



Network Manager
nominated by
the European Commission



Just culture in Europe and Beyond Setting the scene

ES2 WS2
Istanbul 20-21 September 2012

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ES² - Experience Sharing to Enhance SMS -

Programme 2012

SMS from the local perspective to the FAB



ES²-WS2-12 - JUST CULTURE – TIME TO DELIVER
Implementation, Opportunities & Challenges

20-21 SEPTEMBER 2012 -ISTANBUL

- HOTEL WOW İSTANBUL HOTEL - DÜNYA TİCARET MERKEZİ YANI 34149 YEŞİLKÖY/ İSTANBUL

| Day 1 – 20th September 2012 | |
|------------------------------------|---|
| 08:30 | Registration |
| 09:00 | Welcome and introduction DHMI General Directorate of State Airports Authority of Turkey & EUROCONTROL |
| 09:20 | Session 1: Setting the scene – Just Culture in Europe and Beyond <i>Issues, trends and concerns</i> – EUROCONTROL - Tony Licu - Head of Operational Safety Unit Q&A |
| 09:45 | Session 2: Just Culture Deliverables: Model Policy, Support and Cooperation EUROCONTROL Just Culture Task-Force – Roderick Van Dam – Chairman of Just Culture Task Force Q&A |
| 10:15 | <i>Coffee break</i> |
| 10:45 | Session 3: Where are we – Judiciary & Safety investigation practice in Europe Roderick Van Dam – Chairman of Just Culture Task Force Q&A |
| 11:10 | Session 4: Just Culture in your Pocket <i>Best Practices for Just Culture</i> - Job Brüggen – Safety Manager – ATC The Netherlands Q&A |
| 11:35 | Session 5: What does Just Culture mean for Frontline Operators IFATCA – Zeljko Oreski – European Vice-President Q&A |
| 12:15 | <i>Lunch Break</i> |
| 13:40 | Session 6: EU Policy and Regulatory Approach European Commission – Jean-Pol Henrotte – Policy Officer DGMOVE/SES Unit Q&A |
| 14:10 | Session 7: EASA ATM/ANS Standardisation & links to Just Culture <i>Enhancing Just Culture to ensure a high level of aviation safety & Standardisation visits: approach to Just Culture</i> – EASA - Milen Dentchev – Head of ATM Standardisation Unit & Clarisse Ribeiro – Legal Expert Q&A |
| 14:50 | <i>Coffee break</i> |



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| | |
|-------|--|
| 15.20 | Session 8: Just Culture Achievements in Airlines Industry <i>Application to the Flight Data Monitoring, regulatory aspects, handlers obstacles and successes</i> -Air France- Captain Bertrand de Courville Q&A |
| 16.00 | Session 9: Just Culture Principles - Application at Corporate level <i>Implementing Just Culture principles, the need for a robust policy – including the use of automatic collection of safety data</i> – ENAV- Giancarlo Ferrara – Head of Safety Division Q&A |
| 16:40 | Session 10 - Moderated Q&A session on Just Culture and Legal issues , Organisational issues and relationship with Media, Roderick Van Dam & Tony Licu |
| 17.15 | Session 11 - Conclusions of Day 1 - Where did we come from? - Where are we going? |

| Day 2 – 21st September 2012 | |
|---|--|
| 09.00 | Session 11 : Quality of Reporting & Data Investigation in relation with potential judiciary interventions <i>How Quality Reporting can influence decision making</i> - Tom Lintner – President and CEO The ALOFT Group Q&A |
| 09.30 | Session 12: Legal & Judiciary View (the Prosecutor and the Judge view) <i>The judiciary and the application of just culture – discussion with a number of representatives from the Judiciary in a number of EUROCONTROL member States</i> - Bets ter Steege - Dutch Prosecutor- The Netherlands - Massimo Scarabello – Judge GIP Italy Q&A |
| 10.40 | <i>Coffee break</i> |
| 11:10 | Session 13: Practical Occurrence Cases and Judicial Interventions <i>All with moderator (Tom Lintner and speakers)</i> |
| 12:30 | <i>Lunch break</i> |
| 14.00 | Session 14: Just Culture – What Next? <i>Conclusions and way forward</i> |
| 15.00 | <i>Closure</i> |



European description of Just Culture

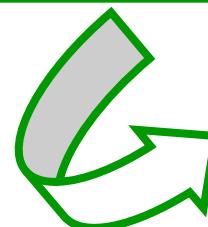
A culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training,

but where gross negligence, wilful violations and destructive acts are not tolerated.



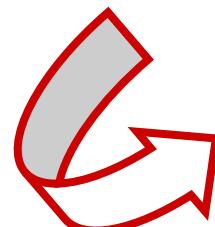
“Forensic” of the Concept of Just Culture

**Actions, omissions and decisions expected from
someone with your level of training and experience**



Not prosecuted

Gross Negligence or Willful Misconduct



Not tolerated

BUT WHO DRAWS THE LINE ?



Just Culture – on old issue Code of Hammurabi (1795-1750)

If a physician heals the broken bone or diseased soft part of a man, the patient shall pay the physician five shekels in money. If he were a freed man he shall pay three shekels. If he were a slave his owner shall pay the physician two shekels.

If a physician makes a large incision with an operating knife and cure it, or if he open a tumour (over the eye) with an operating knife, and saves the eye, he shall receive ten shekels in money. If the patient be a freed man, he receives five shekels. If he be the slave of some one, his owner shall give the physician two shekels.

If a physician makes a large incision with the operating knife, and kill him, or open a tumour with the operating knife, and cut out the eye, his hands shall be cut off. If a physician makes a large incision in the slave of a freed man, and kill him, he shall replace the slave with another slave. If he had opened a tumour with the operating knife, and put out his eye, he shall pay half his value.

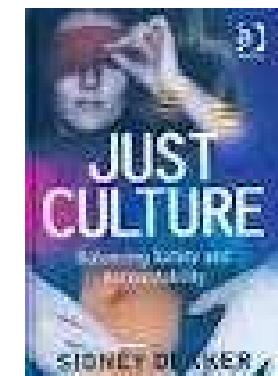
(after prof. Hollnagel)





Why do we need Just Culture ?

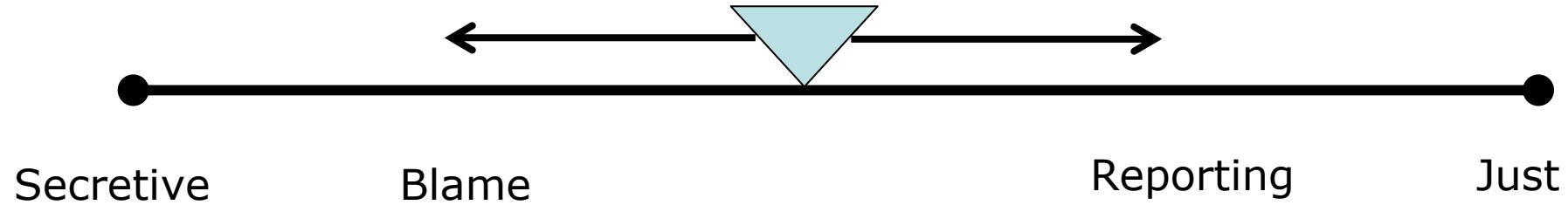
- Incident reports are essential to **aviation safety**;
- Need to ensure flow of information;
- Need to provide environment supporting reporting (and address “fear” of reporting);
- *Just Culture concept –supporting safety reporting in a culture that is “just” for all parties involved.*



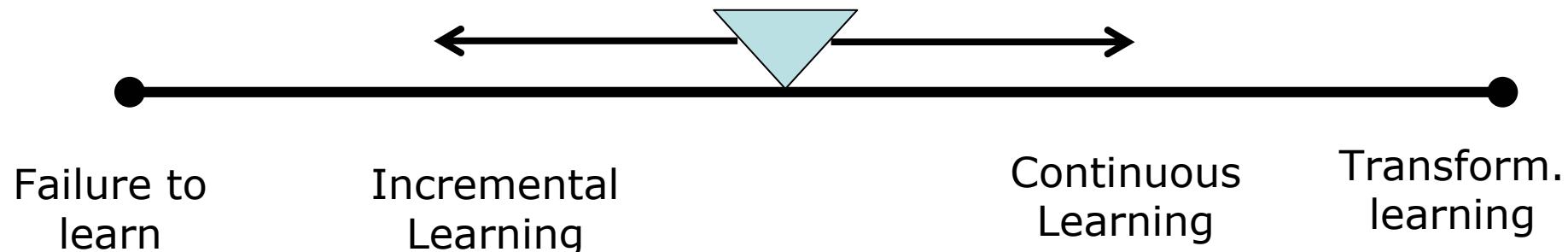


Accountability vs. Learning

“The Accountability Scale”



“The Learning Scale”





Moderns time and aviation “Criminalisation” -samples

- 1988, Air France - over Habsheim; PIC & F/O, 2 Air France officials & president of flying club charged with manslaughter; all found by the court guilty; PIC -6 months in prison, plus 12 months probation; the others were sentenced to probation;
- 1997- Japan Airlines MD-11- Captain prosecuted, found guilty - eventually acquitted by the Nagoya High Court on January 9, 2007;
- 1997-Ukrainian Yakovlev-42 - 2 ATCO's prosecuted; found guilty of manslaughter; sentenced to 5 years imprisonment- confirmed on appeal;
- 1999-Falcon 900 B - PIC and co-pilot (also a Captain) charged with **manslaughter** and causing bodily injury; trial court, captain guilty- 5 years; co-pilot acquitted; appeal-reduced the sentence to 36 months;
- 2006 -collision between American registered executive jet and a Gol Airlines 737 – crew of Legacy Jet and Brazilian ATCOs pursued



Moderns time and aviation “Criminalisation” -samples cont'd

- Pilot of Garuda Airlines – accident March 07, 21 pax killed; July 08 Captain charged; faces life imprisonment
- Concorde – July 08 French judicial officials ruled Continental Airlines & 5 others charged; 113 persons killed
- April 08 Tokyo HC overturned lower courts acquittal of 2 ATCO's and sentenced one to 12 yrs and the other 18 yrs (suspended); near collision of 2 JAL airlines;
- Captain of the Boeing-737 who survived the accident in Kyrgyzstan on 24 August 2008 detained; 65 pax killed; faces up to 15 years of imprisonment under the criminal code
- Helios Airways - 4 persons officially charged by Cyprus prosecuting authorities – Trial began 23 February 2009 and the recent sentence in 2012 (Head of Flight Operations; Head of Training, CEO and Accountable Manager)
- And many more... Linate , Ueberlingen, Cagliari



Criminalisation of Aviation/ATM

- Criminalisation: Wrong term for a serious problem
- Balance between two goals:
 - Enhancing Safety and Administration of Justice
- No Extremes:
 - No immunities from Prosecution
 - No misuse of Prosecution/Judicial Powers
- Resolve at the root:
 - Protect reporting/investigation process
 - Establish prosecution policy
- Just Culture Concept (By Any Name)
- **We need to separate JC in case of accidents and in case of incidents**



Why this shift in perception ?

- Technical failures vs. human failures;
- We tend to apportion responsibility and blame for outcome;
- We tend to retrospectively judge humans as autonomous and volitional individuals (**contrary to how we judge technical failures**);
- Investigators treat existing social and organisational activities as irrelevant standing conditions;
- The operations complexity is not of easy access of the judiciary;
- Society pressure to open enquiries (media);
- Etc.



Just Culture Activities – World Wide

- European JC Task Force
- Common Aviation Prosecution Policy in Europe
- Education and Support; Prosecution Expert Pool project
- 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



Example - Occurrence Causes

- A man has a bad argument with his wife.
- He storms out of the house to the nearest bar and drinks four whiskies.
- He then decides to go for a drive.
- It is night-time, there is a skim of snow on the ground, and the tyres on our victim's car are smooth.
- In rounding a poorly banked curve at excessive speed, the right front tyre blows out, the car leaves the road and is demolished.

(adapted from N. Johnston)



Overall this is what we know

THE MAN

Has an argument
with his wife

Drinks four whiskies

Drives fast

THE CAR

Tyre blows out

Car leaves the road

Car is demolished

Tyres were smooth

THE WORLD

Poorly banked curve

Skim of snow

Night time



Evaluate the data

- Argument: how often? How bad?
- Skim of Snow: how thick?
- 4 whiskies: how much alcohol? (What is the norm)
- Tyres smooth: how much worn out? (millimetres)
- Curve bank: how bad? (angle required)
- Excessive speed: what was the speed? (Speed limit)
- Car demolished: evaluation of damages

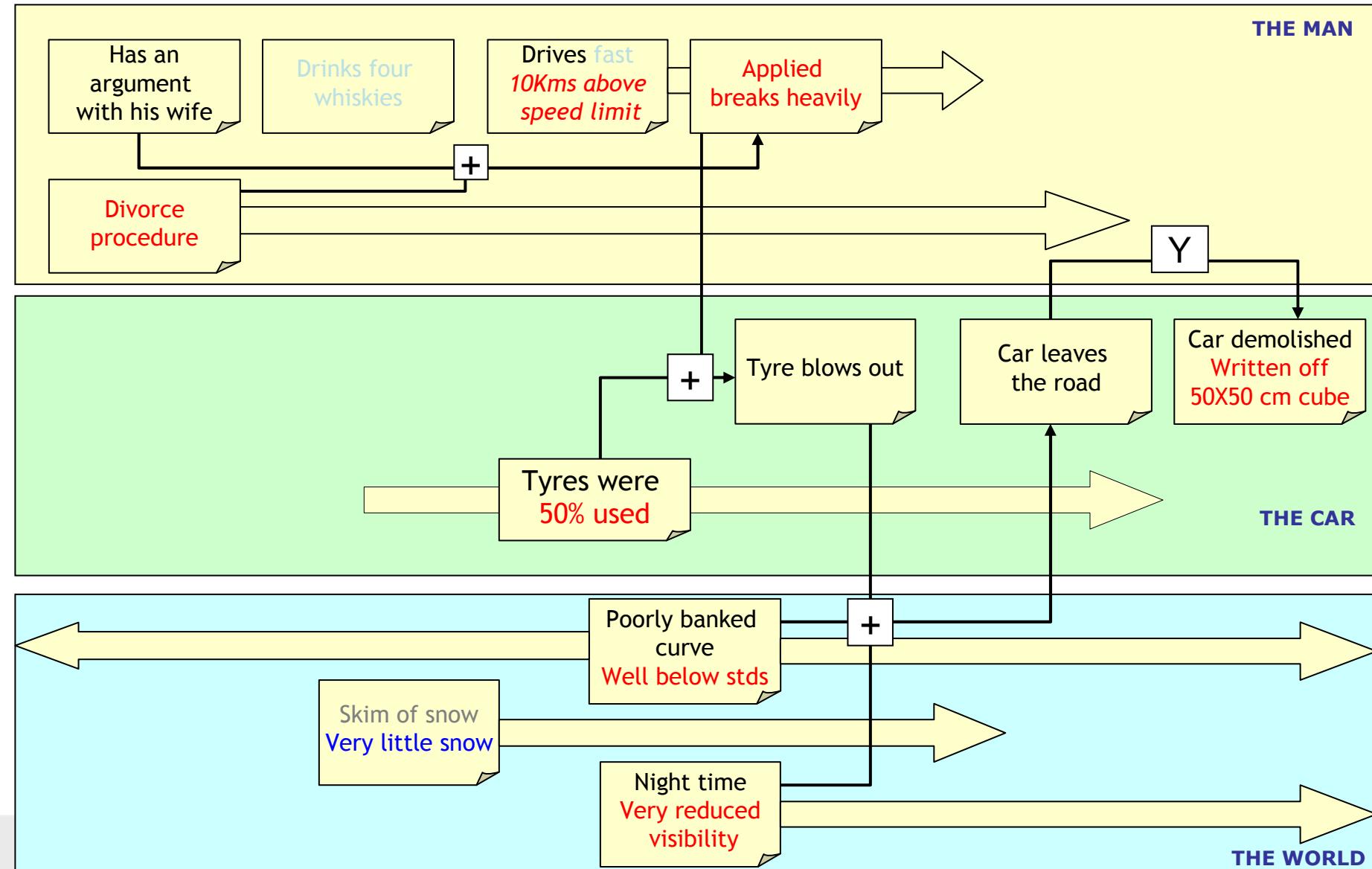


Find more

- Was it still snowing? How much snow, How slippery?
- What kind of driver was the man? Any offences before?
- Road signals (e.g. with reference to the curve)
- Interview the driver (after he leaves hospital):
 - How familiar with road
 - Family problems (HF specialist)
- Interview other persons
- Visit the places

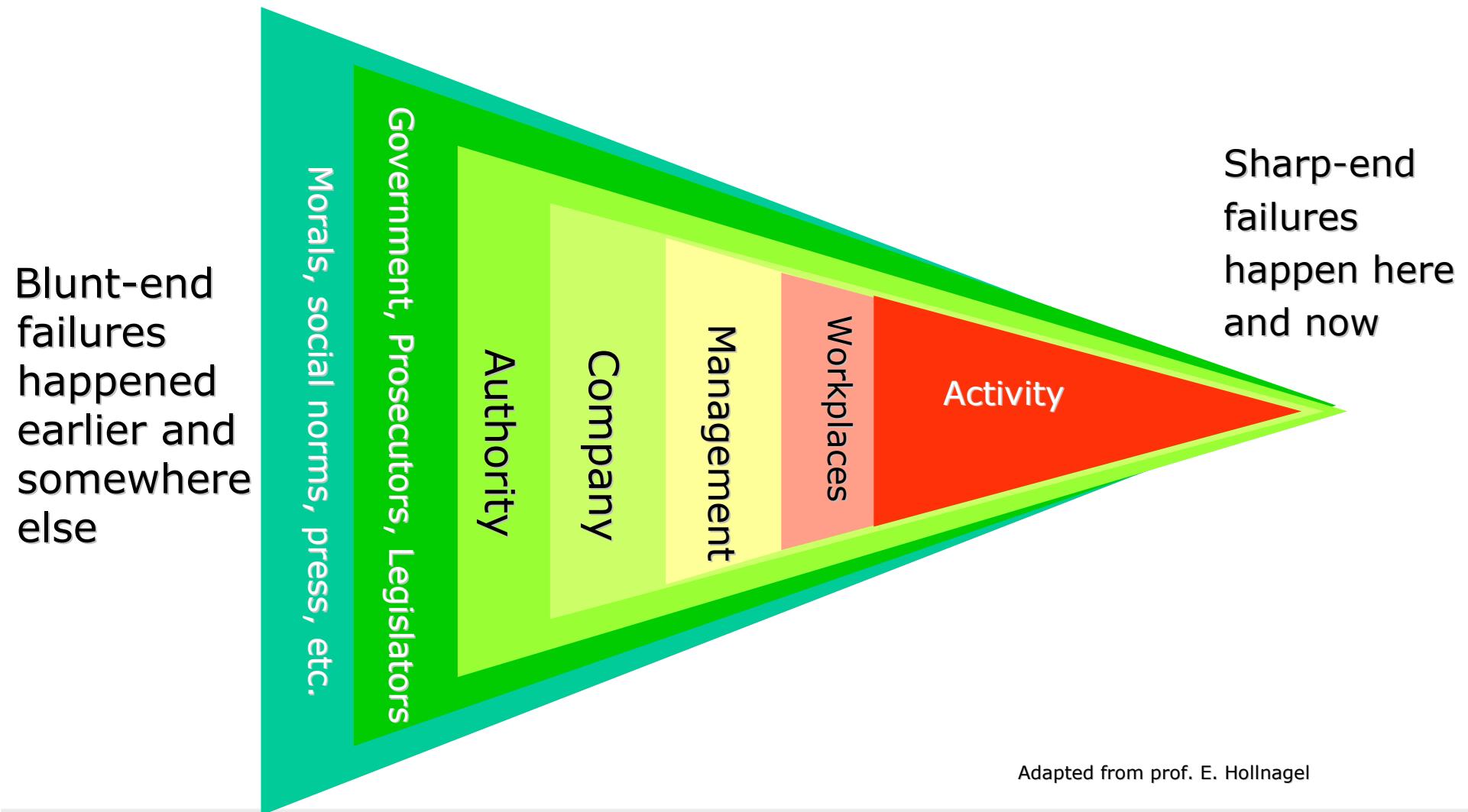


What can we do about this?





Sharp-end, blunt-end



Adapted from prof. E. Hollnagel



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