

Best Practices to Establish and Maintain a Safety Conscious Work Environment

Statement of Policy: The NRC expects that licensees and other employers subject to NRC authority will establish and maintain a safety conscious work environment (SCWE) in which employees are encouraged to raise concerns both to their own management and to the NRC without fear of retaliation.

The policy statement applies to regulated activities of all NRC licensees and their contractors, although it is recognized that some of the elements and attributes discussed herein to establish and maintain a safety conscious work environment may not be practical or appropriate for every licensee.

Elements of a Safety Conscious Work Environment

Effective Processes for Problem Identification and Resolution

1. Self-Assessment of SCWE - The licensee periodically evaluates and assesses information from pertinent areas/organizations that may contribute or negatively effect the SCWE to identify enhancements or adjustments to the SCWE (i.e., program enhancements, training enhancements, coaching and counseling, organizational changes, survey suggestions, etc.)
 - a. The areas with pertinent information may include:
 - i. Primary process for raising concerns (Corrective Action Program)
 - ii. Alternative process for raising concerns (Employee Concerns Program/Ombudsman)
 - iii. Human Resources (i.e., work environment concerns)
 - iv. Legal Counsel (DOL files)
 - v. Regulatory Affairs (NRC findings/observations)
 - b. Other SCWE practices are benchmarked.
 - c. Licensee participates in applicable industry forums to exchange best practices.
 - d. Use of external assessments of SCWE, as appropriate.
 - e. Needed enhancements are promptly implemented.

2. Employees are Encouraged to Raise Concerns
 - a. SCWE Policy exists that applies to employees and contractors stating:
 - i. Employees' responsibility to promptly raise concerns
 - ii. To the extent appropriate, employees are allowed and encouraged to spend needed work time to report concerns
 - iii. Sanctions for retaliation, including peer-to-peer retaliation (i.e., hostile work environments)
 - iv. Management behavior that promotes employee confidence in raising concerns.
 - b. SCWE training is provided to employees/managers, including:
 - i. Training for Managers/Supervisors
 - (1) Periodicity: as needed for new supervisors/managers
 - (2) Laws, regulations, and policies underlying SCWE expectations

- (a) Elements of Retaliation Claims; protected activity, supervisor knowledge of protected activity, adverse action, and cause and effect relationship between protected activity and adverse action.
 - (b) Consequences for violations
 - (3) Licensee policy
 - (4) Avenues available to the employee to raise concerns; Supervisor/Manager, QA, CAP, appeal processes, ECP/Ombudsman, NRC, DOL; how programs work and supervisor/manager's role within each.
 - (5) Expectations for management behavior
 - (a) Availability; open-door policy, in field, in private
 - (b) Receptive; listens, asks for input, asks "what if"/"why" questions, demonstrates understanding of concern
 - (c) Sensitivity; to the extent appropriate protects identity of concerned individual (CI) or other individuals that are involved, expresses appreciation
 - (d) Communications - various media vehicles are used periodically to communicate SCWE principles
 - (e) Timeliness; commensurate with safety significance of concern, periodic updates provided CI
 - (f) Responsiveness; action effectively addresses concern raised
 - (g) Safety-first focus; minimize potential perception that operating/maintenance costs may cause supervisor to be less receptive to safety concerns involving significant cost or schedule delays.
 - (6) Recognizing and addressing a "chilled environment"
 - ii. Training for Employees
 - (1) Periodicity: as needed for new employees
 - (2) Laws, regulations, and policies underlying SCWE expectations
 - (a) Elements of Retaliation Claims; protected activity, supervisor knowledge of protected activity, adverse action, and cause and effect relationship between protected activity and adverse action.
 - (b) Consequences for violations
 - (3) Licensee policy
 - (4) Avenues available to the employees to raise concerns; Supervisor/Manager, QA, CAP, appeal processes, ECP/Ombudsman, NRC, DOL; how programs work and supervisor/manager's role within each.
 - (5) Expectations for employee behavior
 - (a) Responsibility for reporting concerns
 - (b) Clearly communicating concern and ensure understanding of person receiving concern
 - (c) Share suggested solution, if available
 - (d) Follow-up to ensure issue is addressed
 - (e) Show respect to others raising concerns
 - iii. Continuous Training for Employees, Managers/Supervisors
 - (1) Periodicity: Annually
 - (2) Reemphasize key points from initial training
 - (3) Lessons learned/case studies
- c. SCWE is reinforced by demonstrated management behavior that promotes employee confidence in raising and resolving concerns, including (see Training above)
- i. Availability
 - ii. Receptiveness

- iii. Sensitivity
 - iv. Communications
 - v. Timeliness
 - vi. Responsiveness
 - vii. Safety-first focus
 - viii. Incentive Programs
 - (1) individual/team recognition/rewards for raising safety issues
 - (2) site-wide bonus/incentive programs reflect safety over production
 - Note: licensees should ensure that incentive programs don't inadvertently discourage raising concerns; examples: some employees don't want public recognition, identification of safety concerns may impact bonuses by virtue of impact on licensee performance.
 - d. Employees/managers have a positive orientation toward admitting and correcting personnel errors. While it is important to hold employees accountable for personnel errors, licensee personnel management practices, to the extent practical, should not discourage employees from raising concerns, near misses, etc. [Consider discussing self-identification and prompt, effective corrective action as mitigating circumstances for consideration in addressing personnel errors.]
3. Management is Promptly Notified of Concerns
- a. Employees/management have an open and questioning attitude - asks "why" and "what if" type questions to identify concerns
 - b. Processes for raising concerns are accessible, user-friendly and ensure understanding of concern prior to inspection/proposed resolution
 - i. Manager/supervisor - accessible in field and office
 - ii. Corrective Action Program - accessible paper forms and/or terminals
 - iii. To the extent appropriate, employees are allowed and encouraged to spend needed work time to report concerns
4. Concerns are Promptly Prioritized and Reviewed
- a. Safety/risk is used as a primary factor in the licensee's issue prioritization scheme for determining the breadth and depth of the evaluation.
 - b. Effective communications exist among various departments for openly sharing information.
 - c. Expectations are established concerning timeliness to complete the evaluation of the issue.
 - d. The process for screening issues includes a review for operability and reportability as applicable.
 - e. The depth of the evaluation is commensurate with the safety significance of the concern raised.
 - f. For significant conditions adverse to quality, the evaluation identifies the root and contributing causes of the issue.
 - g. For significant conditions adverse to quality, the root cause analysis addresses both the extent of the condition and extent of the cause of the issue.
5. Concerns are Appropriately Resolved
- a. The timeliness of the corrective actions is commensurate with the safety/risk significance of the issue.

- b. For significant conditions adverse to quality, corrective actions are taken to address the root causes, contributing causes, extent of condition, and extent of the causes of the issue.
6. **Feedback is Provided to the Concerned Individual**
 - a. Feedback is provided at appropriate points during the process, which may include:
 - i. Upon receipt to verify understanding of the concern and its safety significance
 - ii. After an evaluation to share proposed actions to address the concern, if appropriate.
 - iii. Upon closure of the concern.
 - iv. A mechanism to allow CI's requesting anonymity to obtain feedback
7. **Appeal Process for Concerns** - An appeal process exists for employees who are dissatisfied with the resolution of their concerns (e.g. DPO, ADR).
8. **Self-Assessments are conducted of Problem Identification & Resolution (PI&R) Processes**
 - a. **Scope includes:**
 - i. Evaluating the adequacy and timeliness of responses,
 - ii. Evaluating the satisfaction of the CI with the response and process, and
 - iii. Evaluating whether employees feel free to raise concerns using the processes.
 - iv. Evaluating the effectiveness of root cause analysis for significant issues and the effectiveness of associated corrective actions.
 - b. Findings from self-assessments are promptly addressed.
9. **At least one alternative Process to line management or the Corrective Action Process is Available that:**
 - a. Is accessible through multiple media (walk-ins, hot lines, drop boxes, etc.), but office is not overly visible to allow for discrete visits
 - b. Is well advertised using multiple media such as training, posters, news articles, personnel visibility.
 - c. Ensures issues receive appropriate operability/reportability reviews
 - d. **Properly prioritizes concerns** - Safety/risk is used as a primary factor in the program's issue prioritization scheme for determining the breadth, depth, and timeliness of the evaluation.
 - e. Is accountable to senior management and independent from line organizations involved in the concerns.
 - f. Provides identity protection/anonymity to the extent appropriate
 - g. Is provided appropriate support and resources by management, such as access to necessary documents/materials to conduct inspections and staffing.
 - h. Provides timely feedback on follow-up and resolution of concerns.
 - i. Provides status reports to senior management and analysis of program data/observations
10. **Performance Indicators are developed, monitored, and identified enhancements promptly implemented. Examples include:**
 - a. Volume and trend of NRC allegations compared to:
 - i. volume and trend of internally raised concerns;
 - ii. average volume and trend of NRC allegations at other licensees

May indicate: Employee willingness to raise concerns internally.

- b. Volume and trend of NRC retaliation allegations compared to:
 - i. volume and trend of internally raised retaliation concerns;
 - ii. average volume and trend of NRC retaliation allegations at other licensees

May indicate: Licensee effectiveness in preventing retaliation claims.
- c. Percent of anonymous concerns raised
May indicate: Employee willingness to raise concerns w/o fear of retaliation.
- d. Percent of risk significant concerns that are:
 - i. externally identified (INPO, NRC, OSHA, etc.)
 - ii. self-revealing
 - iii. self-identified

May indicate: Employee willingness/ability to raise safety concerns; questioning attitude
- e. Backlog and age of concerns
May indicate: Effectiveness of processes for resolving concerns
- f. Survey/Interview tools
 - i. Survey/interview tools are developed and implemented by organizations independent of the groups being surveyed/interviewed
 - ii. Survey/interview include questions about:
 - (1) management behaviors that encourage raising concerns
 - (2) employee willingness to raise concerns without fear of retaliation
 - (3) effectiveness of internal processes for raising concerns (CAP, ECP)
 - (4) employee perceptions of the licensees success in preventing retaliation
 - (5) space to provide written comments
 - iii. Pre-survey/interview communications include:
 - (1) Request for participation
 - (2) Need for survey input
 - (3) Protection of participants' identity
 - (4) Intended use of gathered information
 - (5) Intent to share results with workforce
 - iv. Regular employee business hours are made available to conduct survey/interviews.
 - v. Survey/interview Follow-up
 - (1) Action Plans are developed to address findings
 - (2) Results of survey/interviews, and action plans to address, are shared with workforce

May indicate: Employee believes, attitudes and satisfaction with key SCWE attributes and ways to improve SCWE
- g. Observations
 - i. Does supervisor/manager behavior demonstrate SCWE principles? (receptive, support for raising concerns, rewards, etc.)
 - ii. Does employee behavior demonstrate SCWE principles (questioning attitude, etc.)

May indicate: Effectiveness of SCWE Training

- h. Exit Interviews/surveys are conducted to facilitate identification of safety issues from exiting employees.
 - i. Identity protection is maintained
 - ii. Follow up mechanisms are identified for exiting employees who wish to be informed of concern resolution

May indicate: Willingness of employees/contractors to raise safety concerns without fear of retaliation; Licensee effectiveness in preventing retaliation claims
- i. Employees are asked to provide feedback on supervisor/manager SCWE behavior (e.g., 360-degree appraisal programs):

May indicate: Employee expectations/perception of management SCWE behavior

Improving Licensee Contractor Awareness of Their Responsibilities

1. Licensee SCWE expectations are communicated (MOUs, contractual language, etc.) to contractors engaged in regulated activities. Licensee expectations are that the contractors and their subcontractors:
 - a. Are informed of applicable regulations
 - b. Demonstrate an effective contractor program exists that:
 - i. Prohibits discrimination of employees for engaging in protected activity, and;
 - ii. Fosters a SCWE, or
 - c. Adopt and comply with the licensee's SCWE program for their employees.
2. Licensee oversees contractor SCWE-related matters. These include:
 - a. Contractor SCWE-related programs/processes to prohibit discrimination and foster a SCWE.
 - b. Contractor management's commitment to SCWE principles (policy).
 - c. Contractor SCWE-related procedures and training (content and effectiveness).
 - d. Actions to address concerns, including
 - i. Contractor investigations (review against program objectives)
 - ii. Need to conduct independent licensee investigations
 - iii. Contractor/licensee actions to mitigate potential impact on SCWE
3. Involvement of Licensee Management in Contractor Cases of Discrimination
 - a. Contractor programs/processes involving changes to employment conditions (e.g., disciplinary, reductions-in-force, etc.) are well defined, defensible, and communicated to workforce.
 - b. Contractor proposed changes to employment conditions are reviewed to ensure they:
 - i. Follow defined programs/processes and are non-retaliatory
 - ii. Take into consideration actions to mitigate potential impact on SCWE
 - c. Contractor changes to employment conditions that are alleged to be, or could be perceived as, retaliatory are reviewed to ensure they are not retaliatory or adversely impact the SCWE.
4. SCWE training
 - a. Provided by contractor or licensee, including:
 - i. Laws, regulations, and policies underlying SCWE expectations
 - ii. Company policy
 - iii. Avenues available to the employee to raise concerns

- iv. Expectations for management behavior
- v. Expectations for employee behavior
- vi. Licensee oversight rights
- vii. Training is provided during business hours

Involvement of Senior Management in Employment Actions Which Could be Motivated by Discrimination

1. Programs/processes involving changes to employment conditions (e.g., disciplinary, reductions-in-force, etc) are well-defined, defensible, and communicated to the workforce.
2. Senior Management reviews proposed employment actions (above oral reprimand), before they are taken, to:
 - a. Determine whether the following factors of retaliation are present:
 - i. Protected activity (broad definition supported by regulations/law, not limited to employee raising concerns)
 - ii. Adverse action (broad definition supported by regulations/law, not limited to actions that cost employee money)
 - iii. Licensee/Contractor Knowledge of protected activity (not limited to direct supervisor)
 - iv. Relationship between adverse action and protected activity (include "in-part" discussion)
 - b. Ensure programs/processes are being followed to ensure actions are well founded and non-retaliatory
 - c. Ensure proposed action comports with normal practice within the latitudes allowed by defined process and is consistent with actions taken previously
 - d. Assess whether the supervisor requesting the action exhibits any sign of unnecessary urgency
 - e. Assess the consistency between the employee's prior performance ratings and the proposed action
 - f. Assess need to take mitigating actions to minimize potential chilling effects resulting from planned action, such as:
 - i. Holding periods,
 - ii. Communications to workforce with consideration of privacy rights,
 - iii. Re-iteration of SCWE policies,
 - iv. Communicate with employee against whom the action is being taken, to clearly explain non-retaliatory basis for action.
3. After employment action is taken:
 - a. If retaliation is alleged assure appropriate level of management is involved, review facts, and evaluate or reconsider action taken
 - b. Management successfully implements mitigating actions planned to minimize potential chilling effect, including communications with the workforce that the action was taken for legitimate, non-retaliatory reasons.