

# **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

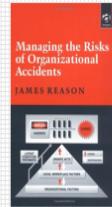
## Reporting



ASRS - 1975



Open Reporting

UK MOR Scheme  
1976BASIS  
(BA incident reporting Scheme)

## No-Blame Culture

Anonymity versus confidentiality

## CHIRP

Anonymous reporting systems

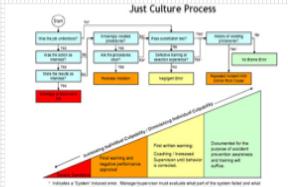
## Just Culture

GAIN

SASI

## Accountability

Eurocontrol ES2



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

Eurocontrol, 2006



SAFREP



Just Culture Model Policy



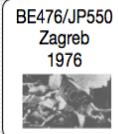
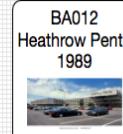
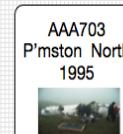
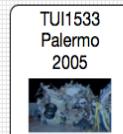
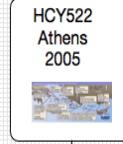
EU 376/2014

EU JC Charter

## Just Culture Prosecutors Course

ASMT

JC RP1 SKPI

BE476/JP550  
Zagreb  
1976ATI460  
Mt Crezzoin  
1987BA012  
Heathrow Penta  
1989AAA703  
P'rshton North  
1995JAL907 & JAL958  
Yaizu  
2001CRX3597  
Zurich  
2001TUIH533  
Palermo  
2005GLO1907 & N600XL  
Matt Grosso  
2006LH540  
Nairobi  
1974SWR316  
Athens  
1979AFR296  
Habsheim  
1988ITF148  
Strasbourg  
1992DAL39  
Schiphol  
1998SAS686 & DIEVX  
Linate  
2001DHX611 & BTC2397  
Uberlingen  
2003HCY522  
Athens  
2005JKK522  
Madrid  
2008

ATCO (Tasic)  
Found guilty of  
Manslaughter

Flight Engineer  
Negligent Homicide  
Acquitted

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

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

Captain convicted of  
negligently endangering  
aircraft and  
passengers

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

Captain acquitted  
Status of CVR challenged

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

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

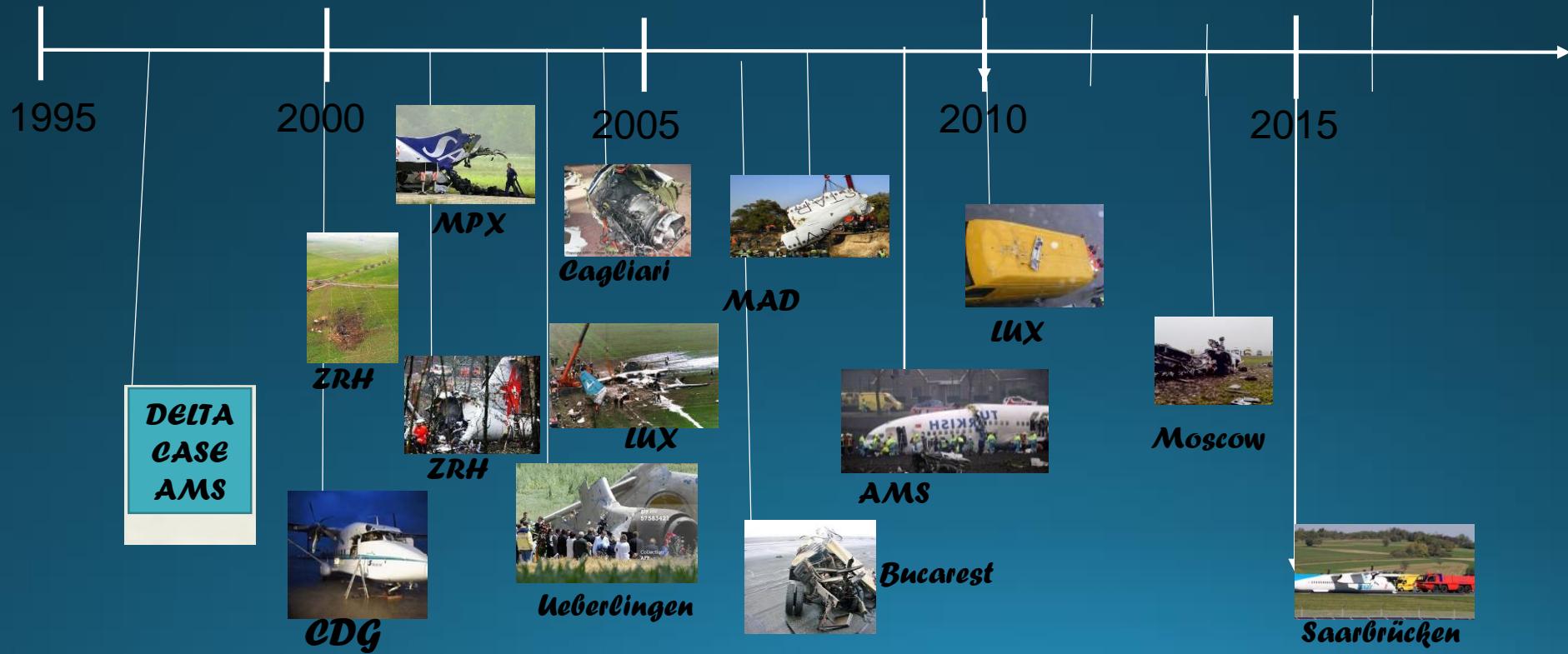
Nine people charged with  
multiple manslaughter charges  
Crew sentenced to 10 years  
imprisonment  
Two engineers acquitted

Eight Skyguide employees  
prosecuted.  
Four found guilty

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

Engineers & supervisors  
charged with manslaughter

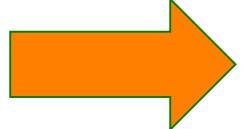
# Just culture time line





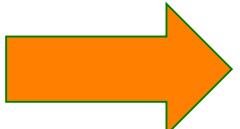
### Safety Data protection

ICAO	Annex 13 (10 <sup>th</sup> ed.) Annex 19 (1 <sup>st</sup> ed.) Assembly 38 (2013)	5.12 and Attachment E 5.3 and Attachment B 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)
	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 <sup>th</sup> ed.) Annex 19 (1 <sup>st</sup> ed.) Assembly 38 (2013)	5.12 and Attachment E 5.3 and Attachment B 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 <sup>th</sup> ed.) Annex 19 (1 <sup>st</sup> ed.) Assembly 38 (2013)	NIL NIL 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)

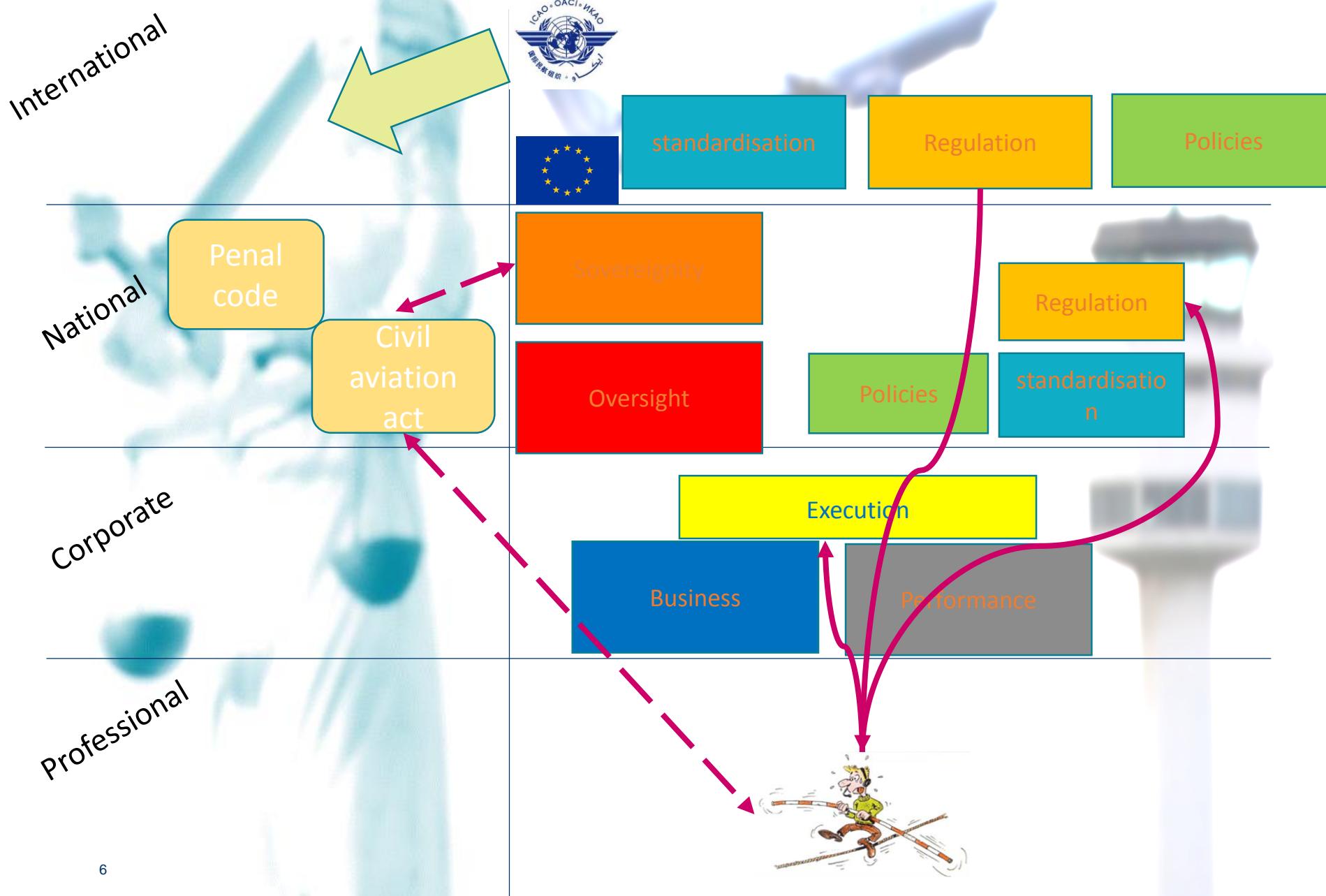
# The dualism of Just Culture

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

When you expect that an event will go to court

Forward-looking	Backwards-looking
Learn about the culture and determine the context in which you are situated	
<ol style="list-style-type: none"><li>1. Living with just culture. Where to start in your organisation.</li><li>2. The line, what is it? Who draws it? And how does it affect you?</li><li>3. Data disclosure. Protecting you from probing eyes</li></ol>	<ol style="list-style-type: none"><li>4. When it goes to court and in cultures with focus on blame and shame. Protection and the crisis organisation.</li></ol>

# 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