The importance of accountability after deadly disasters

May 8 2018, by Kevin Quigley

This week marks the 26th anniversary of the explosion at the Westray mine in the Nova Scotia community of Plymouth. Sparks in the mine combined with methane gas to cause an explosion that killed 26 men on May 9, 1992.

In the inquiry that followed, many people and organizations were singled out as contributing to the event, but no criminal convictions resulted.

Today, the people of Lac-Megantic in Quebec share a similar tragic fate as the people of Plymouth. The July 2013 train derailment in Lac-Megantic killed 47 and wiped out the town's downtown core. Despite the trials and investigations, we are left wondering who is responsible.

After the failure of complex systems that result in deadly disasters, we struggle to hold people to account.

Organizational anthropologists refer to four types of accountability: Market, bureaucratic, community and randomness. Each type characterizes accountability differently; all have strengths and important limitations.

Markets and the law

Markets punish organizations after disasters; share values tumble and lawsuits mount. Many companies do not survive. Low-probability/high-

consequence events like these, however, cannot be left to markets alone to address.

Markets encourage people to take chances and cut costs; they incentivize organizations to offload costs on others and not disclose information about vulnerabilities. The highly integrated nature of supply chains means that one small failure can sometimes have a massive cascading effect.

The concept of insurance —a common social response to managing risk —is also limited because these events involve so many organizations, are expensive and occur so rarely that there is a dearth of reliable predictive data. As American economist [J. David Cummins emphasizes](#): "Catastrophic events, and particularly mega-catastrophes such as Katrina and the WTC terrorist attack, violate to some degree nearly all of the standard conditions for insurability."

Legal mechanisms have similar challenges; it is very difficult to find one smoking gun. Last year, Ontario Superior Court Justice Edward Gareau [found Robert Wood not guilty of criminal charges stemming from the Algo Centre mall collapse in Elliot Lake, Ont.](#), that killed two people and injured more than 20, partly because there were too many people involved to hold one person to account.

The judge, troubled by his own verdict, declared Wood had to accept moral responsibility for the event, a vague and unenforceable concept.

Other legal mechanisms are also limited. Non-disclosure agreements, [as we saw in Lac-Mégantic](#), can be an efficient way to compensate victims, but they also shelter those who are responsible.

After Westray, the so-called [Westray bill](#) amended Canada's Criminal Code to extend the criminal liability of corporations in the field of health

and safety. [Only five employers have served time for fatality-related incidents since it was enacted in 2004](#).

Public bureaucracies

We value public bureaucracies because of their specialization, stability and clarity of accountability; they can also manage big projects for the public good.

But big projects can also result in big failures, and as projects become larger and more complex, it makes it harder for bureaucracies to identify who is responsible. That in turn facilitates blame-shifting and the practice of sweeping indiscretions under the carpet.

Senior public officials don't want to take responsibility for failures that they did not create themselves. They do not want to be blamed for policy decisions taken by politicians, or for underfunding.

Yet the "behind the curtain" tendencies of public servants in times of disaster erodes trust in governance. When asked in 2015 whether any public servants lost their jobs because of the events in Lac-Mégantic, then-federal transport minister Lisa Raitt [could not give a straight answer](#).

Inquiries are crucial for understanding the circumstances surrounding disasters. Westminster-style governments have a tendency to establish inquiries.

Still, governments, which are often in a conflict of interest in these matters, don't always call them. When they do, it's sometimes simply to ease short-term political pressure. But inquiries are limited by their mandates, can only make recommendations and are only as good as our willingness to learn from and act on them.

Community accountability

Community accountability occurs when a community is held accountable to itself. Here, the concept of "community" is malleable; it refers to a group with a shared identity.

[Restorative justice](#) embodies aspects of community accountability; some call it "face-to-face" accountability. Unlike a bureaucratic approach, a community approach can be deeply personal.

Following the deaths of six people due to water contamination in 2000, [Ontario's Walkerton inquiry](#) demonstrated shades of a community approach when Justice Dennis O'Connor chose to hold the inquiry in the town of Walkerton itself and allowed residents to provide personal accounts of the impact of the tragedy.

But there are challenges. Community accountability is oriented inward to the community, not outward to broader society, which also needs to learn about the systemic failures. Communities can fragment under this pressure; if the finger-pointing gets too intense, the community breaks down.

Communities can also feel anger towards outside organizations that they distrust. Following [the Cave Creek disaster in New Zealand](#) in which 13 youth and one adult died after a poorly constructed lookout point collapsed in a national park —and no one was ever convicted of a crime —the lawyer representing the government claimed that some [people were simply out for revenge](#).

A random world

A new dynamic is emerging from our networked society: Randomness.

In a random world, bad things happen; the world is a chaotic place, unworthy of trust or rational risk assessment.

Social media typifies this chaotic universe. As European scholar Pieter Rutsaert and his colleagues emphasize, social media "has the potential to develop a seemingly small-scale risk into a full-blown … crisis."

Accountability can also be random, underpinned by the fickle finger of fate.

Following the recent school shooting in Parkland, Fla., an online campaign emerged demanding that Mountain Equipment Co-op drop any products related to Vista Outdoor because it was a manufacturer of guns; other organizations managed to avoid the online scrutiny.

Media amplifies some tragedies and plays down others. Events that happen on the weekend, for example, get more coverage.

In this context, the prominence of an event is driven by visuals and by the emotional weight of the story, which can be light on facts.

This dynamic results in people developing defensive posturing, adaptive capacity and brand management.

How we hold people to account after disasters is deeply embedded in social context; it is a legal question and a moral one.

When catastrophic events occur, we must consider the social and technological pressures that shape our behaviours and inform our accountability systems. We must emphasize learning, transparency and ethical conduct, and maintain public confidence in our overall system of governance. Recent events suggest there is much work to do.

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