

# Fear makes cover-ups worse



Ontario's latest water-testing scandal proves it: Fear of sanctions makes people hide errors rather than seek solutions, says business dean

ROGER MARTIN

**C**lamp down harder." Last week's water-testing scandal, in which a London, Ont., lab admitted it had not been testing local drinking water for *E. coli*, reinforces the near-universal reaction to the failure of systems we trust. But we're dreaming if we think that clamping down harder will eradicate the problem.

After the Walkerton tragedy, we had calls for more rules, more regulation, more oversight and more spending.

After "test gate," we have Ontario Environment Minister Chris Stockwell's talk of heads rolling and police investigations. Such clamp-down reactions confuse the true, direct cause of the problem. In both cases it was not error itself, but rather the cover-up that failed.

By all accounts, Walkerton's public utilities commission general manager Stan Koebel was an incompetent who repeatedly produced erroneous results for "tested" water, then pumped it whether chlorinators were working or not. But what's important is that everyone around him knew he was incompetent. No one needed to wait for one of his errors to produce illness; after any of his flawed tests, an immediate boil-water alert could have been ordered, extra chlorine dumped into the system. Everyone would have been fine.

That didn't happen. Why? Because errors were covered up, and the cover-up was covered up. And as a direct result of cover-up, innocent people died.

The same holds for last week's kerfuffle. No one died, the Medical Officer of Health



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insists that no one's health was in danger, and MDS Laboratories asserts that there was no problem in the first place. However, had people overlooked actual *E. coli*, the cause of resulting sickness would have been the same: a delay (in this case, a 19 day delay) in reporting suspected testing failures—that is, a cover-up.

The critical question, therefore, is not what produces error, but rather what produces cover-up.

The answer: Fear of sanction. In the face of sanction that is feared to be out of proportion with the error and meted out without discussion or the possibility of recourse, the person who erred will cover up the error, not report it.

And the severe punishment meted out for capitalist activity in the former Soviet

Union simply produced a sophisticated underground economy.

Sanctions for sexual impropriety in Victorian England resulted not in abstinence but in what some historians estimate was more prostitutes per capita in London than now.

Let's consider two things before we move instinctively to clamp down. First is the tradeoff between error reduction and encouraging cover-up. Stiffening sanctions in order to reduce error will, other things being equal, increase the sophistication of cover-up. In order to make this tradeoff, we have to understand the dominant cause of the problem in each particular case.

Consider the case of the Northwest Airlines crash at Detroit airport, when pilot

error killed a planeload of passengers a decade ago. The pilots failed to extend the wing flaps, which are required for lift during take-off. During the National Transportation Safety Board hearings, pilot who had been on adjacent runways testified under oath that the wing flaps were extended—even though the pilots they were covering for had died in the crash. Yet the physical evidence from the crash site proved beyond a shadow of a doubt that the flaps were not extended. In this case, error caused the deaths and the attempted cover-up was benign, if repugnant. And here, sanctions against error are worth trading off against the threat of increased cover-up.

Similar logic may hold for sanctions against sex abuse by Roman Catholic priests, though the proposed "zero tolerance" policy for priests will assuredly produce still more cover-up of sex abuse.

However, in cases such as the protection of water supply, where cover-up is as dangerous, or more so, than the original error, the tradeoff must be considered very carefully.

Greater sanction for error is likely to produce greater cover-up and quite likely, more deaths.

Second, the structure of sanctions must be considered carefully. Sanctions that are seen as extreme, unilateral and arbitrary generate more cover-up; sanctions that are proportionate, the product of due process and subject to appeal, ameliorate fear and the incentive to cover up.

In this respect, the key issue is what Stan Koebel thought would have happened had he told his bosses, "Gentlemen, I'm not competent to do my job." If he thought he would be fired, he would have chosen cover-up. If he thought he'd be chastised but offered help in upgrading himself to a competent level, he would have been inclined to "step up."

I in no way condone Mr. Koebel's actions or his cover-up. But I do say that they weren't surprising, given the sanctions he faced. Proportionality, due process and the right to appeal are deeply enscathed in Western legal traditions. However, when we feel enraged and betrayed, these values are replaced by extreme, unilateral and arbitrary measures that by encouraging cover-up can produce worse problems than they try to solve.

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