

# Psychological Safety?

## I am a willful violator, and so are you

A Just Culture Commentary, February 19, 2024



I worked as a bartender while going to college. It was a tipped profession, with employees making well below minimum wage understanding that the real money would come through tips. And, as everyone understood, for state and federal governments to provide continued community services, it was incumbent upon each and every worker - waiter and bartender included - to honestly report their tips, to pay their fair share. Everyone knew the rules, yet no one complied. In fact, I never met a single person who reported all of their tips. Instead, as a group, we actively conspired to report just enough to not invite governmental scrutiny. We were a group of willful violators.

There is a line being tossed about the human factors discipline that “willful violations” are relatively rare in the workplace. It is a narrative that splits human performance into two simple categories: the common human error, and the rare willful violation. It comes with a compassionate plea to organizational leaders: to stop disciplining human error because, after all, we are inescapably fallible human beings, but if, in the rare case you find a willful violation, you are free to discipline through your trusty progressive disciplinary policies. A practical narrative for the human performance practitioner: draw a bright line in the sand, keeping the inadvertent human error for the human performance community to address, and feeding the rare willful violators to the human resources department for their pound of flesh. The

problem is that this strategy rests on that little white lie: that willful violations are indeed rare events.

### The Truth

In most of the Western Culture I have experienced, we are a society of willful violators. Here in the U.S., one in six of us cheats on our taxes, one in 30 don’t even file a return.<sup>1</sup> On the roads, most of us “willfully violate” the posted speed limit, and where I live in South Florida most drivers see compliance with signaling lane changes as giving up a tactical advantage. Fifty percent of drivers admit to texting while driving, and 44% percent of drivers in fatal accidents test positive for illicit drugs or alcohol.<sup>2</sup>

The Society for Human Resource Management reports that 30-40 percent of workplace internet usage is not work related.<sup>3</sup> Seventy percent of internet porn traffic occurs during the 9-5 workday, and we all know someone who has chosen to do their Cyber Monday holiday gift shopping in the comfort of their work cubicle. Seventy percent of employees have admitted to lying on their resumes.<sup>4</sup>

Have prospective employers willfully discriminated based upon gender, race, or religion, or was our long history of workplace discrimination merely a matter of inadvertent human error?

Are we a culture of willful violators? Do used car salesmen withhold knowledge of defects to potential buyers? Do landlords knowingly withhold the return of security deposits falsely claiming the apartments were damaged? Have prospective employers willfully discriminated based upon gender, race, or religion, or

<sup>1</sup> <https://www.vox.com/policy-and-politics/2019/4/16/18311366/tax-day-cheating-prosecutions-jail>

<sup>2</sup> <https://www.getsmartaboutdrugs.gov/family/drugged-driving—what-you-should-know>

<sup>3</sup> <https://www.shrm.org/topics-tools/news/hr-magazine/employee-internet-management-now-hr-issue>

<sup>4</sup> <https://www.forbes.com/sites/bryanrobinson/2023/11/05/70-of-workers-lie-on-resumes-new-study-shows/>

was our long history of workplace discrimination merely a matter of inadvertent human error?

In the 1990s, in my personal work with a large airline in the U.S., we found that 50% of maintenance errors on aircraft involved willful violations of Federal Aviation Regulations. I worked with a large retailer in the U.S. who reported that 50% of theft was by their own employees. A scientific observation of 200 residential construction sites showed that 41% of workers on roofs were there without required fall protection.<sup>5</sup> Drug and alcohol abuse is involved in 65% of on-the-job accidents.<sup>6</sup>

Healthcare, as an industry, has self-reported that medical errors cause to up 440,000 deaths per year in the U.S. alone. Yet, even there, everyday violations of safety rules are common. The World Health Organization says that global compliance with hand hygiene requirements currently stands at 40%.<sup>7</sup>

Willful violations are so common in the workplace that unions, in times of contract negotiations, can slow down, or shut down, the operation simply by choosing to work to the rules. It's called, "work to rule." For example:

"In such an action in the UK Postal Service, postal workers normally arrived an hour before their official start time, did unpaid overtime at the end of deliveries, used their own (uninsured) cars for deliveries, and carried mailbags too heavy by health and safety guidelines. During a labor dispute they arrived at start time, stopped deliveries at the end of their allotted shift, only used official vans, and weighed mailbags to keep within the limit."<sup>8</sup>

## Psychological Safety

To suggest that willful violations of community and workplace standards is rare is far from the truth. To err is human, but so is our propensity to knowingly and willfully deviate, whether self-centered, or driven by a calling to service. Just consider how many healthcare providers willfully violated safety standards in a desperate attempt to provide patient care during the most recent pandemic.

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<sup>5</sup> <https://www.safetyblognews.com/workers-still-ignoring-fall-protection/>

<sup>6</sup> <https://www.pelagohealth.com/blog/workplace-safety-the-connection-between-on-the-job-accidents-and-addiction/>

We need the psychological safety, as leaders, to admit that we are a culture of willful violators - as leaders, as employees, and as customers. Yes, we might condemn all willful violations as morally wrong, but that does a disservice to everyone who willfully violates to go above and beyond in the interest of safety or service.

Life is complex. Every willful violation identified here has its own system and cultural antecedents. A healthcare worker may choose to not wash their hands, a journeyman on the roof of a new home may be there without adequate fall protections, and a manager may choose not to file a safety report for a

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minor injury. They are not worthy of disciplinary sanction simply because they willfully violated a work rule. In fact, as we teach in the Just Culture model,

procedural rules are subordinate to values. We are encouraged, if not expected, to willfully violate when following a procedural rule is the wrong thing to do.

A system of justice must be more nuanced than the bifurcation of rule-followers and rule-breakers. We must learn from willful violations in the same way we learn from mistakes. We must understand the system and cultural conditions that promote or allow their presence. And, in a just way, we must hold each other accountable for our actions, including potential use of disciplinary sanction.

So, on your next drive to work, not signaling lane changes, violating the speed limit, eager to get to work to do some internet shopping at your desk, don't assume your co-workers aren't just like you. The first step to improvement is to feel psychologically safe enough to speak the truth, to embrace who we really are.

I am a willful violator.

<sup>7</sup> <https://www.who.int/news/item/12-05-2023-first-ever-who-research-agenda-on-hand-hygiene-in-health-care-to-improve-quality-and-safety-of-care/>

<sup>8</sup> <https://en.wikipedia.org/wiki/Work-to-rule>