

**Everything you wanted to know about
Just Culture and were afraid to ask**

**Just Culture Awareness Workshop
24.5.2017**

Just Culture - what is it and what is not
IFATCA perspective
Marc Baumgartner
IFATCA



ASRS - 1975



Reporting

UK MOR Scheme
1976BASIS
(BA incident reporting Scheme)Open
Reporting

CHIRP

Anonymous reporting systems

Just Culture, prosecutions, safety intervention accidents over time

Just Culture

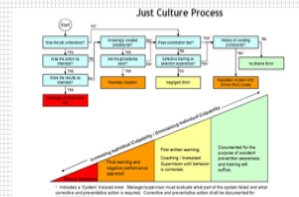
GAIN

SASI

Accountability

Eurocontrol ES2

- More than three quarters of ATCOs surveyed hide incidents for fear of reprisal
Eurocontrol, 2006



Flight Data Monitoring



SAFREP



Just Culture Model Policy

ASMT



EU 376/2014

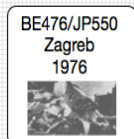
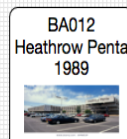
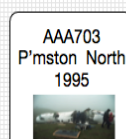
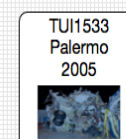
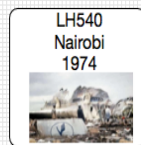
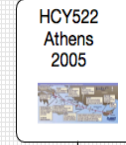
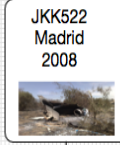
EU JC Charter

Just Culture Prosecutors Course

JC RP1 SKPI

No-Blame Culture

Anonymity versus confidentiality

BE476/JP550
Zagreb
1976AT1460
Mt Crezzoin
1987BA012
Heathrow Penta
1989AAA703
P'mston North
1995JAL907 & JAL958
Yaizu
2001CRX3597
Zurich
2001TUI1533
Palermo
2005GLO1907 & N600XL
Matt Grosso
2006LH540
Nairobi
1974SWR316
Athens
1979AFR296
Habsheim
1988ITF148
Strasbourg
1992DAL39
Schiphol
1998SAS686 & DIEVX
Linde
2001DHX611 & BTC2397
Uberlingen
2003HCY522
Athens
2005JKK522
Madrid
2008

Flight Engineer
Negligent Homicide
Acquitted

ATCO (Tasic)
Found guilty of
Manslaughter

PIC & CoPilot
Negligent Manslaughter
Negligent bodily injury +
disrupting air services
Co-Pilot acquitted
PIC 5 years 2 months sentence
converted to a fine

Crew charged with murder
Co-pilot Acquitted
Manufacturer convicted of homicide

PIC & Copilot +
2 AFR officials +
Flying club chairman
Manslaughter
Captain, 6 months
prison sentence

Captain convicted of
negligently endangering
aircraft and
passengers

Six defendants cleared
of all charges
Airbus and Air France
held liable

Captain acquitted
Status of CVR challenged

JAL Captain & 2 ATCOs
prosecuted
ATCOs found guilty

Three ATCOs prosecuted
2 found guilty & fined

BFU Conclude pilot error.
Six Crossair managers
prosecuted
All acquitted

Two separate prosecutions,
11 defendants
A number of convictions made

Nine people charged with
multiple manslaughter charges
Crew sentenced to 10 years
imprisonment
Two engineers acquitted

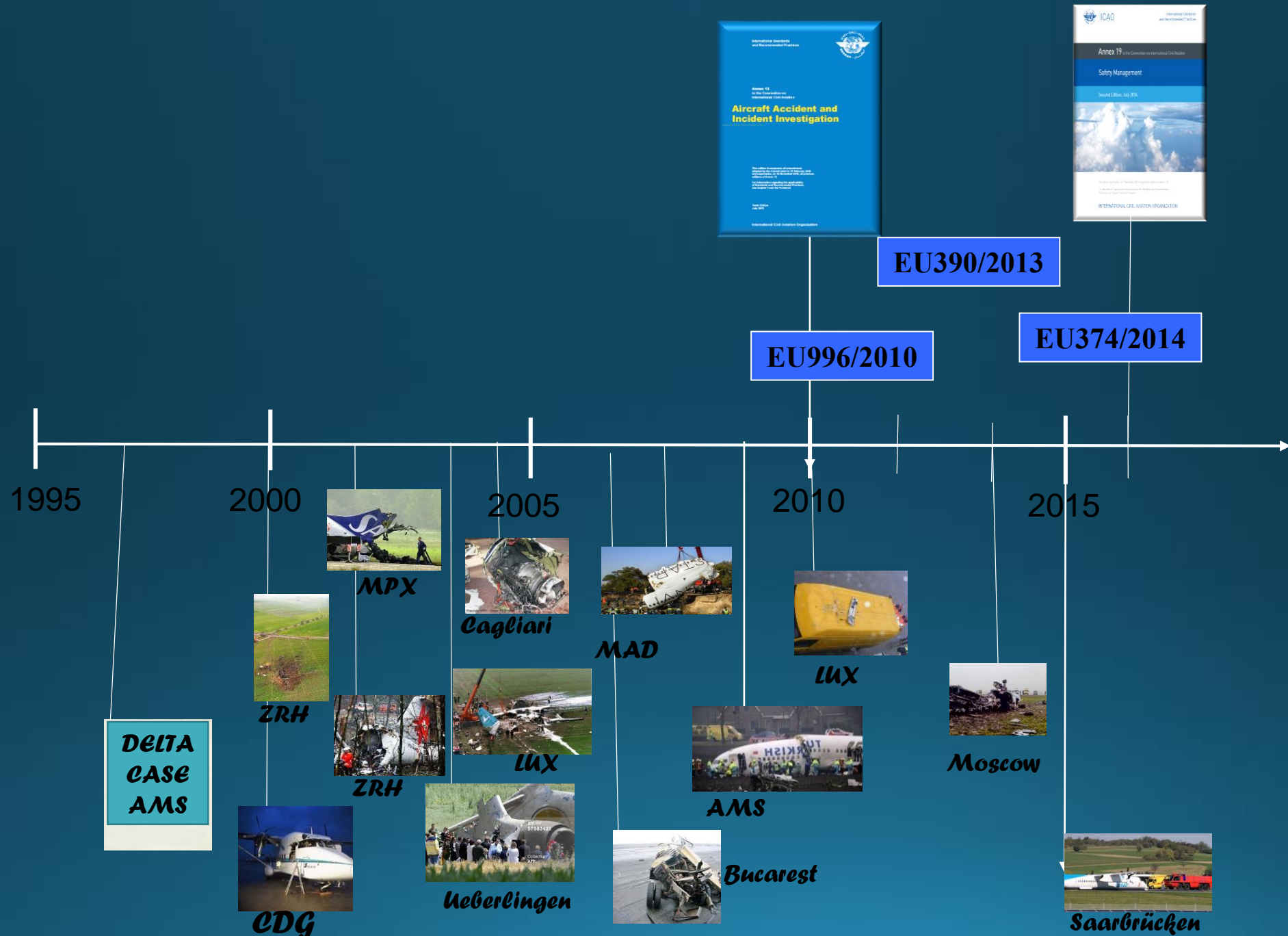
Eight Skyguide employees
prosecuted.
Four found guilty

Pilots & 4 ATCOs
charged.

The first case where
criminal trails in two
jurisdictions subsequent
to an aviation accident

Engineers & supervisors
charged with manslaughter

Just culture time line



Safety Data protection

ICAO	Annex 13 (10 th ed.)	5.12 and Attachment E
	Annex 19 (1 st ed.)	5.3 and Attachment B
	Assembly 38 (2013)	A38-3 and A38-4
European Union	996/2010 (OJL 295/35)	Recital 30, 34 §14
	376/2014 (OJL 122/18)	Recital 35,45 § 15 (1)
IFATCA	POLICY	LM11.2.6. page 4 2 4 13 LM 11.2.7 page 4 2 4 14
Eurocontrol	Just Culture Policy	(Provisional council decision 2012)

Reporter protection

ICAO	Annex 13 (10 th ed.)	5.12 and Attachment E
	Annex 19 (1 st ed.)	5.3 and Attachment B
	Assembly 38 (2013)	A38-3 and A38-4
European Union	996/2010 (OJL 295/35)	Recital, 34 §14
	376/2014 (OJL 122/18)	Recital 35,45,50 § 15 (1) / 16 /20
	Directive 95/46/EC	(OJ L 281, 23.11.1995, p. 31).
	(EC) No 45/2001	(OJ L 8, 12.1.2001, p. 1).
IFATCA	POLICY	WC 8.7.2. page 4 2 1 40 LM 11.2.4 page 4 2 4 11
Eurocontrol	Just Culture Policy	(Provisional council decision 2012)

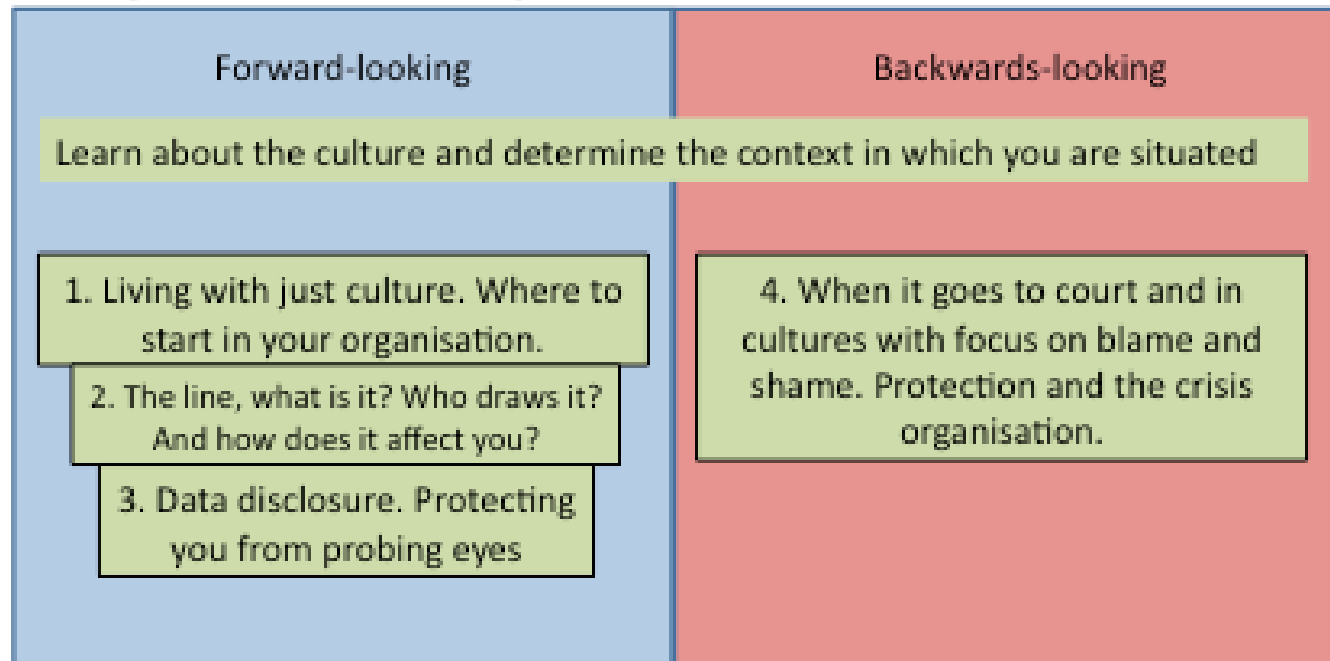
Definition of just culture

ICAO	Annex 13 (10 th ed.)	NIL
	Annex 19 (1 st ed.)	NIL
	Assembly 38 (2013)	A38-3 and A38-4
European Union	996/2010 (OJL 295/35)	Recital 24
	691/2010 updated 390/2013 (OJL 128/1)	§ 2 (10)
	376/2014 (OJL 122/18)	Recital 34,36,37,40,44 § 2 (12) / 6.1/6.3/6.4/16.11
IFATCA	POLICY	LM11.2.1 page 4247
Eurocontrol	Just Culture Policy	(Provisional council decision 2012)

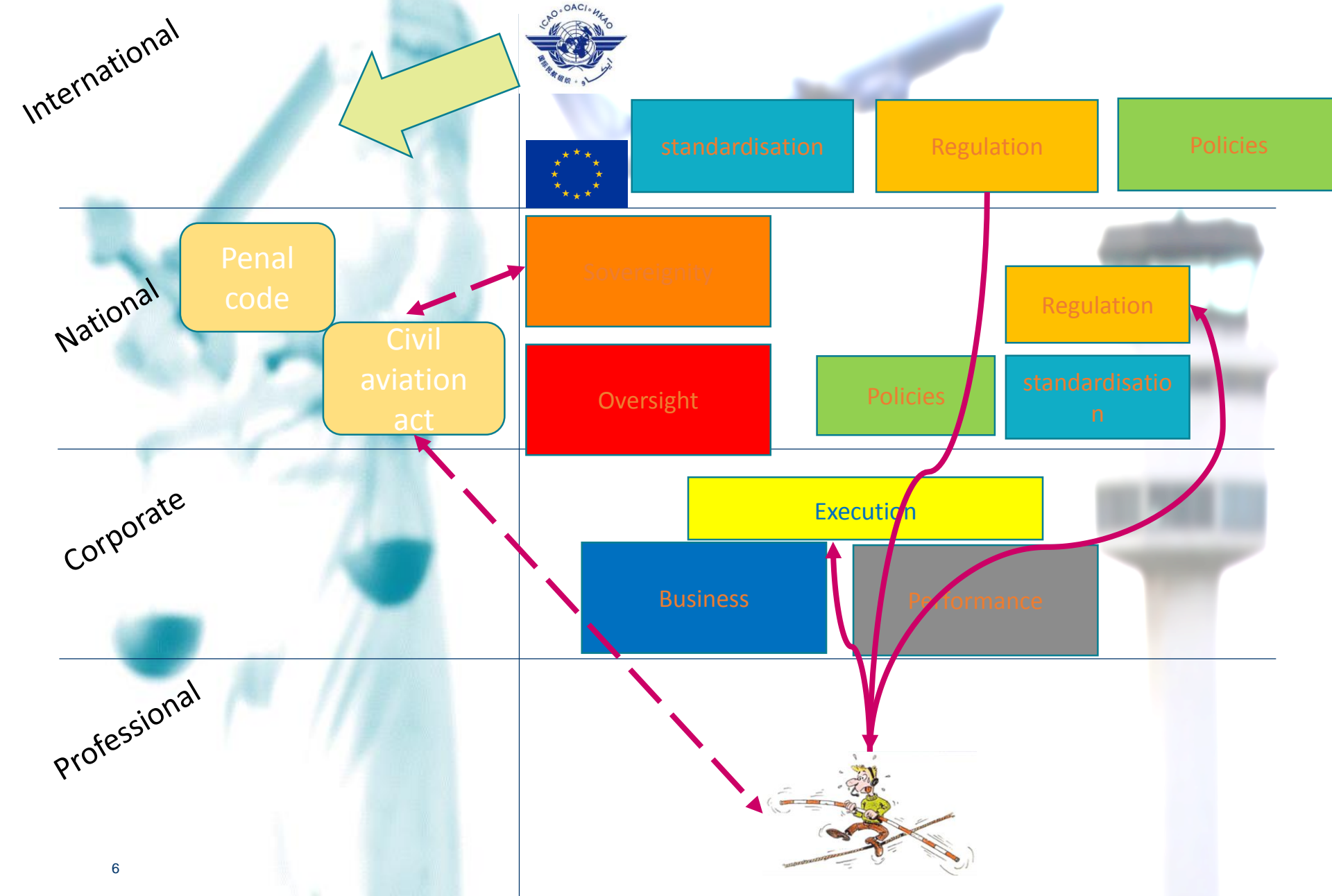
The dualism of Just Culture

When an event will remain inside
the organisation or with the regulator

When you expect that an event will go
to court



Where does JC fit in?



- *A Just culture is in the service of safety. Not a means of social control or a disciplinary mechanism. Be wary of an undue emphasis on gross negligence.*
- *To effect a Just Culture, trust needs to be built between all of those who have a legitimate and appropriate interest. This is a much larger group than may be initially thought.*
- *To achieve the ideals of a Just Culture will require collaboration and understanding of others views.*
- *Just Culture will be tested. Just Culture will be misinterpreted. Each occasion that it is tested or misinterpreted is a learning opportunity for all and can be used to strengthen Just Culture. Be informed to influence these occasions*
- *Just Culture is perishable. It requires hard work to be sustained by continued commitment to the ideals and by continuous dialogue.*
- *Just culture is not simple. Each event where Just culture is tested will have its own unique context.*

- Just culture is dual
- Just culture is social construct
- Just culture is drawing the line
- Just culture is difficult