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**EXTERNAL THIRD-PARTY REVIEW OF  
SIGNIFICANT EMPLOYEE CONCERNS:  
The Joint Cooperative Council for Hanford Disputes**

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*INSTITUTE FOR PUBLIC POLICY AND MANAGEMENT*

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**External Third-Party  
Review of Significant  
Employee Concerns:  
The Joint Cooperative Council for Hanford Disputes**

Prepared for  
State of Washington  
Department of Ecology

June 1992

This study was prepared under an interagency agreement between the Washington State Department of Ecology and the Institute for Public Policy and Management at the University of Washington. This report is intended to outline a framework for better addressing significant employee concerns at the Hanford Site.

The Institute proposes the establishment of a Joint Cooperative Council for Hanford Disputes, a collaborative council that would serve as an independent problem-solving forum with the authority and resources necessary to identify and address especially significant safety and health concerns, and to protect employees who bring forth such concerns.

The system outlined here, if carried forward by the key parties and institutions involved, interested, or affected by the clean-up of the Hanford Site, represents a way to significantly enhance the resolution of significant employee concerns, refocus energies on the clean-up mission, and improve the overall professional atmosphere of the site.

The Institute would like to thank all parties for their cooperation in performing this study and developing our recommendations.

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# EXTERNAL THIRD-PARTY REVIEW OF SIGNIFICANT EMPLOYEE CONCERNS

*The Joint Cooperative Council for Hanford Disputes*

## EXECUTIVE SUMMARY

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### THE PROBLEM

For some years the Hanford nuclear reservation has been the focus of problems and controversies in the handling of significant employee concerns regarding safety and environmental problems. When these disputes have escalated into what are commonly termed "whistleblowing" cases, they have been accompanied by charges in the press, reports of harassment, interruption to careers, and damaging consequences for everyone concerned, including employees, management, the contractor, the community, and governmental agencies. Among the results has been mistrust and difficulty in bringing these concerns forward, in getting them addressed, in ensuring protection to such employees, and in keeping resources and expertise fully focused on the clean-up mission.

### THE PROJECT

The Institute for Public Policy and Management, a research and technical assistance organization with the University of Washington's Graduate School of Public Affairs, was asked by the Washington State Department of Ecology to study the feasibility of a third-party review process to resolve these kinds of problems and disputes at Hanford. The Institute conducted over 125 interviews with informed and affected parties, examined volumes of reports and files (including material provided by government officials, the contractor, employees, advocacy groups, whistleblowers and others with significant safety concerns), and reviewed research and data on whistleblowing and on dispute resolution.

### THE FINDINGS

The report's findings indicate that while much of the conventional wisdom

regarding whistleblowers is unsubstantiated, there are common patterns in the handling of most whistleblower complaints:

- technical and personnel issues exist simultaneously in most whistleblower cases, yet the means used to resolve these complaints ordinarily do not address both sets of issues;
- the individual complainant receives insufficient protection to prevent actual or perceived harassment or escalation of the problem;
  - insufficient authority, judgment, and resources are applied to the problem in a timely and integrated fashion;
  - the employee is not sufficiently kept informed during and after reporting the complaint; and
  - some level of harassment has occurred, but has not been sanctioned or initiated by senior officials of Westinghouse Hanford.

Many of these problems result from the ways significant concerns are currently handled, and could effectively be addressed by a third-party review process.

### THE RECOMMENDATIONS

The Institute recommends the creation of a **Joint Cooperative Council for Hanford Disputes**, an independent, neutral, problem-solving forum for resolving and overseeing the handling of significant employee concerns. The Council would possess the necessary independence and authority to investigate problems, protect employees, and deploy resources to resolve safety and environmental problems and attendant personnel disputes. The chairperson's credentials and a series of agreements on the authority of the Council would ensure its necessary independence and neutrality. Membership on the six to eight person Council would be by invitation of the chairperson, and would be designed to ensure balance among the diverse parties involved, including senior contractor management, nuclear safety advocates, community leaders, and employees.

Additional recommendations include: implementing specific management reforms and training; increasing the independence of certain auditing functions; and issuing an annual public report by the Council chairperson. Also called for are: establishing a clear policy which ensures that anyone who harasses employees will be punished; and formalizing the policies of no longer using Security to investigate concerns or using psychological referrals in concerns cases. Westinghouse can usefully build on a number of organizational reforms already in place to improve attention to problem solving.

## NEXT PHASES

The Institute's report calls for an interim chairperson to convene the key involved and affected parties to work out the specifics for implementing these recommendations. To be successful and progress beyond the status quo, all parties concerned must engage in a full good-faith commitment to implement these recommendations.

Executive Summary Revised July 1, 1992.

# EXTERNAL THIRD-PARTY REVIEW OF SIGNIFICANT EMPLOYEE CONCERNS\*

*The Joint Cooperative Council for Hanford Disputes*

## INTRODUCTION

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Bitter disputes have arisen between employees and managers at the Hanford Site when employees who become whistleblowers bring forward significant health, environmental, and safety concerns.\*\* Assigning blame, trying to attribute motives, and defensiveness over one's own engineering or scientific conclusions have too often overwhelmed efforts to resolve these technical and related personnel issues that inevitably arise in whistleblowing situations. As an environment of distrust and defensiveness has evolved too little effort is left to be focused on actually solving the problems identified. Employees as well as public, private, and community leadership are all frustrated and seeking a better approach.

The safety and environmental problems embedded in whistleblowing and in similar events are often complicated and difficult enough to resolve, but the personnel and interpersonal situations which begin to escalate when well intentioned employees believe their concerns are being ignored or when supervisors feel threatened by the circumstances creates an entirely new and painful dimension.

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\* This report is intended to outline a framework for better addressing significant employee concerns at the Hanford Site. It is not intended to assign credit and assess blame in any dispute which has occurred, or evaluate the actions or practices of any party.

\*\* Significant employee concerns are usually technical, or other substantive issues which could have important health, environmental, or safety implications for employees and/or the site in general. Related personnel or interpersonal (including supervisor/subordinate) disputes ordinarily arise or are feared as these technical or substantive issues are brought forward. These personnel or interpersonal disputes are also a primary part of significant employee concerns. This report will generally use the phrase "technical and personnel" to refer to these problems and related disputes. The term "significant employee concern" will ordinarily refer to the technical or substantive issue raised by the employee.



At the same time, contractors and government agencies are responsible for a large and complex facility and they must operate in an environment whose history and culture play a strong, often negative role. Hanford's location places it in the middle of a region where environmental concerns are high on the agenda and the public expects a high level of participation in overseeing the shift of mission from production to clean-up. Hence, the dual nature of these disputes and the atmosphere and history from which they arise seems to leave them nearly immune to normal regulatory or organizational problem solving approaches.

Whatever the specifics or merits of a case, public confidence wanes with each report of hazardous threats that are not satisfactorily resolved, or where workplace or interpersonal conflicts escalate and charges and countercharges are exchanged in the press. Governmental and contractor leadership increasingly become both concerned and defensive. The conflicts that arise from the disputes that are symbolized by whistleblowing have frustrated all the parties involved as well as the larger Northwest community.

#### RESOLVING SIGNIFICANT CONCERNS: NECESSARY FEATURES FOR SUCCESS

**Ordinary, even excellent, regulatory or management practices would not be adequate to overcome the complexity and history of safety problems at the Hanford Site and the surrounding interest in nuclear and environmental safety. An entirely new way of addressing concerns is necessary if employees are to be able to bring forth significant concerns and if management is to be able to address those concerns directly and objectively. The Institute, therefore, recommends the establishment of an independent review process which can preclude the intrusion of bias, personalities, poor relationships, and defensiveness, and ensure that organizational and regulatory inertia do not interfere with the resolution of important safety and environmental problems. The new process would also cause the necessary resources and attention to be focused on problems as severity warrants and would provide protection to employees whose concerns are handled by such a system.**

The Institute for Public Policy and Management, at the invitation of the Washington State Department of Ecology, studied the problems represented by whistleblower incidents and has developed the outline of a system that would encourage the effective resolution of significant safety and environmental concerns raised by employees at the Hanford Site. As these concerns are addressed, the interpersonal and personnel dimensions usually associated with such issues would be effectively handled as well. **The objective of such a system should not only resolve such problems after disputes have developed, but also encourage an environment where significant employee concerns can be raised in a constructive, problem-solving atmosphere.** In all likelihood it will take some time for such an atmosphere to develop, but this would be a primary aim of the system. The system outlined here, if carried forward and supported by the key parties involved, interested in, and affected by the clean-up of Hanford, represents a way to significantly enhance the mission of the site and the related professional and public policy climate.

Table 1

**Necessary Features of a Successful Third-Party Review Process**

- Provide neutral forum for problem solving
- Possess authority to protect and intervene
- Identify problems and intervene constructively before escalation
- Flexibly apply tools to fit both aspects of problems
  - Technical
  - Interpersonal/Personnel
- Immediately apply proper authority and resources
- Have continuity and accountability for case management
- Provide feedback to employee during process; possible involvement
- Be fast, non-bureaucratic, non-defensive, without red-tape
- Have mandate for action and problem solving; not demonstrating right or wrong
- Employ objective and accepted final closure mechanism
- Retain and encourage management accountability, chain of command

- Preserve and respect all existing rights and regulatory requirements
  - Intervene selectively, do not be overwhelmed by cases
  - Possess sufficient capacity to ensure attention to major concerns
  - Make more effective use of existing systems
  - Encourage atmosphere where concerns can be brought forward and resolved
- 

### THE JOINT COUNCIL: AN OPPORTUNITY FOR EFFECTIVE RESOLUTION

Based on the findings of our research effort and experience and research in other conflict situations, (see the appendix of this report for a partial reference list) the Institute for Public Policy and Management recommends the design and implementation of an independent, problem-solving forum for handling significant employee concerns and any related personnel disputes. The Institute proposes a Joint Cooperative Council for Hanford Disputes, a collaborative council composed of a strong independent chairperson with the advice and support of representatives of the nuclear safety community, employees, community leaders and the primary contractor, the Westinghouse Hanford Company. **The Joint Council would be responsible for addressing significant safety and environmental problems that are brought forth, assessing the issues involved, employing appropriate protections and means of investigation, and ensuring full and fair resolution of such safety or health problems along with any associated personnel issues.**

**The Joint Council approach would combine the strengths of involved and knowledgeable parties in addressing problems and ensure greater accountability and fairness in the process.** The Joint Council would bring together for the first time the skills, knowledge and perspectives of a wide range of people including; employees, knowledgeable advocates, community leaders, and senior contractor management who could collectively bring their expertise to bear on significant problems in a positive, rather than conflictual manner. Employees, along with community and nuclear safety advocacy groups have unique knowledge and perspectives about the specifics and dynamics of significant employee concerns, and are often



able to quickly identify problems or potential problems and contribute to the development of solutions. Obviously, the contractor has substantial experience and knowledge of technical issues and related engineering and scientific disciplines, and furthermore, possesses the resources, authority, and responsibility to address such problems. All parties have strong motivations to ensure that both the technical and interpersonal/personnel dimensions of significant concerns are resolved more effectively. Our research, analysis, and discussion indicates strongly that a combined approach, represented by a Joint Council with sufficient authority and perspective, would be a compelling and superior method for the resolution of significant employee concerns at the Hanford Site.

## THE JOINT COOPERATIVE COUNCIL: FEATURES AND WORKINGS

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### TRIAGE

The first function of the Joint Council would be to perform some "triage" on concerns that are brought to its attention. The membership of the Council, with the benefit of other input, would make an initial assessment and determination of: 1) the potential severity of the problem; 2) the most effective means to address it, or further determine the proper response to it; and 3) assign the necessary tools and resources to resolve the issues. **This triage function would allow for a rapid assessment of the problem and immediate initiation of its resolution. Also assessed and implemented at the outset would be the best means to ensure protection of the employee, and if indicated, the supervisor, and otherwise prevent polarization.** In short, not every case would be handled in the same manner by the Joint Council, but tools would be applied that fit the specific issues and situation at hand and which provided protection indicated by the circumstances.

### CONCERN REFERRAL

Significant concerns would be referred to the Joint Cooperative Council for Hanford Disputes by various means. Complaints could come directly from employees or managers, or via council members through some of the informal networks that exist around the site. Council members from their responsibilities, contacts, and experience in these matters, could be a valuable source of issues needing attention. The Council could also take over jurisdiction, or have referred especially difficult conflicts from existing channels and mechanisms within the contractor organization.

## PROVIDING PROTECTION

Many employees are wary of using existing problem resolution channels due largely to the lack of an effective means for providing employment and other protection while the issue is being resolved. There are fears in many quarters of retaliation, especially from the security units. The Joint Cooperative Council for Hanford Disputes would possess authority to protect employees from retaliation or career interruption which may occur once a concern has been reported. Additionally, the Joint Council would provide protection to managers and supervisors who may suffer spurious accusations and undeserved career damage as a result of either being inadequately trained, or lacking the appropriate level of resources and authority to effectively resolve concerns that come to their attention.

These protections and related actions would also serve to keep energies focused on the safety problem, and not let the situation turn into an personnel or career threatening dispute. **By limiting the need for personal defense, the actual safety or environmental problem would more likely be addressed quickly and on its merits.**

## FLEXIBLE TOOLS: ADDRESSING TECHNICAL ISSUES

**In order to resolve the formidable technical issues that are at the heart of most significant employee concerns, the Joint Cooperative Council for Hanford Disputes, while providing oversight, would be able to engage independent outside experts, or request appropriate internal technical expertise to assess the technical merits of reported safety and environmental concerns.** There are substantial resources and experience available through the Westinghouse Hanford Company which the Joint Council would be able to employ in the assessment of many of the difficult issues that arise.

For example, work groups and individual employees that specialize in assessments and activities requiring engineering, chemistry, physics, etc., have ability and know-how that can be applied to concerns that are brought forth. Under the Council system, these resources could be called on by the Chair and the Council to make such assessments. There would be cases where using internal investigations would not prove credible or acceptable, or may for



other reasons be insufficient. In those cases the Chair, with the advice of the Council, would be empowered to call for external technical resources.

Peer reviews are another widely accepted method of assessing judgments in many engineering professions, and this may, in some instances, be a useful tool. The Chair would have the authority to empanel an ad hoc committee consisting of external and internal parties as another available option. It appears that most cases could be resolved by deploying contractor resources with Council direction, consensus, and appropriate oversight. If necessary, because of needed credibility in a polarized dispute, a completely independent study might be the most appropriate means of assessment and funds would have to be provided directly by the Joint Council. The Joint Council could refer issues, as appropriate, into existing regulatory processes if that were indicated or otherwise useful to resolution. The process of reviewing a complaint should be independent, and choose methods which fit, and which will actually address the problems underlying the case. **The process should also encourage accountability, learning, and problem solving in the management line.**

**The method applied in any case would ordinarily be selected by consensus of the Council; frequently the employee who raised the concern would have input in the review, or consulted on the choice of reviewing parties, thus avoiding assessments marred by the lack of practicality and acceptability. By using methods endorsed by the Council, energy can be focused on resolution, rather than overcoming mistrust.**

#### FLEXIBLE TOOLS: ADDRESSING PERSONNEL PROBLEMS

The closely linked interpersonal and personnel problems\* which often result from significant employee concerns will also be addressed by the Joint Council, ordinarily in some parallel or combined manner, as circumstances suggest. The same sort of "triage" would apply, although protection would be applied for employees, and for supervisors if necessary. Here also, the Council would possess the necessary authority and flexibility to apply the most appropriate tools to address the interpersonal issues which arise. For

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\* This system would not in any way interfere with or intrude on established collective bargaining rights.

example, the Joint Council may call for mediation or arbitration of an issue between an employee and supervisor. Some cases may call for arranging (usually on a voluntary basis) a temporary or permanent change in assignments without compromising career potential. Many of these methods are currently used and widely accepted in a wide range of businesses and industries.

The Joint Council would also be empowered to encourage post-complaint rehabilitation or impose sanctions ensuring that the employees who bring forth concerns, or managers involved, do not suffer undeserved career interruption during, or as a result of, the resolution process. An employee protected by the Council should also be protected from subsequent retaliation. **Protection provided in the way proposed here will be groundbreaking and will require both creativity and care as the policies are developed, and experience is gained.** The protection would have to be clearly sufficient to reduce the fear of retaliation, yet not create an unreasonably cumbersome process that cannot maintain the confidence it needs from all parties. Exercising these tools over the personnel dimensions of employee concerns would require a grant of authority from the contractor which would be specifically arranged during the next phase of the process proposed in this report. In no case would this process interfere with collectively bargained rights or processes.

#### MORE CAPACITY AND MORE EFFECTIVE USE OF EXISTING PROCESSES

Presently, there are many formal and informal channels which employees can use to bring up and resolve safety or environmental concerns at the Hanford Site. While some existing processes provide opportunities for resolving significant employee concerns, some of these processes lack the trust of the full range of employees, as well as the resources and authority necessary for addressing such concerns. The Joint Council, in performing its "triage" function, would ensure that each issue that comes before the Council would receive reasonably immediate attention, although the specific handling and priority of the issue would depend on the "triage" assessment. In order to increase capacity and promote proper accountability, the Council could selectively refer concerns back to many of the existing processes while providing protection and supplying guidance, authority, or resources that

Table 2

Joint Council:  
Features and Workings

Joint Cooperative Council for Hanford Disputes		Results	Annual Report and Recommendations
<b>Dispute Referral</b>  • Networks • Employees • Managers • Employee Concerns	<b>"Triage" Function</b>	<b>C A S E M A N A G E M E N T</b>	• Occupational & environmental safety addressed • Personnel issues resolved • Safe to voice concerns • Allows focus on mission
	• Identification • Assessment • Protect Employee • Protect Manager • Prevent Escalation • Apply Flexible Tools • Case Management: -apply authority -apply resources -integrate -ensure feedback • Resolution • Closure		
	<b>Flexible Tools</b>	• Resolved -quickly -fairly -finally	
	• Protection • Technical Assessments; e.g. -internal -external -peer review -ad hoc committee • Interpersonal; e.g. -mediation -change assignment -post-complaint rehabilitation • Refer to existing processes; e.g. -employee concerns -employee appeals • Final and binding closure process; e.g. -Council arbitration -external arbitration		
	Ongoing Learning and Education		

Purpose: Provide a flexible, problem-solving forum to constructively resolve significant concerns



would make those processes more effective for the particular case. **Effective use of existing mechanisms in the company, with the added clout, resources, and protection of Council, serves as one method to expand the capacity to handle greater volumes of concerns while reserving direct Council resources for the most difficult, complex, or sensitive issues.**

The Joint Council would not be a replacement for any existing concern resolution process, but would be prepared to handle the most critical concerns which come to its attention and oversee any concerns which it refers. Use of existing resources and related accountability should be encouraged. This not only allows the contractor to better fulfill its contractual responsibilities to address such concerns and otherwise supervise the clean-up, but serves to increase confidence and improve results in doing so. The Council referral process provides a method where contractor managers can address significant concerns in a substantially more effective and accepted manner and learn from the actions taken. Additionally, it allows for representatives of advocacy groups that participate on the Council to observe, advise on, and ordinarily sanction methods that are being used to address concerns, even many of those using internal resources.

#### CASE MANAGEMENT

The Joint Council would use a "case management" approach to effectively coordinate the actions that are being taken in the resolution of significant concerns and ensure that follow-up is occurring. Actions taken should: 1) be timely; 2) address the problem, not just the symptoms; 3) ensure that the proper resources and authority are applied at the appropriate time; 4) integrate to include technical and interpersonal aspects; 5) ensure that employees receive feedback about actions that have been taken, or are involved in the resolution process; and 6) ensure that follow-up is taking place.

Case management during the process would ensure that the actions being taken build on each other, are not haphazard or are overlapped by different organizational units around the site, and are completed in a timely, integrated, and effective manner. **Furthermore, effective case management would narrow the scope of significant employee**

concerns disputes by clearly identifying the several components involved in each case. Then, in a sensible order (or in parallel), and with an applicable and accepted method, each portion of the problem can be addressed.

#### FINAL CLOSURE

Use of the Joint Council process to address significant employee concerns provides a means for achieving final closure in these cases, rather than ongoing disagreement, which has often been prevalent. The Council, by selecting from among a variety of tools for resolution and employing a case management approach, can ensure that the methods chosen to address such concerns focus on the underlying issues. Even in the most controversial disputes, as the Joint Council assesses the problem and applies tools to address the technical, interpersonal, personnel, or other aspects of the concern, the scope of the problem and disputes should significantly be narrowed thereby leaving only a portion of the issue still needing resolution.

The Council can employ a variety of final closure procedures as the situation demands. An arbitration-like proceeding can be invoked, with the specific parameters, scope, and person(s) approved by consensus of the Council. The proceeding could be carried out by a joint subcommittee of the Council; by the Chair himself or herself; or by an outside panel or individual approved by the Council. Other methods could also be used.

For final closure to be effective and credible, the contractor would agree as part of the Council process to abide by all personnel decisions of the Council, and to accept technical recommendations, except where its fiduciary or safety responsibilities would be violated. The nature of the Council process and the representation of senior Westinghouse management would render unlikely such an outcome.

The final closure practice would be especially useful to resolve issues in which there is simply a difference of opinion over matters such as: which protocol or technology should be used; what specific priority should be applied; or over a specific aspect of the personnel issue in the dispute (other than those covered by provisions of a collective bargaining agreement). It would have real benefit in preventing a dispute from continuing unnecessarily,

especially in instances where it has become highly polarized. **The fact that Council members might disagree on the specific issue would be overcome by agreement on, and trust in the final closure process it selected and employed.**

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Table 3

**Final Closure**

- Can be shaped to fit issues, specific differences
- Previous Council activities will have narrowed the issues
- Method selected by consensus of Council
- Like arbitration
  - Binding on personnel-related issues
  - Non-binding recommendations on technical issues
  - Special panel or by Joint Council
- Company agrees up front to abide by decisions
- Council supports decisions
- Council support, sponsorship lends weight
- Council agreement permits external education
- Coordinate with other appeals authorities

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ANNUAL REPORT

In order to encourage ongoing improvement in addressing safety concerns and related interpersonal conflicts, the Chairperson of the Joint Cooperative Council for Hanford Disputes will issue an annual report focusing on the broader issues which have been addressed or experienced by the Council during the previous year. The annual report should not focus primarily on individual cases, or specifics of those cases, but provide information which allows parties to learn from the patterns in the genesis and handling of cases. The Council should make observations and recommendations to management and others on changes in policy and

practices which encourage more effective methods of resolving significant concerns. The preparation of the report should be an occasion for reflection and dialogue within the Council, perhaps in a retreat setting. The report should also serve as a means for constructive dialogue with the contractor, government agencies, and others which affect the genesis and handling of concerns.

The annual report would also provide an opportunity for the Chairperson and the Council to evaluate its previous year's work and identify tools or adjustments that would improve both dimensions of complaint resolution. The aim of such a review process should be to remain open to adjustments as necessary, while maintaining substantial continuity and stability. Adjustments to the initially agreed upon process should be made carefully, only after deliberation and by consensus.



## MEMBERSHIP AND AUTHORITY

### CHAIRPERSON

A Chairperson who is neutral and unaffiliated with any party involved with or directly affected by significant employee concerns disputes should lead the Joint Council effort. The Chair, experienced and knowledgeable in dispute resolution, would help the Council and individuals in specific cases identify common interests. The Chair would remain even-handed amidst the controversy. An innovative individual with significant experience in establishing creative methods of conflict resolution, particularly in situations where there has been much mistrust and antagonism would be most effective in forming and carrying out the Joint Council.

The authority of the Joint Cooperative Council for Hanford Disputes would be delegated and rest in the neutral and unaffiliated Chairperson. The authority of the Chair ensures the independence of the Council; however actions taken by the Chair would be with the advice and, in most cases, the consensus of the Council.

The Chair, as the agent of the Joint Council, would have access to legal counsel and technical or other advice independent of the Westinghouse Hanford Company, the Department of Energy, and any other entities that have been closely involved in these issues. The availability to the Chair and the Council of independent legal and technical advice, even if rarely used, will provide an important dimension of neutrality and credibility.

### MEMBERSHIP QUALITIES AND COMPOSITION

The duties that would be undertaken by the Joint Council require a membership that has a range of qualities necessary for addressing significant employee concerns and related personnel disputes. Although no one member would have all of these qualities, in order to address significant employee concerns, collectively Council membership should have: 1) some significant insight into the experience of whistleblowing; 2) substantial knowledge and expertise regarding both the technical and interpersonal/personnel dimensions of significant concerns; 3) the ability to identify and learn of problems which

exist or may arise as significant concerns; 4) the ability and the authority to bring resources to bear when addressing such issues; and 5) other key perspectives for resolving these concerns and assisting in effective dispute resolution.

The Joint Council would be comprised of approximately six to eight members who collectively possessed these qualities. For example, representatives of community advocacy, nuclear safety, or other groups often have connections to informal Hanford networks where significant concerns are discussed, and frequently have extensive knowledge about the specifics of significant concerns, as well as information about practices elsewhere. Such individuals often know where problems currently exist or where they may arise and understand many of the fears and factors that employees consider when deciding to bring forth problems. This would represent a critical perspective for addressing significant concerns.

The Joint Council would also include individuals who could commit direct authority and resources to problems at the appropriate time. Senior Westinghouse Hanford Company officials, with the ear of the president, and broad policy and technical knowledge, and who also have substantial influence over resources that can be brought to bear must be part of the process. Similarly senior officials with experience, influence, and authority in human resources issues, along with similar confidence of the president, would be valuable to ensure that the interpersonal and career dimensions of these problems were addressed. Active participation by contractor officials, because of their knowledge, ability, and authority to carry out the recommendations of the Council, is crucial to addressing both technical and interpersonal problems as well as implementing or responding to career protection.

Additionally, different perspectives, from individuals not as closely or directly involved in these issues, would provide valuable insights and balance. Examples of such additional membership might be: a respected citizen or local community leader with management experience in a large business or government organization; a former employee or other individual connected to Hanford networks and familiar with whistleblower experience; and an informal employee leader from an area that experiences a large amount of concerns, such as the 200 area. Including representatives from this range of

constituencies in the membership of the Council would provide a greater opportunity for the Council to fully identify, bring forward, and assess problems and devise effective, fair, and acceptable methods of resolution.

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Table 4

**Examples of Membership Profile**

- WHC senior manager with broad view, authority to commit resources, and strong background and influence in technical matters
  - WHC senior manager with broad view, authority to commit resources, and strong background and influence in policy and/or human resources
  - Respected citizen or local community leader with management experience in business or government
  - Former employee or other individual connected to Hanford networks, and familiar with whistleblower experience
  - Representative of community or nuclear safety advocacy groups with connections to Hanford networks
  - Informal employee leader, possibly from 200 area
- 

Members would be invited to serve on the Joint Council by the Chairperson after extensive consultation with the different parties, and as the specific means and protocols for problem solving were developed. Frequently, during such a process the need for other perspectives emerges and appropriate representatives invited into the process. Therefore, it would be premature to further specify the Council membership until the "Phase II" process of specifying the protocols for Council operation has advanced sufficiently.

## SOURCES OF AUTHORITY

The success of the Joint Cooperative Council for Hanford Disputes rests largely on key parties agreeing, through a series of facilitated and structured discussions\* following the issuance of this report, on a set of protocols that would permit the Council to operate as outlined. A signed protocol of participating or cooperating entities would probably be necessary.

### *Authority for Personnel and Technical Recommendations*

**In order for actions taken by the Council to be credible and effective in addressing interpersonal or personnel problems, it would be necessary for the contractor to agree, as the Council is established, to abide by all Council decisions including disciplinary action, penalties, and status.** Such decisions would be final and binding, regarding (non-bargaining unit) personnel actions. The specifics of such delegation of authority would be jointly developed as part of the protocols. Such binding personnel actions would be similar to arbitration, use of permanent umpires, and other dispute resolution practices which commonly take place within many businesses and industries. The significant difference is the involvement of public interest groups in these decisions.

For the Council process, and especially the final closure actions, to be effective and credible, the contractor would also have to agree to follow and provide the necessary resources and authority to carry out the technical recommendations of the Council, except in the unlikely event those would compel a violation of the contractor's legal and fiduciary responsibilities.

### *Authority Implications for Contractor, Advocacy Groups, and Government Entities*

**Agreement to participate in the Joint Council would represent a significant, if narrow, delegation of certain practices and perogatives of the contractor. Westinghouse participation would represent a significant innovation and departure from the normal practices of privately held companies. This type of innovative**

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\* These discussions have been referred to as "Phase II." Phase III would be the beginning of actual Council operations.



practice recognizes the special and highly public nature of these issues, as well as the importance of their resolution.

In order for the Council process to work, community or nuclear safety advocacy groups participating in or sanctioning the Council would have to agree to cooperate with the process and recommendations that are made. However, participation on the Council would in no way preclude any party from using other existing means to resolve significant employee concerns should the Council process prove unsatisfactory. Nor would it exempt any party from regulatory reporting and related requirements.

**Just as it does for the company, involvement in such a process would also represent a departure from the methods available to advocates, and would require a significant degree of patience and good faith on all sides to make the Council process work.**

In addition, the government agencies that regulate operations at the Hanford Site, such as the Department of Energy, both Headquarters and the Richland Field Office, the Washington State Department of Ecology and others, would agree to be directly supportive of any technical (or personnel) recommendations made by the Joint Council. Such agencies should commit to encourage the resolution of significant employee concerns and cooperate with the Council by provides the necessary support and resources for implementing Council recommendations. Those agencies will be consulted with, as appropriate, in forming the Council and on cases where their involvement would be salutary or otherwise important.

#### *General Operating Authority*

The Chair and the Joint Council would have access to related data and persons involved in significant concerns. Concerns will not be resolved if there are problems of access or perceptions of limited access to the site and to data, as has been claimed in the past. Within its mandate, the Joint Council would be able to intervene in any case deemed appropriate and employ whatever reasonable method deemed necessary to resolve the problem. However, to preserve its focus the Council mandate should explicitly preclude

use of Council authority or resources for purposes other than resolving technical and personnel issues connected to a significant concern.

The Council would have the authority to refer any problem back to in-house processes, possibly with added resources or guidance the Council saw as valuable and necessary to resolution. Contractor resources and authority should be cooperatively made available to the Council for problem solving. The use of in-house resources, with Council oversight and approval, would provide a way for retaining and encouraging accountability in the contractor and the management line, but increase the practicality, focus, and acceptability of such actions. The membership, on the Council, of senior contractor personnel should ensure that Council actions and recommendations will be consistent with the interests of the company and also that concerns are effectively addressed. The contractor, advocacy groups, and government entities would have the ability to learn from the actions of the Joint Council and future handling of complaints even outside of the Council process, could be substantially improved.

#### *Multi-Year Term of the Council*

**In order to ensure that the Joint Council operates in a fully independent manner it is necessary that the Council be funded and operational for a set and sufficient period of time and dollars.** It is anticipated that it will take several months to invite membership, establish practical and effective protocols and values, and start operations of the Council. A set term for the process should allow for such start up time and guarantee that the Joint Council had the time necessary to become established and to successfully handle issues. With the possibility of future changes in how work is contracted, such as the ERM, or other possible contractor changes, it is necessary that the review process remain in place so that it will remain effective during any transition. A set term would also minimize the opportunity to misuse the process as an instrument for any party trying to affect the RFP process.

**For these reasons this study recommends that the Joint Council be established for a set term of no less than five years. Furthermore, the Council should become a condition of the next site contract let by the Department of Energy. These provisions**

should ensure that it is operational for a sufficient amount of time to become practical and established and will survive future changes at the site. Such stability and certainty along with the successful handling of significant employee concerns would further increase the authority and credibility of the the Joint Council.

#### COUNCIL STAFFING AND FUNDING

In order to ensure the effectiveness and neutrality of the Council, full funding should be assured for the entire five year period of the contract. During its term, the Council and the Chair should not have to seek reimbursement or budget permission for actions taken under its mandate. Further, in order to guarantee the complete independence of the Council, independent, mixed, or blind funding would be administered through the Chairperson, possibly through an intermediary institution. The criteria for deciding funding depends on the availability, the means of collection and distribution, and the acceptability of these arrangement to participating parties.

Funding for the Joint Council would provide salary and required expenses for the part-time Chair, who would work on a part-time basis and for supporting staff. Research on successful disputes resolution processes shows the presence of neutral staff, responsible to the process and the Chair is necessary. Hence, the Chair would be supported by 2.0 full-time equivalent (FTE) professional staff. The professional staff would be responsible for ensuring that the case management approach is being carried out, as well as assisting in other assessments and monitoring other developments. In order to ensure accurate record keeping, and provide assistance in tracking cases and trends, the Chair would employ 1.5 - 2.0 FTE clerical and research staff. Additionally, funds would be required for outside technical and legal consultants for the Chair if necessary, or to perform outside studies or intervention ordered by the Council in special cases. It would also be necessary for the Council to provide funds for direct expenses of Council members not employed by the contractor or government entities. Funds for required travel and for maintaining an office would also be included.

Depending on set up costs and, importantly, the costs for independent technical reviews, which is difficult to predict at this point, we estimate that the independent operations of the Joint Council would cost in the range of \$400,000 - \$600,000/year. In comparison to the costs for technical reviews, investigations, legal fees, and implicit costs of management, staff, and governmental time and productivity for even one significant case, the Joint Council approach would appear to be much more cost-efficient.

The actual budget should be determined by the Chair following completion of the structured (Phase II) discussions forming the Council. As the full range of operations becomes clear and after further cost data is analyzed regarding such operations and possible independent investigations, it is important that a) the cost be relevant to the benefits, including implicit and less tangible benefits, and b) that there be no hint of interference by any party in bringing or allowing the necessary resources to bear.

**Table 5**

**Sources of Authority and Power**

- **Authority vested in the chairperson**
  - Chairperson and mechanism is contracted for 5 years
  - Chairperson is independent
  - Chairperson has stature and respect among parties
- **Funding is independent, mixed, and/or blind**
  - Administered to chairperson through an intermediary
  - Funding assured for full 5 year term
- **By agreement and assent:**
  - WHC commits to abide by personnel decisions of the Joint Cooperative Council for Hanford Disputes
  - WHC agrees to cooperate in implementing technical recommendations on resolutions unless unable because of safety and fiduciary responsibilities
  - Advocacy groups agree to fully participate and cooperate, but do not forfeit the right to use other channels



- DOE-RL and DOE-Headquarters agree to cooperate and be supportive in implementing technical recommendations
  - Washington State Department of Ecology agrees to cooperate and be supportive in implementing technical recommendations
  - Mechanism becomes a condition of the contract with the Department of Energy
  - **Success and good faith actions bring credibility and authority**
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## MANAGEMENT EMPHASES

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In addition to the development and implementation of the Joint Cooperative Council for Hanford Disputes, the Institute recommends that the Westinghouse Hanford Company endeavor to alter or emphasize some management practices that would improve the resolution of significant employee concerns and many of the conflicts that arise as a result and would over time anticipate and prevent potential problems.

### FOCUS ON THE 200, OR OTHER PROBLEM AREAS

There are several specific areas around the Hanford Site which have experienced a significantly greater amount of employee concerns disputes. There are also sites which due to older equipment, complex technical problems, old-style work cultures, and other reasons are more prone to experience the types of technical and interpersonal problems which bring about the reporting of significant concerns. We recommend the senior management pay particular attention and priority to the 200 area or any other area which may be expected to experience significant concerns. Recent reorganizations and other activities such as encouragement of employee councils and other problem solving mechanisms reflect some of this type of emphasis.

For example, management should better focus and utilize training resources on those areas in order to improve the quality of supervisory skills as they relate to resolving concerns, and preventing inadvertent or purposeful isolation or harassment of those who raise safety and health concerns. Similarly, supervisory selection in these areas should receive special attention. The senior management team should also anticipate that problems will arise in these areas and be prepared to focus resources accordingly.

The Institute also recommends that local problem-solving means, such as employee councils and roundtables which are presently taking place continue, and that a greater emphasis be placed on employee participation in

advisory committees, issues councils, and other similar organizations aimed at identifying and solving problems. Problems that are addressed closer to the source can often be resolved more quickly, and in a more effective manner.

#### STRENGTHENING OF AUDITING ROLES

Employees who perform auditing or monitoring functions have often been at the forefront of bringing forth significant concerns. The nature of these job functions is to identify safety, health, or environmental problems which exist or may arise. The Institute recommends that there be a review of auditing functions, including input from knowledgeable outside sources, and alter as indicated the role and access of auditors in order to increase auditor's independence and make fuller use of their expertise in promoting safety.\* Some useful reforms have been made with recent reorganizations and policy emphases. These should be supported, fully implemented, and extended to ensure that auditors have the necessary combination of skills, independence, and knowledge to safely make their views known at levels in the organization which can bring to the problem the necessary authority, judgment, and resources.

#### REFERRALS FOR PSYCHOLOGICAL EXAMINATION

Although the practice appears to have ceased, the Westinghouse Hanford Company should make evident a clear policy confirming the discontinuation of referrals for psychological examinations in complaint situations. In the cases of whistleblowing which have involved referrals, such referrals have indicated no employee problems and have served only to exacerbate the conflicts between employees and supervisors, and increase the fear or retaliation. The only exceptions to this policy should be in cases where there is explicit top management approval related to clear indicators of psychological difficulty, and then only with great sensitivity.

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\* Experience in other, similar settings might yield some ideas that could be adapted. As one example, see 10 CFR, Part 50, Appendix B for regulations concerning auditing practices at commercial nuclear facilities.

### DIMINISHING THE FEAR OF SECURITY

The use of security forces in investigations of significant employee concerns has been a considerable issue and remaining source of fear among employees who raise or consider raising these important issues. The Westinghouse Hanford Company appears to have stopped such practices, which were common in the past. However, according to the recent HARC survey, approximately 34% of employees surveyed agreed or strongly agreed with the statement "If I brought up a safety issues in a public forum, Site security might investigate me," indicating substantial remaining fears about security activities. Therefore, management should take an active effort to diminish the fear of security generally, and especially in these complaint situations. Although the security forces may be qualified for conducting certain kinds of investigations, it is not appropriate or useful in cases of health and safety concerns. Where a clear security problem is indicated, security personnel should be introduced carefully and with a restricted mandate.

The recent recommendations by the DOE-RL manager to review site security is encouraging. The Institute would further recommend that DOE, WHC, together with outside experts on security, review the current structure and reporting relationships of security forces and make recommendations that result in increased confidence in security operations and diminish the fears which exist among employees. Employee, along with outside expert, perspective should also be included on this review.

### PREVENTING HARASSMENT

Allegations of harassment at work, and especially at home have accompanied many of the whistleblower cases. Fear of harassment surely discourages others with concerns from coming forward. **Our study reaches three conclusions about harassment. First, we do not believe that harassment of employees has been instigated or sanctioned by policy officials in the Westinghouse Hanford Company. On the other hand it is evident that some harassment has occurred. Our conclusion, although we are not experts in this sort of police-oriented work, is that there was peer harassment and "rogue" harassment carried out by lower level employees or managers, or**



independently initiated by individual security personnel of DOE or the contractor.

The nature of whistleblowing often creates a set of awkward and isolating circumstances that can be misinterpreted, misconstrued, or exaggerated. The related isolation contributes also to exaggerate the degree of harassment. Common and incorrect belief among some that whistleblowers are selfish or "cranks" probably contributes to a willingness by peers or others to further isolate or harass whistleblowers. Nevertheless, in most instances harassment at some level has occurred. At any level, it is inappropriate.

The Westinghouse Hanford Company and the Department of Energy should find an opportunity to explicitly condemn acts of harassment, even when peer or rogue, and make evident they will seek out and discipline any employee who is party to such harassment. The Council process will on some occasions identify harassment and can help focus, guide, or support company and Department action against such individuals.

#### ONGOING EDUCATION AND LEARNING

The Institute recommends that the Westinghouse Hanford Company actively seek to learn from actions taken by the Joint Cooperative Council for Hanford Disputes. The Joint Council by its case handling experience will learn and demonstrate many improved ways to handle significant concerns. Westinghouse, by its participation on the Council, can also learn from its experience and apply methods which would enhance problem resolution and dispute handling. This experience will provide an opportunity to better educate the first line and other managers and improve their supervisory skills as they affect attention to employee concerns.

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**Table 6****Management Emphases**

- **Focus on 200, or other problem areas**
    - Focus training resources
    - Focus capital and other resources for anticipating and resolving technical problems
    - Emphasize careful management and supervisory selection, clear expectations
    - Encourage roundtables and employee participation, such as issues councils
    - Receive greater attention in policymaking
    - No Posters!
  - **Review, with outside input, and alter auditing role in order to encourage fuller use of auditor expertise**
    - Increase auditing independence
    - Ensure internal practices allow for full consideration of audit concerns
    - Ensure, skills and knowledge of auditors, and access to appropriate channels
  - **Discontinue referrals for psychological examination in complaint situations, except with top management approval; announce clear policy**
  - **Diminish fears and presence of security**
    - Ensure that security not be involved in investigating significant employee concerns
    - WHC and DOE, incorporating outside expertise, review security operations; include employee perspective and make recommendations
    - WHC and DOE-RL explicitly condemn, seek out, and take action against any harassment, rogue or otherwise
  - **Use learning from Joint Committee to enhance dispute handling at first line level**
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## SAFETY POLICY FORUM

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While most technical problems brought forth by whistleblowers or others can likely be handled with existing relationships and resources, periodically some problems identified will have major policy, technological, and financial implications beyond the resources and policy scope of the Joint Council -- and, indeed, of most existing institutions active under current arrangement. Given the nature and history of the Site, some of the problems which may arise might not have solutions which can be easily implemented, where technology is not easily available, where institutional arrangements may not be sufficient, or it would take a major shift in the allocation of resources not contemplated under existing regulatory and contractual regimes.

The Institute therefore, recommends that key parties explore the possibility of establishing a Safety Policy Forum which would anticipate and consider in a dispassionate way how to address or prepare for major technical or institutional problems of this nature. The Forum might also usefully examine the nature of portions of the regulatory and contractual arrangement and their suitability for addressing certain nuclear clean-up problems. The Forum, if established, would not have any regulatory or operating authority. It would simply be established under neutral auspices to ensure that major technological, institutional, and other future-oriented issues germane to Hanford safety and clean-up can be addressed. Such a forum should not interfere with any existing authorities, boards, or organizations that discuss, study, or regulate similar problems.

To explore the possibility of such a forum, the Institute recommends a group of individuals including senior representatives of the nuclear safety and scientific community, the contractor, and federal and state government should be convened under neutral auspices, such as a university or a "think tank," and carry out an informal facilitated discussion to consider the value and effectiveness of a Safety Policy Forum.

Focusing mainly on large scale or unanticipated technical issues and on barriers in institutional relationships, Forum membership should include individuals that could provide the perspective of the contractor, government officials, both national, state, and local as well as prominent citizens and scientists, and environmental and nuclear safety groups. Although the focus of the Safety Policy Forum would be different from the Joint Council, the Council might have useful input for the Forum. The exploratory group should begin its conversations by the end of the year and report by the summer of 1993 on the value and feasibility of a Safety Policy Forum. Possibly, the exploratory group would recommend handling these functions within or by a combination of existing advisory forums.

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**Table 7**

**Safety Policy Forum: Possible Membership**

- Chairperson - scientist with national stature or other respected neutral party
  - WHC - scientific/engineering background
  - WHC - policy/management background
  - Department of Energy-Richland
  - Department of Energy-Headquarters
  - Washington State Department of Ecology
  - Regional environmental and nuclear safety leaders
  - Prominent regional citizen, possibly a former elected or appointed official
  - National Academy of Science-type member(s)
  - National visiting "members" to add perspective, knowledge
    - Rotating membership
    - Individuals with respected national stature
    - Prominent engineers and scientists
-



A Safety Policy Forum, could provide the context for innovations and breakthroughs in the areas of safety and clean-up, technological development, as well as in government and GOCO relations.

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**Table 8**

**Exploration of a Safety Policy Forum**

**Purpose:**

- Anticipate technical problems that have not yet emerged
- Consider problems with major policy, technological, financial, relationship implications
- Explore improved means of information exchanges, and institutional relationships
- Long term focus

**Recommendation:**

- Explore possibility of establishing a Safety Policy Forum
- Convene exploratory group under neutral auspices
- Informal facilitated discussion

**If agreed, Forum would:**

- Exist outside of a regulatory or contractual context
  - Not interfere with existing authorities
  - Be problem solving, not regulatory or contract focused
  - Provide possible innovations and breakthroughs in
    - safety and clean-up
    - government/GOCO relations
-

SUMMARY FINDINGS RE:  
WHISTLEBLOWING CASES AT HANFORD

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The proposed recommendations are based on the findings of the Institute for Public Policy and Management's research effort which included interviews with over 125 individuals, including many whistleblowers, leaders in the nuclear safety community, officials of state and federal government agencies, including the Washington State Department of Ecology and the Department of Energy, community leaders, and employees and managers in the Westinghouse Hanford Company. In addition the Institute has carried out extensive reviews of investigations, reports, other relevant materials, along with experience, knowledge, and observations concerning other dispute resolution and problem solving systems. The Institute thoroughly surveyed the seven highly publicized cases of whistleblowing, as well as a number of significant concerns cases that have not been among those highly publicized. Most of the whistleblowers were individually interviewed and their cooperation was especially appreciated.

DISPROVING CONVENTIONAL WISDOM

Each case of whistleblowing is unique and very few common characteristics emerge. There is considerable popular belief and conventional wisdom about whistleblowing: for example, whistleblowers are viewed either as self-promoters seeking notoriety or financial gain; or they are seen as heroes. This study finds neither of these pictures, nor most other conventional wisdom, to be generally accurate. In fact, most whistleblowing at Hanford has highlighted technical issues needing attention, and there is little gain and little glory involved. Being a whistleblower is not fun.

Many of these and other common beliefs have arisen from the real or perceived characteristics of one or two of the well known cases, but erroneously believed in one quarter or another to be common across cases. However, the available information shows few such similarities among the cases.

### *Validity of Technical Issues*

Contrary to what many believe, there has been considerable -- even remarkable -- consensus that the core of the technical or substantive issues brought forward by whistleblowers have been valid and with merit. The disagreement typically arises in what priority the issues should take, or on precisely how the issues should be addressed. Difficulties arise when managers and employees have different definitions of the severity of the safety problems and have made different determinations about the priority of the problem; when their relationship becomes strained; or where the involved supervisor was insufficiently prepared or equipped to deal effectively with the issue. Under these circumstances, employees and managers start defending their actions and judgments and seeking to prove that scientific truth resides on their respective side of the issue. The direction of the situation then often becomes "who is right and who is wrong," and the deterioration of interpersonal relationships and trust rapidly follows. So, too, does the deterioration of focus on the technical problem as attention increasingly turns towards allegations and reactions concerning the treatment or behavior of the employee.

### *Personnel Related Actions*

Despite some beliefs to the contrary, there is no evidence to suggest that employee concerns have been raised primarily to cover up adverse performance appraisals or personnel problems. Personnel problems have become part of many cases of significant employee concerns. The available information shows that poor performance appraisals and disciplinary action have largely been noted only after complainants started making issue about safety concerns, not before. It is not surprising, however, that personnel related actions, such as poor performance evaluations, disciplinary action, transfers, or other negative actions arise in this type of tension-filled situation or within the strained relationship that develops or may have existed between the whistleblower and their supervisor.

The general view by most parties about the technical validity of whistleblower complaints and the fact that adverse personnel action was not taken until after concerns were brought forward indicates that whistleblowers have not been trying by their actions to provide a cover for personnel or performance problems. In fact, our research suggests strongly that whistleblowers have come forward for positive reasons, where they felt it to be their professional obligation.

### *Monetary Settlements*

**Despite allegations to the contrary, whistleblowing has not proven financially rewarding to either whistleblowers or their legal counsel.** Suits filed by complainants against the Westinghouse Hanford Company have been dismissed due to technicalities and questions of law, although at this writing, decisions in two of the cases are currently being appealed. Of the seven highly publicized cases only two individuals have received monetary settlements. In these cases, money does not appear to have motivated reporting the concern, but only later became part of the settlement of the personnel and career issues that ensued. Moreover, as one example, the Government Accountability Project (GAP), a public interest law firm which has been involved with the seven highly publicized whistleblower cases, shows in its "Annual Report Fiscal Year 1989-90" that under 10% of its \$671,782.84 total income came from attorney's fees and client compensation/reimbursement. Furthermore, of its entire clientele only a portion are nuclear-related whistleblowers.\* **Financial reasons do not appear to have been a major driver in employees raising significant concerns.**

### *Whistleblowing Networks*

Another piece of conventional wisdom suggested is that whistleblowers were part of a pre-existing network. Although subsequent legal representation by GAP is a common link among the whistleblowers, these individuals were not originally involved with GAP or in any other organized group or network as some believed. As employees sought to bring a concern to light they

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\* For further details, see "Government Accountability Project Annual Report Fiscal Year 1989-90."



typically proceeded to seek out other individuals with similar experiences who might provide guidance. It often from this initial contact that whistleblowers were referred to GAP or other organizations, and how they came to know each other. Some apparently have still not met, or have met only briefly, and their personal relationships appear to be as varied as any other set of individuals.

#### *Harassment at Home or at Work*

Literature on whistleblowers suggests that those who would come forward publicly are often looked on as "mavericks" and are often isolated in various ways by peers, managers, and others. This can result in both real and perceived harassment. **There is no evidence that senior officials at Westinghouse Hanford Company sanctioned or encouraged harassment of these employees. Although the Institute is not expert in detective work or specifically knowledgeable about security practices, we conclude that there was indeed harassment, some clearly intended by peers, or by "rogue" elements in the security units, possibly by supervisors acting largely on their own, or from elsewhere. Additionally, some actual or perceived harassment is simply the inevitable result of misunderstandings and mutual lack of trust generated by the existing means of resolving significant concerns.** Because of this atmosphere, some claims of, and the degree and intent of harassment, may be overstated, but harassment at some level certainly occurred.

#### *Auditing, Monitoring, and Quality Assurance*

**One common pattern that emerged is that most of those who became whistleblowers were involved in auditing, monitoring, and quality assurance (QA) functions.**

As one might expect, the procedures and protocols at the site are lengthy and complex due to the nature of the work. Necessarily, much work is done against deadlines or attached to budgets. This, along with the remnants of the old production and security oriented mission and culture, provides an

atmosphere where some employees or managers might shortcut procedures and protocols in order to "get the job done."

Also, many of the problems encountered in the clean-up mission are reflective of poor past practices and facilities that are themselves part of the problem. Therefore, it is not surprising, however disturbing, to expect to find problems unaddressed or procedures which are not being followed.

Auditors, monitors, and QA professional are often familiar with practices in other facilities or other parts of the site, from which they might gain a broader perspective on ways to operate. Some have been trained or worked in other facilities. It is their professional responsibility to find such problems, and be independent of the day-to-day habits or pressures that fall on line supervisors. It follows that employees in auditing, monitoring, or QA by the nature of their jobs, would be more apt to discover, recognize, identify, and report potential problems and adhere to a strong sense of professional responsibility to correct them. The struggle between auditors, monitors, and managers and supervisors working against deadlines, or with a narrow perspective on responsibility, can be expected to produce conflict. The concentration of auditing, and/or monitoring personnel among whistleblowers at the Hanford Site suggests value in ensuring greater independence and access to necessary management channels to fulfill their roles.

#### *Other Factors in Hanford Whistleblowing*

There are a series of factors whose impact is difficult to pinpoint, but which would seem to have import. For example, it is commonly mentioned that there is a legacy of poor management practices by previous contractors, leaving in place a culture that has not only left safety issues by the hundreds, but which does not have a tradition of effectively exposing and addressing significant concerns. Similarly, the effects of the change in the mission, which is bringing about major structural and institutional changes, as well as changes in focus, are difficult to pinpoint but help explain some of the tension between business as usual and a new focus on clean-up and safety. Also cited, was the general concern in the Northwest for the environment, and the tradition of public involvement and oversight in environmental policies and issues. The Tri-Party Agreement, the many advisory mechanisms at the site, and the interest in timber, fish, wildlife, water pollution, and land use in other parts of

the state are all examples of this Northwest tradition. In this overall context it is not particularly surprising to see both employees interested in coming forward and community and advocacy groups actively involved in these questions.

We also reviewed a series of demographic factors across whistleblowers, including length of employment at the Site, for which contractor(s) one worked, education, age, etc. Except as noted few patterns of significance emerge. Finally, there is a common perception of the "uniqueness" of the Hanford culture, resulting from its size, relative isolation and frequent contractor changes, which many believe to be a major factor creating tensions which contribute to whistleblowing at the site. These factors do contribute to the Hanford culture, but do not precisely point towards solutions.

#### COMMON PATTERNS IN HANDLING OF CASES

More indicative of specific reforms and actions in the Joint Council system is an examination of the patterns in complaint handling. Although the cases themselves are largely unique, a number of common patterns are apparent in the handling of cases once a significant concern was reported. **These patterns reflect the inadequacy of normal corporate and regulatory processes in the unusual environment of nuclear clean-up in the 1990's, and their inadequacy for addressing major or controversial employee concerns and related personnel consequences at the Hanford Site.** Among the deficiencies are: insufficient protections to prevent actual or perceived harassment and little to prevent the escalating polarization that occurred between employees, their supervisors, and the company; an insufficient degree of authority and resources applied in the resolution of the problem until a much later point -- often too late. Also, a common occurrence was that after problems reached higher levels it became much more likely that individuals who could affect a resolution became involved.

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**Table 9****Common Patterns in Complaint Handling**

- First line supervisor insufficiently prepared or responsive:
    - misunderstood technical complaint
    - may have felt threatened or under opposing pressures
    - didn't possess necessary resources, authority, or skills
  - Escalating polarization between supervisor and complainant
  - Peer or "rogue" harassment occurred
  - Insufficient protections to prevent actual or perceived harassment
  - Insufficient authority and resources applied in timely fashion
  - Insufficient attention to perceptions of method
  - Approaches often didn't address underlying problem
  - Ad hoc handling, insufficient continuity and case management
  - Insufficient information flow to employee during and after reporting complaint
  - Resulting and remaining tensions in workplace largely unaddressed
  - Undue emphasis on both sides on proving right and wrong, defending actions
  - Insufficient emphasis on problem solving
  - General lack of closure
  - Greater chance of resolution when problem reaches higher levels
- 

*Line Supervision*

Many line supervisors have not had the training, capacity, resources, or authority to recognize or act on these serious complaints. In such cases the common characteristic is an unsympathetic hearing and insufficient action from the line supervisor or other manager first to hear the concern. Without quick and constructive intervention, tensions escalate between the employee



and the supervisor and interpersonal or personnel problems start to emerge, or become exacerbated.

### *Insufficient Protections*

**The findings of this study clearly indicate insufficient protections to prevent actual or perceived, intended or unintentional, harassment of whistleblowers by supervisors or peers. Employees who had reported significant concerns were often left, sometimes by their own choice, in work situations with antagonistic peers or managers. Managers, on the other hand, argue that there are insufficient measures to protect managers who may be wrongly accused and are unable to respond to concerns due to a lack of training, resources, and authority. In short, our findings indicate insufficient methods to protect both employees and managers from harassment, tension, and career interruption during and after the period when attempts are being made to resolve significant employee concerns.**

### *Poor Selection of Methods*

Substantial financial, management, and technical resources have been consumed trying to resolve significant employee concerns, but the means used to resolve problems often have not addressed the underlying problems, whether technical or personnel, or didn't recognize the presence of both types of issues. Furthermore, as concerns were addressed there were many cases of "too little, too late."

For example, the use of security personnel, consultants with pre-existing relationships to the company, or even the commissioning of special committees, regardless of their qualifications, to investigate significant concerns raises considerable credibility problems with many employees and nuclear safety groups. The close proximity and contact between site contractors, government agencies, security forces, and others make it extremely difficult to choose methods of resolution that are perceived as having enough neutrality to make fair and equitable decisions. Even well intentioned and well executed studies that are done without sufficient attention to the acceptability of the study to affected employees and other close

observers have led to considerable trust and credibility problems leaving the dispute to remain unresolved.

Both technical and personnel conflicts are involved in these problems, and unless both aspects of significant concerns disputes are addressed in a timely and effective manner, the conflict will remain unresolved. Even if a technical issues is resolved in a satisfactory manner, the entire problem may be difficult to resolve due to the lingering personnel or interpersonal problems that become attached. **Our findings indicate strongly that if both sets of issues can be addressed at an early stage by managers who have the authority to commit resources to the problems, and in a manner seen as objective, the escalation of significant concerns could be minimized and the problems more directly resolved.** The sooner that sufficient amounts of authority, resources, and good judgment are applied to these concerns, the greater the potential for timely and effective resolution.

In the absence of a system that fits the special nature of significant concerns and related personnel disputes, the ad hoc handling of most cases contributed to further misunderstanding, confusion, defensiveness, polarization, and waste of resources that could have been spent on problem solving and clean-up.

#### *Lack of Final Closure*

As noted earlier, there has been a lack of accepted closure in most of these cases, as is evident from the long time to resolve them, and the ongoing status of many of the cases. Current practices clearly have not effectively provided for the satisfactory and complete resolution of most of the disputes. There is not currently any means to get such closure that is sufficiently credible, understood, and accepted.

#### *Lack of Timely Feedback and Damaged Workplace Atmosphere*

The fact that employees who raised concerns were not ordinarily involved directly in the resolution of the issues and were rarely in the flow of information during and after reporting their complaints has given rise to further mistrust and misunderstanding. Employees who bring forth concerns

often have a great understanding of the safety and problems. Not being asked for input on the potential resolution, or not being well informed of the status of their complaint leads to greater frustration, tension, and mistrust. More protection and consideration of the employee's involvement in, or feedback on the status of, the issue would all contribute to a better atmosphere for bringing forward complaints.

Relatedly, insufficient attention has been paid to either preventing or repairing the damage and trust in workplace relationships or careers that so frequently result from whistleblower incidents. When concerns are brought forth and problems and disputes escalated, there has been an undue emphasis on assigning blame or responsibility. The employees, managers, peers, and other involved or nearby individuals often take sides and focus not entirely on the effective and meaningful resolution of problems, but rather on deciding who is right and who is wrong. In this type of conflictual atmosphere it is difficult for employees who bring forth concerns to continue working in a constructive atmosphere. Additionally it detracts from the ability of other nearby or affected workers and managers to focus on the mission of the site and carry out their related duties.

## EXPECTATIONS FOR THE JOINT COUNCIL

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The implementation of the Joint Cooperative Council for Hanford Disputes is expected to offer a faster, fairer, and more effective method of addressing both the technical and personnel aspects of significant employee concerns. The Joint Council would provide the opportunity for involved and affected parties, many of which have been at odds, to work together in: encouraging a more open and constructive atmosphere for bringing forth significant technical or substantive problems; addressing significant concerns in a credible and acceptable manner; and focusing time and resources on the mission of the site, rather than acrimonious disputes.

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**Table 10**

### **Expectations for the Joint Council**

- Faster and fairer resolution of significant employee concerns
  - Prompt, effective attention to safety concerns
  - Easy to use
    - Clarity
    - Non-bureaucratic
  - Less expensive, less wasteful
  - Lessens controversy
  - Priorities not decided by volume of complaints or coverage
  - Engage employee energy in problem resolution
  - More open and constructive atmosphere encouraged for raising and resolving concerns
  - Keeps resources focused on the mission of the site
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## NEXT STEPS: DEVELOPMENT AND IMPLEMENTATION

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The Institute for Public Policy and Management has outlined a system to resolve and encourage the effective resolution of significant safety, health, and environmental concerns, and related personnel issues. **Despite the frustrations of the past, we invite the Westinghouse Hanford Company, the nuclear safety advocacy community, employees, and community leaders to build on the common interests our study has identified and participate in discussions to develop and implement the Joint Cooperative Council for Hanford Disputes.** We also invite other local, state, and federal government agencies which have an impact on Hanford issues, policies, and operations to support the development of such a process by lending encouragement, resources, authority, and cooperation as the process is jointly developed and proceeds to operation. **The Institute has identified a sincere interest in virtually all quarters, and a compelling need, to deal with significant employee concerns in a substantially different way than has been done heretofore.**

If the parties agree, the Institute will seek to name an interim Chair of the Joint Cooperative Council for Hanford Disputes who would convene parties which reflect the membership characteristics described earlier. We propose that the interim Chair be named and accepted within 20 days and a properly representative group be convened within 45 days of this report. The Chair and the parties would begin a set of structured discussions to specify the values, ground rules, features, and specific policies and practices of the Council, adhering to the context and framework of the Institute's recommendations. If these discussions are successful, a permanent council could be poised for establishment and ready to being operations within 120 days or less of the date of this report, or such other date as the parties agreed.

**The Institute's study process and recommendations have been structured so that affected and involved parties have been able to provide input without risk, and can enter the proposed discussions to form the mechanism with minimal risk. Only as the specifics of the system are molded and as sufficient trust develops,**

will it be necessary or appropriate to make substantial commitments. But good faith, full participation, listening, and suspension of judgment pending the outcome of the discussions will be necessary. Nevertheless, the Institute recognizes, and the parties should recognize, that the development and implementation of the Joint Cooperative Council for Hanford Disputes will require: some significant sacrifice by many of the parties -- especially the contractor; a large degree of patience -- especially by advocacy groups and others seeking that concerns be addressed; and good faith all around in working together. Working together where there has previously been so much mistrust will not be simple.

On the other hand, the current status and results of whistleblower situations and other significant concerns can surely be improved, probably by orders of magnitude, if the system outlined here can be given the time, resources, and attention it needs to work.

The willingness we observed to cooperate in the formation and operation of the Joint Council provides a unique opportunity for all concerned parties to put their time, energy, and resources into resolving significant safety, health, and environmental concerns at the Hanford Site. The Institute offers the Joint Cooperative Council for Hanford Disputes as a promising alternative to the status quo.

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**Table 11**

**Next Steps**

- Enter Phase II discussions
  - Arrange interim funding
  - Appoint interim chair
  - Chair identifies parties for participation in initial discussions
  - Develop values, protocols, processes
- Chair identifies and appoints members for a Joint Cooperative Council for Hanford Disputes

- Joint Council completes procedures for operation
  - Establish operations, hire staff
  - Begin
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## APPENDIX - A

### CATEGORIES OF INDIVIDUALS INTERVIEWED

The Institute for Public Policy and Management project team for this study has held interviews and discussions with approximately 125 individuals from a wide range of categories, including those listed alphabetically below:

- Community Advocacy and Nuclear Safety Advocacy Organizations
- Congressional Staff
- Environmental Protection Agency
- Individual Whistleblowers
- Local Community Leaders
- Technical Consulting and Other Research Organizations
- U.S. Department of Energy
- U.S. Department of Labor
- Washington State Department of Ecology
- Washington State Department of Health
- Westinghouse Hanford Company

The Institute received excellent cooperation from all quarters. We are grateful for the candor and cooperation.



## APPENDIX - B

### BIBLIOGRAPHY

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A partial list of materials reviewed in the course of this study is included in this bibliography. This list provides representative sources for information regarding whistleblowing, conflict resolution in environmental and public policy disputes, as well as methods for resolving disputes in other industries. Several sources which provide an overview of the history and culture of the Hanford Site are also listed. Information is also included about how concern resolution is handled by the Westinghouse Hanford Company and the U.S. Department of Energy, as well as various reports on how significant concerns have been investigated and handled in the past.

"10 CFR Part 708, Criteria and Procedures for Department of Energy Contractor Employee Protection Program," March 3, 1992.

"1988 Agreement between Westinghouse Hanford Company and Hanford Atomic Metal Trades Council."

Anderson, Howard T., "Report on WHC Internal Investigative Process," May 23, 1991.

Battelle Human Affairs Research Center, "Organizational Climate Survey," *Hanford Reach*, January 16, 1992.

Brock, Jonathan, "Mandated Mediation: A Contradiction in Terms?" *Villanova Environmental Law Review*, Spring, 1991.

Brock, Jonathan and Gerald W. Cormick, "Can Negotiation Be Institutionalized or Mandated? Lessons from Public Policy and Regulatory Conflicts," in Kressel and Pruitt, eds., *Mediation Research: The Process and Effectiveness of Third Party Intervention*, (San Francisco: Jossey-Bass, 1989) pp. 139-165.

"Engler Report: Employee Allegations Regarding UNC Quality Assurance and Safety Functions at Hanford," October 12, 1987.

Ewing, David W., *Justice on the Job; Resolving Grievances in the Non-Union Workplace*, (Boston: Harvard Business School Press, 1989).

*Facing Reality: The Future of the U.S. Nuclear Weapons Complex*, (San Francisco: Tides Foundation, 1992).

Gerber, Michele S., *Legends and Legacy: Fifty Years of Defense Production at the Hanford Site*, (Richland, WA: Westinghouse Hanford Company, 1991).

Glazer, Myron and Penina, *The Whistleblowers*, (New York: Basic Books, 1989).

Government Accountability Project, "Comments of the Government Accountability Project on the DOE Proposed Rule to Establish a Procedures for Whistleblower Protection of Contractor Employees," April 27, 1990.

Loeb, Paul Rogat, *Nuclear Culture: Living and Working in the World's Largest Atomic Complex*, (Philadelphia, New Society, 1986).

Paula D. Nathaniel v. Westinghouse Hanford Company, "Transcript of Proceedings," "Recommended Decision and Order," and "Respondents Posthearing Brief."

"Resolution of Employee Concerns at Westinghouse Hanford Company," June, 1991.

Spear, John R., "Department of Labor Occupational Safety and Health Administration Final Investigation Report."

"Testimony of Sonja I. Anderson before the Senate Committee on Governmental Affairs," May 20, 1992.

U.S. Department of Energy Office of Nuclear Safety, "Report on the Handling of Safety Information Concerning Flammable Gases and Ferrocyanide at the Hanford Waste Tanks," July, 1990.

U.S. Department of Energy Richland Field Office, "DOE Review Team Report Assessing Operating Contractor Action in Response to Rockwell Internal Audits," November, 1986.

U.S. Department of Energy Richland Field Office, "RLIP (Richland Implementing Procedure) 548X.1, Safety Concerns Program."

## APPENDIX - C

### THE INSTITUTE FOR PUBLIC POLICY AND MANAGEMENT PROJECT TEAM PROFILE

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The Institute for Public Policy and Management is a research and technical assistance organization within the University of Washington Graduate School of Public Affairs. The Institute's mission is to strengthen the abilities of state and local policymakers and the general public to understand and make sound, well-informed decisions regarding public policy issues. Institute associates have a broad range of contacts and extensive experience in dealing with government, community and business leaders. The Institute excels at bringing together diverse participants in an effort to solve complex and sensitive issues in the areas of environmental protection, growth management, economic and community development, and human services.

The Institute team for the Significant Employee Concerns project at the Hanford Site consists of:

**Betty Jane Narver**, Principal Project Investigator and Director of the Institute for Public Policy and Management. Her current research projects are broadly based in the areas of policy implementation at the state and local levels, growth management, fiscal, educational and health care policies. She recently received the University of Washington's 1991 Outstanding Public Service Award for her involvement in numerous civic activities.

**Jonathan Brock**, Associate Professor at the Graduate School of Public Affairs and Chair of the Cascade Center for Public Service. His research and writing covers areas such as conflict resolution, labor-management relations, and organizational practices. His experience includes advising major government agencies, nonprofit organizations, as well as teaching senior government policymakers, trade union officers, and corporate executives.

**Gerald Cormick**, Senior Lecturer at the Graduate School of Public Affairs and founder and former president of The Mediation Institute. He has pioneered the application of negotiation and mediation techniques in settling disputes over community conflicts, environmental and natural resources disputes. Recent projects have focused on mediating disputes over the cleanup of superfund sites, forest management and the northwest "Salmon Summit."

U.S. General Accounting Office, "Hanford Single-Shell Tank Leaks Greater than Estimated," August, 1991.

Westinghouse Hanford Company, "Employee Appeals Program," WHC-CM-1-3, MRP1.9, Rev 0, May 3, 1991.

Westinghouse Hanford Company, "Resolution of Employee Concerns," WHC-CM-1-3, MRP1.13, Rev 0, December 29, 1989.

Dozens of other documents, published and unpublished, were reviewed as well as periodicals and newspaper coverage of these issues. The study team also utilized the experience and observations of its senior members in environmental, employee relations, and community and policy disputes.



**Lynne Iglitzin**, Assistant Director of the Institute for Public Policy and Management. She has a broad range of experience in areas such as governance, environmental protection and various workforce issues.

**Drew Memmott**, Research Assistant, Institute for Public Policy and Management. He holds a M.A. degree from the University of Washington.