

Employee Concerns Potential Advice Points:

The Employee Concerns Programs at Hanford are an integral part of the safety culture. It is imperative that both DOE and contractors have a robust, credible and trusted employee concerns system that provides an independent avenue for employees to bring forth their issues without fear of reprisal. Without trustworthy and effective internal avenues, employees will choose to remain silent, or find outside avenues to raise their issues.

Both the Defense Nuclear Facilities Safety Board and the DOE Office of Health, Safety and Security have issued reports that include findings critical of the Employee Concerns function at both the DOE and contractor levels. These include a finding from the DNFSB that states,

“The investigative record shows that the DOE Office of River Protection Employee Concerns program is not effective. One safety expert explicitly testified that employees would not and did not use the program, and believed that individuals running the program would “bury issues” brought to them.” [T]he Board finds that these processes are infrequently used, not universally trusted by the WTP project staff, vulnerable to pressures caused by budget or schedule, and are therefore not effective. Previous independent reviews, contractor surveys, investigations, and other efforts by DOE and contractors demonstrate repeated, continuing identification of the same safety culture deficiencies without effective resolution.”

- DNFSB Report, June 2011, p. 4.

The DOE HSS Report made the following finding:

“ Some interviewees indicated a fear of retaliation if they were to use the ECP. They perceive that it is not anonymous and that information is shared without their permission.” Appendix, p. 22

The DOE HSS also evaluated some elements of the contractor’s Employee Concerns Program and had several findings and recommendations, both positive and negative. It is clear from these reports that there is a widespread dissatisfaction with both the DOE and the contractor Employee Concerns Programs, and both programs suffer from a lack of trust amongst a significant portion of the workforce.

The Hanford Advisory Board recognizes that the DOE is beginning to address the Employee Concern Program issues brought to fore by the DOE HSS and the DNFSB. In particular, the Board appreciates the Near Term Improvement Action Item numbers 7 and 8, and encourages the Department to implement those actions.

The Hanford Advisory Board advises the following:

- The Board advises DOE (and its contractors) to consider including non-management personnel (exempt, non-exempt & HAMTC) in developing and promulgating Employee concerns Procedures, policies and processes, including those addressing personnel protections when submitting concerns into the system. Involving the users of a planned system in its

development and presentation can result in a final product that employees will respond to because it more directly meets their needs.

- The DOE should reconsider its termination of the ORP ECP, and the merger of that program with RL. ORP is better able to address the particular issues raised by ORP employees, as recent experience with the RL ECP program has demonstrated.
- The DOE should assure it has contractual requirements in place for oversight of contractor Employee Concern Programs, and hold those programs to a DOE standard.
- The DOE Employee Concerns Program should end its usual practice of turning over contractor employee concerns for investigation by the accused contractor. Employees always have the choice to use those contractor programs. There is an obvious conflict of interest in asking a contractor to investigate allegations against it.

Additionally, the Board advises that the employee concerns programs at the DOE contain, at minimum, the following procedural elements:

- The process and course of the investigation should be shared with the employee, to the extent desired, and initial findings shared with the employee with an opportunity for the employee to inquire and discuss before the findings become final.
- The employee should have the right to withdraw an allegation and discontinue the investigation at his or her request, unless the allegation involves a health or safety threat or risk of injury or illness to a person or persons.
- The ECP should investigate and address any and all allegations of reprisal by employees for raising a concern, as well as any potential chilling effect that may have resulted (whether alleged or validated) may have caused within the workforce. Any finding by the ECP of reprisal or discrimination against an employee for raising an issue should be acted upon by the agency in a manner that provides redress to the employee and accountability to the contractor personnel responsible for the reprisal.