

*In regione caecorum rex est
lucus*

‘in the land of the blind, the one
eyed man is king’

Anthony Smoker, IFATCA

ES2WS-03 Madrid, 21/22 November
2013

Erasmus (of Rotterdam)

- Those with 'more' sight are greatest (*because they have 'vision'*)

Or

- Those with some 'talent' are considered as 'special' by those who have no talent



Just Culture

The test question has often been:

Where is the line drawn?

but this has evolved too

Who draws the line?

Who has the greatest sight in
Just Culture today?

What are the implications of an
incomplete, or imperfect view
and how do investigation's play
their part in this?

Why ask this question here and now?

- Call it ‘Advanced Just Culture’!
- Investigation reports provide a view of what happened
- There are many actors today who have a view and can influence the application of Just Culture

DO WE UNDERSTAND HOW THESE COME
TOGETHER IN THE CONTEXT OF JUST
CULTURE?

There are Multiple Perspectives

- Here are the actors:
 - The Judiciary
 - The Regulator (and society)
 - The Accountable manager
 - The Supervisor
 - The Investigator
 - The controller, engineer and pilot

The Judiciary

- If an untoward event occurs – an accident or an incident – and it comes before the judiciary, unequivocally
 - The Judiciary have the authority,
 - The judiciary decide if gross negligence was perpetrated
- They will take a ‘view’:
 - Will construct a view
 - Does an investigation report play a part here?
 - Perhaps using expert witnesses: who have perfect vision of events?
- Eurocontrol/IFATCA Prosecutors Expert Course
 - Broadens and deepens the ‘worldview
 - Provides insight to a number of actors who influence Just Culture

The Regulator (Society)

- Acts upon investigations output as well as undertake investigations
- Plays a significant influence on Just Culture
 - But in and of itself?
 - Do regulators have an obligation to operate in accordance with the principles of just culture?
- How does the regulator get to understand the messy details of the application of Just culture in the real world?
- Does it's accountability or responsibility impede an approach that strives to follows just Culture?

The Accountable Manager

- Today's SMS demands an accountable manager
- Accountable managers have a legitimate worldview, and interest in investigations as well as bureaucratic accountability
- Is this worldview sympathetic to 'Just Culture'
 - Consequences versus Justness/fairness
 - 'Accountability can lead to the perverse desire or need to act

The Operations Supervisor

- In the thick of it – deals with the messy details of applying Just Culture in the real world
- Caught between a rock and a hard place?
- Draws the line – but this is contentious!
- Has an authentic view – close to the operation, indeed may be involved
- Invariably makes the decisions that balance accountability with safety

The Investigator(s)

- Have a job to do, which isn't easy
- Strives to determine an account – invariably with causation
 - But do they really understand why what happened? Why it made sense to the human to do what they did?
 - Does the investigators worldview stop when they construct the cause – and the cause is the human?
- What account – or view – do investigators give? Do they judge – draw the line?
- And what about the language used?
- The investigators view is powerfully influential
- Does it always aid Just culture?

The Controller, engineer and pilot

- The blunt end
- Has a view of what they experienced
 - And one worldview which may be incomplete until after the event has been reviewed
- Are judged – their actions are judged by all of the actors above at some point
 - And, which can be harder, their peers!
- But can answer the question ‘why did it make sense to do what you did?’
 - Is this account – this worldview – ever given or does it become known
 - What is this account’s relevance to Just Culture

JC Decision Tree

- The Substitution test; An investigative tool?
- The reduction of the messy details of a complex world to a linear and algorithmic form
- They can help form new questions, help re-frame a point of enquiry
- Are they really one version of the ‘truth’
- Does this provide ‘vision’,
 - does it give a ‘privileged’ view?

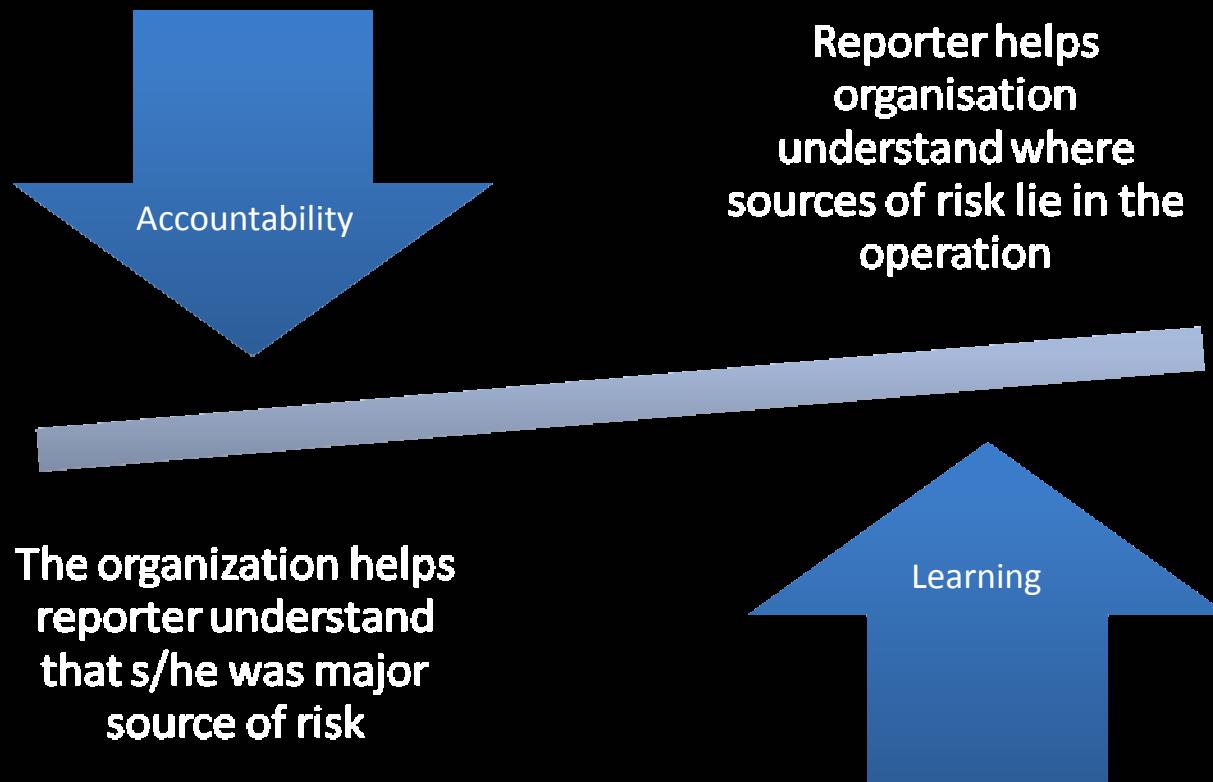
The Progressive View

Because just culture is not the end state,
it is an enabler

From individual towards relational- a reporting typology

- Tony reports only because he can't get into trouble
- Tony reported again, he is always reporting, so maybe the report is of less value
- Tony didn't report because nothing ever changes after a report is filed
- The ATCO reported only because he can't get into trouble
- ATCOs report in cases where they will not get into trouble
- ATCOs don't report because nothing ever gets done or changes
- Humans report in cases where they will not get into trouble
- Reporting systems suffer from underreporting because people only report occurrences where they will not get into trouble Underreporting is something that all reporting systems suffer from.

The Safety philosophy that underpins Just Culture?



Conclusions

- An incomplete, or imperfect view characterises Just Culture
- Legitimate actors with an interest or influence on JC tend to have such an incomplete view
 - Have they all been trained in JC for their roles and functions?
 - Goal conflicts and local rationality
- An investigation report provides a very influential view
- Are investigations today consistent with the aspirations of Just Culture
 - Individual versus systemic/relational?
 - Retrospective versus prospective accountability

In the land of the blind... The French Proverb

*“When a blind man bears the
standard, pity those who follow.”*

Final word

‘Culture isn’t relative: it’s ruthless and reductive. It has no concept of fairness, doesn’t believe in happy endings, and is not democratic. The biggest audience isn’t always right; in fact, it’s almost always wrong’

A A Gill on *‘Culture’*, The Sunday Times 2013

IFATCA believes that JC in Europe is, overall, better than this – what do you all think?