

Risky Conversations

The Law, Social Psychology and Risk



Dr Robert Long, Greg Smith and Craig Ashhurst





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Foreword

by Sidney Dekker

In 1972, Irving Janis published the first edition of his book “Groupthink.” In it, he tried to explain how a group of decision makers, engaged in conversations about risk, can drift into a mythical and completely miscalibrated view of reality. What fascinated him was that these decision makers succeed in creating group consensus around a really bad idea; that they manage to all agree on a seriously risky course of action. What was it about their conversations, about the processes in which they considered their options, that led them into disaster?

What Janis found was not necessarily spectacular or abnormal. In fact, the kinds of things that lead groups of decision makers into disaster are the banal, everyday humdrum aspects of group dynamics and social psychology. The groups he studied shared an illusion of invulnerability, they managed to collectively rationalize their shared points of view, they discounted dissent and warnings that did not cohere with their understanding of reality. Sometimes they even pressured group members into conforming with the majority point of view.

Groupthink has always generated more popular appeal -- the phenomenon makes sense at face value after all -- than scientific or empirical depth. Only a couple dozen studies have investigated it seriously since the Seventies. The remedies also seem obvious: invite more dissenting voices into the conversation. Don't necessarily seek consensus. Group harmony can be dangerous to safety. And never stop talking about risk. Keep that conversation about risk going, even when everything looks safe.

The point of ‘Risky Conversations’ is indeed the conversations. Multiple perspectives on difficult, risky issues, need to be invited, they need to be celebrated. If we are in a position of decision maker, we should resist the temptation to seek consensus prematurely. We need to avoid trying to reduce viewpoints to one another. Multiple perspectives, which can contradict each other and perhaps sometimes partially overlap, is what we need to make sense of our complex, non-deterministic world. As you get into this book, you are invited to join in the conversation, and add your own experiences and perspectives!

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Special Thanks

A special thanks to Sylvia and Max Geyer for their extensive editing, transcription, critical thinking, advice and support in the publication of this book. Max and Sylvia are such dear friends and travellers on the road less travelled. Their labour of love is captured in this book.

Special thanks again to Justin Heuhn who has done all the graphics, art work and layout for the five books. More than this, Justin's innate ability to understand semiotics and semiosis makes for a creative synergy between the focus on the Social Psychology of Risk and how it is communicated.

The video work for this project was undertaken by Rick Long of InVision Pictures and Multi-Media Director at Human Dymensions (<https://vimeo.com/ricklong>). Rick is a critical part of the video in helping with the dialogue that emerged from the days together. Rick's expertise in the philosophy of semiotics, signs, symbols and visualisation was a critical part of many discussions between recorded conversations. His questioning and critical thinking is a vital part of this book.

Rick is available for video work with organisations interested in the Social Psychology of Risk. He is available for making of documentaries, inductions and any multi-media project - with a difference.

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A Special Note on Edits

Editing has been undertaken so as to maintain the sense a flow of the text being a conversation. Some grammar and language structure has subsequently been left unedited.

Videos and Talking Books

This book has been developed out of transcripts from three days of conversations between the three authors. This book is an approximate transcript of those conversations but includes extensive side notes, appendices, resources and readings. Now for the first time, this series in the Social Psychology of Risk includes online videos and a talking book (audio of the conversations), for those who purchase the book.

If you have purchased this book you are entitled to the complete set of videos and corresponding talking books that accompany your purchase. The address and password access are included on a slip of paper inside the cover.

We trust that you will appreciate that the cost of producing these videos and talking book is very expensive and is covered in the purchase of this book. Sharing of the video and audio resources would not be helpful and they can be watched on line and embedded in other sites.

If you wish to be able to download the videos for a nominal fee please contact admin@humandymensions.com



Structure and Use of the Book

This book is best thought of as a collection of conversations rather than an academic treatise. Whilst Rob, Greg and Craig use language that is familiar to them and their disciplines, the fundamental messages are intended to be one of collaboration, mutuality and collective insight. It hardly makes sense to write on trans-disciplinary content without structuring the book in a social and collaborative manner.

The book has been created out of three days of conversations held in January 2016 and videoed at LION's Youth Haven in Kambah ACT. LION's Youth Haven is a special place dedicated to supporting high needs and at-risk young people in the ACT and region. Craig, Greg and Rob gathered with Rick Long (our resident multi-media expert) for three days and simply recorded their conversations, between lots of coffee, friendship, critical and strategic thinking.

The book is structured in chapters that attempt to resemble themes and ideas that flow out of conversations - risky conversations. However, the very nature of the conversations tended to ramble at times between interests and passions and some heavy editing has been taken in places to assist the reader to progress through sections with 'flow'.

The side bar in the book is intended for interactivity, by the authors with you and for you to interrogate the authors. The authors have put comments, resource links, related research and contributing ideas in the margins where you too can jot questions, write ideas and reflect on the concepts and thinking triggered by the discussion.

The important thing is that risky conversations are modelled as well as chronicled. Any conversation about risk between disciplines is 'risky'. Any movement from one's space of comfort and assurance to 'suspending agenda' and movement, to connect with another, is risky. It is in risky space that one opens up oneself to listening and learning, compromise, critical thinking and 'attending'.

In the end it will be up to the reader to determine how they use the book, text, audio and video files as a resource. The authors trust that it promotes risky conversations about risk, safety and security at work.

About the Book Cover and Logos

The semiotic of the bridge on the cover is critical in understanding the purpose of this book. It is through trans-disciplinary conversations that we build trust and understanding. This is the first book in the series on risk that includes a bridge between the gulf in risk. The bridge represents what happens when we engage in risk conversations with others and how those conversations join people together in tackling risk.

In this book we are all challenged to be bridge builders through the courage to undertake conversations in risk.

The three symbols on the cover and in the footer of this book serve to highlight the three key elements required to make sense of risk, the law and social psychology. The first icon represents the need for conversation, shared thinking and dialogue. The second icon intends to represent the justice system and the law. The third icon seeks to represent us all and the collective unconscious.

Making Contact

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This publication has been sponsored by Human Dimensions: www.humandimensions.com email: admin@humandimensions.com

Accessing Legal References

All of the cases can be accessed through the Australian Legal Information Institute at <http://www.austlii.edu.au/>



Glossary

Arational: not based or governed by reason. Neither rational nor irrational but non-rational.

Cognitive Dissonance: developed by Leon Festinger. Refers to the mental gymnastics required to maintain consistency in the light of contradicting evidence.

Discourse: developed by Michael Foucault. The transmission of power in systems of thoughts composed of ideas, attitudes, courses of action, beliefs and practices that systematically construct the subjects and the worlds of which they speak.

Emergence: refers to the dynamic of unknown forces in the evolutionary discourse of cause.

Fundamentalism: originally coined in reference to a rigid theological movement in the USA in 1905 upholding the literal interpretation of the Bible. More generally, fundamentalism refers to rigid faith like black and white thinking and actions on issues.

Heuristics: refer to experience-based techniques for problem solving, learning, and discovery. Heuristics are like mental short cuts used to speed up the process of finding a satisfactory solution, where an exhaustive search is impractical. Heuristics tend to become internal micro-rules.

Hubris: indicates a loss of contact with reality which results in extreme overconfidence and complacency.

Mentalities: comes from the French Annales School of History and refers to the history of attitudes, mindsets and dispositions. It denotes the psychosocial and cultural nature of history.

Mindfulness: developed by Karl E. Weick and indicates: the preoccupation with failure; reluctance to simplify interpretations; sensitivity to operations; commitment to resilience, and deference to expertise. A full definition of mindfulness is in Chapter 6 SenseMaking, Mindfulness and Risk.

Priming: is an implicit memory effect which influences response. Priming is received in the subconscious and transfers to enactment in the conscious.

Risk Homeostasis: developed by Gerald Wilde. The hypothesis of risk homeostasis holds that everyone has his or her own fixed level of acceptable risk.

Semiotics/Semiosis: The study of signs, symbols, text and significance. Semiology is the study of meaning in signs, symbols and text. 'Text' needs to be understood in its broadest sense.

Sensemaking: is about paying attention to ambiguity and uncertainty. Developed by Karl E. Weick to represent the seven ways we 'make sense' of uncertainty and contradiction. A full definition of sensemaking is in Chapter 6 SenseMaking, Mindfulness and Risk.

Wicked Problems/Wickedity: Problems that are intractable and unsolvable.

Unconscious: processes of the mind which are not immediately known or made aware to the conscious mind. The term 'subconscious' is also used interchangeably and denotes a state 'below' the conscious state. The subconscious is more associated with Freud's negative use in psychoanalytics whereas, the notion of the 'unconscious' is more associated with positivity in Jung.

What This Book Is About

This is the fifth book in the series on the Social Psychology of Risk. It builds on the work of the previous books (depicted on the inside cover) and extends thinking into the interface between the Law and the Social Psychology of Risk.

The idea for the book first came about when Rob met Greg at a conference in October 2012 where they were both presenting. In less than a few minutes after introductions they realised they shared similar thoughts to each other about the nature of risk and safety.

Since that first meeting Rob and Greg have been conversing about ideas, writing, collaborating and synthesising ideas for a book, albeit constrained by the tyranny of distance. Greg Lives in Perth and Rob and Craig live in Canberra.

After a number of chats and meetings the idea came about to produce a book through conversation, both as meta-narrative but also as a demonstration of the importance of engaging in 'risky conversations'.

The inclusion of Craig in the discourse of this book is critical. Craig's expertise in facilitation but also his knowledge of 'boundary objects', 'collective coherence' and 'transdisciplinary discourse' is indispensable to the nature of this project.

ROB

We currently have a very singular and myopic approach to risk and safety in Australia. Somehow over its brief history the way government and industry have tackled the challenges of risk have assumed a mechanistic and reductionist approach in understanding. Any examination of qualifications in risk and safety demonstrates the dominance of engineering, science, regulation and legislation in the curriculum. Whilst these perspectives are not problematic in themselves, there is a range of critical perspectives that are completely missing. A transdisciplinary approach to risk is yet to be realised in Australia. All the wealth of the Humanities disciplines, knowledge and capabilities are profoundly silent in the risk and safety space.

This is not a book about debate, neither is there any sense of adversarialism between disciplines. Transdisciplinary learning starts with humble enquiry, in knowing outside of one's discipline that there is much one doesn't know. This is a huge challenge for the risk and safety generalist, whose education and curriculum make them a 'jack of all trades and a master of none'. What Greg, Rob and Craig demonstrate in this project is a model of engagement, learning and interaction through mutual respect and dialogue. Whilst values may compete, disciplines need not, there is too much to learn.

This book is not only the fifth in a series but the third in the model of collaboration. How would it make sense to speak of the social psychology of risk unless the books themselves were not social and relational in nature? The Social Psychology of Risk studies the way social arrangements affect human judgment and decision making.

In 1908 William McDougall published *Social Psychology* (<https://ia802706.us.archive.org/29/items/introductionto020342mbp/introductionto020342mbp.pdf>), and Floyd Allport published



a book by the same title in 1924. It was Allport's book that sent social psychologists, as distinct from psychologists, off into a wave of experiments to see how individuals were influenced by social arrangements. For a comprehensive look at a history of *Experiments With People* see Abelson, R., Frey, K., and Gregg, A., (2004). Research exploded in social psychology in the late 1920s and 1930s further supported by Gardner Murphy's *Experimental Social Psychology* and Carl Murchinson's *Handbook in Social Psychology*.

Robert Cialdini (Cialdini, R., 2009) describes how people are influenced and persuaded by social arrangements and identified six underlying social dynamics that affect human judgment and decision making. Cialdini's six 'weapons of persuasion' are:

1. Reciprocation. Anthropologists consider reciprocity to be a universal social norm.
2. Commitment to Consistency. According to Festinger (1957) people are reluctant to behave in ways that are inconsistent with their public commitments.
3. Social Proof. If we see many other people doing something, we are more likely to do it. The psychology of mass movements is foundational for understanding cults, 'group think', the authoritarian personality, gambling and risk, eugenics, xenophobia and host of social movements/sub cultures in society.
4. Authority. If someone is recognised as being in authority we are more likely to do it. The experiments and work of Stanley Milgram (Obedience to Authority) demonstrated this.
5. Liking. People are more likely to be persuaded if they feel liked.
6. Scarcity. When we perceive something as scarce we are more likely to buy it, and make the most of the opportunity.

The 'founder' of social psychology is sometimes identified as Kurt Lewin. In a 1947 article, Lewin coined the term 'group dynamics'. He described this notion as the way that groups and individuals act and react to changing circumstances. Lewin theorized that when a group is established it becomes a unified system with unique dynamics that cannot be understood by evaluating members individually. This idea quickly gained support from sociologists and psychologists who understood the significance of this emerging field.

Social psychology has its focus on some of (but not restricted to) the following human factors:

- Human relationships
- Decision making
- Communication
- Persuasion
- Influence
- Power
- Aggression
- Politics
- Groups
- Prejudice
- Attraction
- Pro and anti-social behavior
- Community
- Helping
- Conformity
- Authority
- Salience
- Belonging
- Attachment

What I (Rob) have done over the last 10 years has constructed a new discipline that applies the knowledge of Social Psychology as exemplified in this list, to risk, thereby constructing the discipline (globally) known as - The Social Psychology of Risk. A map of what knowledge comprises The

Social Psychology of Risk Body of Knowledge (BoK) is at Appendix 1. It is important that this ‘map’ graphically represent the relational nature of this social psychological worldview. Hence, the map sets out themes in ‘bubbles’ that indicate areas of knowledge and key authors/researchers in that field. The Body of Knowledge therefore graphically represents the social nature of knowledge itself and serves a tool to navigate the discipline of The Social Psychology of Risk.

The Social Psychology of Risk however, is more than just a discipline, it is a worldview. It is through a social psychological lens that one views risk differently than other disciplines, particularly the mechanistic disciplines (engineering, regulation, risk management, safety, hard sciences). The Social Psychology of Risk is a ‘form of consciousness’ about how risk is embodied in the semiosphere (the atmosphere of all signs, symbols, text and discourse that communicate message and meaning to us all). It takes seriously how the ‘collective unconscious’ shapes human judgment and decision making. This idea of the ‘collective unconscious’ comes from Jung but captures the idea that there are many unseen and ‘invisible’ aspects of culture and organising that influence social decision making and ‘collective sensemaking’ (Weick).

I think it’s important to understand that there are principles and powers at work in organising and, that organising principles take on a ‘life of their own’. That is, there is a dynamic all of its own that attracts people unconsciously to conform and identify. Like with an ideology or propaganda, people become ‘seduced’ by or, just fall in line with the prevailing idea. This is what happened with the Nazis, the great stimulus for the study of Social Psychology.

Similarly, ‘technique’ (Ellul), greed, the love of money, violence and Safety take on this all seductive following like an addiction. People end up being ‘caught up’ in this ‘collective unconscious’ and so, end up following with the crowd (groupthink) without thinking. This is what Bargh calls ‘automaticity’.

This book seeks to call into question the prevailing ideas about the nature of risk and the law. It is through this risky conversation that the authors critically question the prevailing archetypes (ideas with a power of their own) and the collective unconscious that currently sets the discourse for the risk, safety and security industries in Australia.

GREG

The law’s contribution to risk is perhaps best described as creating boundaries within which activities may be ‘lawfully’ conducted.

Sometimes, these boundaries are clearly defined and objective. For example, Regulation 3.55 of the Occupational Safety and Health Regulations 1996 (Western Australia) provide that if there is a risk of a person falling more than 3m from an edge at a workplace, edge protection that meets specific requirements must be in place. For example, the edge protection must have a top rail:

- (i) positioned not less than 900 mm and not more than 1 100 mm above the working surface; and
- (ii) that is capable of withstanding a force of 0.55 kN applied to any point of the guard rail system; ...

Clearly these are very specific requirements that can be quantified and easily measured.

At other times these boundaries are less clearly defined and more subjective, requiring the exercise of a judgement or value decision. A common example of a subjective boundary is ‘Reasonably Practicable’, a term central to our understanding of health and safety legislation.



The Model Work Health and Safety Legislation adopted by a number of jurisdictions in Australia defines Reasonably Practicable as:

that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters' (section 18)

That definition in and of itself creates a subjective test - 'reasonably able'.

One of the 'relevant matters' is what the person concerned knows, 'or ought reasonably to know', about:

- the hazard or the risk; and
- ways of eliminating or minimising the risk (section 18 (c)).

Even as a defined term, Reasonably Practicable still requires further subjective assessment to give practical meaning to the term.

The issue of 'knowledge' in the context of Reasonably Practicable includes a subject assessment of what the relevant duty holder 'ought reasonably to know'. In other words, when a Court is determining an organisation's knowledge about a risk, the Court is trying to determine what the organisation knew, or ought to have known about that risk and this is based on what a 'reasonable' entity in the same position would have known - a subjective test.

At the same time, we should not assume that subjectivity means that the meaning of these terms are mysterious or beyond our ability to assess with foresight, as opposed to the relatively easier hindsight.

Subjective legal tests are framed within well-known (at least to the legal profession) principles. For example, in the High Court decision of *Silvak v Lurgi (Australia) Pty Ltd* [2001] HCA 6, at [53] Justice Gaudron noted:

The words 'reasonably practicable' have, somewhat surprisingly, been the subject of much judicial consideration. It is surprising because the words 'reasonably practicable' are ordinary words bearing the ordinary meaning. And the question whether a measure is or is not reasonably practicable is one which requires no more than the making of a value judgement in the light of all the facts. (My emphasis added)

The trick, of course, is to understand these principles and frame our risk management processes in terms of them, something that seldom occurs in practice.

Moreover, existing safety management practices are not helpful in assessing whether or not organisations have acted reasonably practicably. Traditional measures of safety, both lead and lagging indicators, do not identify or measure any of the elements of reasonable practicability. And so, I make these critical points:

Returning to my earlier point of boundaries. The law does not usually prohibit risk - it defines the boundary within which it may occur.

In the context of safety and health, for example, the law does not require an employer to prevent all accidents or incidents at work. It is not so naive as to promote notions like zero harm.

The law recognises the usual foibles of the human experience but creates boundaries for them.

Reasonably practicable is one such boundary, due diligence is another, as is negligence, gross negligence and the broader notion of 'duty of care'.

If a fatality occurs at a workplace but the relevant duty holder can demonstrate that they have done everything reasonably practicable to manage the risks associated with that fatality risk, then they have not acted unlawfully.

Similarly, if as an individual duty holder I can demonstrate that I exercised the requisite level of due diligence, then I have not acted unlawfully.

And it is at this point that we can perhaps best start to think about the intersection between law and the Social Psychology of Risk.

The law, by creating boundaries, recognises that the human condition is not perfect and it allows for mistakes - something that most risk management systems are not very tolerant of. As mentioned earlier, the law does not require an employer to prevent all accidents.

The law recognises that from time to time people will behave unsafely, that they will act in a manner that will be in their best interests. The law requires a duty holder to put in place measures that take account of the fact that people are not perfect, to take account of the fact that people will make mistakes:

A defendant must have regard not only for the ideal worker but for one who is careless, inattentive or inadvertent: *Dunlop Rubber Australia Ltd v Buckley* (1952) 87 CLR 313 at 320 per Dixon CJ. If there is a foreseeable risk of injury arising from the employee's negligence in carrying out his or her duties then this is a factor which the employer must take into account: *Smith v Broken Hill Pty Ltd* (1957) 97 CLR 337 at 343. It may not always be possible to foresee various acts of inadvertence by workers but defendants must conduct operations on the basis that such acts will occur and they must be guarded against to the fullest extent practicable (*Safe Work NSW v Wollongong Glass P/L* [2016] NSWDC 58, [29]).

However, recognising that people make mistakes, being sensitive to that fact in your safety management systems, establishing proper processes having regard to the human condition and exercising proper supervision of those systems, means that an employer can discharge their obligations:

Where an employer is found to have laid down a safe and proper practice and there is no evidence that the employer failed to use due diligence to see that the practice is observed, then a casual failure by inferior employees, even if of supervisory rank, to observe that practice on a particular occasion will not render the employer criminally liable for a failure to ensure safety: *Collins v State Rail Authority of New South Wales* (1986) 5 NSWLR 209 at 215E (*Safe Work NSW v Wollongong Glass P/L* [2016] NSWDC 58, [32]).

What a proper appreciation of the Social Psychology of Risk, and the legal boundaries within which it operates, allows us to do is to understand how we should develop our risk management processes in a way that addresses social psychology.

Knowing that people make mistakes is one thing; understanding why they behave as they do will provide a much more meaningful and effective roadmap to help us navigate within the boundaries prescribed by the law.



CRAIG

Sometimes what makes a conversation ‘risky’ is that those involved belong to different groups or collectives. This means that there is the potential for disagreements or confusion to occur based not on a difference of opinion over a particular idea, discourse or ‘text’, but over a deeper conflict of colliding trajectories of one or more, alternate, coherent views of reality, that is, different Collective Coherences. This can happen when people belong to different groups that make assumptions about:

... the nature of things, the categories in which they think, and the logic that organises these categories into a coherent understanding of reality. It becomes increasingly clear *that people live not in the same world with different labels attached to it but in radically different conceptual worlds* Hiebert (2008, p. 15). [Italics added]

Many disciplines and professions have identified something akin to this idea of collective coherence, using various labels such as ‘worldview’ (Nagle, 2002; Sire, 2004), ‘paradigm’ (T. S. Kuhn, 1962; T.S. Kuhn, 2012), ‘habitus’ (Bourdieu, 1990; Grenfell, 2012), ‘frames’ (Schön & Rein, 1994), ‘mental model’ (Senge, 1990), ‘schema’ (Bhattacharya & Han, 2001), ‘organisational culture’ (Schein, 2010), and ‘knowledge cultures’ (Brown, 2008). In this book collective coherence is used as a large and general container that can encompass all of these more specific meanings.

In my (Craig) facilitation I assume that people with different types of expertise come from different worlds of thinking. Therefore it is important to have genuine dialogue to make sure we are able to bridge the boundaries between the different worlds and develop some form of shared language and understanding. This becomes a way of producing transdisciplinary learning, where we cross, transgress and blur the boundaries between us. One way to do this is to tell stories to each other that explain what we mean and then explore why they are important to us. Therefore this book has many stories, mostly told by Greg and Rob, but also a few from Craig. Crossing these boundaries, and even being willing to blur boundaries is risky stuff and this is what this book seeks to demonstrate and model.

All three of us trust you will find this book helpful and enjoyable.

Rob, Greg and Craig



SECTION ONE

Myths, Fables and Foibles in Risk







CHAPTER 1

Let's Talk

It is when we see each other's faces and hear each others's voices that we become most human with each other. The thrill of 'risky talk' comes from being in the presence of and in close connection to your listener. Sherry Turkle

The first principle of dialogue is, start with heart. Patterson et.al.

Craig: Welcome Gentlemen. We're here to chat about 'Risky Conversations' and I guess the first question then is going to be 'Why are we here?' So starting with you Greg. Why are you so interested in doing this?

Greg: Well, for me the motivation to talk about risk in the modern setting is born from a sense of frustration for me. Just being involved in so many legal proceedings over the last twenty five to thirty years motivates me to help. I see many organisations that have sunk so much time, so much effort and so much money into their management systems, which ultimately end up being the main source of legal liability for them. And, as part of that exercise, having to spend time with managers who are either being prosecuted, who have to give evidence or have to speak to investigators (typically following a fatal accident) and talking with them. This makes me want to help. They then express to me 'well no one's really explained my obligations to me before', 'no one's explained how these management systems work', 'no one's explained to me how they get looked at in a court of law'. Really having a conversation to help unpack what these management systems mean in practice and, what should individual managers should know about them, to actually manage their risk, is what motivates me.

In this opening we seek to explain our reasons and rationale for the book. This includes a brief introduction of a personal and professional nature to help anchor the listener and reader to what is behind comments in the dialogue.

When we speak and use the word 'industry' it should be understood to include the industries associated with risk, safety and security.

Whilst Greg and Rob see much that is dysfunctional symbolised in the ideology of 'zero harm', this will not be discussed directly in the book. Many facets of arguments against this ideology have been covered previously in Rob's book: *For the Love of Zero, Human Fallibility and Risk*.

Craig: And Rob, for you why?

Rob: This concept of a book about 'Risky Conversations' came out of a meeting with Greg. We met about 3 years ago and I think we became friends fairly quickly because there was a connection both in frustration except that I'd like to use the word 'despair'. I find the current situation in addressing and approaching risk, despairing. There are lots of things, which I think I don't have a great deal of hope for, and yes they are frustrating but they get to the stage where I despair of any chance of change. So when I met Greg I kind of thought - wouldn't it be good to have a conversation between a lawyer and not a safety person, not an engineer, not a regulator but a person who was interested in Social Psychology and people and human issues. Wouldn't that be nice because what's lacking in the industry is the very basis of the art of conversation itself. So the idea of having a book called 'Risky Conversations' emphasises the fact that what we are actually doing is risky but necessary. This is something that has to be done, not just by us but by a whole industry. So I guess that's come from that meeting and this book has really just evolved from that.

Greg: I think to follow on from that point Craig, I think the title of the book 'Risky Conversations' symbolises both for Rob and I captures the many concerns we have. We don't have enough conversations around risk; and in safety, it's all about numbers and not a narrative.

Rob: Yes

Greg: It is risky to challenge the norms in safety and risk and Rob and I can both share stories of people we know who have had their jobs terminated because they've challenged concepts such as zero harm.

Rob: Or asked a question.

Greg: Or asked a question about zero harm or challenged why we are recording lost time injuries for example. So what we're hoping to do, if perhaps we can have the risky conversations, that might allow other people to challenge some of the mythology around safety and risk management that is out there.

Rob: And I think that people get attracted to the kinds of conversation you and I have and they're the ones they want to have, and in a sense we have them and they wish they could participate. But the idea of risky conversations gets to a whole range of deeper issues as well. I think that there are a range of disciplines in risk and safety that simply don't talk to each other. And if we can model

that there is a conversation to be had and, it doesn't have to be adversarial but it can be one that's one of understanding, to try to reach a new consensus or a new way of thinking then maybe this model is worth modelling, it's worth giving. So I think there are a range of things caught up in this idea of risky conversations maybe there's more that we can talk about but I think that's enough for the moment.

Craig: So with both of you, this is not your first book?

Rob: No

Craig: So what previously have you guys written about?

Greg: I've written two books, one on Management Obligations which is drawn from a range of different case studies and what courts and tribunals and enquiries have said about the expected behaviours of managers in that environment. And I have also done a book on Contractors Safety Management, to try and help organisations deal with that difficult relationship from a management perspective.

Craig: Rob?

Rob: I have written four books. The first one I was absolutely staggered at how many books that has sold. Just so surprised. The first book was about risk aversion and how it didn't make sense. The following books were about the ideology of zero, the third was about the idea of being discerning and wise in risk, and the fourth one was about leadership and followership in risk. So this is the fifth book for me.

Craig: So for both of you it's your first collaboration? So why collaborate if you're obviously both experienced in just writing as an individual author?

Greg: I'd like to pick up on Rob's earlier point. The idea that there are so many stakeholders in the risk management industry if you like, be it risk, be it safety, be it security, environment, engineers, lawyers, social psychologists, a whole range of invested stakeholders. In part this is an opportunity to bring a very small part of that stakeholder group together, to try and start a conversation around what the different stakeholders can bring to bear on this difficult topic, I think.

Rob: Yeah, yeah. I think that some of this too also comes back to the point which we might talk in a minute about, who we are. I think in some ways I drifted into this, my career originally started

As of 2016 this series on risk has sold more than 20,000 copies.

Whilst this is the first collaboration between Greg and Rob, books one and four were also collaborative books. Book 4 with Craig.

One of the messages in the book is that of trans-disciplinary collaboration. It is interesting to note that Rob has just started working with the Mining Engineering Faculty at Monash University to bring in the principles of the Social Psychology of Risk in leadership. This is being taught by Matt Gill.

The theme of collaboration is also connected to the themes of risky conversations and trans-disciplinary dialogue. Much of this depends on the ability of the discipline concerned to believe that they have 'unknown unknowns'.

in education and learning. At a very young age I became very interested in education and learning. Not just in school teaching, or in training, or in education but I guess in the concept of lifelong-learning and all-of-life-learning. There are aspects of the industry in risk which I think are anti-learning, anti-growth, anti-wisdom, anti-maturity. I find lots of those things not only abhorrent and despairing, I'd like to see something done about them. Again, doing a simple thing like modelling a conversation and listening to a lawyer, I guess you say 'well I'm not a lawyer I have something to learn'.

Craig: Hmm

Rob: You're not an educator (looking at Greg), so you have something to learn and we have Craig who is in the mix, who's a facilitator who has a whole range of specialisations, we have something to learn from him (and Rick). Why are we not doing this in the work place? Why are we cloistered in disciplines where engineers don't consult educators on how to run an induction, where safety people don't consult a lawyer about a decision in regulation? Why is that? It's bizarre.

Craig: So what about your background Greg?

Greg: I grew up on a wheat and sheep farm about one hundred and thirty miles north east of Perth in a place called Goomalling. I had a great childhood, terrific parents, two younger sisters and a younger brother. I think a lot of what I do was informed by those years. As a farmer's son you are always taught accountability for your actions, we didn't have a lot of managed systems and you don't have a love of bureaucracy. I went away to boarding school, mum and dad sent all four kids away to boarding school, and from there I sort of, to adopt Rob's words, drifted into law. It was back in the late eighties I did law because I got enough marks to get in, it wasn't a burning passion of mine at the time but I got enough marks, it seemed like a good idea. So I went into the law, and worked for one of Australia's Premium Law Firms at the time and still is Freehills; mainly in the employment, industrial areas.

Although I started off with Freehills, I've actually resigned from them three times. The first time I left I went and joined the army and I was doing corporate law and it didn't appeal to me, went and joined the army and did that for a few years. Literally, as in physically literally, ran into a mentor of mine outside a restaurant in Darwin, bumped into him. He was a great mentor in industrial relations. He took me back to Freehills and then from there I was

in and out of Freehills in law for a number of years until I ended up doing something completely different again. I went to work for Woodside as the principal safety advisor before eventually setting up my own safety business and now my own law firm dealing almost exclusively in safety, law and health.

Rob: I have had a very different, quite contrasting career, in fact I have had a number of careers. I had a very different childhood. I was bought up in a very rigid fundamentalist Christian home in a marginal denomination, but very caring, loving parents. I don't begrudge any of my childhood and upbringing, and I experienced like Greg, a great deal of love. In a very large family, many kids.

My parents used to bring in people off the streets who would live with us as well, out of compassion for people. I remember my first working days when I was fifteen, working with my brother who was in the building industry. He had his own company and I used to earn money working for him, and I did that for three or four years and then also worked with him during my first university stint, and so my initial approach to work was in building and construction. Then once I qualified as a school teacher I worked in school teaching for 9 years and then after that all sorts of things happened. I went and worked in the church, in social work, in prisons and detention centres, and then by some weird influence of my life, for some reason I thought I would be good in government so I worked as a public servant which was a huge shock to my system.

Then I 'drifted' into risk, and so a combination of many things. I previously worked for an International safety company as an educational developer and then just through 'happenstance' I worked into the area of risk and then into safety, and then into security doing all sorts of interesting things in that area. So I guess a quite lengthy background and quite diverse. I do have this funny thing that I'd like a dollar for every time I get some person in the risk industry or safety industry telling me I don't know anything about risk and safety because I've never worked in their area. It's the collared shirt, the pointy nose sort of thing. Do you get that Greg, do you get the mythology that you can't connect, you've never lifted the hammer, you don't know how to change a tyre, that sort of thing, do you get that?

Greg: Oh, not as much, and I suspect part of that comes from my engagement as a lawyer. So when I'm being brought in it's very much that I'm being brought in as a lawyer, or at least with a legal perspective. I wouldn't pretend to tell people how to do their trades, how to work in that way. But at the same time if anybody

To read more about the ideology of fundamentalism there is a comprehensive Chapter (six) in the book: *For the Love of Zero*. This is a partial extract from Rob's PhD.

For a further look into 'happenstance', 'drift', luck or randomness/emergence it would be good to read the work of Letiche et.al, Clayton but especially Jung on Synchronicity. All are listed in full detail in the Readings section at the back of the book. Smith's work on *Luck* is also very accessible.

Any reading of the groups in risk and safety on social media (eg. LinkedIn) will demonstrate just how much the safety sector despise academia. The mythology and vitriole against academia is overwhelming, so much so that there are very few academics on any fora on social media in risk and safety, further dumbing down the industry and the 'pooling of ignorance'. Worse still, the attacks are often personal and nasty, demonstrating a lack of sophistication in thinking in the sector.

Most recently the Pike River Royal Commission (<http://pikeriver.royalcommission.govt.nz/Final-Report>) has noted that the number and length of the documents in the safety management system undermined its credibility, and that personal injury rates were not much help in assessing the 'risks of a catastrophic event faced by high hazard industries' (See the final report of the Pike River Royal Commission, Volume 2 page 53 and 73).

wants to get into a challenge around my ability to understand the nature of hazards, the nature of risk, the nature of work - I would say, 'I'm a farmers son, I've been a soldier, I've been an army officer' so I feel like I can challenge most people when it comes to the understanding of work place risks and those sorts of things.

Rob: I get the doctor thing in front, the moment the doctor thing comes in front people parcel you as a Phd and you have an industry that disparages qualifications. One of the things about Safety is just how much it loves dumb down and is terrified of academia. In the safety industry and risk industry if you show up with a doctor in front of your name, they actually think you don't know what they do.

Greg: It's a big challenge I think.

Rob: Yep

Craig: What I'm wondering is, why is it that you guys are coming up with these ideas and that there aren't books on this out there already. What do you think it is about either you, or the industry that's resulted in this?

Greg: There's two parts to that I'd like to touch on very briefly. First of all the issues of my frustration at least, are not in any way, shape, or form, hidden. So for example, every major accident enquiry on the planet for the last thirty years has told us that our systems are too complex for our people to understand. Every major accident enquiry in recent memory has told us that measuring personal injury rates is not a reliable indicator for safety.

So we know of these sorts of things and yet they continue to dominate the industry and they continue to perpetuate throughout the safety industry in particular. I don't understand, and what I really struggle with, is why they continue to have such a strong foothold in the industry. I struggle to understand why it is that organisations and the leaders of those organisations, can't see what the fundamental flaws are in the way that we manage risk and safety and why they can't motivate themselves or their organisations to change. Rob and I both touched on this earlier, this whole notion of risky conversations, in part it seems to me that stakeholders have so much vested interest in the status quo that you're not entitled to, or allowed to challenge, to challenge the status quo. And I think internally it is very hard for the safety industry to challenge itself and perhaps that's why two people from outside that industry in some respects need to offer that challenge.

Rob: Yeah, I would endorse that and go deeper. I think there's a fundamental culture within the industry associated with risk and safety that does not encourage or teach people to be critical in thinking. If you look at any of the training packages associated with what you might call the base line training to do with risk, or to do with safety, or to do with security, they're not approached in a way that say a lawyer, or a educator, or a doctor, or a nurse, or a teacher, or any of those professions, are allowed, or in fact taught to be critical.

In any of the professional degrees you are obliged to do a foundational study of sociology 101, psychology 101, philosophy 101. I find it astounding that those three are missing from any training in risk, in security, or safety, they're just not there. And so, I think just in the training sector alone, forget other parts, it's like we've created a culture that is anti-learning and anti-criticism. I think the uniqueness of your background Greg and mine coming in as outsiders, and some people would call imposters, bring in that critical aspect of sophisticated analysis and critical thinking, now that can be interpreted as being a trouble maker or whatever but the point is critical questions are not being asked.

Greg: No

Rob: And often they are only being asked when you actually do get to court, when you actually do get in front of a critical finger, and we call them Queen's Councils, or Senior Councils. All of a sudden we discover we are paying a fortune for this person because they know how to think. Organisations and people call me up and often say, Rob come in and help us think, that's all they really are asking. So, I guess I kind of understand it in a way, from a social psychological perspective, we've created not we, but the industry, has created a place for itself, built a fortress for itself out of these rock solid walls and those walls are made out of things like regulation, engineering and systems and we have made that the fortress. Unfortunately we have lost sight of the people inside the fortress and we now treat people in the most despicable way in the name of risk, or in the name of 'helping' them to manage risk. I get upset with that kind of brutal culture that you see in that industry, and it doesn't make sense.

Greg: Yeah. I think we bring different perspectives ... Craig to come back to your question; I think, the issues that are concerning to both Rob and I don't think they are hidden in any sense. But I do think there is something about the safety industry, as it exists at the moment, that really does discourage challenges to the status quo.

For more on critical thinking perhaps read Paul (1993) or works on ethics in leadership. Craig and Rob tackled this issue in book four (chapter two): *Following-Leading in Risk*. The issue of ethics is something where the risk and safety industries are particularly silent.

Indeed, there is very little understanding of the ideologies that pervade the industry and the ethics of trajectory associated with dominant ideas.

The dominance of technicist and mechanistic paradigms is the norm in risk and safety. This is most evident in the focus on hazards and objects rather than people and relationships in managing risk. The curriculum in risk and safety is predominantly a curriculum focused on objects rather than human helping skills yet the regulation and the nature of the work is primarily about communication, consultation and supporting others. These three are de-emphasised in the risk and safety curriculum.

Chapter two in *Following-Leading in Risk* discusses a number of prominent cases in Australia where corruption demonstrates a total misunderstanding of risk by organisations and managers.

Do a search in the risk and safety space for anything written on ethics in risk and safety and you won't find much. Unfortunately, it is the elephant in the room. The notion of ethics is given no attention in any risk and safety curriculum.

Craig: And you mentioned safety. Would you say the broader risk industry is similar?

Greg: I think so, I mean bearing in mind my main experience is in the safety and health industry but again to take a slightly legalistic approach just when you look at the failure of risk systems. We see it in the current Royal Commission into child sex abuse, we see it in a number of the financial scandals that involve major banks over recent years, when you look at the structural failure of risk management systems with a lawyers lens they are all inherently the same, highly documented, highly complex systems, very compliant, check box mentality and at the end of it all, when you get to cast a critical eye over them, what is documented in these complex systems in no way shape, or form, represents what is actually happening in practice. So, I think the failure that I bring from my area of risk in the safety and health space, is mirrored in a whole range of risk and related industries.

Rob: Yeah, I would go further than that. I think that there is a huge disconnect, not just in risk in general but also in leadership connected to risk. So, for example, do any search on the internet searching for books on leadership, they're in the tens of thousands. Add in your search the word 'ethics and leadership' and there are a handful of books. I look at these risks, to do with say the enquiry into union corruption, or the enquiry into business corruption, or even how the global financial crisis came about, and there's a huge missing piece and it's called 'ethics'.

Organisations are making lots of these decisions but with no consideration for the ethical trajectory of that decision. So people are putting things in place, which are dehumanising. At the time it doesn't look like it but we see it in three years time and then we pay the price. So I think the issue of ethics is a big one. I am astounded why you can work in an industry, which is about what risk people tackle - without any study, or any contemplation, or any reflection on ethics. There is no study of ethics in a qualification on risk and I think risk is fundamentally an ethical process.

Greg: Can I ask you a question on that then Rob? For a long time I believed that the highly documented management systems result in the abrogation of responsibility.

Rob: Yep

Greg: I abrogate my responsibility to lead and to make decisions to this documented management system; I don't have to fulfil my role because this paperwork, this process fills it for me. Do you think

it's fair to say that to some extent ethical considerations are also abrogated to those systems? That I don't have to make that ethical judgments anymore because the systems are in place to fill that for me?

Rob: I'd say so. What's interesting is that I didn't actually know that you had jurisprudence in your background and I haven't done study in jurisprudence but there's a nice little connection between your knowledge of jurisprudence and my connection to ethics; having both taught, lectured and studied it. And what's missing in the discourse in the conversation on risk, is this question 'is this ethical?' and 'is this an ethical outcome'? So by throwing lots of things on to systems it looks initially like we're doing something ethical. When we see that actually doesn't help us manage risk, in fact, that it increases risk because of that abrogation of responsibility, it ends out being unethical. It may have a good intention to start but a terrible outcome when people abrogate their responsibility. So people listen to me and say oh you want to reduce systems, that's immoral and I'm thinking no, I want to reduce systems because it's ethical. We will get a better outcome if we shift away from that abrogation of responsibility, to a more conversational, more relational approach to managing risk, rather than a systemic approach to managing risk.

Craig: So I guess the final important question for this introductory bit and I'll start with you Rob this time is: Who do you see this book being for? Who is it that you've got in mind that you would want to listen in on these conversations?

Rob: That's a good question because, I think when I initially started on this journey, I think I was closed in thinking to one or two professions that might be interested. You probably don't know that I started a Master's Program in the Social Psychology of Risk at a University, and the number of people who started attending was amazing. People came from health professions, so there was a matron type person who attended, there was also a person who managed a health services with thousands of employees, I had a fellow who was a Manager at the stock exchange. Safety people attended, risk and security people in Defence attended. People came from all walks of work.

I now think this book should have an appeal to everyone even if they're a school teacher considering risk. Should I take twenty eight kids on a bus and take them camping. Should I stop my child playing in the playground; you know that wonderful work by Tim Gill called No Fear, just amazing; and it's all about risk aversion

The subject of discourse is critical in understanding the Social Psychology of Risk. It should be remembered that discourse is about the power embedded in language and semiotics (sign, symbol and significance). Discourse analysis and cultural theory are critical aspects of a social psychological understanding of risk. So what is embedded in this discussion is commentary on the way that power is hidden in the trajectory of various positions in risk and safety. It is important to remember that no position or ideology is value neutral and all imply an ethical stance in relationship to the humanising or de-humanisation of others.

The Social Psychology of Risk qualification is no longer on offer - it was ended by an administrative manager at the University despite its outstanding success both financially and academically with 78 graduating students. The studies in the eight units continues as non-accredited towards a Diploma awarded by the Centre for Leadership and Learning in Risk.

To enquire about these studies (4 units online and 4 face-to-face) please contact: rob@humandymensions.com

This is a topic that Greg explored in some detail in Greg's first book, Management Obligations for Health & Safety.

again. So I think, my hope is that this book Risky Conversations might permeate into a whole range of areas we're not even aware of, although our specific conversation at times drifts into the risk and safety industries. I think if people can think more broadly about it, (this knowledge) it should drift into how you shop; it should drift into how you go on a holiday; it should drift into how you fix your back fence. And there's a huge incongruence between those too. You know what we do at home, I find it just absurd that we put these massive constraints on a person with forty years experience in carpentry or design, bring them into a work place and say don't and then they go home and do all those things. And so it's as if we're schizophrenic about risk, it's insane. I also think we're schizophrenic about the law, so who's the audience? Maybe I'm naïve; I think it's for everyone. But I know in fact a few professions and a few industries will be more interested than others. What do you think?

Greg: I would like to go back to something I said right at the start. One of my biggest frustrations and biggest concerns, is the amount of times I'm sitting in a room, there's been a fatal accident, I'm sitting with a manager and they patently don't understand what happens next; how their behaviour is going to be looked at, what their systems actually mean. So for me my first wish is that managers in any organisation, of any size, or any complexity, get hold of this and take from it an understanding of okay, this is what it means for me. I'm in this role, I'm responsible for people, I will be held accountable if something goes wrong; what does it mean for me? My second real hope would be that senior executives take a long hard look at this book and think, perhaps there is something we can do differently. It's going to deliver a better outcome for our people.

That would be a very strong hope, and thirdly and equally strong, would be the hope that leaders in the health and safety industry can look at this and go, the lessons are all there, there's nothing new and imaginative, in the sense that the failures of safety management have been known for thirty years and they continue to repeat themselves. Perhaps there is an argument for doing something differently, so for me that would be my key audience.

Craig: Okay guys. So we are getting in to the start of the guts of the issues but really that's going to have to happen within the context of what are we meaning by risk and already I'm getting the impression that it's a word used in a whole lot of different ways. So I'm interested in both, what you think 'risk' usually means in the industry, and then how you both would describe risk yourselves?