



Workplace Safety

## ASSP Safety 2019: How Safety Pros Handle Ethical Risks

Don Sears | Jun 12, 2019

**Is there a gray area when it comes to ethics in safety? A panel of industry experts and academics at ASSP's Safety 2019 discuss common ethical and legal issues safety professionals at all levels face today.**

In the high-profile American Society of Safety Professionals conference panel "Where Do You Draw the Line? Navigating the Expanding Scope of the Safety Professional," leading experts discussed ethical issues that safety professionals face today at its annual conference "Safety 2019" in New Orleans.

The panel included: Brad D. Giles, P.E., CSP, of Bradley Giles & Associates; Dr. Nick Nichols, professor and director, J.J. Keller University Program, Department of Occupational Safety and Health at Southeastern Oklahoma State University; Arthur Schwartz, CAE, deputy executive director and general counsel of the National Society of Professional Engineers; Treasa M. Turnbeaugh, Ph.D., CSP, chief executive officer of the Board of Certified Safety Professionals; and Stephanie M. Gurnari, CSP, risk engineering services branch manager with Chubb.

It is not uncommon for safety professionals to be caught in ethical dilemmas. Reporting safety incidents and injuries to authorities such as the Occupational Safety and Health Administration can cause issues with supervisors and company or organizational management.

Safety professionals are sometimes caught between adhering to a code of ethics that says they have a duty to report when safety events occur—and navigating their own careers when they could be perceived as damaging a company's reputation or influencing the bottom line. If reported incident rates go up, it's more likely companies can expect surprise inspections from a regulating body, such as OSHA, which could lead to being cited for violations and fines.

Other ethical situations can arise when safety pros are asked by their employers to take on more duties, such as in industrial hygiene, environmental compliance and sustainability when they have not been fully educated and certified in these areas.

"It is very common today to see those working in safety to be asked to expand their responsibilities into hygiene and areas of security beyond their current training," says Turnbeaugh, from the Board of Certified Safety Professionals. "There is a real temptation to want to prove the ability to do more here. Maybe they've had a little exposure to some of these new duties and feel they can help out—and that doing more is beneficial to their careers."

Well, with a CSP certification, there are strict guidelines.

"You can only practice within your education," says Turnbeaugh.



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## ASSP's Code of Professional Conduct

As part of its "ethical benchmark for members," ASSP publishes the following standards

which can be found on the group's *webpage for bylaws and guidelines*. Here is the conduct code in its entirety for reference:

- Serve the public, employees, employers, clients, the Society, and the profession with fidelity, honesty and impartiality.
- In all professional relationships, treat others with respect, civility, and without discrimination.
- Abstain from behavior that will unjustly cause harm to the reputation of the Society, its members and the profession.
- Continually improve professional knowledge, skills, competencies, and awareness of relevant new developments through training, education, networking and work experiences.
- Consider qualifications before undertaking any professional activity and perform only those services that may be handled competently.
- Make informed decisions in the performance of professional duties that adhere to all relevant laws, regulations and recognized standards of practice.
- Inform all appropriate parties when professional judgment indicates that there is an unacceptable level of risk of injury, illness, property damage or environmental harm.
- Maintain the confidentiality of information acquired through professional practice that is designated or generally recognized as non-public, confidential or privileged.
- Accurately represent professional qualifications including education, credentials, designations, affiliations, titles and work experience.
- Avoid situations that create actual, potential or perceived conflicts between personal and professional interests, and if a potential conflict of interest arises disclose all applicable facts to potentially affected parties.

## When Safety Professionals Have to Make Tough Decisions

There are issues that are ethical—and there are those that may have legal implications. Failing to report or providing misleading safety reporting can be career ending. Is a decision the lesser of two evils? There are obligations to employers and confidentiality issues.

But there are also issues around whether the decision poses imminent harm or whether it has potential

harm. Sometimes a whistleblower may report something too early.

"I get asked questions about this all the time by former students who may be new to the profession and by those just starting out or by those who have made a career change to safety," says Nichols of Southeastern Oklahoma State University. "When I get one of those frantic calls, I tend to tell them I cannot make that call for them, but listen to the fact that they decided to pick up the phone—and I tell them they need to remember what we taught them about making good decisions."

All the panelists agreed that talking to peers and colleagues is an excellent way to help figure out the right thing to do, but several panelists were not shy about their feelings toward gray-area decisions.

"I don't think there are gray areas in safety," says Giles. "I always say, you are the one that has to look at yourself in the mirror every day, and you've received training and understand right and wrong."

"There is sort of a Venn diagram between safety issues being ethical and legal—with overlap in certain areas," says Arthur Schwartz, who is an attorney by trade, and a leading authority on the engineering practice. "Ethics are aspirational and the moral drivers of our lives and help create our outlook—and how serious you take your responsibilities in your profession."

But Schwartz is quick to point out that there can be legal and financial consequences for safety decisions that can lead to punitive damages, the loss of a professional license—and even sometimes criminal consequences. Conflicts of interest can arise—especially when managing the confidentiality of information within a company or government entity and the duty to report.

"I agree with Brad about gray areas," says Turnbeaugh. "There really are not a lot of them. You have to ask yourself, could I explain my decision in front of a crowd like this one today and justify my logic and thinking?"

"I ask my students when they have to make a quick safety decision, 'Would you let your child do it?'" says Nichols. "I tell them to talk to other students and use multiple resources."

Some of those resources include ASSP members and online communities—and some companies and agencies provide anonymous hotlines.

"By and large, our research at the National Society of Professional Engineers has found most people talk about and engage challenging decisions with a trusted colleague or peer over other methods," says Schwartz.

## **Ethical and Legal Safety Dilemmas with Technology**

Panelists discussed several issues related to technology including whether online training of safety professionals could teach the ethics of the practice—and whether it could be effective.

"In our education program, we spend a lot of time on the continuum of people before we get into standards and compliance," says Nichols.

Artificial intelligence and autonomous vehicles will become more prevalent in safety. How will decisions be made? Will systems make safety decisions?

"If an autonomous vehicle drives too fast down a street and has to swerve into pedestrians walking down the street to avoid a crash, how will the vehicle decide which is the safer option?" asks Schwartz. He says these kinds of issues engineers are grappling with today.

Schwartz discussed another example involving technology that is being used more and more in inspections: Drones.

He relayed a unique situation where a drone was used for an engineering inspection of a bridge under construction. The drone's video happened to capture a gunfight between local police and an individual. The state Department of Transportation technically owned the drone footage, so the dilemma was about what to actually report and turn over to authorities.

"Drones are being used much more frequently in bridge inspections because they are safer than many other physical means," says Schwartz. "In the end, the engineering firm concluded that in this case, the event captured by the inspection footage would be reported, but not handed over to the state police. They decided the police would have to request or subpoena the footage to use it for its case."

"Technology is a tool," says Giles. "In safety, we are in the people business."

*How do you approach safety decisions in an ethical way every day?*

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