationship between safety and productivity is diffuse, [probabilistic](#) and certainly not deterministic. Extreme caution is required with such definitive statements because correlation does not imply causation. [Viner](#), [Hopkins](#) and [Sider](#) provide further extensive analysis of this tenuous [chicken and egg](#) relationship. <sup>2120-2125</sup>

## Contingency planning and crisis management

Reactive expenditure in the [total cost of risk](#) includes contingency planning and [crisis management](#) and involves emergency preparedness, fire precautions, first aid and [business continuity plans](#). Any organisation is sensitive to the risk of fire, bomb threats, natural disasters, terrorism, extortion or civil disorder and requires a predetermined [crisis management plan](#). Its objective is to manage unfolding events efficiently, minimise adverse impacts and ensure a prompt recovery and return to normal operations. It must be regularly rehearsed and the degree to which it exists and successfully operates affects the manner in which people value its consequences. This enhances community resilience and potential consequences are made much more palatable by relaying the risk across a broader and reliable foundation. Several disasters in the United Kingdom including [Hillsborough](#) and [Grenfell Tower](#), provide unpleasant examples of ineffective [crisis management](#). <sup>2126-2131</sup>



*The noblest search is the search for excellence*

Lyndon B Johnson <sup>2132</sup>

Despite its persistent popularity, [accident theory](#) sits incongruously with the principles of [operational excellence](#), [total quality management](#) and [risk management](#). Operational excellence is essentially a relationship between business results and [principle based leadership](#). Principles govern the laws of science and determine the consequence of human relationships, which are the foundation of accomplishment. Learning occurs when people acquire meaning behind methodology. Improvements are achieved via a comprehensive knowledge of the interdependency of [business principles, systems and processes](#). This influences and drives behaviour and alignment with operational excellence and risk management principles is critical. The [Shingo](#) model is detailed in [Figure 35](#) and consists of ten guiding principles, which are categorised into four interdependent dimensions with supporting concepts. The dimensions include cultural enablers, continuous process improvement, enterprise alignment and results. <sup>2133-2140</sup>

### Cultural enablers

These are the foundational elements of the [Shingo](#) model and its transformational process involves leading with [humility](#) and [respect](#) for every individual. [Humility](#) precedes learning and improvement. It encompasses [active listening](#), accepting vulnerability or [fallibility](#) and rejecting bias or prejudice. This inspires employee contribution from every level within the organisational structure to develop better systems and processes. Moreover, it establishes personal responsibility to ensure directions from business leaders are followed. <sup>2141-2144</sup>

In any organisation, employees often identify [respect](#) as one of the most important features in the employment relationship. It empowers people to act independently and stimulates learning and continuing professional development. This creates open and trustworthy communication channels and allows individuals to understand the significance of business systems and processes and provides meaning to company values. An environment evolves where colleagues feel appreciated and motivated, which enhances creativity and wins hearts and minds. <sup>2145-2148</sup>



## Continuous process improvement

Improvements must reduce [complexity](#) to manufacture products better, faster and cheaper. It is achievable via an iterative process that defines value from a customer perspective and uses a transdisciplinary and evidence based approach, which addresses problems at the source. This is supported by a symbolic aspirational goal that establishes a collective intent to create a simple and uninterrupted process flow, which achieves maximum value with minimal waste or zero defects. Focussing on the process eliminates blame and a robust discipline evolves, which targets upstream to improve design and remove impediments with a pursuit for perfection and superior results. This obsessive quest for excellence requires some caution because it can generate unintended consequences such as [anomie](#), [anxiety](#) and other [psychosocial risks](#). <sup>2149-2155</sup>

## Enterprise alignment

The cultural enablers and [continuous improvement](#) dimensions align with the corporate vision and values to establish a constancy of purpose, which articulates the intent and direction of the organisation. This involves analysis and synthesis using [critical thinking](#) and allows employees to understand how and why business systems, processes and tools function and recognises their interdependency. It delivers rational and reliable [decision making](#) to guarantee improvements are justified and produces exceptional and consistent results. <sup>2156-2160</sup>

## Results

Organisational leaders share the common responsibility of producing superior and sustainable results. This stems from [principle based leadership](#) and is the essence and spirit of [operational excellence](#). [Accident theory](#) with its inordinate downstream focus on unsafe acts and [human error](#) generates blame and fear, which creates disdain, erodes [respect](#) and produces a mediocre safety performance. The attributes of [accident theory](#) are summarised in [Figure 38](#). It is quite evident they impede [organisational development](#) and are inconsistent with the fundamental principles and guiding concepts of [operational excellence](#) and [risk management](#). However, despite its many encumbrances, [accident theory](#) remains persistently popular and is entrenched throughout the resources sector. <sup>2161-2163</sup>

## High reliability organisations (HROs)

*There is no such thing as an accident; it is fate misnamed*

Napoleon Bonaparte <sup>2164</sup>

A significant challenge for any business or organisation is [managing the unexpected](#) and assuring high performance in an era of increasing complexity with many [wicked problems](#). Traditional inflexible managerial practices using rigid systems in stochastic environments often prove ineffective and frequently exacerbate the situation. <sup>2165-2167</sup>

Systems are designed by humans and every methodology has its own anthropology with unique characteristics. In many bureaucratic organisations employees [serve the system](#), which dehumanises people and creates [anomie](#), despair and anxiety. Indeed, the United States Navy was once described by [Herman Wouk](#) as a system designed by a genius to be operated by idiots....*If you are not an idiot but find yourself in the Navy, you can only operate well by pretending to be one.* <sup>2168-2169</sup>

The concept of [high reliability organisations](#) evolved following extensive research at the University of California [Berkeley](#) campus. This entailed meticulous evaluation of systems and processes across several complex operations. It included aircraft carriers, air traffic control, nuclear power generation and hospital [intensive care units](#). Although the study occurred across a diverse range of organisations several similar [key attributes](#) were identified ([Figure 36](#)). A shared perception of vulnerability was supplemented with a widespread sense of responsibility and accountability for seeking reliability. <sup>2170-2173</sup>

Employees throughout each organisation displayed a distinctive and collective concern about misperceptions, ambiguity and uncertainty, which was evident throughout a wide variety of operational activities. Performance is distinguished by a relentless pursuit for [reliability](#) and underpinned via [positive systemic control](#) of risk. The consistency is achieved by effective management of exogenous and endogenous risks without an inordinate reliance on compliance and enforcement or reactive monitoring of absolute errors and incident frequency rates. This requires undivided attention from each employee to influence the social and relational infrastructure of the organisation. It ensures high risk activities can function effectively under extremely challenging conditions, which provides reassurance to the local community and regulatory authorities. <sup>2174-2175</sup>

This optimistic philosophy is rather inconsistent with [Perrow's](#) fatalism and technologically deterministic attributes of [normal accident theory](#). This emerged following the [Three Mile Island](#) disaster. It alleges the technology was so tightly coupled with limited variance that the events were practically impossible to anticipate. Despite the incongruity, there are some common features as both theories focus on the socially constructed aspects of risk. <sup>2176-2178</sup> [High reliability organisations](#) display unique characteristics of anticipation and containment for managing unexpected threats or uncertainty. They can sustain exceptional levels of safety performance over prolonged periods, especially under extremely challenging conditions. This is accomplished using the concept of [collective mindfulness](#) and attributes such as vigilance and attention to detail are considered sacrosanct. Distractions are relinquished and any basic or ambiguous assumptions are fervently challenged, without fear of retribution. It nurtures trust, [respect](#) and inspires professional development to establish [resilience](#), which expedites recovery following unforeseen events. <sup>2179-2186</sup>

Anticipation directs activities upstream before adverse consequences emerge and includes a preoccupation with failure, a reluctance to simplify interpretations and a sensitivity to operations. Containment targets downstream following unexpected incidents with a focus on resilience and a deference to expertise. <sup>2187-2188</sup>

The five fundamental processes are tenets for improvement in [quality](#), [reliability](#) and [productivity](#) and synchronise with [risk and energy damage theory](#). However, traditional [accident theory](#), with its inordinate downstream reactive focus on unsafe acts and [human error](#), is incompatible with these principles: <sup>2189-2190</sup>

### Preoccupation with failure

Safety or [reliability](#) has been defined as a dynamic non-event, which is consistent with [risk and energy damage theory](#) and the concept of uncertainty. If something is possible it is only a matter of time before it happens. This aphorism, colloquially ascribed to Murphy, implies a preoccupation with failure and involves maintaining a healthy scepticism about operational activities and performance at the coalface. It is supplemented by constant surveillance for exogenous and endogenous threats and managing the unexpected or uncertainty to ensure exemplary performance in complex stochastic environments. If eternal vigilance is the price of liberty, chronic unease is the price of safety. <sup>2191-2195</sup>

## Reluctance to simplify

[Risk and energy damage theory](#) adopts a systemic approach and embraces [practical systems thinking](#). It employs scientific logic and measures risk quantitatively using real numbers via its inverse logarithmic relationship between frequency and consequence value. Its organic configuration and collaborative process encourages [critical thinking](#) and discernment with diverse and challenging opinions. This inspires employees to dispute basic assumptions with a reluctance to oversimplify or disguise [complexity](#). <sup>2196-2200</sup>

## Sensitivity to operations

[Risk and energy damage theory](#) is suitable for managing [operational](#) and general safety risks. It provides a systemic process based approach, which is suitable for addressing latent conditions and active failures via objective evaluation. It employs [quantitative risk analysis](#) and estimation techniques. This synchronizes with [process safety](#) architecture and its diagnostic tools such as [layers of protection](#) and passive and active barriers, which affords a sensitivity to operations. <sup>2201-2209</sup>

## Resilience

Key attributes of [risk and energy damage theory](#) are its upstream focus and predictive and preventive foresight via [resilience engineering](#). It explores opportunities to create robust and flexible processes using adaptive risk management techniques. This provides for attention to design and use of technological controls in response to functional failures, which ensures processes default into safe mode or soft landing during unforeseen events. This is referred to as [resilience engineering](#). <sup>2210-2214</sup>

## Deference to expertise

Additional key attributes of [risk and energy damage theory](#) are its focus on reliability with an organic organisational structure supplemented by collective coherence. It eases hierarchical constraints and encourages fluid [decision making](#) with a deference to expertise at operational or tactical levels. This hybrid and process based framework enables experience and expertise to take priority via an adaptive and flexible coordinate leadership approach as the events emerge or unfold. It also transforms organisations into information and knowledge based legitimate structures. <sup>2215-2216</sup>

## A transdisciplinary approach

And the time will come when you see we're all one *and life flows on within you and without you*

George Harrison <sup>2217</sup>

Humans enact legislation and use techniques and controls to tackle many of life's trials and tribulations. However, risk is essential for our existence and is the foundation of [fallibility](#). It is a [wicked problem](#) and somewhat paradoxically, the elimination of risk restricts our survival.

[Wicked problems](#) are extremely complex with many layers of behavioural complexity and every overt action generates a covert and opposite reaction. <sup>2218-2219</sup>

There is no definitive solution and many undesirable derivatives emerge including the curtailment of liberty and extirpation of imagination, creativity, discovery and learning. It presents many challenges, which require a collaboration of science, culture, religion, spirituality and society. The conundrum is best summarised by [Albert Einstein](#)..... *Objective knowledge provides us with powerful instruments for the achievements of certain ends but the ultimate goal itself and the longing to reach it must come from another source.* <sup>2220-2223</sup>

This [transdisciplinary](#) approach accepts the coexistence of multiple contradictions and realities, some of which are unfamiliar to the physical sciences. It seeks to liberate reason from a [positivist](#) domain and explores the unfathomable realities of complex [wicked problems](#), which are beleaguered with paradox and ambiguity. Industrial safety with its myopic emphasis on [accident theory](#) excludes many other disciplines from its fraternity.

These professions cover an extensive range of subjects such as [social psychology](#), [culture](#), [poetics](#), [teaching](#), [spirituality](#), [metaphysics](#) and [theology](#). Many have an established [code of ethics](#) which most safety crusaders are unable or unwilling to appreciate. <sup>2224-2226</sup>

[Nicolescu](#) recognises the middle ground between the subject and object and advocates an alternative concept ([Figure 37](#)). This fecund zone or [hidden third](#), is conducive to bohemian disciplines and does not merely accommodate the validity of another profession for the sake of appeasement. People from every walk of life or multiple realities can enter this milieu and their perspectives are encouraged. It welcomes [discernment](#), which can temporarily reconcile contradictions and respect [emergence](#), synergy and fusion. This enables integrated ideas to generate innovative, signified and intricate knowledge that can be used to tackle [wicked problems](#). <sup>2227-2230</sup>

Industrial safety struggles with [soteriology](#), suffering, harm and [human error](#) because of its fundamentalist [binary oppositional logic](#). The [transdisciplinary](#) approach to [wicked problems](#) respects [chaos](#), disorder, uncertainty, paradox and [emergence](#). A construction of order merely provides psychological comfort rather than a testimony of reality. Excessive control extinguishes movement in life and it becomes static and a dystopian regime evolves. This curtailment of liberty destroys learning and maturity and existence becomes meaningless. Definitions and certainty often provide emotional reassurance although realism must usurp fatalism. Endorsing integrity and accepting [fallibility](#) with risk is critical.....*No legacy is so rich as honesty*. Moreover, many professional disciplines are sequestered or insulated from each other by their lexicon, discourse and symbols. Indeed, as [George Bernard Shaw](#) once remarked.....*All professions are conspiracies against the laity*. <sup>2231-2233</sup>

Traditional distinct bodies of knowledge may have served us well in the past but in the current environment of emergent [complexity](#) and [wicked problems](#) they often prove ineffective. Indeed, the rapid advances in communications technology has made our aptitude for connecting immature and significantly increased social segregation and alienation. Social media platforms such as Twitter or Facebook, with its shallow promise to build a community, are more antisocial and incalculably [narcissistic](#). It is pure [individualism](#) and creates conflict that breeds contempt. This destroys relationships although much like the [gig economy](#) and [franchising](#) it generates millions of dollars trading in misery and misfortune. <sup>2234-2237</sup>

Nonetheless, it is futile to view the world through the confines of a particular nation, industry, discipline or process. In the current stochastic environment organisations and its leaders require agility, comfort with obscurity and a tolerance of paradox. It must be supplemented with [meta-learning](#) and [critical thinking](#) or [discernment](#). The [transdisciplinary](#) approach offers beneficial balance between the objective and inherently subjective nature of risk. The intent is not unity but a [collective coherence](#) that confronts the many formidable challenges, which include volatility, uncertainty, complexity and ambiguity. <sup>2238-2241</sup>

The [transdisciplinary](#) process regurgitates many traditional polemics such as [science versus religion](#) and the [arts or humanities](#). Science is unable to explain everything but this does not mean it knows nothing. It recognises enough to describe Newtonian and nuclear physics although.....*When we understand every single secret of the universe, the eternal enigma of the human heart will remain*. <sup>2242-2245</sup>

The science over religion dichotomy has raged for many centuries. It has attracted diverse comments from an eclectic range of disciplines and eminent professionals. [Albert Einstein](#) advocated an essential role for religion. However, the late [Christopher Hitchens](#) was deeply skeptical and his views are reflected by English ethologist, [Richard Dawkins](#). The deceased spiritual leader, [Swami Vivekananda](#) offered an alternative opinion that explains where, why and how science and religion can honourably agree to disagree. <sup>2246-2248</sup>

Science is a traditional endeavour that systematically attempts to integrate universally perceptible phenomena into an entirely rational relationship. [The scientific method](#) teaches us nothing else beyond how facts are related to and conditioned by each other. However, one can attain the purest and most complete knowledge yet remain unable to reconcile this wisdom with the goal of human aspirations.....*Science without religion is lame, religion without science is blind.* <sup>2249</sup>

However, [Richard Dawkins](#) maintains that not only is science corrosive to religion but religion is corrosive to science. It satisfies people via trivial supernatural excuses and blinds them to the discovery of imminent and innovative explanations of reality. This teaches them to accept authority, revelation and faith instead of demanding and relying on substantive evidence. Religion in science is not just redundant and irrelevant, it is an active and pernicious charlatan. <sup>2250</sup>

[Mystics](#) teach religion from experience and speak the same tongue and share consistent truth. It is the only science where there is no surety because it is not usually taught as a science of experience. Experience is its solitary source of knowledge and is the real science of religion. Much like mathematics it is universal, similarly constituted and situated and eventually becomes law. In the church, acolytes learn religion and start to practise but do not take experience as their basis of belief. The mystic however, embarks on a quest for truth through experience and articulates his creed. <sup>2251</sup>

Religion deals with the truths of the [metaphysical](#) domain whereas chemistry and other natural sciences deals with the facts from the physical world. The book one must read to learn chemistry is the book of nature but acquiring religion comes from your own heart and mind. The sage is often ignorant of physical science because he reads the wrong book - the book within. A scientist remains oblivious to religion because he also reads the wrong book - the book without. <sup>2252</sup>



[Transdisciplinarity](#) seeks an alternative way of knowing, which has been termed [metanoia](#) or a knowing beyond. It faces many extraordinary challenges, especially from the academic tradition of establishing and sustaining disciplines, which constrains synergy and retards growth and enrichment. Integration of scientific disciplines with subjects such as [poetics](#) or [religion](#) will undoubtedly continue to encounter resistance.....*And the time will come when you see we're all one and life flows on within you and without you.* [2253-2255](#)

It is traditional to look upon [science and religion](#) as irreconcilable adversaries. Indeed, science has been charged, somewhat irrationally with undermining morality. Ethical behaviour should be based on the social context, sympathy and education and any religious basis is unnecessary. It would be an impoverished and interminable state of affairs if humans were restrained by fear of punishment and hopes of reward after death....*An intellectual, heartless man can never become inspired.* [2256-2257](#)

### [An ethic of risk](#)

An [ethic](#) is essentially a moral system, which describes how to live respectably for the good of others and society. It underpins [utilitarianism](#) and denotes a foundational philosophy of being or [ontology](#). Its meaning must encompass the entire industrial safety sector and become instinctive. However, the current incongruent archetype consisting of compliance and enforcement with a brutal gotcha culture generates relentless and excessive conflict. It is exacerbated by an otiose attempt to disregard human [fallibility](#) using the fundamentalist ideology of [zero harm](#), which destroys any [ethic of risk](#). [2258-2259](#)

An [ethic of risk](#) must denote core values, beliefs and moral imperatives that determine how risk is tackled and understood in relation to people. This must recognise the dialectic or tension between tackling risk and the safety archetype underpinned by [accident theory](#). It involves challenges presented by a language of absolutes and a futile obsession with counting how many sheep we have left and an iniquitous link to performance bonuses. Other impediments in this intense relationship include its cantankerous unscientific logic with a fascination of objects over subjects. It is compounded by the blind acceptance of authority, [Kafkaesque](#) bureaucracy and a brutal intolerance of [fallibility](#). Any discussion on safety as a profession is shallow and rather meaningless without establishing an [ethic of risk](#), which must focus on the nature and amelioration of people. [2260-2261](#)



A framework of moral values is required, which include [respect](#), [humility](#), intelligence, honesty, trust, wisdom, confidence and [discernment](#). These are quite distinct from the laity's perspective and establish professional coherence, which encompasses the many values and concerns involved to provide consistent judgement. Indeed, professional responsibility is an ethical aptitude. [2262-2263](#)

Industrial safety with its unconscionable emphasis on legislation, systems and rigorous compliance tolerates the risk of severing professional judgement from its moral and psychological sources. This is particularly significant in any vocation that serves a system of institutionalised justice. Moreover, the absence of any [study of ethics](#) in the safety curricula or its [OHS body of knowledge](#) indicates disingenuousness and hypocrisy.....*A man without ethics is a wild beast loosed upon this world.* [2264-2265](#)

## Professions and professionalism

Over many years attempts have been made to clarify the term [professional](#) and define the function of [professions](#). The laity perspective is often restricted to the sporting arena and usually reserved for any individual who is distinguished or exceptionally skilled in a particular discipline. However, in many vocations such as [law](#), [medicine](#), [teaching](#), [ministry](#) and [engineering](#), it carries much greater significance and assurance. [2266-2267](#)

A [profession](#) is a distinguished and disciplined group of people with specialist knowledge and skills. Its members must adhere to rigorous ethical standards, which are unanimously applied in the interests of others. These talented attributes are generally acquired via research, education and training from a renowned institution, which is universally recognised and often acclaimed by the laity. [2268-2269](#)

A [professional](#) is governed by a [code of ethics](#) and is accountable to those served and to the community. This requires a commitment to integrity, morality and altruism. It demands personal reflection about their individual professional performance and utmost concern about public wellbeing. This requires the preservation of principles, laws, conventions and [ethics](#) of a profession as a way of practice. Before embarking on its [professionalization](#) voyage industrial safety must abandon antediluvian accident theory and adopt a [transdisciplinary](#) approach, which encourages [discernment](#). This requires rejection of the many trivial and mechanical assumptions that often exclude existential questions. [2270-2274](#)

## Conclusion

*A healthy loyalty is not passive and complacent but active and critical*

Harold Laski <sup>2275</sup>

The 21<sup>st</sup> October 2016 commemorated half a century since the [Aberfan](#) disaster in South Wales, United Kingdom which resulted in the deaths of 116 school children and 28 adults and wiped out a generation. Over the past 50 years, legislation has been implemented and supplemented by the introduction of many fashionable psychological approaches, which have been offered as silver bullets. However, traditional egocentric [accident theory](#) and its many accoutrements remains enduringly popular despite its ostentatiously unscientific sentiments and social encumbrances. <sup>2276-2280</sup>

Meanwhile, the carnage continues unabated and in Australia, the annual direct costs are almost \$80 billion or 8% of gross domestic product. Since 1970, black lung compensation [claims](#) in the US have exceeded \$45 billion. It amounts to many hospitals and other public health infrastructure and our performance can only be described as mediocre. <sup>2281-2284</sup>

The comments from [Haddon](#) et al remain as pertinent today and resonate with most safety professionals. Antediluvian [accident theory](#) does not manage risk or measure performance, we are merely keeping our fingers and toes crossed and counting how many sheep we have left until the next WTFWT [black swan](#) or [wild card event](#): <sup>2285-2292</sup>

[Westgate Bridge](#) (1970), [Ibroy Park](#) (1971), [Summerland](#) (1973), [Flixboro'](#) (1974), [Seveso](#) (1976), [Granville](#) (1977), [Three Mile Island](#) (1979), [Bhopal](#) (1984), [Bradford](#) (1985), [Chernobyl](#) (1986), [Zeebrugge](#) (1987), [Kings Cross](#) (1987), [Piper Alpha](#) (1988), [Hillsborough](#) (1989), [Grafton](#) (1989), [Kempsey](#) (1989), [Cowan](#) (1990), [Westray](#) (1992), [Thredbo'](#) (1997), [Esso Longford](#) (1998), [Mont Blanc](#) (1999), [Ladbroke Grove](#) (1999), [Glenbrook](#) (1999), [Toulouse](#) (2001), [Petrobras P36](#) (2001), [Waterfall](#) (2003), [Texas City](#) (2005), [Sago](#) (2006), [Imperial Sugar](#) (2008), [BP Deepwater Horizon](#) (2010), [Upper Big Branch](#) (2010), [Fukushima](#) (2011), [Rabaul Queen PNG](#) (2012), [Lac Megantic](#) (2013), [Rana Plaza](#) (2013), [Soma Eynez](#) (2014), [Samarco](#) (2015), [Dreamworld](#) (2016), [Fengcheng](#) (2016), [Grenfell Tower](#) (2017), [Tangerang Jakarta](#) (2017), [Quinton Oklahoma](#) (2018), [Kemerovo](#) (2018) <sup>2293-2337</sup> .....???

The region has also experienced its share of mining fatalities and disasters, which include:

[Moura 4](#) (1986), [South Bulli](#) (1991), [Porgera](#) (1994), [Moura 2](#) (1994), [Gretley](#) (1996), [Northparkes](#) (1999), [Pike River](#) (2010), <sup>2339-2347</sup> .....?????

In developing countries, especially China, statistics are even more appalling and many incidents remain undisclosed. Interesting distinctive patterns have emerged from the study of disasters, which are discussed extensively by [Quinlan](#). <sup>2348-2350</sup>

Meanwhile, despite the window dressing, we have witnessed a resurgence of [coal workers' pneumoconiosis](#) in the Queensland mining industry. An [operational or material risk](#) has found many asleep at the wheel and the standard of risk control must be proportional to the likely worst consequence. A fragile production and protection dichotomy will obviously arise when mercenary rednecks receive substantial performance bonuses to achieve extreme production targets. However, victims and their dependents often discover that the theatre of law has little to do with the quest for truth or realisation of justice. <sup>2351-2359</sup>

[W. Edwards Deming](#) remarked.....*There are two ways to improve figures; cheat, lie and change the numbers and don't count injuries and defects or improve the process.* The murderous tyrant, [Joseph Stalin](#), (he was pretty conversant with totalitarian regimes and dystopian environments) was somewhat more ruthless and quoted...*One death is a tragedy and a million is a statistic.* Corporations have zero compassion and exhibit similar psychopathic, oppressive and socially autistic tendencies. They are an [anthropomorphic fallacy](#), without any memory, soul to save or body to incarcerate. <sup>2360-2372</sup>

Transformational change will only occur when antediluvian [accident theory](#) is replaced with a [transdisciplinary approach](#) which embraces the [scientific and technical](#) paradigm with fundamental principles of psychology. It does not require tearing down the entire house and if moral responsibility is removed from law, all that remains is technical administration. This is reiterated by the loose legal philosophy of the late [Justice Thurgood Marshall](#)..... *You do what you think is right and let the law catch up.* <sup>2373-2378</sup>

[Risk and energy damage theory](#) fulfils this requirement and reflects and aligns with the contemporary guiding principles of [risk management](#), [operational excellence](#) and unique characteristics of [high reliability organisations](#). It has many advantages over miasmatic [accident theory](#), which significantly impedes [organisational development](#). Attributes and consequences are categorised, summarised and compared in [Figure 38](#).

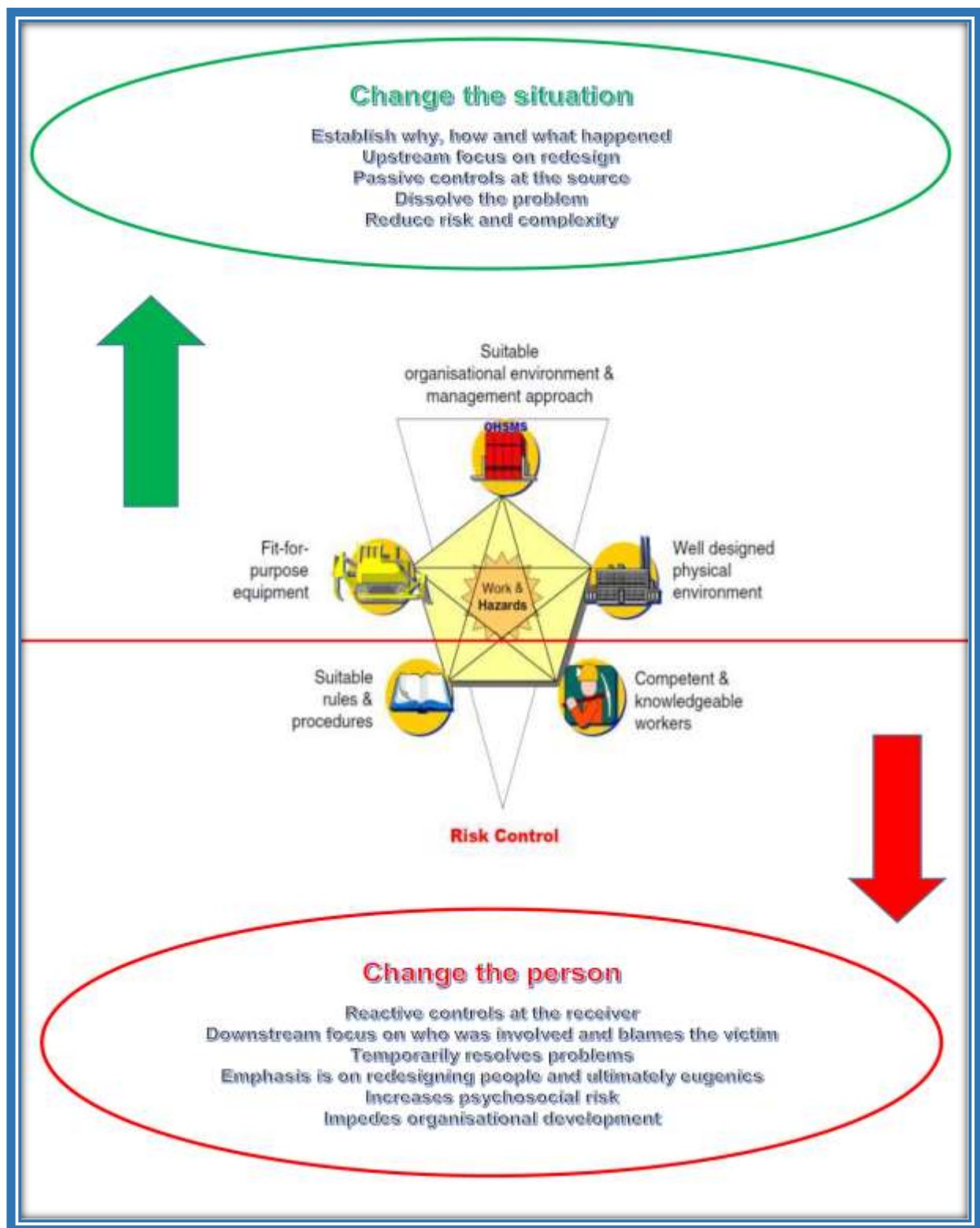
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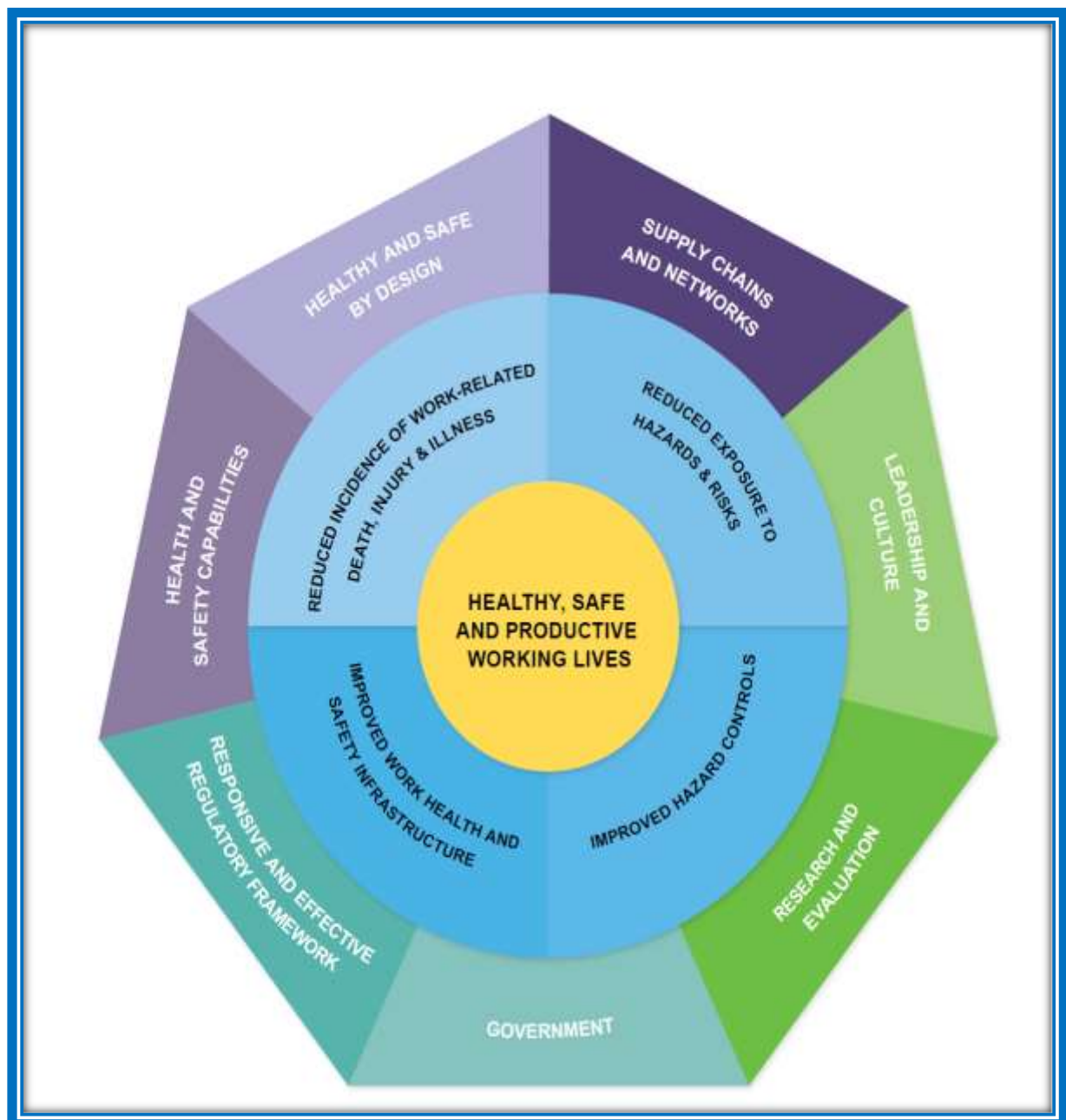
Figure 1: A systems model of risk control



A systems model of risk control

(Standards Australia OHS Risk management handbook HB 205: 2004; p.36)

Figure 2: Australian work health and safety strategy 2012-2022

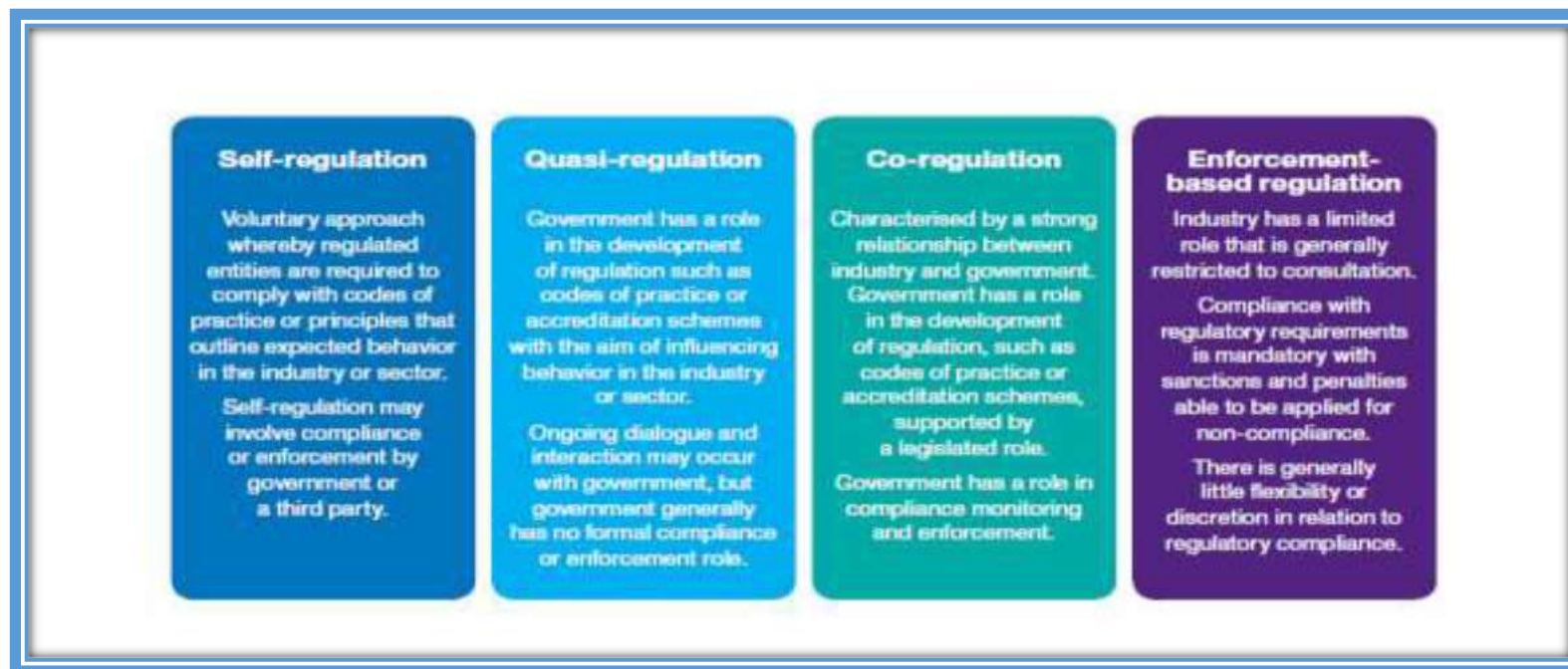


Safe Work Australia

(Australian Work Health and Safety Strategy 2012-2022; p. 3)



Figure 3: Regulatory responses



Australian National Audit Office - Administering Regulation: Achieving the Right Balance Better Practice Guide June 2014

(Figure 1.2 Range of regulatory responses p. 5)

[https://www.anao.gov.au/sites/g/files/net3241/f/2014\\_ANAO%20-%20BPG%20Administering%20Regulation.pdf](https://www.anao.gov.au/sites/g/files/net3241/f/2014_ANAO%20-%20BPG%20Administering%20Regulation.pdf)

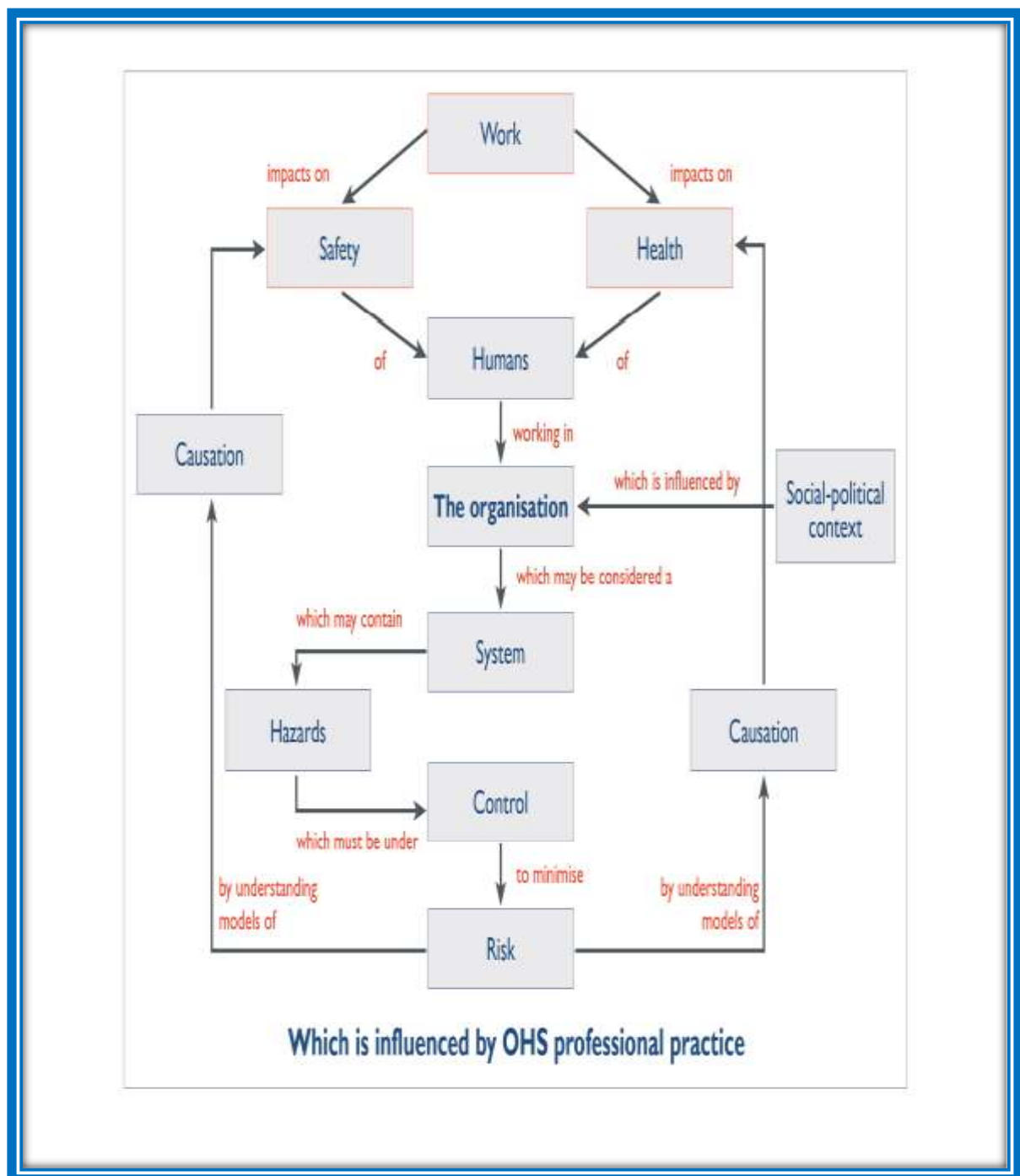


Figure 4: Australian qualifications framework



Australian Qualifications Framework 2<sup>nd</sup> Edition January 2013; p. 19

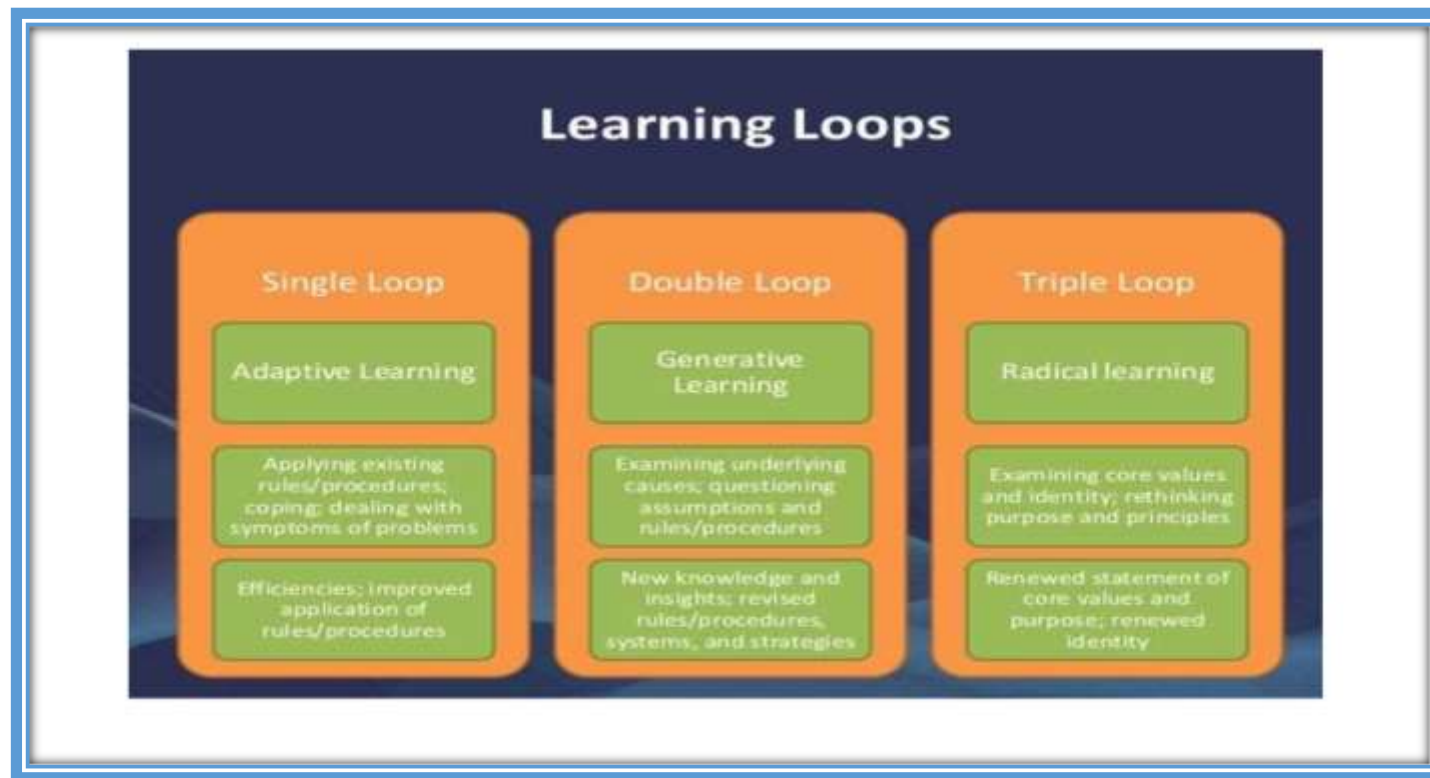
Figure 5: Occupational health and safety body of knowledge framework



The Core Body of Knowledge for Generalist OHS Professionals

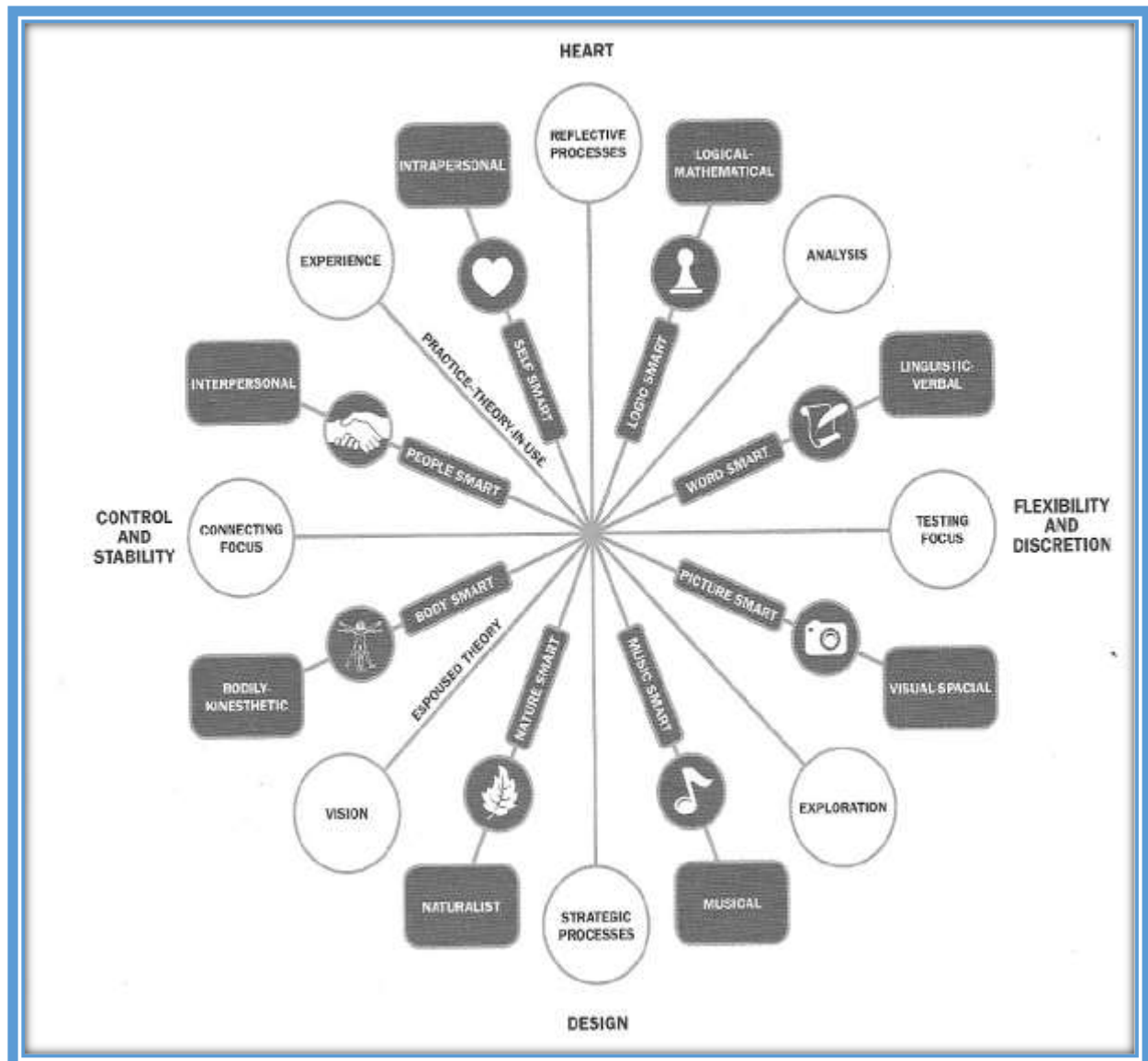
(Synopsis April 2017; p. iii)

Figure 6: Single, double and triple loop learning



Available from: <https://www.google.com.au/search?q=single+double+and+triple+loop+learning&dcr=0&tbm=isch&tbo=u&source=univ&sa=X&ved=0ahUKEwi12KT1-bjZAhVKTLwKHx3sDqsQ7AkIQA&biw=1034&bih=713#imgsrc=HzE3K8gR18M2yM:>

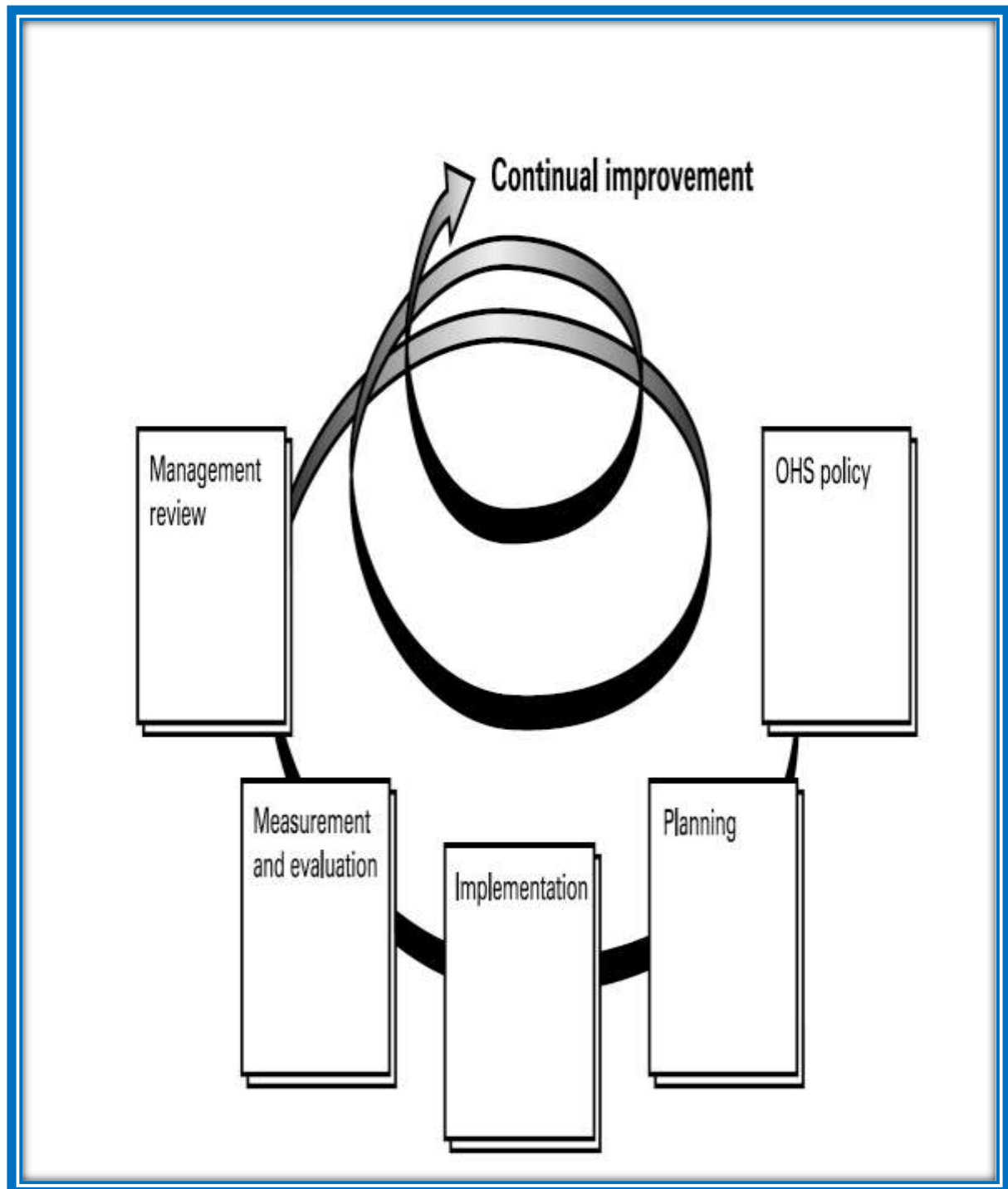
Figure 7: Learning intelligences matrix



Gardner's Learning Intelligences Matrix

(Risk Makes Sense – Human Judgement and Risk. Dr. Robert Long and Joshua Long: 2012; p. 65)

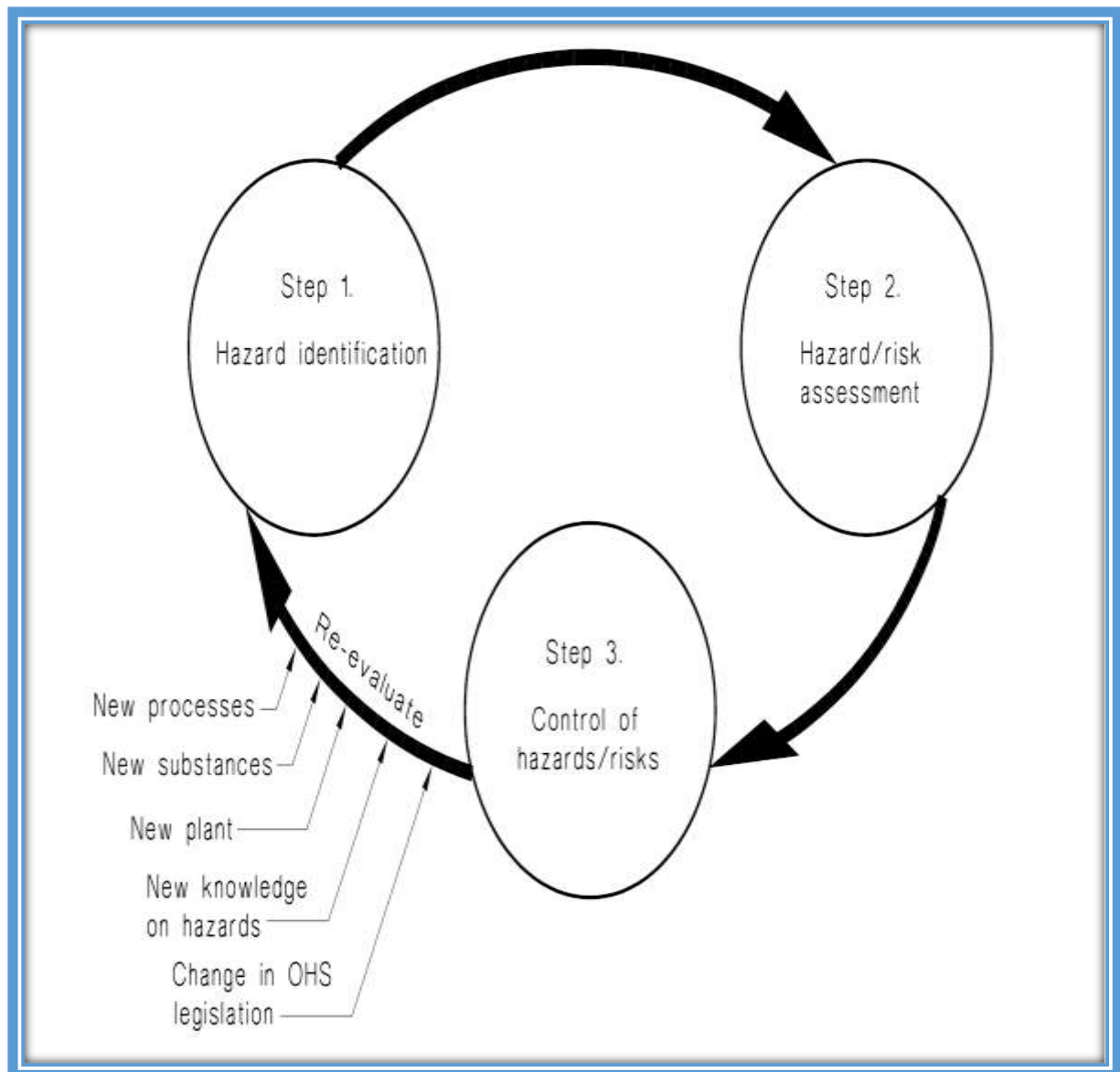
Figure 8: Occupational health and safety management system elements



Standards Australia AS/NZS 4804:2001

(Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques)

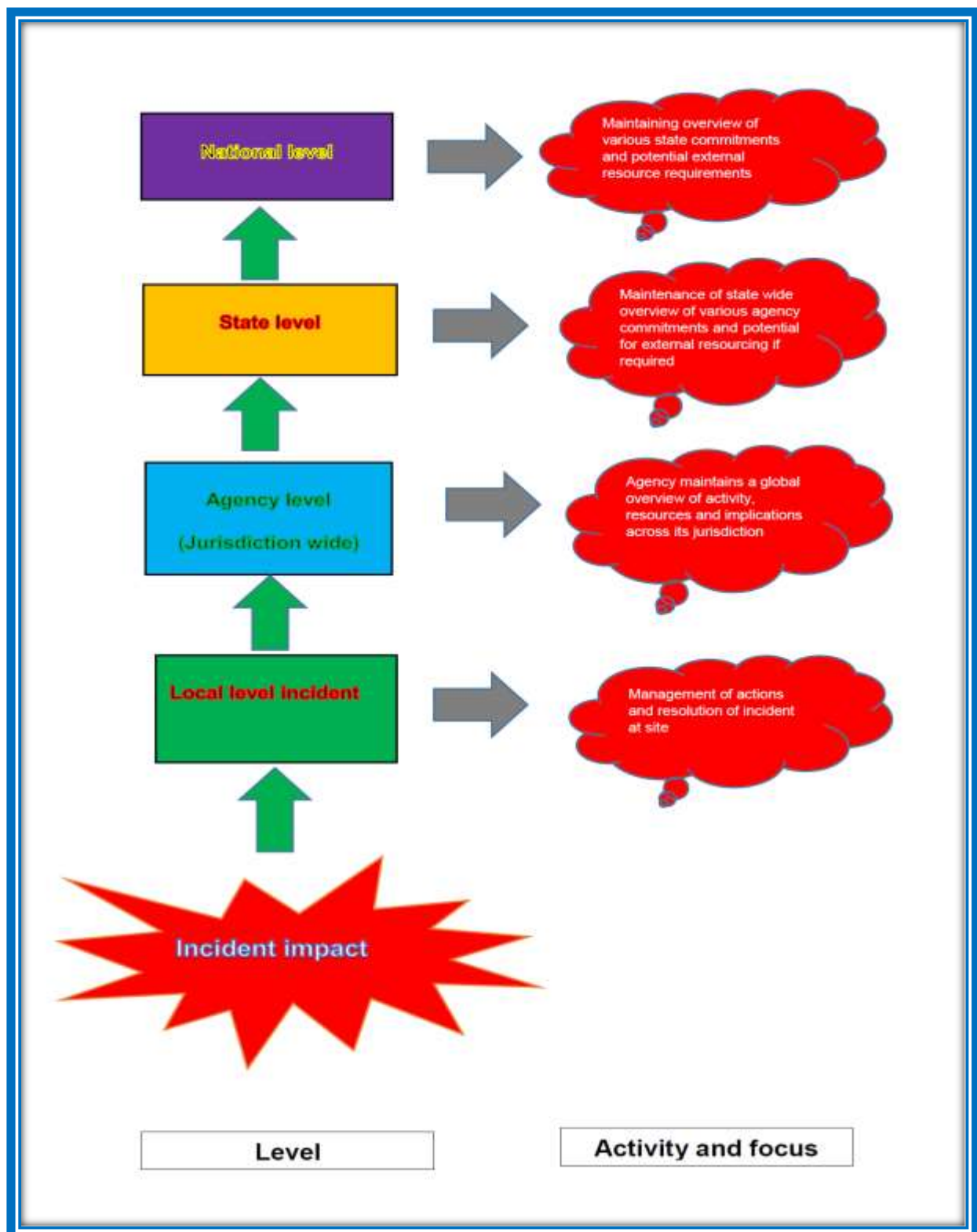
Figure 9: Hazard identification, risk assessment and control process



Standards Australia AS/NZS 4804:2001

(Occupational health and safety management systems – General guidelines on principles, systems and supporting techniques; p. 26)

Figure 10: Emergency response levels of impact



Australasian Inter-Services Incident Management System

(3<sup>rd</sup> Edition Version 1 2004; p.6)



Figure 11: Emergency plan structure

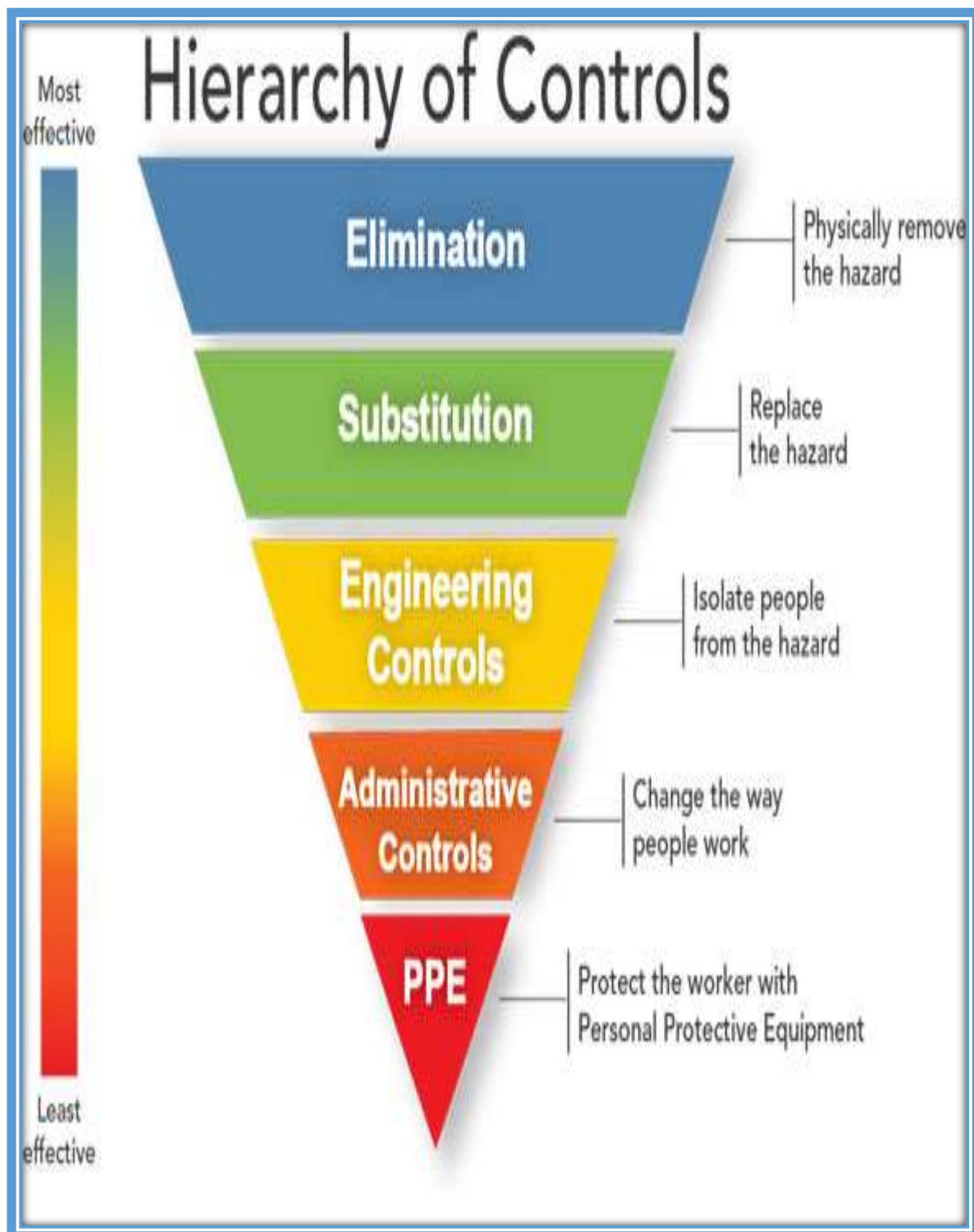


Standards Australia AS3745 - 2010

(Planning for emergencies in facilities. Figure 3.1; p. 17)

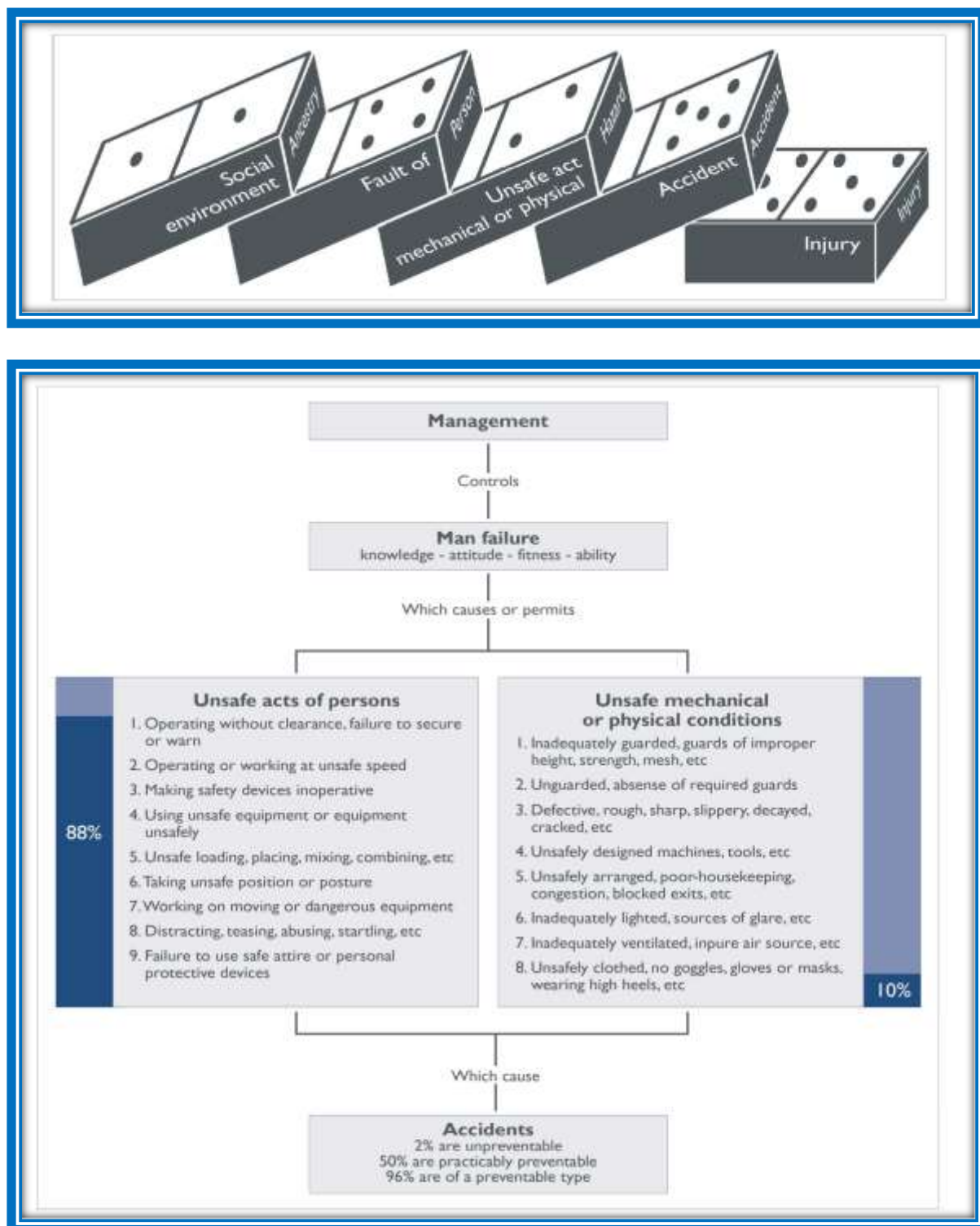


Figure 12: The hierarchy of controls



Available from: [https://en.wikipedia.org/wiki/File:Hierarchy\\_of\\_Controls\\_\(By\\_NIOSH\).jpg](https://en.wikipedia.org/wiki/File:Hierarchy_of_Controls_(By_NIOSH).jpg)

Figure 13: The Heinrich domino model

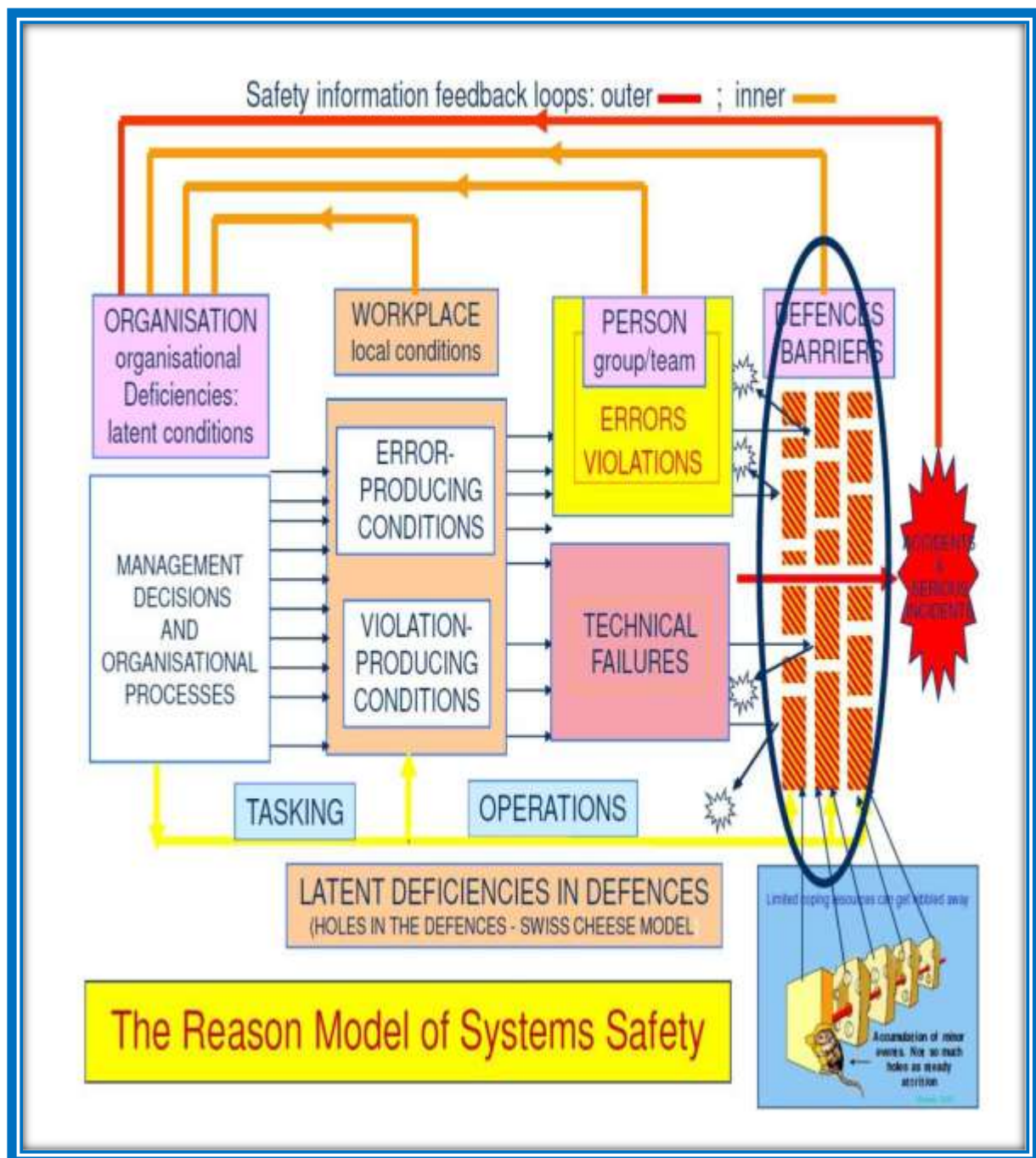


The OHS Body of Knowledge – Models of Causation: Safety; April 2012

(Domino model of accident causation and direct and proximate accident causes according to

Heinrich; pp. 5 - 6)

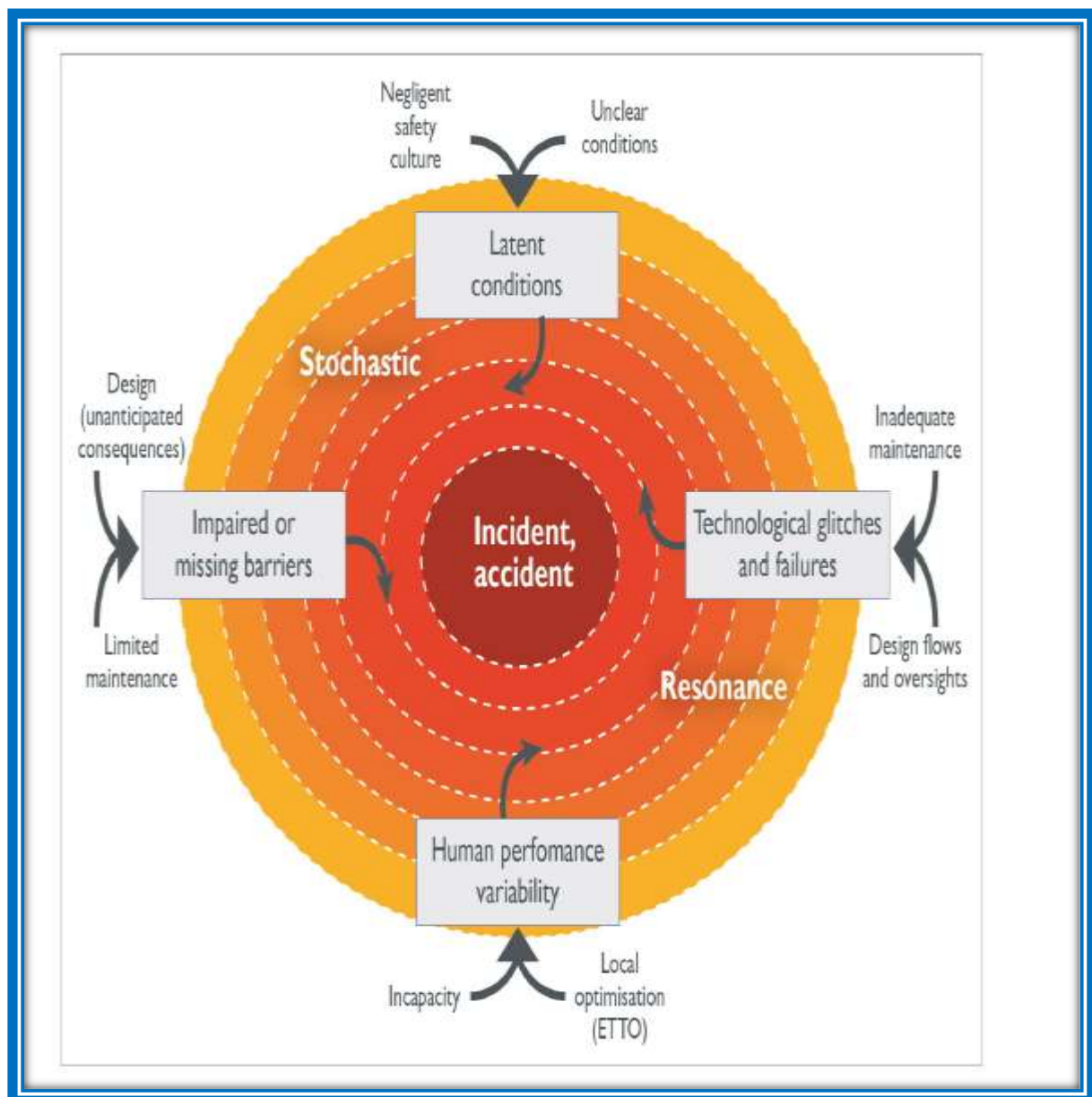
Figure 14: Reason model of system safety



The OHS Body of Knowledge – Models of Causation: Safety; April 2012

(The Reason Model of System Safety; p. 13)

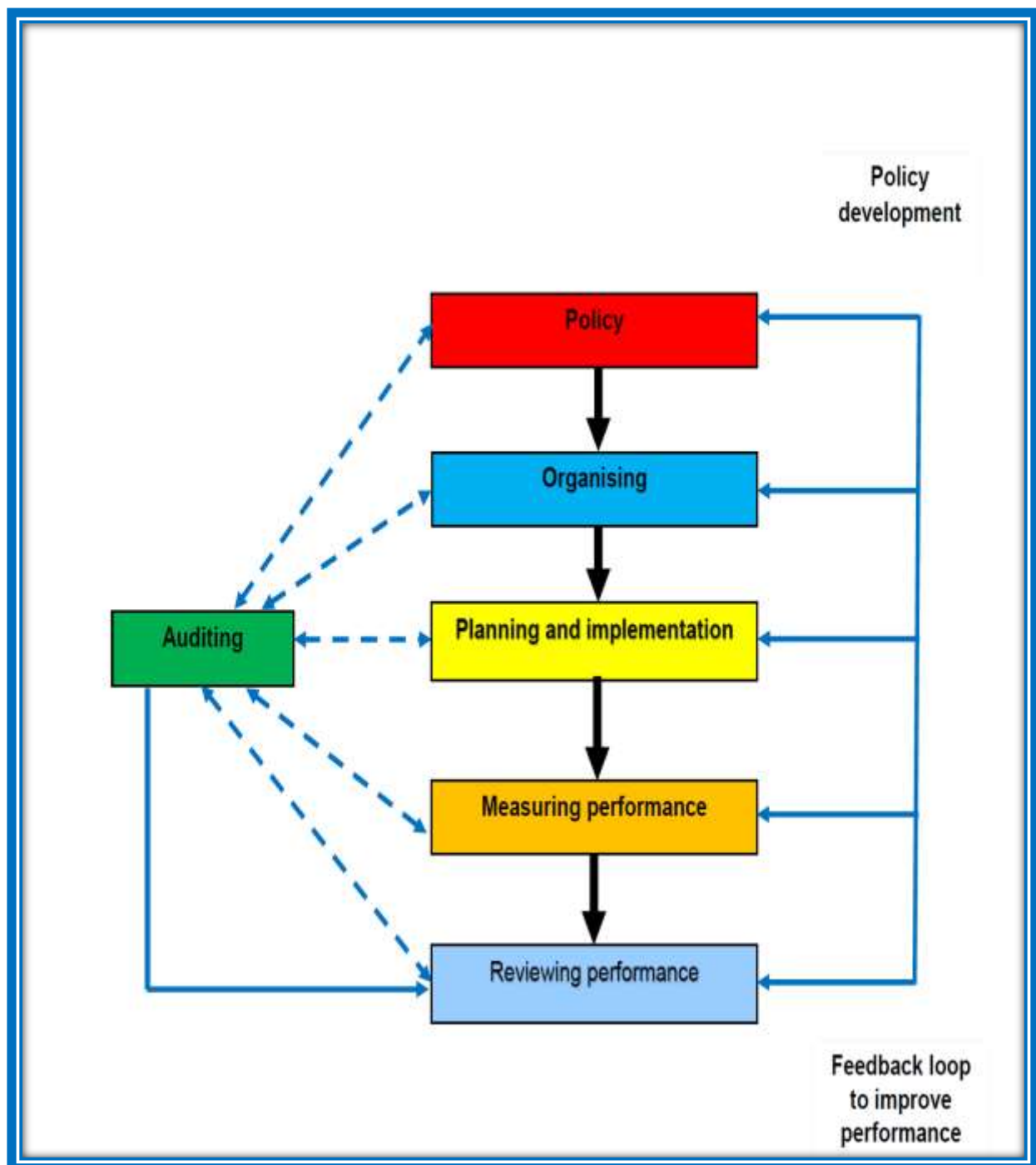
Figure 15: Hollnagel functional resonance analysis model



The OHS Body of Knowledge – Models of Causation: Safety; April 2012

(Functional Resonance as a System Accident Model; p. 18)

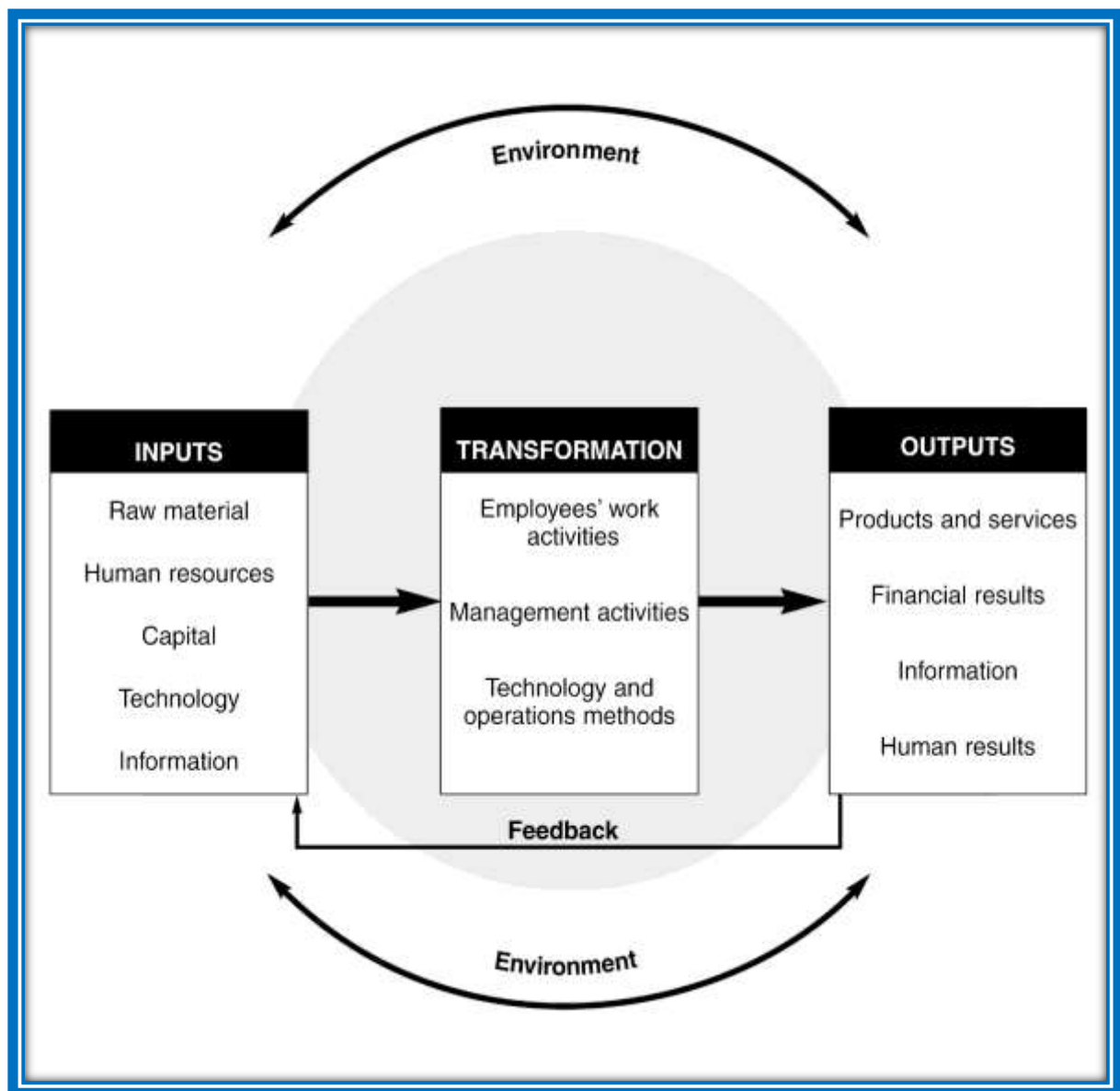
Figure 16: Measuring performance



Health and Safety Executive

(A guide to measuring health and safety performance - December 2001; p. 7)

Figure 17: System inputs, process and outputs

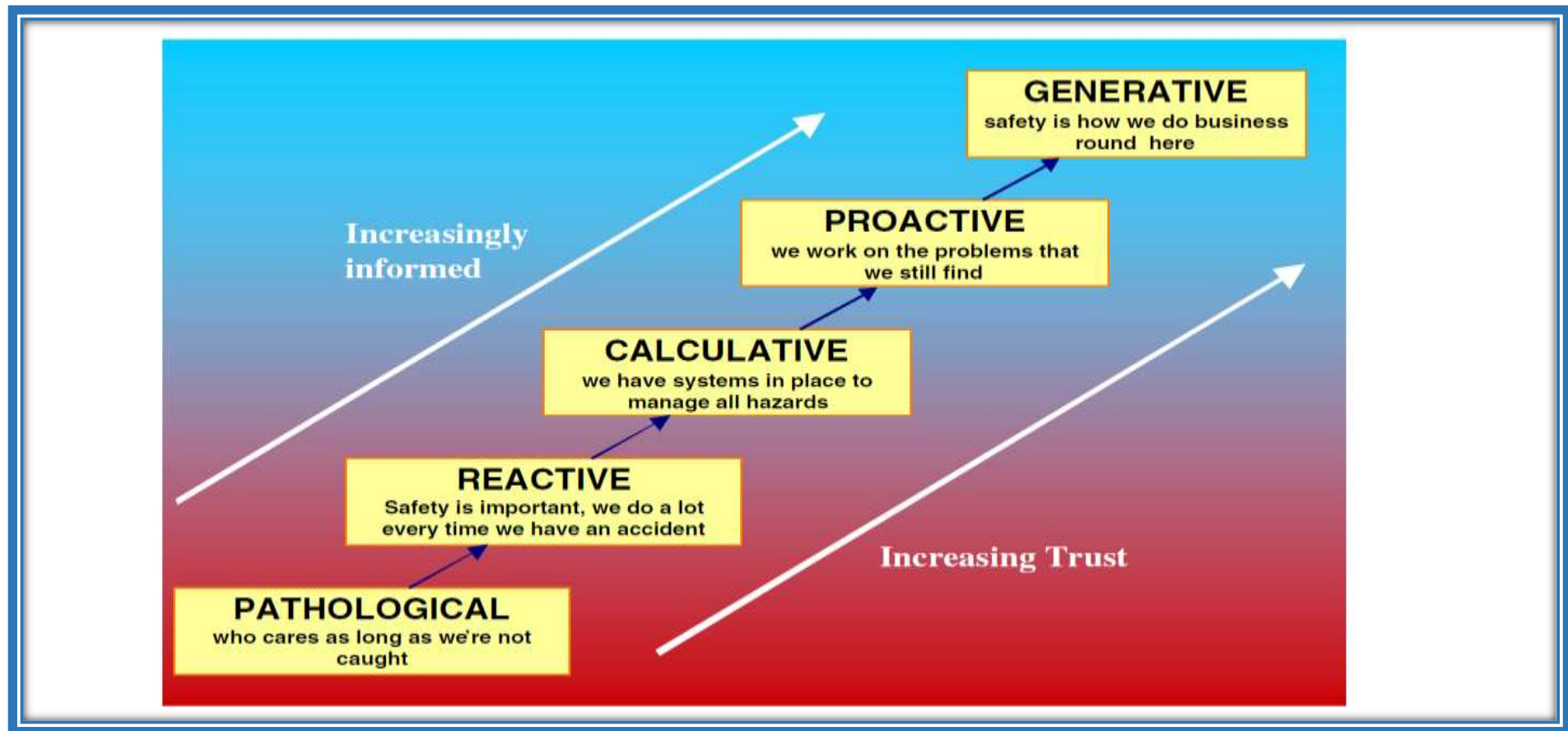


Management 2<sup>nd</sup> Edition 2000 – Robbins, Bergman, Stagg & Coulter

(The organisation as an open system; p, 19)



Figure 18: Hudson's cultural maturity model

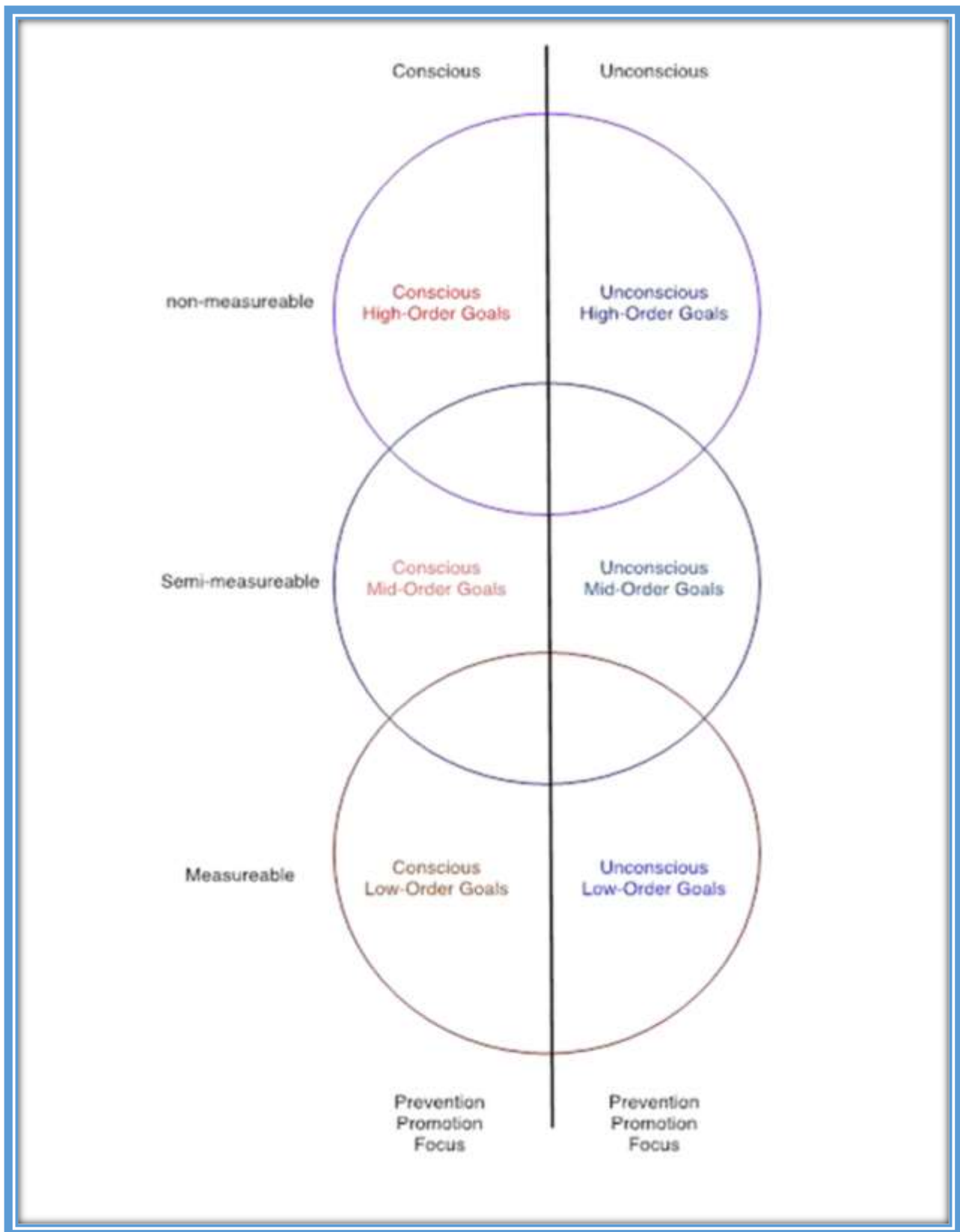


Hudson P. Safety Management and Safety Culture: The Long, Hard and Winding Road. 2001; pp. 03-32

(In: Pearse W., Gallagher C., Bluff L. (Eds.) *Occupational Health and Safety Management Systems*. Melbourne, Australia: Crown Content)



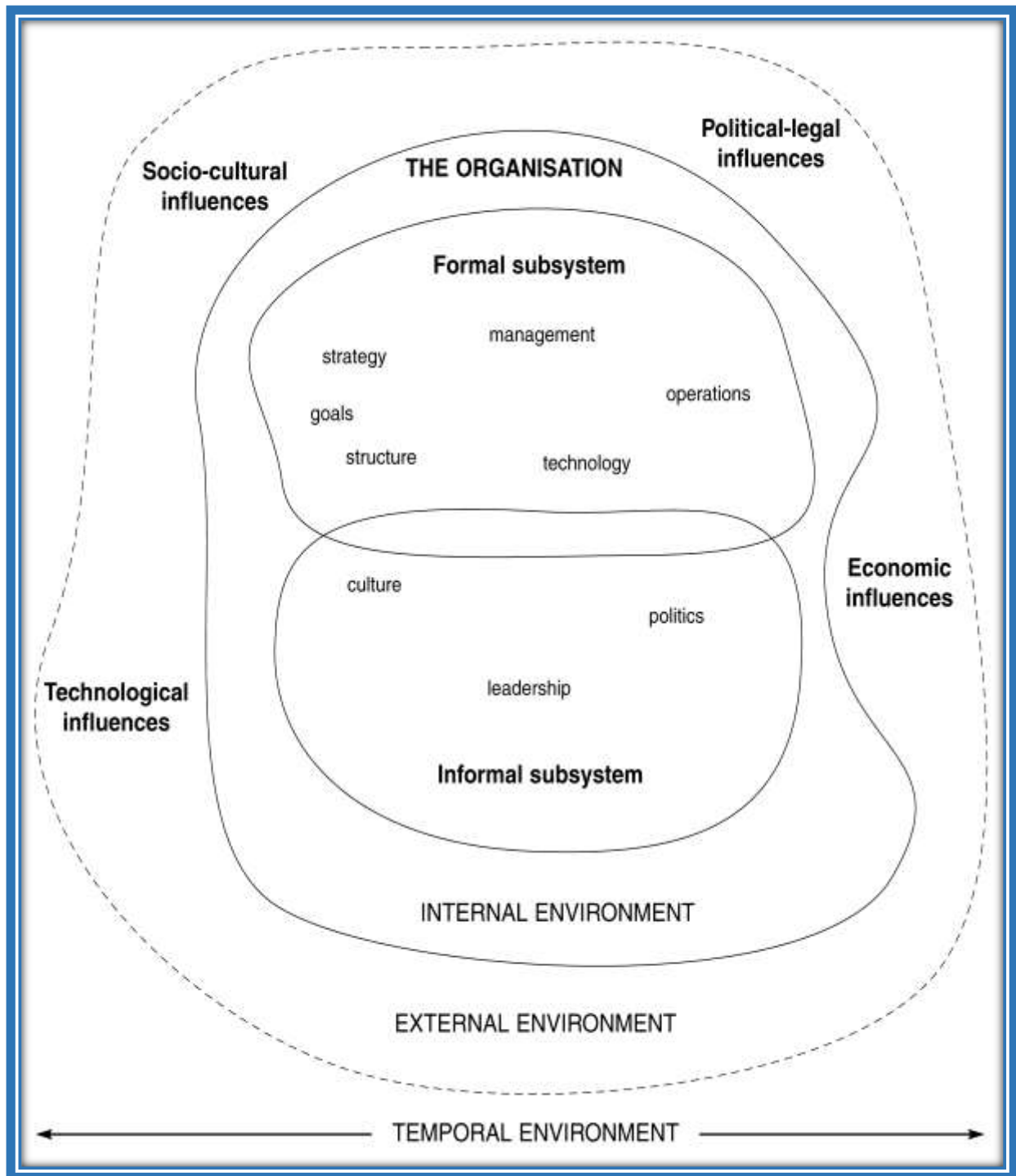
Figure 19: Human goal states



Tackling Risk: A Field Guide to Risk and Learning - Dr Robert Long and Roy Fitzgerald

(Figure 7 p. 14)

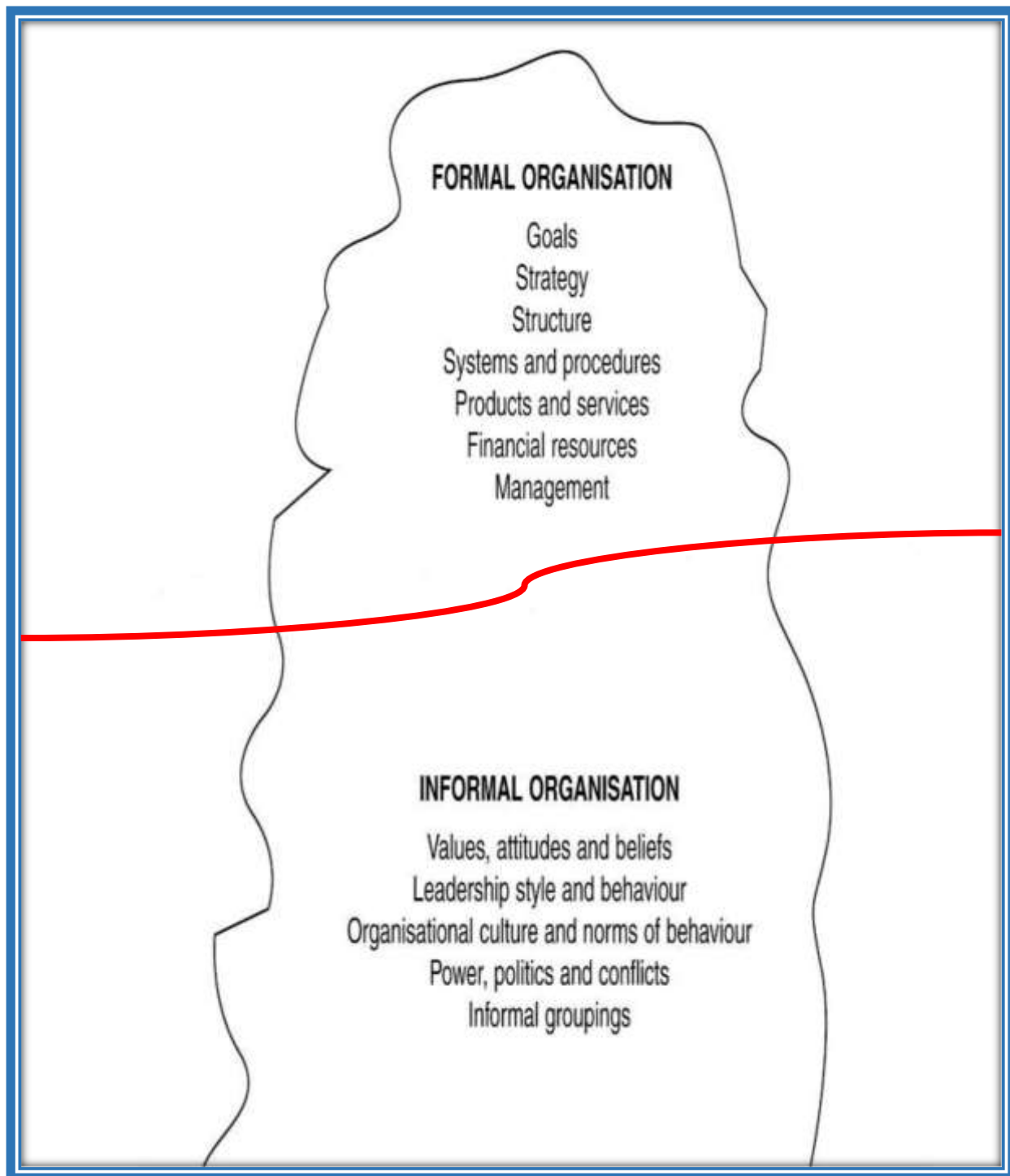
Figure 20: Organisational system in a multidimensional environment



Organizational Change 4<sup>th</sup> Edition Barbara Senior & Stephen Swailes 2010

(The organizational system in multidimensional environments; p. 24)

Figure 21: Formal and informal organisational structures



Organizational Change 4<sup>th</sup> Edition Barbara Senior & Stephen Swailes 2010

(The organizational iceberg; p. 128)

Figure 22: Energy damage wheel of death

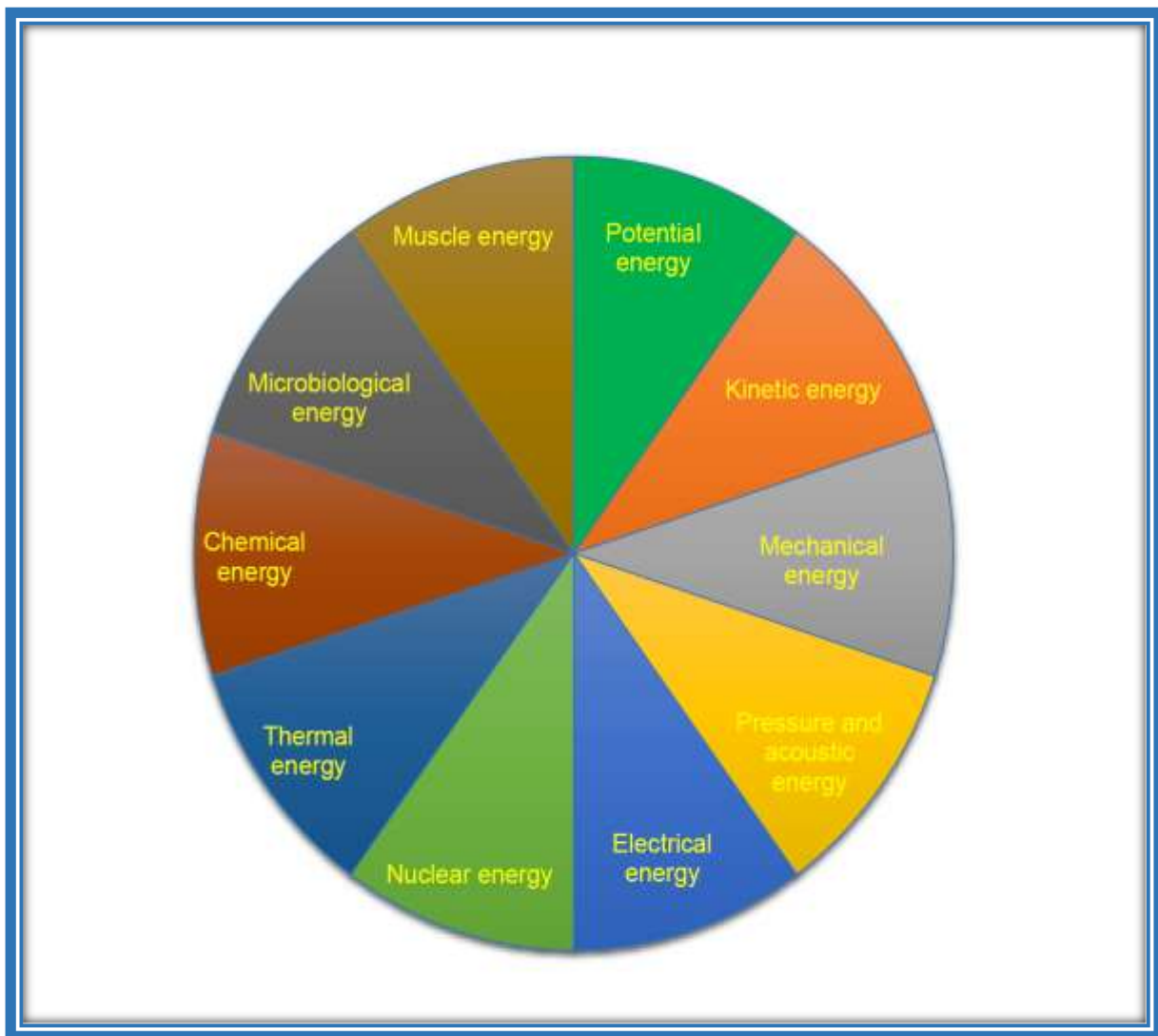
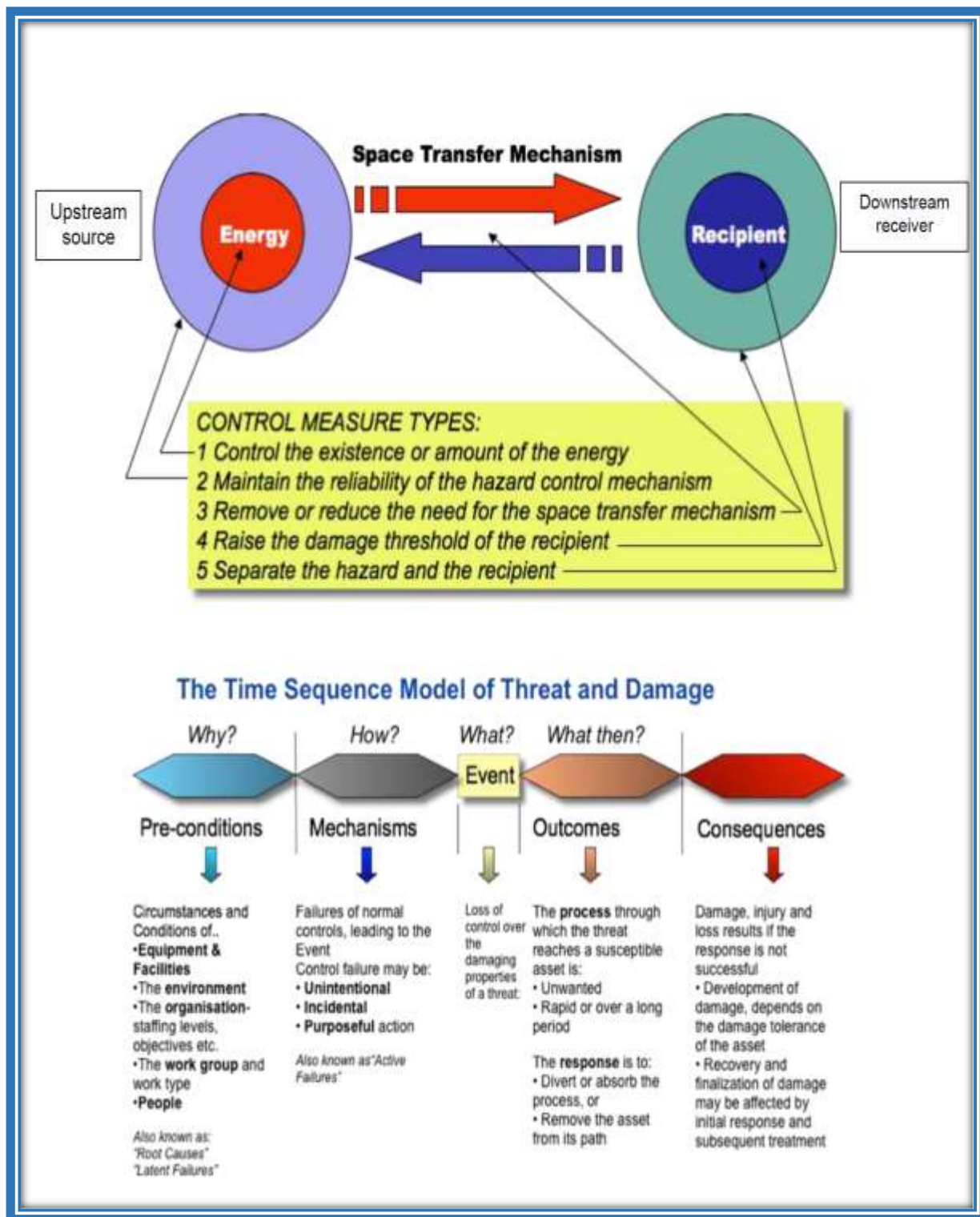


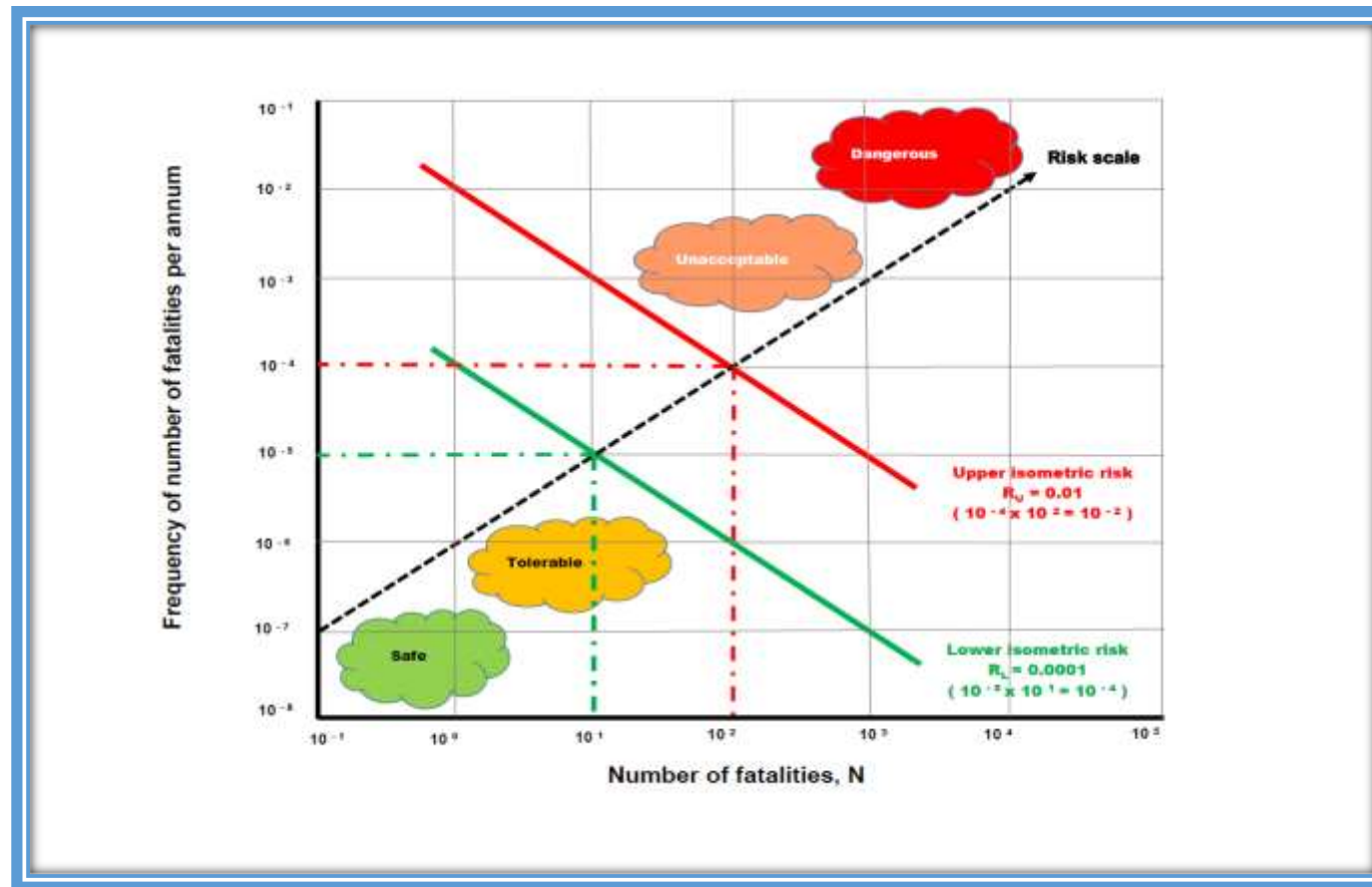
Figure 23: Extended energy damage and generalised time sequence model



Occupational Risk Control: Predicting and Preventing the Unwanted – Derek Viner 2015

(The energy damage and generalised time sequence model; p. 33 and p. 46)

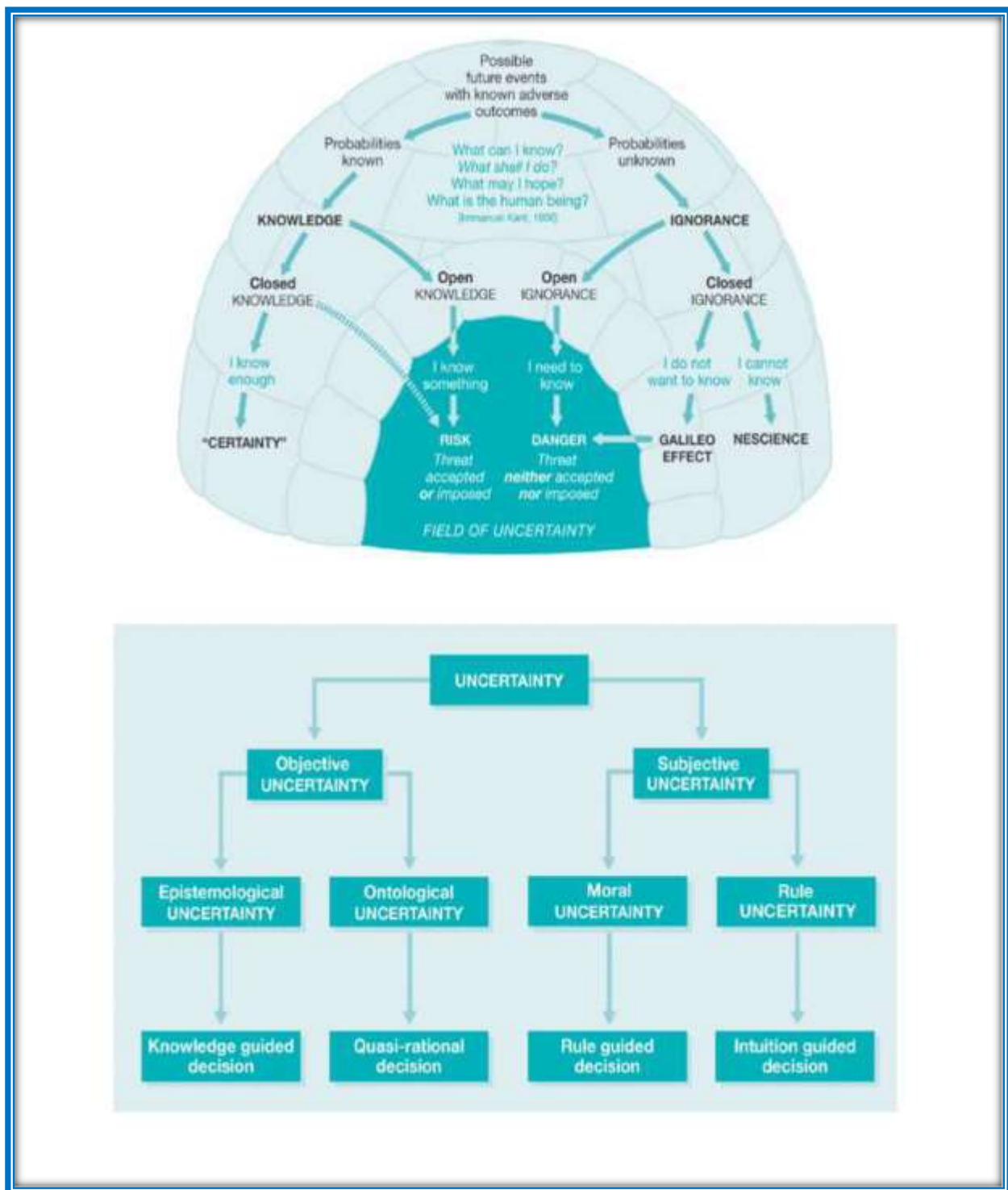
Figure 24: Frequency v consequence value



Occupational Risk Control: Predicting and Preventing the Unwanted – Derek Viner 2015

(After Figure 8.3 - Defining the terms safe and dangerous. Kindle edition, Page 133 and UK Health & Safety Executive - Societal risk criteria)

Figure 25: Igloo of ignorance

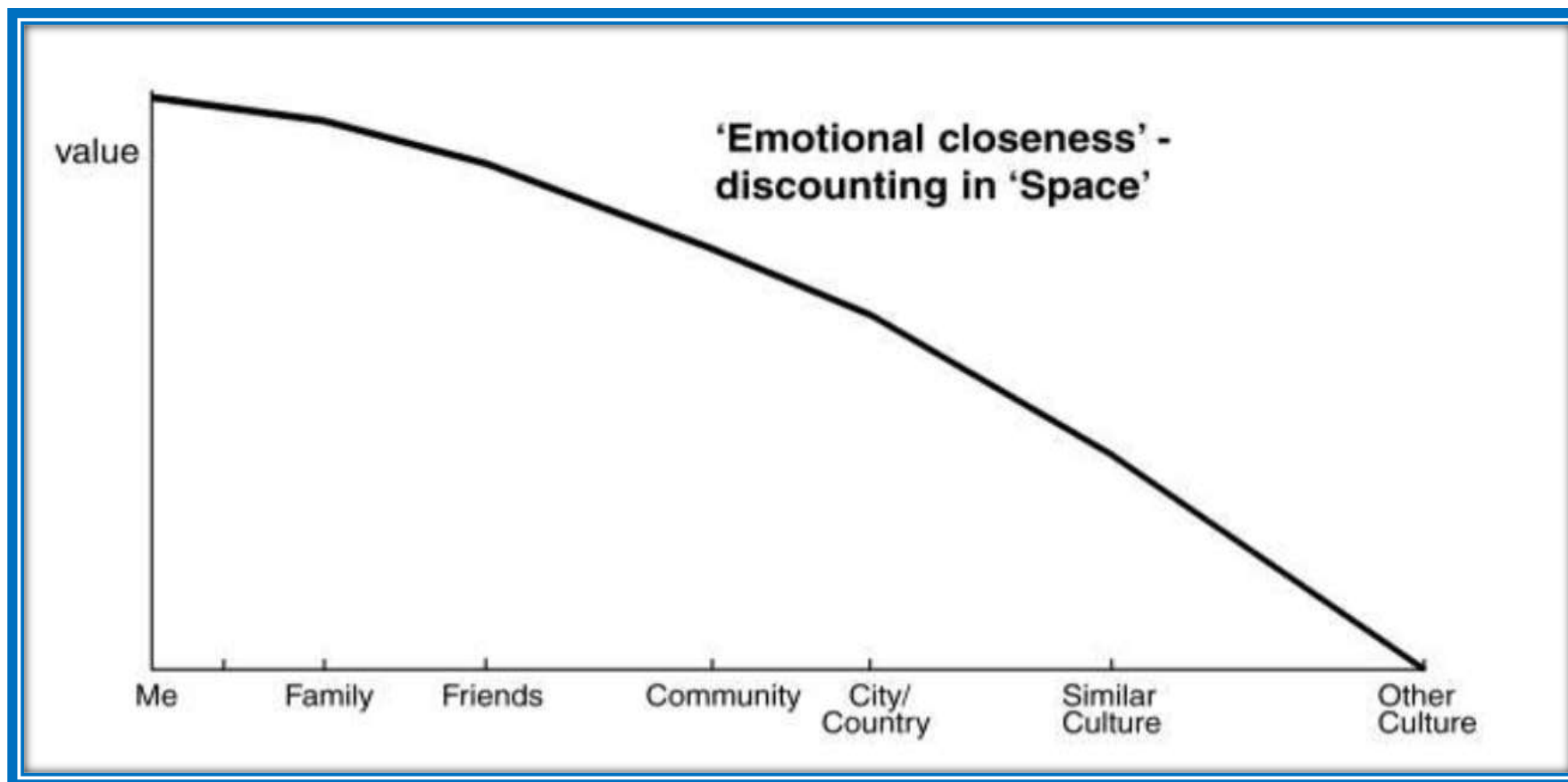


EMBO Report: The ethics of uncertainty: In the light of possible dangers, research becomes a moral duty – Tannert et al; 2007

(The igloo of uncertainty and taxonomies of uncertainties and decisions)



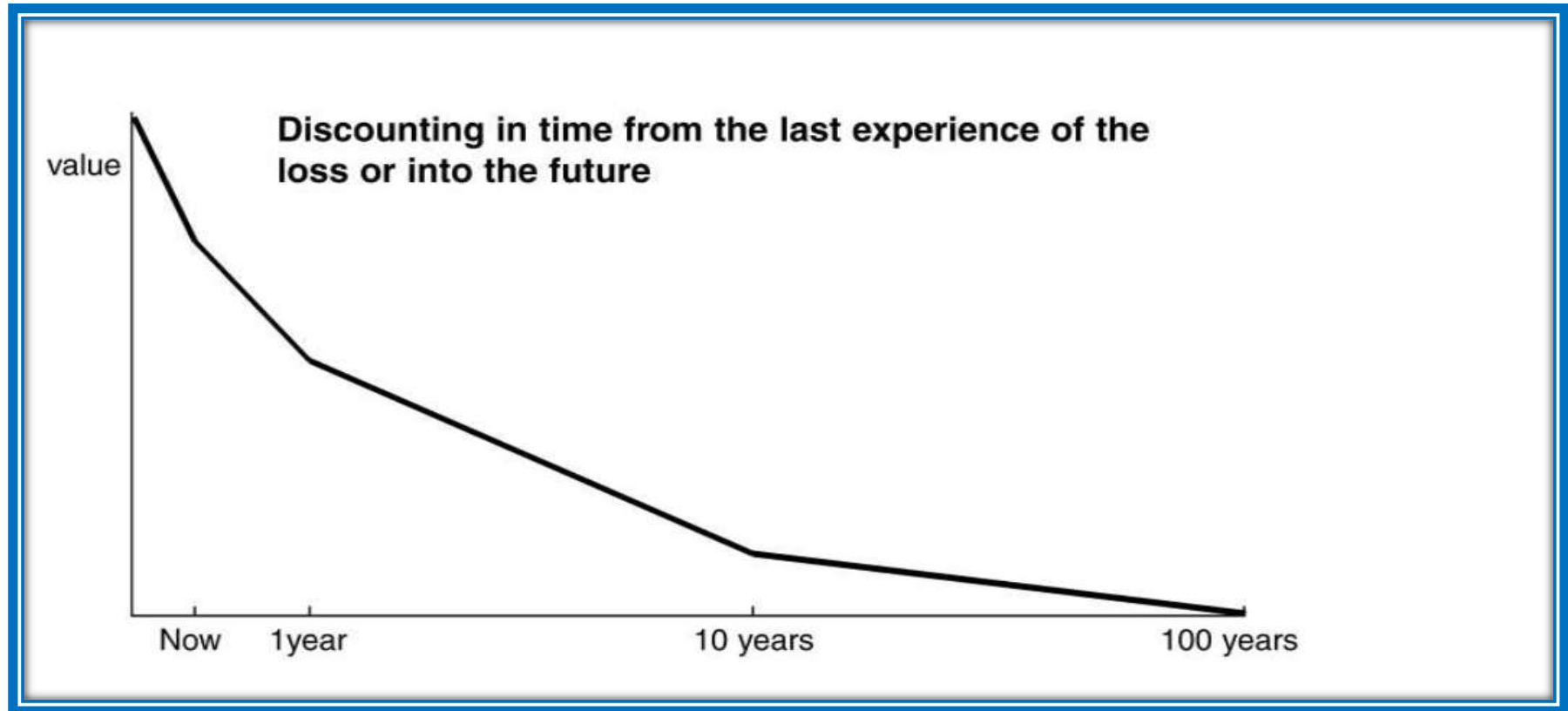
Figure 26: Risk perception and emotional proximity



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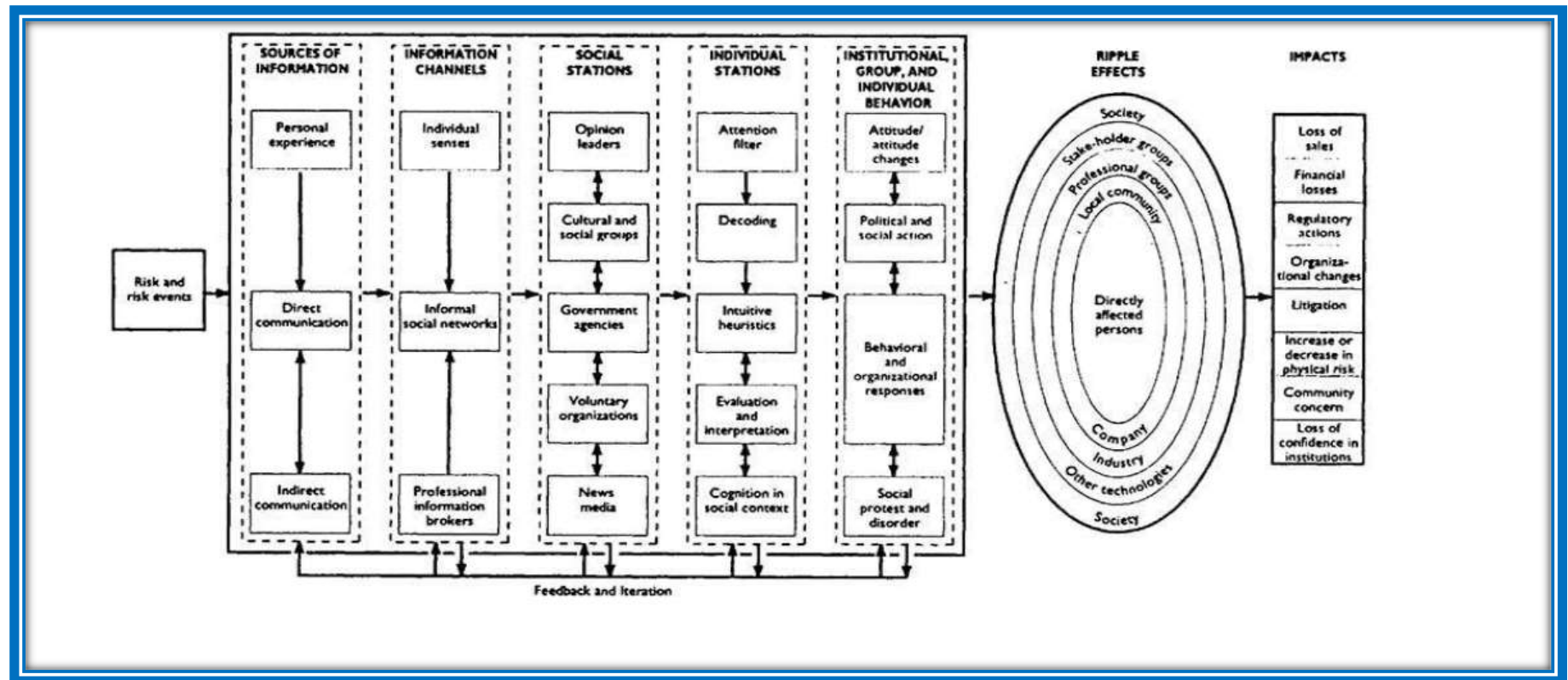
(EV 491 Control of hazards – Accident analysis models course notes and handouts 2003)

Figure 27: Risk perception and discounting over time



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(EV 491 Control of hazards – Accident analysis models course notes and handouts 2003)

Figure 28: Social amplification and attenuation of risk framework



Risk perception – Eric Marsden 2015

(Available from: <https://www.slideshare.net/EricMarsden1/risk-perception-48044005> Slide 37)

Figure 29: The Gordian knot

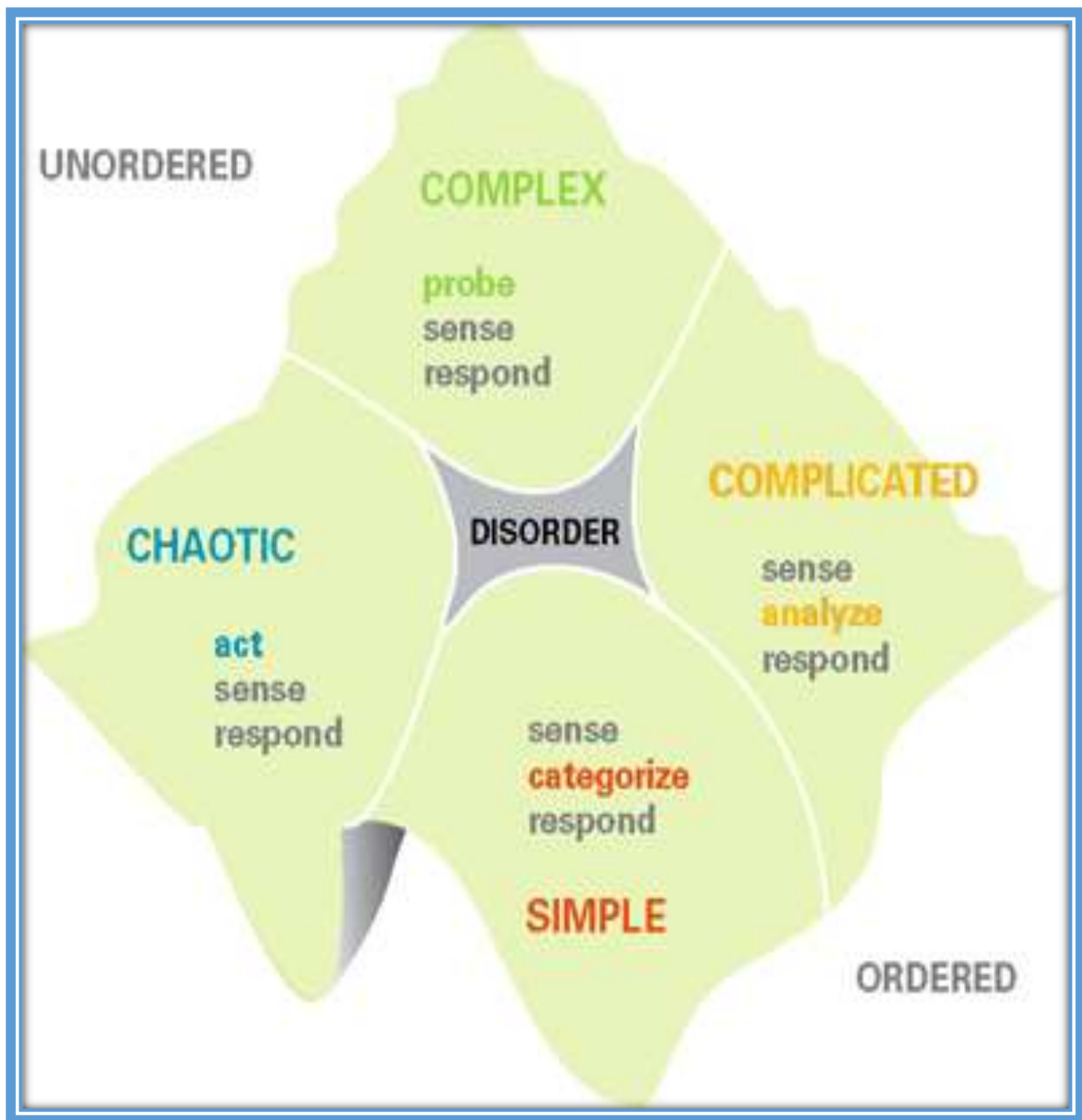


A Wicked Problem Model

Risky Conversations - The Law, Social Psychology and Risk

(Dr. Robert Long, Greg Smith and Craig Ashhurst - Chapter 8: Appendices; Page 133)

Figure 30: The Cynefin framework



The Cynefin Framework

A Leader's Framework for Decision Making

<https://hbr.org/2007/11/a-leaders-framework-for-decision-making>

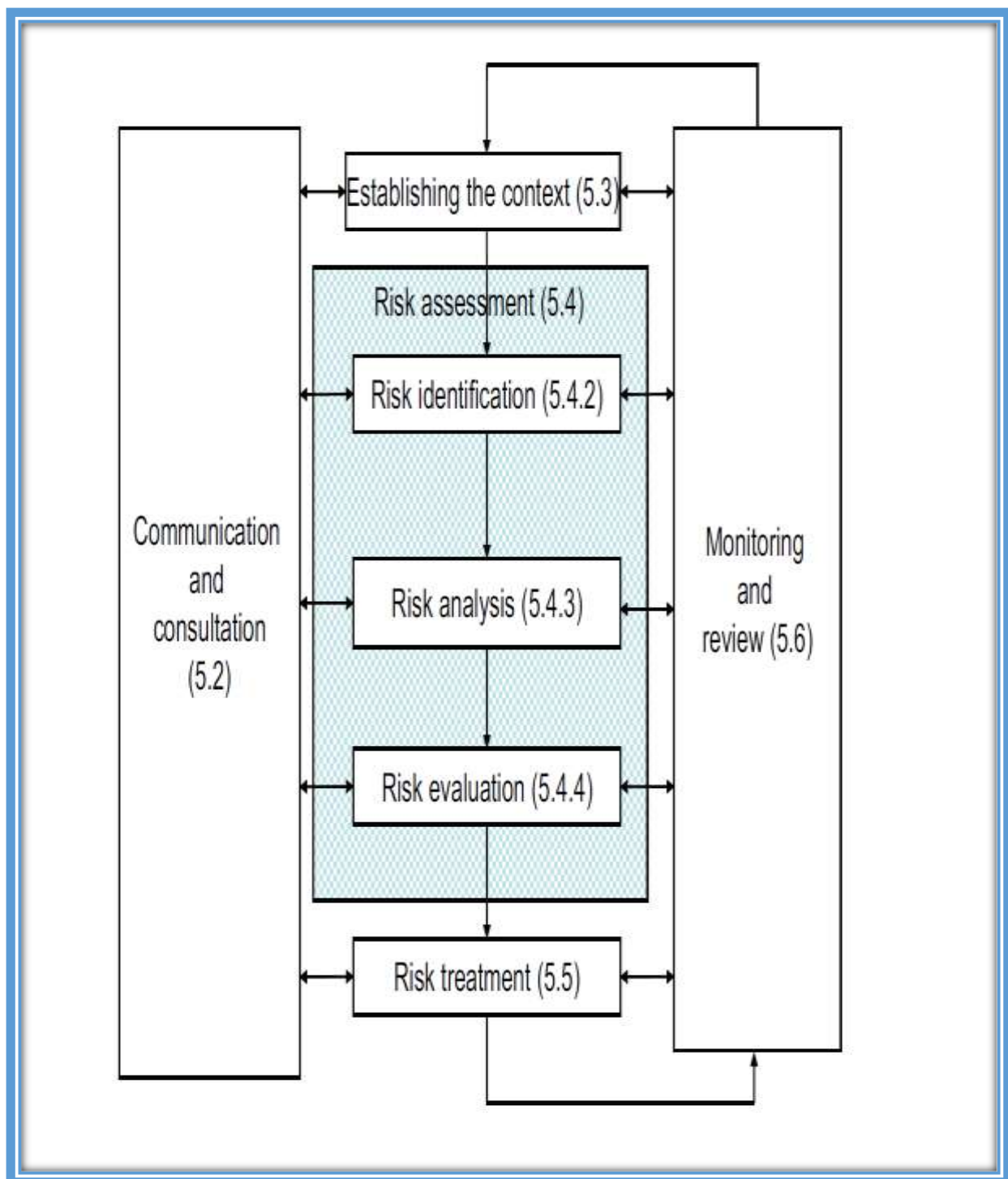
Figure 31: Decision making in multiple contexts

	THE CONTEXT'S CHARACTERISTICS	THE LEADER'S JOB	DANGER SIGNALS	RESPONSE TO DANGER SIGNALS
SIMPLE	<p>Repeating patterns and consistent events</p> <p>Clear cause-and-effect relationships evident to everyone; right answer exists</p> <p>Known knowns</p> <p>Fact-based management</p>	<p>Sense, categorize, respond</p> <p>Ensure that proper processes are in place</p> <p>Delegate</p> <p>Use best practices</p> <p>Communicate in clear, direct ways</p> <p>Understand that extensive interactive communication may not be necessary</p>	<p>Complacency and comfort</p> <p>Desire to make complex problems simple</p> <p>Entrained thinking</p> <p>No challenge of received wisdom</p> <p>Overreliance on best practice if context shifts</p>	<p>Create communication channels to challenge orthodoxy</p> <p>Stay connected without micromanaging</p> <p>Don't assume things are simple</p> <p>Recognize both the value and the limitations of best practice</p>
COMPLICATED	<p>Expert diagnosis required</p> <p>Cause-and-effect relationships discoverable but not immediately apparent to everyone; more than one right answer possible</p> <p>Known unknowns</p> <p>Fact-based management</p>	<p>Sense, analyze, respond</p> <p>Create panels of experts</p> <p>Listen to conflicting advice</p>	<p>Experts overconfident in their own solutions or in the efficacy of past solutions</p> <p>Analysis paralysis</p> <p>Expert panels</p> <p>Viewpoints of nonexperts excluded</p>	<p>Encourage external and internal stakeholders to challenge expert opinions to combat entrained thinking</p> <p>Use experiments and games to force people to think outside the familiar</p>
COMPLEX	<p>Flux and unpredictability</p> <p>No right answers; emergent instructive patterns</p> <p>Unknown unknowns</p> <p>Many competing ideas</p> <p>A need for creative and innovative approaches</p> <p>Pattern-based leadership</p>	<p>Probe, sense, respond</p> <p>Create environments and experiments that allow patterns to emerge</p> <p>Increase levels of interaction and communication</p> <p>Use methods that can help generate ideas: Open up discussion (as through large group methods); set barriers; stimulate attractors; encourage dissent and diversity; and manage starting conditions and monitor for emergence</p>	<p>Temptation to fall back into habitual, command-and-control mode</p> <p>Temptation to look for facts rather than allowing patterns to emerge</p> <p>Desire for accelerated resolution of problems or exploitation of opportunities</p>	<p>Be patient and allow time for reflection</p> <p>Use approaches that encourage interaction so patterns can emerge</p>
CHAOTIC	<p>High turbulence</p> <p>No clear cause-and-effect relationships, so no point in looking for right answers</p> <p>Unknowables</p> <p>Many decisions to make and no time to think</p> <p>High tension</p> <p>Pattern-based leadership</p>	<p>Act, sense, respond</p> <p>Look for what works instead of seeking right answers</p> <p>Take immediate action to reestablish order (command and control)</p> <p>Provide clear, direct communication</p>	<p>Applying a command-and-control approach longer than needed</p> <p>"Cult of the leader"</p> <p>Missed opportunity for innovation</p> <p>Chaos unabated</p>	<p>Set up mechanisms (such as parallel teams) to take advantage of opportunities afforded by a chaotic environment</p> <p>Encourage advisers to challenge your point of view once the crisis has abated</p> <p>Work to shift the context from chaotic to complex</p>

The Cynefin Framework – Decision making in multiple contexts

<https://hbr.org/2007/11/a-leaders-framework-for-decision-making>

Figure 32: Risk management process

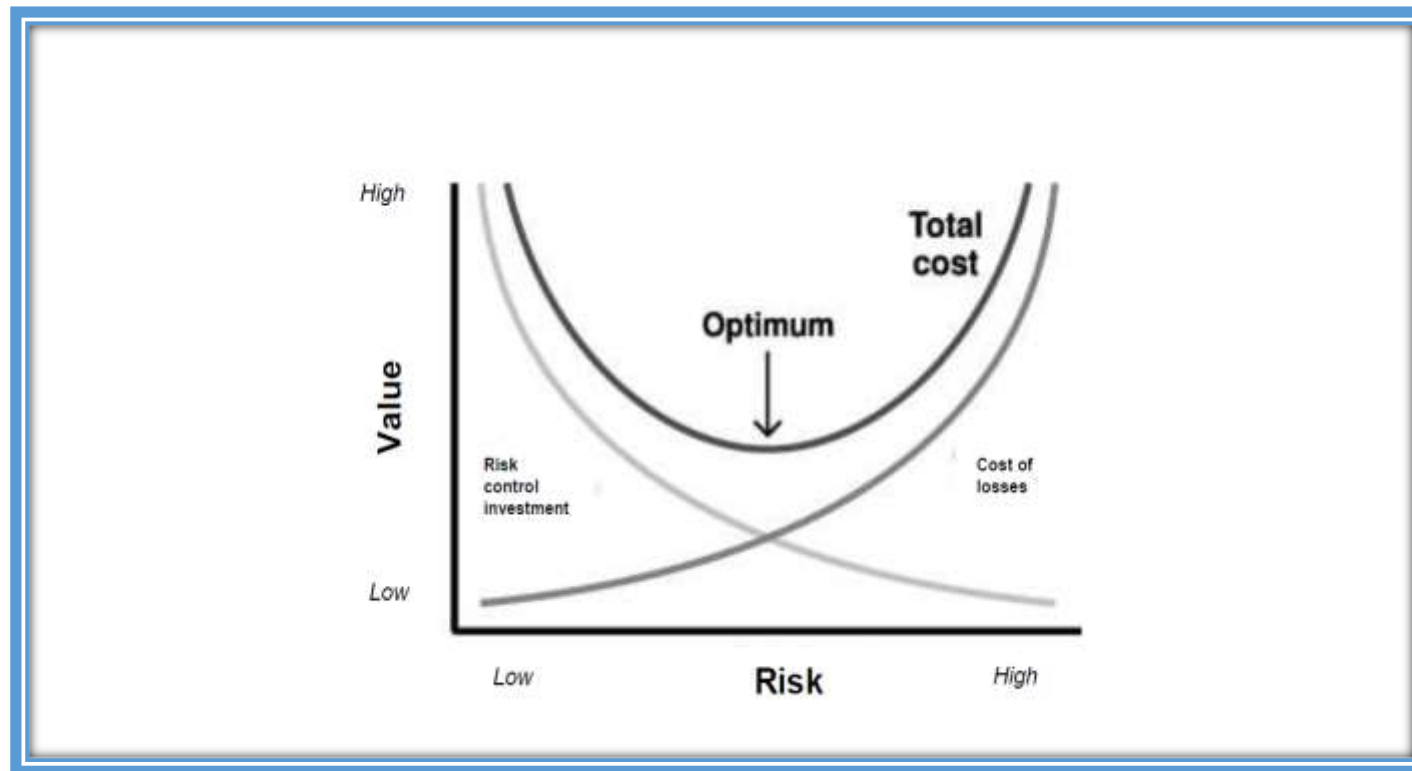


Standards Australia AS/NZS ISO 31000:2009

(Risk management – Principles and guidelines; p. 14)



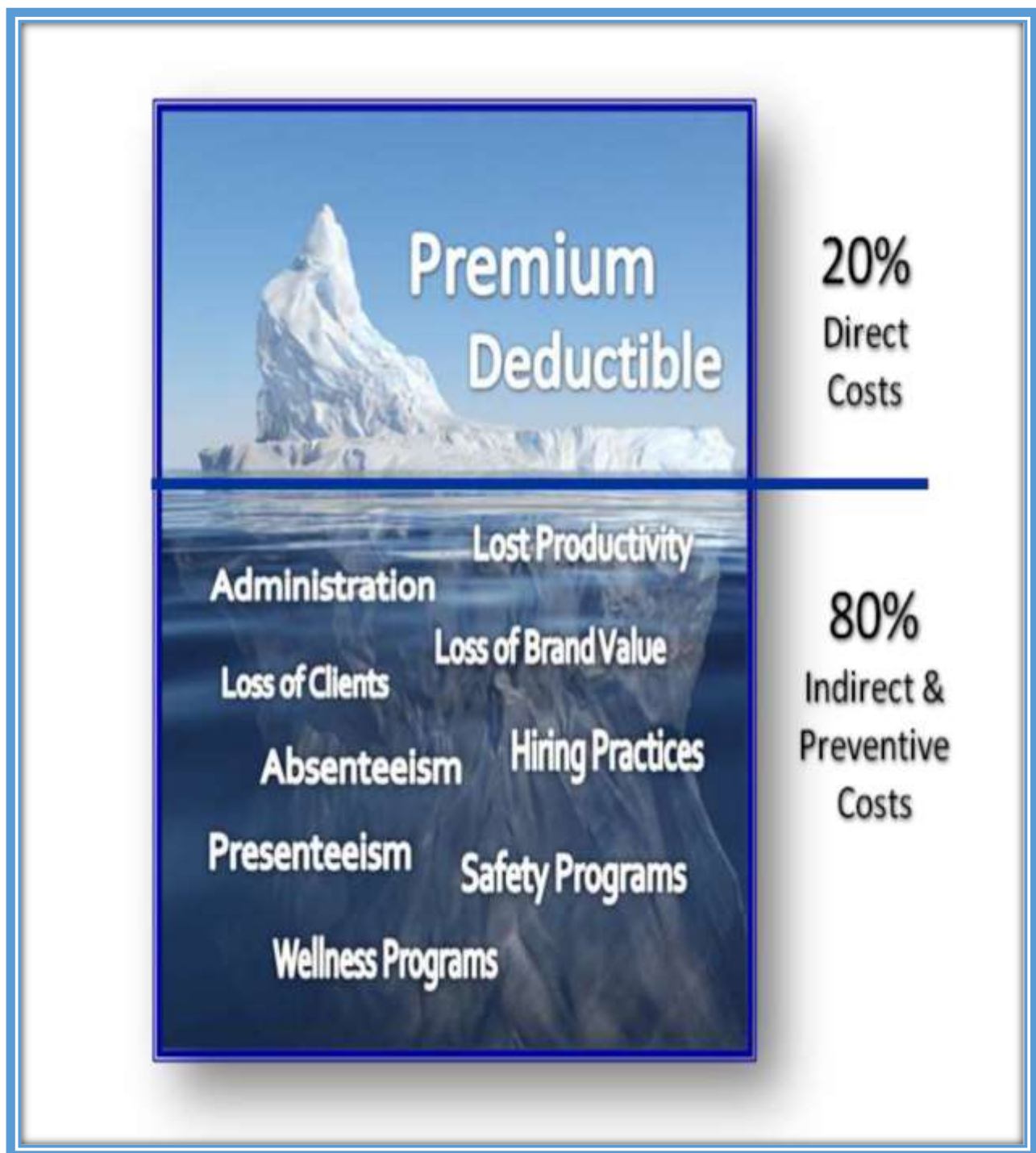
Figure 33: Total cost of risk



Occupational Risk Control: Predicting and Preventing the Unwanted – Derek Viner 2015

(After Figure 11.3 Representation of the total cost of risk. Kindle edition, Page 133)

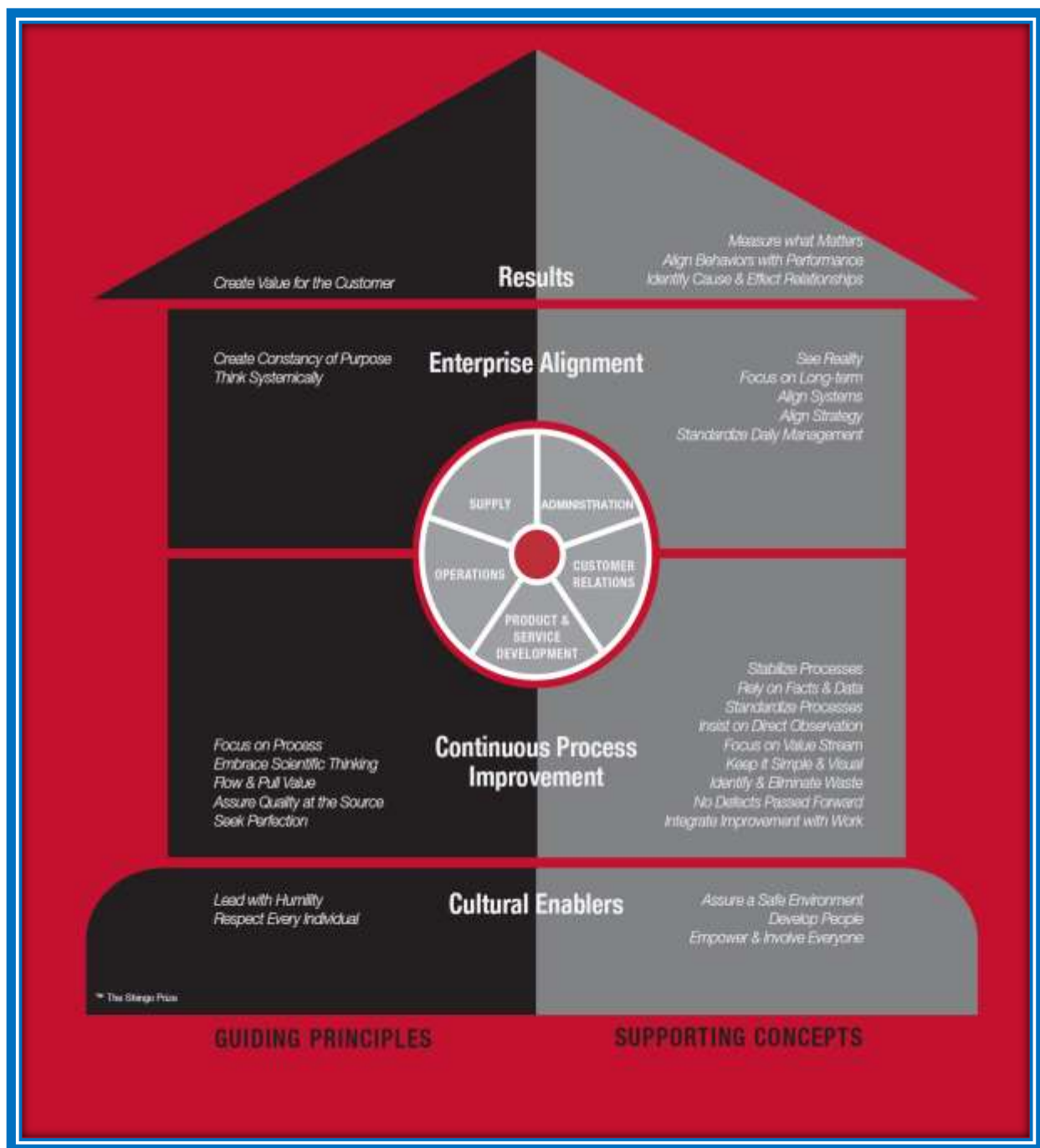
Figure 34: Total cost of risk - Direct and indirect costs



The total cost of risk: Direct costs and indirect & preventive costs

Available from: [http://www.winonaagency.com/content/total\\_cost\\_of\\_risk.aspx](http://www.winonaagency.com/content/total_cost_of_risk.aspx)

Figure 35: Shingo model of operational excellence



Jon M Huntsman School of Business Utah State University

<http://lean.nh.gov/documents/Shingo%20Model%20Handbook.pdf>

(The Shingo Model of Operational Excellence; p. 12)

Figure 36: High reliability organisations



Health and Safety Executive United Kingdom

Dr. Chrystanthi Lekka – High reliability organisations – A review of the literature (Page v)

Available from: <http://www.hse.gov.uk/research/rrpdf/rr899.pdf>

Figure 37: The hidden third



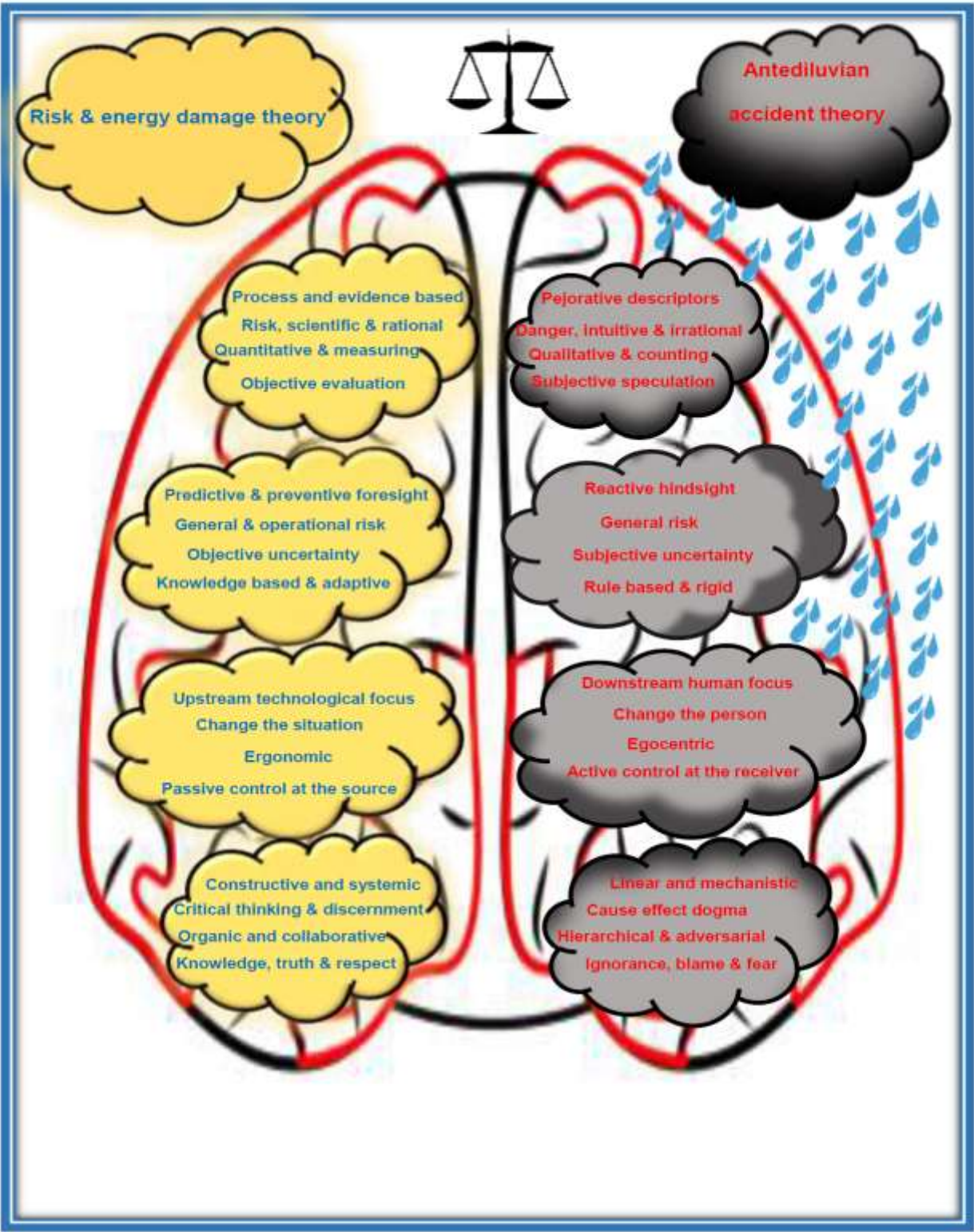
Basarab Nicolescu – Transdisciplinarity: The hidden third between the subject and the object

Available from: Fallibility and Risk – Living with Uncertainty; p. 102. Dr. Robert Long:

<https://safetyrisk.net/free-safety-ebooks/>



Figure 38: Attributes and consequences



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