

Are They Out to Get You??

In this article I will attempt to deal with the age old question aviation regulatory inspectors frequently hear from industry people. Are they going to get me if...? From the first days I was employed as a regulatory inspector I've had individuals say to me, "I know about some issues but cannot tell you because the department might find out who told you and come after me." Hopefully by the time you have finished reading this article you will understand how one might feel this way but in reality it is very difficult for any regulatory inspector to actually 'get' you. Some of the items I may touch on have by now been covered in past articles regarding the work of regulatory inspectors. In this article I hope to address the central questions, "Are they out to get me?" or, "Will they help me?"

Work Place Culture Realities

You are probably by now quite familiar with the "Dirty Dozen", which is part of human factors training. One issue discussed in the course is workplace norms or culture. The workplace culture sometimes determines how people will treat each other based on whether it is a 'get' you or a 'help' you type of environment. If you work in a very punishment orientated environment there is a good chance you need to be fearful. Of course, common law, labour relations law and the internal regulations where you work apply. All of this constrains the ability of individuals and managers to act as they would have been able to in earlier times.

My experience in working with many thousands of people over the years in farming, private sector, military, government, volunteer work, participation on boards and involvement in community events, I have come to realize that there is not really much difference in individual behaviours. Our behaviour is influenced by many things, for example peer pressure and the acceptance by others play a major role. Generally speaking, one tries to earn and keep a good reputation and be seen as someone who is fair and can be counted on to keep one's word. This is very important in aviation as lives depend on employees doing as they are trained to do and doing as they say they did. An example of this is when completing a daily inspection, one might sign falsely that it was completed but standing behind that signature is the individual's reputation and trustworthiness.

I've had many conversations over the years, mostly private but sometimes in public forums, regarding the common view that inspectors were out to get an individual. I will admit that in the early years before the more stringent enforcement rules individual inspectors had a lot of discretion. An inspector could actually request someone's licence and hold it in his desk drawer for 14 days or so as a punishment for not following the regulations. This all changed in Canada around the 1980's after the enforcement rules and the general regulations were overhauled and became legally based and appeal tribunals were set up. The former practice had its problems as there was no appeal and decisions could be based on personal favoritism. Those days are long gone of course, but it did work and worked without a lot of extra expenses for government or Individuals.

Out to Get You

As I moved around in the industry as an inspector and people got to know me better, they talked more freely and openly with me. One of the main issues revolved around aviation individuals doing things that were not strictly in line with aviation regulations. One of the first comments that I would receive from the person who wanted to report on an issue was that I could not use their name as a source of information as the word would get out into the industry. This could cause them both business and personal problems. The source would also raise the point that they could not complain about an inspector's behaviour or knowledge level as the inspector's friends in the department would then get even.

These fears are unfortunate because if the people who obey the rules have to compete with ones not obeying the rules it makes for an uneven business field not to mention impinging on the safety levels. For example, an agricultural spray operator would complain about operators installing their own heating systems in the engine cowlings for cold weather operation, while his approved maintenance operation would have to have an engineering approval. This is good intelligence for an inspector but only if you can use the source.

No matter how much one says that this fear of retribution is not well founded, a fear of government regulators remains. This fear is felt not only in such hard technical places as aviation or marine safety but in broader areas as well. Just consider how we all feel about the IRS or Revenue Canada. If you are a law abiding tax payer you generally should not feel apprehensive but a call from one

of these agencies can cause concern; the same is true in aviation. I personally found this to be a consistent concern from 1975 to 2007 in spite of many efforts to prove otherwise.

Do Inspectors Set Out to Help You?

The answer to this is no, but they will if they can. One of the changes that has happened over the years is that governments have become very wary of giving advice or at least of allowing their officers to give advice. In my view there are two main reasons for this. The first is the increasing tendency to find someone to blame and then hopefully sue the deepest pockets, which in most cases is the government. The second reason is the fallout from the Privacy Act and the Freedom of Information Act. Both of these acts lay serious penalties on individuals and departments. So it does not take much imagination to see how an inspector could be providing helpful advice that another person might see as a breach of their privacy. For example, the inspector sees a good practice at company A and passes it to company B. Well maybe Company A spent a lot of money and time developing the practice and does not want it shared with their competition. In the old days, say before 1970, the acts noted above and the tendency to sue were not so prevalent. It was considered good practice to spread good "airmanship" ideas around.

Obviously, it is a good idea to share good practice and the results of accident and incident investigations, public safety commissions and the like. So departments began issuing aviation advisory material and detailed regulations. As the world got more complicated legally, with all the appeal courts and tribunals, it made it more important to train all the inspectors to stay within the regulations and guidance material. Inspectors going outside of the regulatory material left themselves and the department exposed.

Of course all of this somewhat limited the amount of help the inspectors could provide. It also frustrates good inspectors as most wish to help. Experienced inspectors will learn where and how they can help without risking the department. Another thing that really decreases the time inspectors can spend time helping is their workload. Inspectors generally have a heavy workload of approvals and inspections to carry out. The days can pass very quickly without a

lot of time set aside to chat about better ways of complying with regulations. It is hard to predict if any regulatory authority ever has enough resources to do all they or the industry would wish them to do. Fortunately, due to all the hard work and dedication in the industry it all functions and for the most part very safely.

Overruling Inspectors

Over the years I had a lot of questions or comments relating to who can overrule inspectors. It surprises a lot of people to find out that senior people may have the authority to do that but it is rarely done. There are a few reasons why not. One is that the inspectors are in the safety business and few at the more senior level, whether in the department or in the political hierarchy, will take a chance on overruling safety decisions. You can only imagine the outcry if the inspector is correct and the department minister/administrator overrules them and an accident occurs. There was one famous case in Canada where a minister of the crown overruled a fisheries inspector regarding tainted tuna. It eventually cost the minister his job once people found out the tuna was tainted. Other reasons for not interfering relate to the extensive training of the inspectors and their access to data from many sources which is taken into consideration before making decisions, so their decisions are usually the right ones.

So who can overrule them without causing a great level of unintended consequences? Mainly, it is the immediate supervisors who in their own right are safety experts. This is considered normal procedure in both industry or government.

Summary

Aviation safety departments and their inspectors are a great source of assistance when you need them. The difficulty is getting their attention away from all of the other issues they are dealing with. They probably cannot assist you to the degree they would like to. To help them help you, make sure you have utilized all the published help in the manuals and advisories provided by the regulator. Ask around among your peers as well as they might have experienced the same issue. One of the best ways to get in touch with the inspector is by email or letter. Once the communication is received the inspector will take note of the issue. All written communication with the agency is logged and tracked.

The second point is about inspector retribution. This is rare. I cannot say it has never happened but I can say I have never witnessed it. Any cases that I heard of that had anything more than a rumour base ended badly for the inspector. However, there is big difference between getting even and what the inspector thinks of your credibility or record which can then determine the date of your next inspection. Inspectors assess every operation to determine its priority in the assigning of inspections and program validations (audits) and even ramp inspections. As much intelligence as can be obtained by the inspectors is all considered in these sorts of discussions and personal opinions on your regulatory behaviour has an important bearing. So guard your reputation and do well on your inspections.

Lastly, do not fear retribution for reporting matters to your inspectors. Being up front and open will not get you into as much trouble as trying to conceal things. So contact them and discuss what you need to. As I have written before, keep a close watch over your systems and records and it should all work out.