

RESTORATIVE JUST CULTURE CHECKLIST

Restorative Just Culture aims to repair trust and relationships damaged after an incident. It allows all parties to discuss how they have been affected, and collaboratively decide what should be done to repair the harm.

WHO IS HURT?

ACKNOWLEDGED:
NO YES

Have you acknowledged how the following parties have been hurt:

- First victim(s)** – patients, passengers, colleagues, consumers, clients
- Second victim(s)** – the practitioner(s) involved in the incident
- Organization(s)** – may have suffered reputational or other harm
- Community** – who witnessed or were affected by the incident
- Others** – please specify:.....

WHAT DO THEY NEED?

EXPLORED:
NO YES

Have you collaboratively explored the needs arising from harms done:

- First victim(s)** – information, access, restitution, reassurance of prevention
- Second victim(s)** – psychological first aid, compassion, reinstatement
- Organization(s)** – information, leverage for change, reputational repair
- Community** – information about incident and aftermath, reassurance
- Others** – please specify:.....

WHOSE OBLIGATION IS IT TO MEET THE NEED?

IDENTIFIED:
NO YES

Have you explored the needs arising from the harms above:

- First victim(s)** – tell their story and willing to participate in restorative process
- Second victim(s)** – willing to tell truth, express remorse, contribute to learning
- Organization(s)** – willing to participate, offered help, explored systemic fixes
- Community** – willing to participate in restorative process and forgiveness
- Others** – please specify:.....

READY TO FORGIVE?

NO YES

Forgiveness is not a simple act, but a process between people:

- Confession** – telling the truth of what happened and disclosing own role in it
- Remorse** – expressing regret for harms caused and how to put things right
- Forgiveness** – moving beyond event, reinvesting in trust and future together

ACHIEVED GOALS OF RESTORATIVE JUSTICE?

ACHIEVED:
NO YES

Your response is restorative if you have:

- Moral engagement** – engaged parties in considering the right thing to do now
- Emotional healing** – helped cope with guilt, humiliation; offered empathy
- Reintegrating practitioner** – done what is needed to get person back in job
- Organizational learning** – explored and addressed systemic causes of harm

BACKGROUND OF RESTORATIVE JUSTICE

Restorative Just Culture asks:

- **Who is hurt?**
- **What do they need?**
- **Whose obligation is that?**

Accountability is *forward-looking*. Together, you explore what needs to be done and who should do it

An **account** is something you tell and learn from

Retributive Just Culture asks:

- What rule is broken?
- How bad is the breach?
- What should consequences be?

Accountability is *backward-looking*, finding the person to blame and imposing proportional sanctions

An **account** is something you settle or pay

WHY AVOID RETRIBUTIVE JUST CULTURE?

A retributive just culture can turn into a blunt HR or managerial instrument to get rid of people. It plays out between 'offender' and employer—excluding voices of first victims, colleagues, community. A retributive just culture is linked with hiding incidents and an unwillingness to report and learn. The more powerful people are in an organization, the more 'just' they find their retributive just culture. A retributive response doesn't identify systemic contributions to the incident, thus inviting repetition.

GUIDANCE FOR USE OF RESTORATIVE JUST CULTURE CHECKLIST

On the checklist, mark where you think you are, like so:
Together, the marks reveal what you still need to do.



or so:



HURTS, NEEDS AND OBLIGATIONS

An incident causes (potential) hurts or harms. This creates needs in the parties harmed. These needs produce obligations for the (other) parties involved.

Restorative justice allows parties to discuss their hurts, their needs and the resulting obligations *together*. Incidents don't just harm their (first) victim(s). They also (potentially) harm the second victim, supervisors, the organization, colleagues, bystanders, families, regulatory relationships and the surrounding community. All these parties have different needs arising from the harms caused to them. The checklist allows you to trace the harmed parties, their needs, and the obligations on them/others.

FORGIVENESS

Forgiveness is not a simple act of one person to another. Forgiveness is a relational process that involves truth-telling, repentance and the repair of trust. It takes time. Trust is easy to break and hard to fix. Some first victims may be unwilling or unable to forgive. Second victims can also have difficulty forgiving themselves. Parties need to have patience and compassion, and may end up going separate ways.

GOALS OF RESTORATIVE JUSTICE

- *Moral engagement* can mean accepting appropriate responsibility for what happened, recognizing the seriousness of harms caused, and humanizing the people involved. Incidents can overwhelm an organization (e.g. a legal, reputational, financial, managerial issue). It is easy to forget that it is also a moral issue: What is the right thing to do?
- *Emotional healing* aims to deal with feelings such as grief, resentment, humiliation, guilt and shame. It is a basis for repairing trust and relationships.
- *Reintegrating* the practitioner expresses the trust and confidence that the incident is about more than just the individual. Expensive lessons can disappear from the organization if the practitioner is not helped back into the job, and letting them go tends to obstruct the three other goals. If you fire someone, what have you fixed?
- Restorative justice is better geared toward *addressing the causes* of harm because it goes beyond the individual practitioner and invites a range of stories and voices. Forward-looking accountability is about avoiding blame, and instead fixing things.