

Just Culture: Reflections from our involvement in the JC Prosecutors course to go forward (and just where is safety...)

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Reporting



ASRS - 1975

UK MOR Scheme
1976BASIS
(BA incident reporting Scheme)

Open Reporting



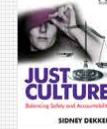
Just Culture

GAIN

SASI

Accountability

Eurocontrol ES2



Eurocontrol, 2006



EU 376/2014

EU JC Charter

Just Culture Prosecutors Course

ASMT

JC RP1 SKPI

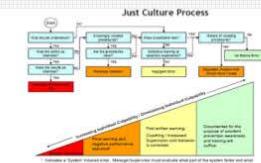
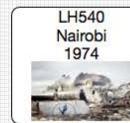
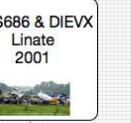
No-Blame Culture

Anonymity versus confidentiality

CHIRP

Anonymous reporting systems

Flight Data Monitoring

BE476/JP550
Zagreb
1976ATI460
Mt Czezziom
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
Linate
2001DHX611 & BTC2397
Überlingen
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

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

Three ATCOs prosecuted
2 found guilty & fined

Two separate prosecutions,
11 defendants
A number of convictions made

JAL Captain & 2 ATCOs
prosecuted
ATCOs found guilty

BFU Conclude pilot error.
Six Crossair managers
prosecuted
All acquitted

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

Pilots & 4 ATCOs
charged.

Engineers & supervisors
charged with manslaughter

Source: Michaelides-Mateou & Mateou (2010)



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

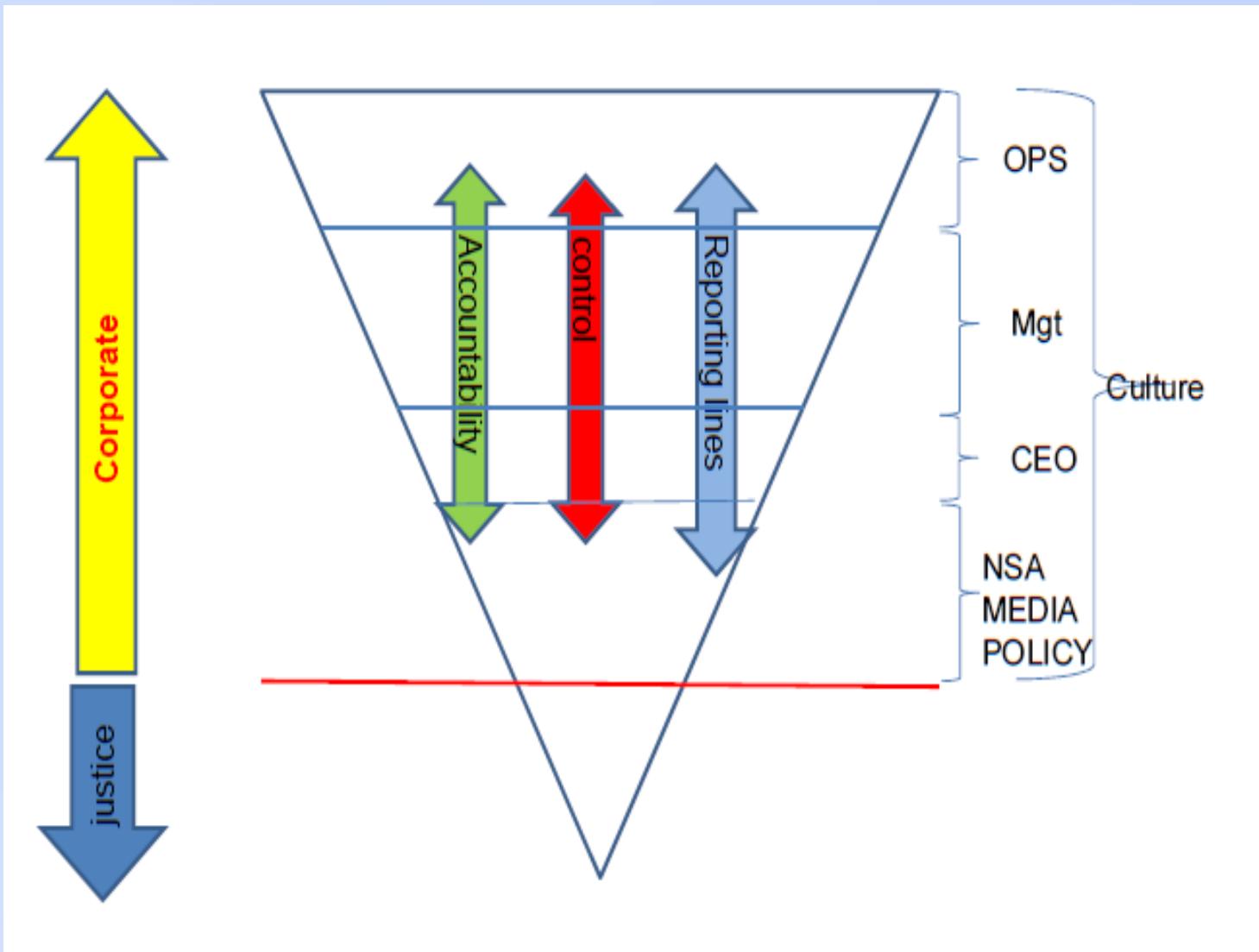
Learn about the culture and determine the context in which you are situated

1. Living with just culture. Where to start in your organisation.

2. The line, what is it? Who draws it? And how does it affect you?

3. Data disclosure. Protecting you from probing eyes

4. When it goes to court and in cultures with focus on blame and shame. Protection and the crisis organisation.



- *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.*



A changing world



More complexity



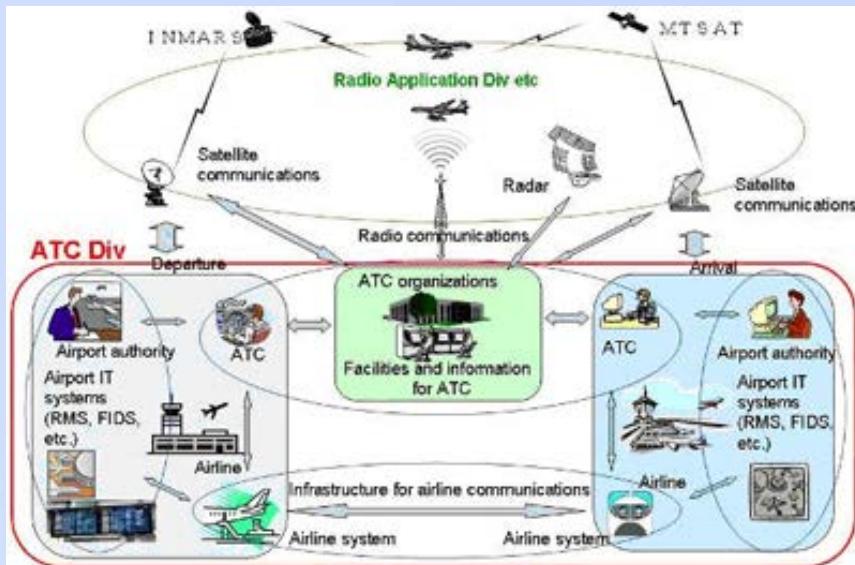
More technology, rules and regulations

ifatca



International Federation of Air Traffic Controllers' Associations

Controlled and managed safety



Controlled safety:

- Legal requirements
- Regulations
- Barriers
- Technology

Managed safety:

Adaptive intelligence of the operator

Operator strategies

IFATCA experience

There is a balance between controlled and managed safety

Ultra safe systems provoke accidents themselves by becoming too safe, too rigid, too proceduralised to respond to trouble

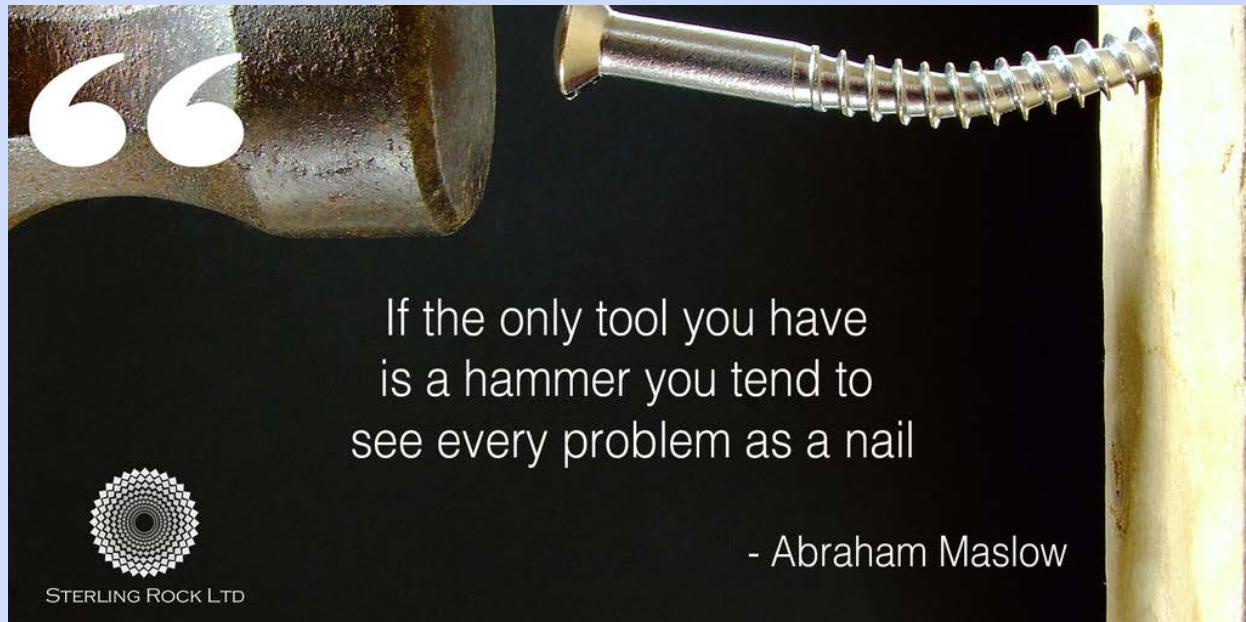
The public understanding of the balance leads to an excessive attribution of the causation of accidents to front line operators and recently also managers

Little emphasis or public willingness to develop answers

Amalberti, 2013



Immense focus on Negligence



If the only tool you have
is a hammer you tend to
see every problem as a nail

- Abraham Maslow



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The invention of Just Culture
developed a focus on negligence



What is the Judicial and Organisational answer to the systemic change?

The reaction of the public:

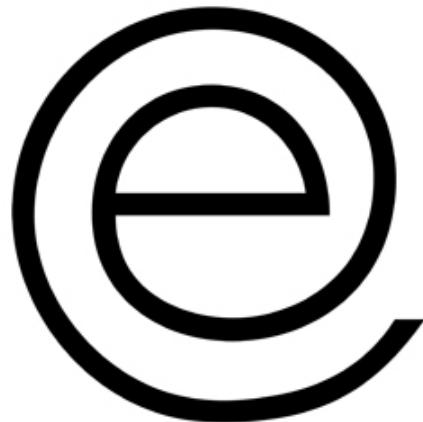
- More emphasis on personal responsibility
- More prosecution of individuals



Organisations, the public, Investigation boards, the judiciary to accept the change and develop tools to adapt



IFATCA – the future of Just Culture in Aviation



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A few proposals

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Achievements to date in Just Culture initiatives

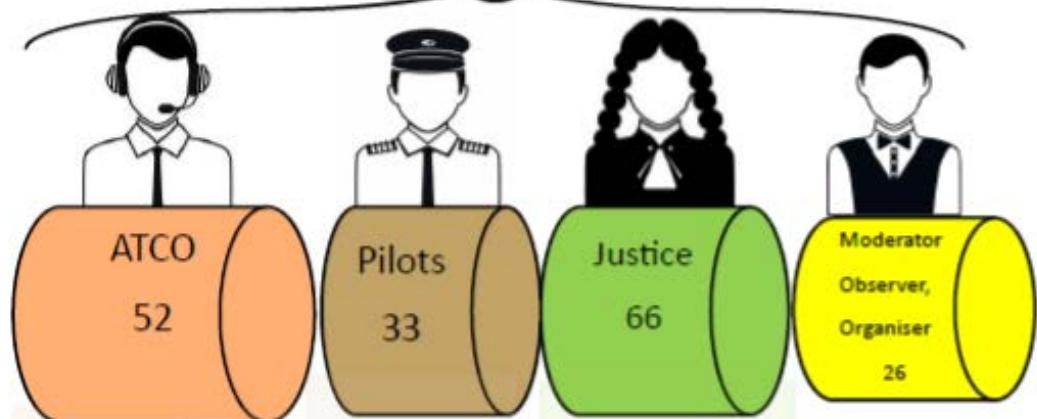
- European JC Task Force
- Common Aviation Prosecution Policy in Europe
- Education and Support; Prosecution Expert Pool project – IFATCA/EUROCONTROL with contribution from ECA
- Local or regional WS with Prosecutor
- EU rules and initiatives
- ICAO High Level Safety Conference - Follow-up Recommendations and General Assembly
- ICAO SIP TF
- ICAO SX-SG
- FAA Programmes
- IFATCA, IFALPA/ECA & CANSO
- E2 conferences
- Performance scheme



Prosecutor expert training course



177



Tower Approach



13

5



29



4



En route 29

5 Other



	Pilot	ATCO	Legal	other
Albania				3
Austria	1	2	0	
Belgium	2	1	0	
B&H	0	0	2	
Croatia	0	2	0	
Cyprus	0	1	0	
Czech Repub	0	0	5	
Denmark	1	2	0	
EC				1
Eurocontrol	0	2	0	12
Finland	1	0	0	
France	1	1	1	
FYROM	0	1	5	
Germany	6	4	0	3
Greece	0	4	0	
Hungary	0	1	0	
Iceland	1	0	0	
Ireland	1	0	0	
Italy	3	6	10	
Latvia	0	0	2	
Lithuania	0	1	0	
Luxembourg	1	0	0	
Malta	2	1	1	
Montenegro	0	1	0	
Netherland	2	0	3	2
Norway	1	0	0	
Poland	0	0	13	
Portugal	1	0	0	
Romania	0	2	6	
Serbia	0	1	0	
Slovak Repub	0	0	1	1
Slovenia	1	2	0	
Spain	2	12	3	
Sweden	3	0	0	1
Switzerland	1	3	6	1
Turkey	1	2	1	
UK	2	1	2	



Roadshows organised by Eurocontrol



Idea
2009



Concept
2010



Consultation wise
persons



Revised Concept
2011



Two trial class
2012



Courses
2013



Courses
2014



Courses
2015



Courses
2016

ATC
FACTORY
© 2016

Plus ça change!

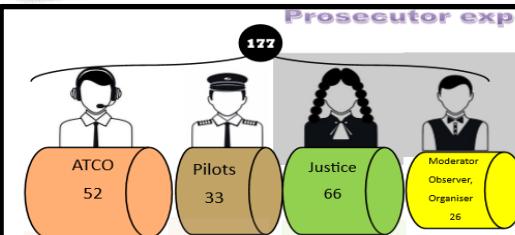


- The commission with the 376/2014 has contributed to the just culture issue at the corporate level – but has it solved the just culture issue at large?
- IFATCA talks about the dualism of just culture to capture the somewhat ambiguous elements which could might confuse the discussion (again)
- The social partners (CANSO – ETF and ATCEUC) are trying to establish a just culture toolbox for company level.
- The PRB and EASA are assessing based on self-assessment questionnaire the level of presence (or corresponding absence) of a Just Culture environment along three main sections:
 - o Policy and its implementation
 - o Legal & judiciary;
 - o And occurrence reporting and investigation
- Some of the IFATCA member associations have organised at national level conference etc. and education for the judiciary
- And, as IFATCA are using some of the just culture principle to assist the member association.

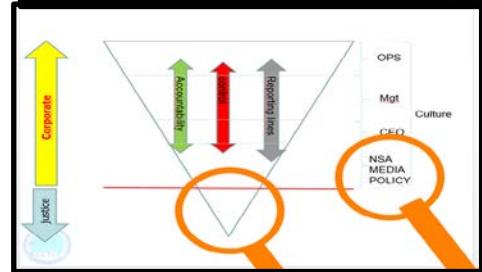
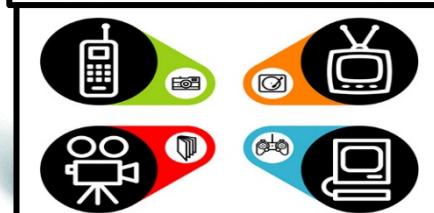


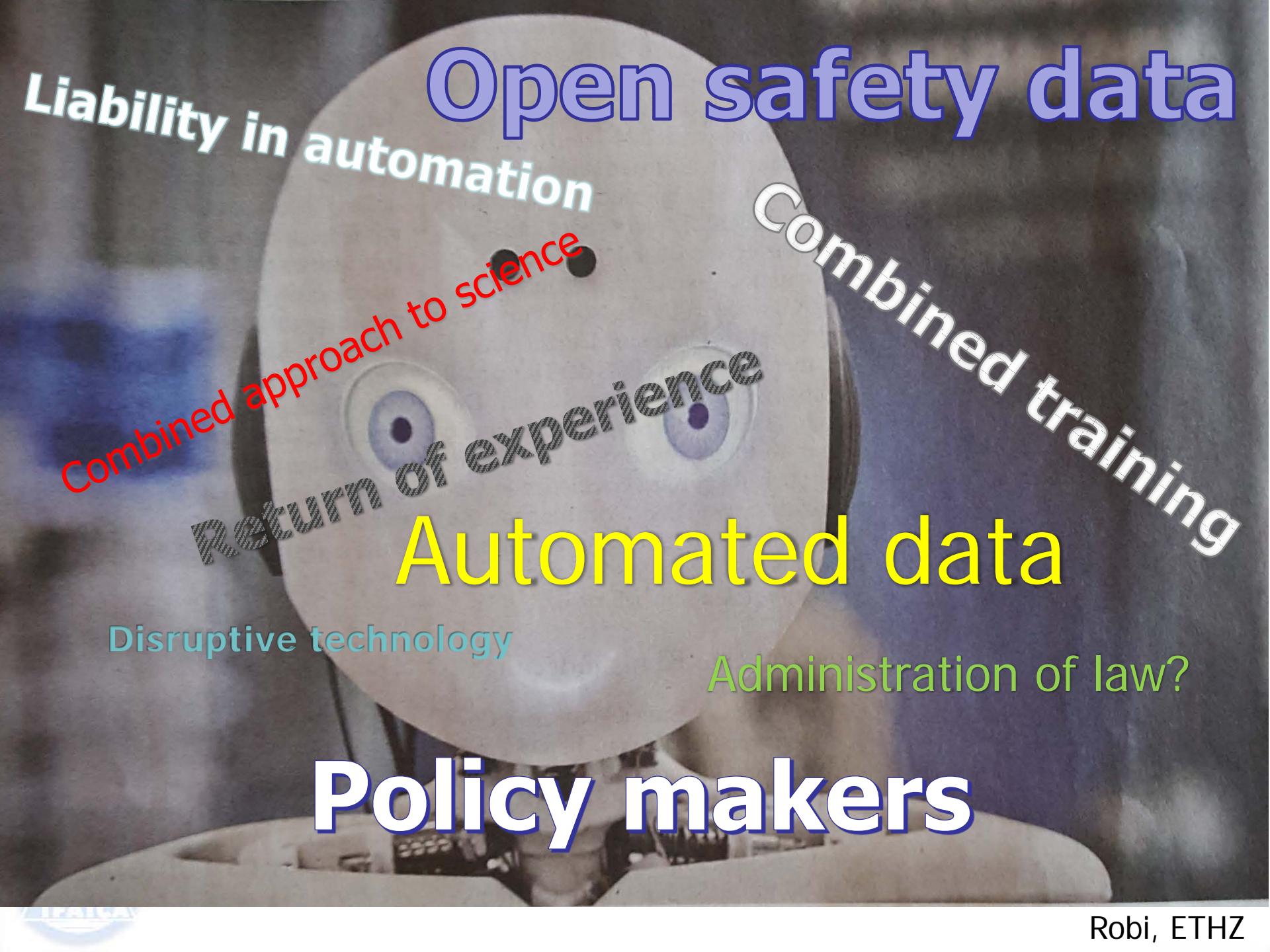


Call for future actions – few ideas



LISBON
DECLARATION





Open safety data

Liability in automation

Combined approach to science

Return of experience

Combined training

Automated data

Disruptive technology

Administration of law?

Policy makers



Creation of a multi – modal think tank on just culture

"Safety in an increased digitalised world in transport"
Challenges and risks



What do you need as guidance material and support with regard to JC?

What is the Judicial and Organisational answer to the systemic change?

Should corporate JC mirror, be a clone of the judicial trajectory of Just Culture?

Do the two trajectories share congruent objectives?

Where is safety?

International Federation of Air Traffic Controllers' Associations

