

## Dealing with Difficult Regulatory Inspectors

When I retired from the regulatory work world I wanted to share some of my training, education and experience with my aviation friends and colleagues. Since most of my career had been in larger organizations, another personal goal was to be in business myself rather than being employed by such organizations no matter how good they were. So I set up Plane Talk Consulting and began. One of the first things I did was to see if anyone was interested in learning about how government regulatory systems work and give some feedback on how to deal with them. So I created a short course called, "Dealing with the Regulator". It was popular and I believe I spoke to about 400 or more aviation people before I stopped doing it. Since it was not a mandatory course like Human Factors the fees were very small which meant I had to keep it local to Manitoba and Saskatchewan to keep travel costs down. I mentioned to Joe Escobar, Editor DOM, that some of what I taught may be of interest to a wider audience. One section chosen was one called People and Conflict or dealing with difficult regulatory inspectors. I won't be pure as this article will also speak to difficult industry customers as well.

The vast bulk of the people employed in aviation both in governmental services, military and civil aviation are dedicated professionals who normally do not indulge in negative behaviours. However, being human some of us do slip up from time to time and need to be able to deal with negative or critical feedback. That is very difficult for all of us. I soon was taught, first in the Air Force, then later in the airlines you must be able to ask questions and also deal with the fallout from your decisions and performance. Its tough enough in maintenance but I was happy not to be constantly checked like the pilots and air traffic controllers. As the years went by I found the further from the flight line, like in manufacturing, the more time for analysis. On the flight line problems and solutions came fast. The bottom line is that you must deal with conflicts and some very ill mannered people, even in fast paced environments. On occasion some of them may have legitimate complaints but have no idea how to successfully deal with them especially if the situation involves a governmental agency. So here we go.

## **Some Industry Views on Inspectors**

Over the years I have heard many comments regarding the abilities of government inspectors. The one most often used is that they are incompetent otherwise they would be working in the private sector. Another variation is that they once worked in the private sector but could not keep a job or they have no experience in my area of aviation work. They came from the military and have no civil experience. Finally, they have no business experience. These types of comments can reflect underlying views and can then lead to misunderstanding of what the inspector is capable of and what their responsibilities and challenges are.

So let's discuss each one. Inspectors are normally only hired after a rigorous selection process comparable to private industry. They sit exams, appear before panels, normally three person panels and must pass both oral and written exams. They also need to hold current credentials and/or licences; in whatever field they are being hired into. Today they also need to have private sector management experience for a lot of positions. Many not only hold trade and professional licences and certificates but university degrees as well. In many countries you can add in second or third language skills. Then their experience is assessed as most regulatory bodies want several years of field experience. Most of the military types are extremely well qualified and if from the officer ranks usually have university degrees as well. Many inspectors are multi-qualified. So the incompetent argument can easily be set aside.

## **Some Inspectors comments on Industry**

Since both groups are human one hears inspectors saying unfounded things about industry as well. Here are some of them that I heard over my 33 years at regulatory work." People in civil aviation are only interested in money and not safety". "They only care about profits, (normally directed at owners, usually of smaller operations)". "Good technicians and pilots but, (you can add in your own thoughts here, one heard might be however), ...they have no management experience. "The people I have to deal with do not understand the regulations or

their legal responsibilities.” Closely following this would be “They have no idea of their criminal or civil liabilities”. Finally,” they are all scofflaws, unwilling to follow the rules”.

### **Work place differences that set up conflict**

Some of the conflict starts from not understanding the differences in the work environments and cultures. My experience moving from private sector to military to government and back to private shows that the two areas are quite distinct. One of the biggest failures I have seen in government is trying to move private sector systems into government service. First of all, the electoral cycles bringing in different philosophies at the top really means the public service becomes the stabilizing influence. In companies the longer tenure of senior management normally means a steady course. Of course there are exceptions to all this.

The role of finances is quite different. In private operations the profit margin becomes the goal setter. If you can manage the maintenance operation under budget and not affect on time performance or safety you are a good manager. In government its quite different. If an aviation manager has a budget they are expected to spend it on the area of activity in pursuit of safety. If you cancel inspections just to save money, it's obvious you are not doing your part to improve safety meet the inspection plan. If there is an accident the safety boards will quickly note that you failed to do the planned number of inspections. It would be similar to cancelling a D check to save money, something a DOM would not normally do. This difference sets up conflicts in expectations.

The accountability framework is quite different as well. Public managers are expected to always consider the public interest. Your panic on Friday for a flight permit is not a public interest matter. It may be an operational one for you or a profit making trip you want to make but from the regulatory side it does not warrant pulling an inspector from an audit, for example. As soon as there is an incident or accident the safety boards want all inspections and audits on your company. Not doing the planned number is something the public servants are held accountable for. Saying I stopped an audit to issue a flight permit does not hold much weight in the court of public opinion.

Nearly all inspectors have some private sector experience, many as managers. They are aware that you need the permit to work and make money. The bottom

line is a large part of the DOMs accountability not so much the public except for their customers. Some items are similar, for example both inspectors and DOMs are accountable to their superiors in the organization. The operational pressures on DOMs can be transferred into their approach to the regulatory inspectors. Inappropriate language, threats to go legal or political. The Inspectors on the other hand and need to remain calm, remember the public interests and not be rushed. Sometime they fail, as do the industry people and conflicts arise.

Last comment on this is that government organizations have in place lots of rules outside the main regulatory ones. These are covering the equal treatment of all, detailed financial reporting and such things as freedom of information and privacy. Large corporations can have as much; smaller companies tend to have less. Today with so many regulations outside of aviation to deal with a DOM has as much need to be a good bureaucrat as any government inspector. Not understanding this can also cause issues.

### **Inspectors Watchdogs**

So who inspects or watches the inspectors? This part should make you feel better. Many people and organizations do. Here are a few. Courts and tribunals, congressional and parliamentary committees, departmental managers, aviation associations, members of Congress and Parliament, Unions and Professional Associations, Auditors Generals, Police, Transportation Safety Boards, Media, the general public and aviation public. Inspectors and their manager know this as well which acts as a check on any out of normal behaviours. Are you feeling sorry for them now or giving up on that inspector's job? In spite of all the above the inspectors generally do a good job and it is a rewarding career for aviation types.

## **Mad with power**

Unfortunately, there are some personalities who are not suited to be police officers or regulators. First of all, you need to like dealing with people and all their different personalities and traits. The same can be said of DOMs, however my objective in this article is to give industry some ideas on how to deal with difficult inspectors, so we will concentrate on their behaviours and performance. Here are some of the things you might meet up with in your aviation management career.

Do it my way! Regulatory inspectors are not supposed to give advice outside of what is found in official advisory circulars. The reason is one of liability. Inspectors do sometimes share experiences without giving away someone else's secrets but saying do it my way is a whole other issue. "I have no budget!" Sometimes used to delay or avoid the issue. Sometimes it is just internal politics coming out. "I have no time!" Somewhat the same as no money. Maybe they are overloaded or do lack the time. "Do it like company X! "Not supposed to happen but sometimes does." "I demand that!" One need not use this statement as everyone is aware of how much authority regulatory inspectors have." I will pass this to enforcement!" It could just be a warning or threat but makes you wonder what is really at play. I can tell you that in 33 years I never saw lack of money or time be a critical factor. If necessary managers can move money around or obtain more with justification. If you hear that as a factor as to when your work will be done simply contact the inspector's superior and discuss the matter.

### **So, how do you deal with a difficult Inspector?**

Well that is a good question. First of all, go back to some previous articles and recall your managerial and communications skills courses. As soon as you realize you might be dealing with a difficult inspector begin documenting all interactions. Witnesses are always a good thing to have. Remember to deal with the issues if you can and not the personality. If you cannot deal with the individual, then move up the supervisory chain. Some people do not deal with the person because they feel that the department will get revenge. This rarely happens as there are too many watchdogs as I said earlier. Its not worth an inspector's career or that of their manager. You need to understand that inspectors are unionized, are citizens

and have all the rights to fair and due process, natural justice, you cannot just accuse someone without solid evidence. So do the homework before any action.

Check with any associations you belong to and see if same name is common to problems in other companies. Do that discreetly because things get around and you do not want to libel someone. Always stick to true facts not rumours or hearsay. Its frustrating for a regulatory manager to hear same name brought up but without real evidence. Their hands are tied without documentation. Long gone are the days you can discipline someone based on hearsay. The difficult inspector may just be more diligent than others and is finding more issues in your organization.

First discuss things with inspector. Keep cool and use only facts, document everything. If the issue is not resolved contact a supervisor and meet with them as necessary. Face - to - Face is still best but if distance is an issue use video conferencing, body language counts. Document any telephone conversations and meetings especially any actions or follow up that were decided. Remember the 3 C's, confront, correct and compliment. It is important to follow up and if resolved compliment the parties. Your relationship with the local regulator is important to your success.

Try to avoid escalating the issue by threatening legal or political action. As I have written before inspectors are rather immune to such threats. If you need legal advice seek it but maybe before you put the threat on the table. Sometimes we all get so set in our positions that all discussion becomes untenable. Lawyers are well trained to look at all the facts before taking action so listen carefully to them.

Take note of the departments policies on inspector behaviour. If it mentions professionalism for example, or fairness, analyze the action against the policy. You might be able to use any failure to meet their stated policy as a negotiating chip. But you must be better than Caesar's wife. By that I mean make sure you're clean, if the inspector has found you're skipping AD checks it might not be a good time to bring up behaviour matters.

In conclusion, keep calm, no emotional reactions, document the issues, meetings, etc. and deal with the matter until you are satisfied. There may not be any

winners but you may help to improve things on both sides. No one wants unresolved personality issues floating around either in industry or the regulatory body. In my career I have seen few really difficult inspector situations, most of the issues I was involved with were quite within the bounds of normal, just people having a bad day, which happens.