

OVERVIEW OF PRESENTATION

Non-Invasive Neutral Approach (N.I.N.A.)

by Grama Alexandru

More effective Just Culture

"Changing terms used in the just culture concept, such as <human error> and <gross negligence>, with terms with judicial meaning in order to transmit a clear message in the investigation report to avoid wrong interpretation."



PART OF THE SOLUTION

To identify those terms that produce confusion in the accident report.

To replace them with terms taken from the judicial system to stress the point that ERROR is not the cause of the accident.

PRACTICAL EXAMPLE

"We find the action/inaction of the ATCO to be a HUMAN ERROR"

" We find the action/inaction of the controller to be an ERROR OF FACT that was CONTINUOUS and INVINCIBLE "

ERROR OF FACT = Lack or incomplete information regarding the material reality it is a cause that removes the penal character of the deed

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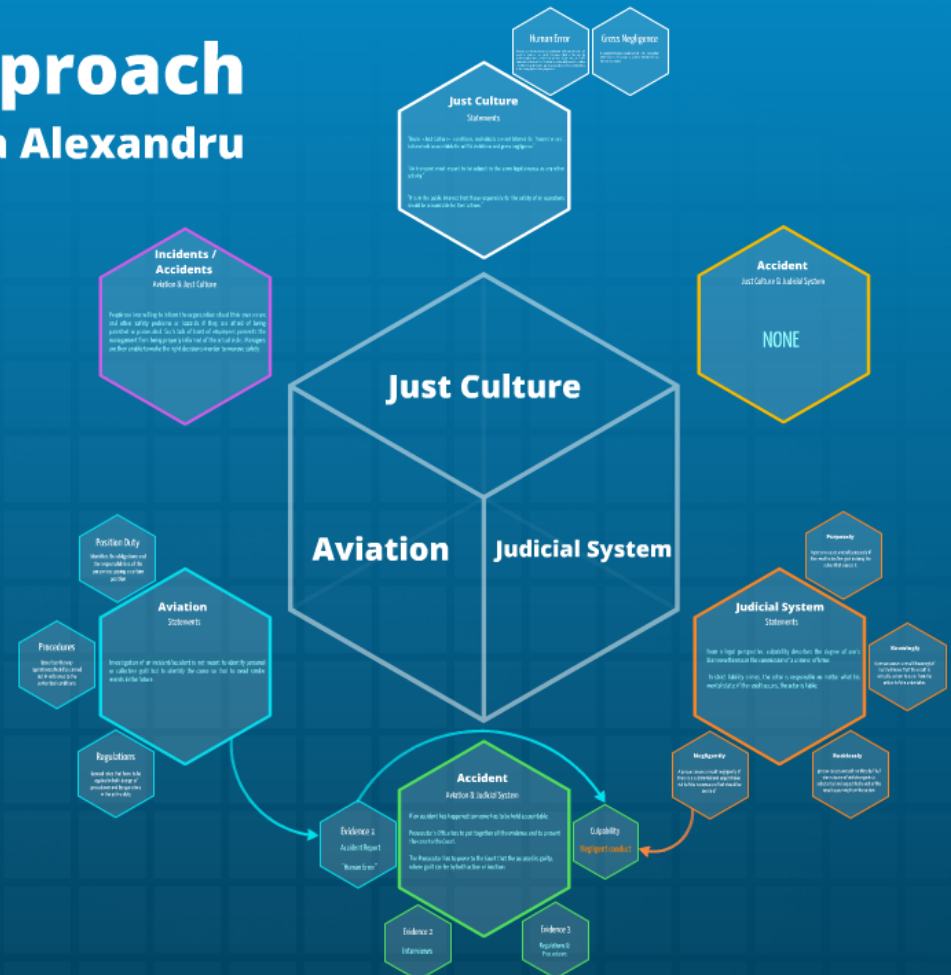
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HUMAN

FACT

Humans do mistakes

99.9 % with no mistake

FACT

Load

50 aircraft / day

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hazards if they are afraid of being
k of trust of employees prevents the
informed of the actual risks. Managers
decisions in order to improve safety.

NO

Just Culture

Aviation

Judicial System

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y the cause so that to avoid similar

Judicial S

Statem

From a legal perspective, culpability
blameworthiness in the commission

In strict liability crimes, the actor
mental state; if the result occurs, th

Controllers, and Aircraft/ATC Maintenance Technicians) arises from either the failure to apply standard operating procedures in the way intended or in the making of poor tactical judgements.

that one can exp

Just Culture

Statements

"Under <Just Culture> conditions, individuals are not blamed for 'honest errors', but are held accountable for willful violations and gross negligence."

"Air transport must expect to be subject to the same legal process as any other activity."

"It is in the public interest that those responsible for the safety of air operations should be accountable for their actions."

Human Error

Human error in various forms is a causal factor in the majority of aircraft accidents, incidents, and safety occurrences. Much of the error by professionally trained and licensed operators (Flight Crew, Air Traffic Controllers, and Aircraft/ATC Maintenance Technicians) arises from either the failure to apply standard operating procedures in the way intended or in the making of poor tactical judgements.

Gro

If someone
have fallen
that one c

Gross Negligence

If somebody has been grossly negligent, that means they have fallen so far below the ordinary standard of care that one can expect

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Statements

From a legal perspective, culpability describes the degree of one's blameworthiness in the commission of a crime or offense.

In strict liability crimes, the actor is responsible no matter what his mental state; if the result occurs, the actor is liable.

Knowing

A person causes a result he/she knows that the result is virtually certain to occur from the action he/she undertakes.

Negligently

Recklessly

Purposely

A person causes a result purposely if the result is his/her goal in doing the action that causes it.

one's

at his

Knowingly

A person causes a result knowingly if he/she knows that the result is virtually certain to occur from the action he/she undertakes

Recklessly

person causes a result recklessly if he/
she is aware of and disregards a
substantial and unjustifiable risk of the
result occurring from the action

Negligently

A person causes a result negligently if there is a substantial and unjustifiable risk he/she is unaware of but should be aware of

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person occupying a certain
position

Aviation

Statements

Investigation of an incident/accident is not meant to identify personal or collective guilt but to identify the cause so that to avoid similar events in the future.

cedures

describes the way
should be carried
reference to the
ual conditions.

Regulations

Position Duty

Identifies the obligations and the responsibilities of the person occupying a certain position

Procedures

Describes the way
operations should be carried
out in reference to the
contextual conditions.

Inv
or
eve

Regulations

General rules that have to be
applied in both design of
procedures and by operators
in the active duty

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Incidents / Accidents

Aviation & Just Culture

People are less willing to inform the organization about their own errors and other safety problems or hazards if they are afraid of being punished or prosecuted. Such lack of trust of employees prevents the management from being properly informed of the actual risks. Managers are then unable to make the right decisions in order to improve safety.

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Accident

Aviation & Judicial System

If an accident has happened someone has to be held accountable.

Prosecutor's Office has to put together all the evidence and to present the case to the Court.

The Prosecutor has to prove to the Court that the accused is guilty, where guilt can be by both action or inaction.

Evidence 1

Accident Report

"Human Error"

Culpability

Negligent conduct

Evidence 2

Evidence 3



Evidence 1
Accident Report
"Human Error"

If an

Prose
the

The
when



Evidence 2

Interviews

Evidence 3

Regulations & Procedures

ent

Culpability

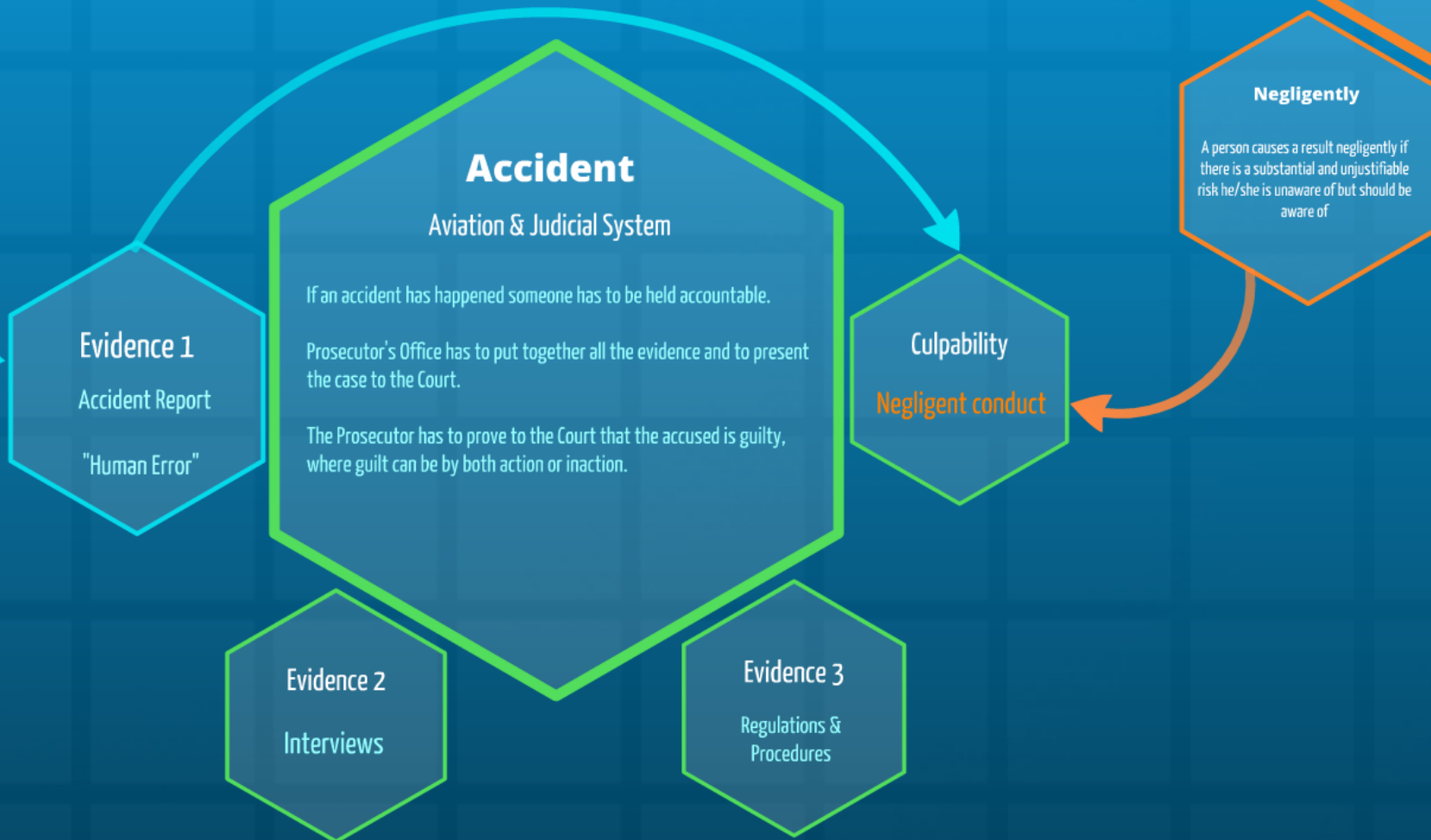
Negligent conduct



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Accident

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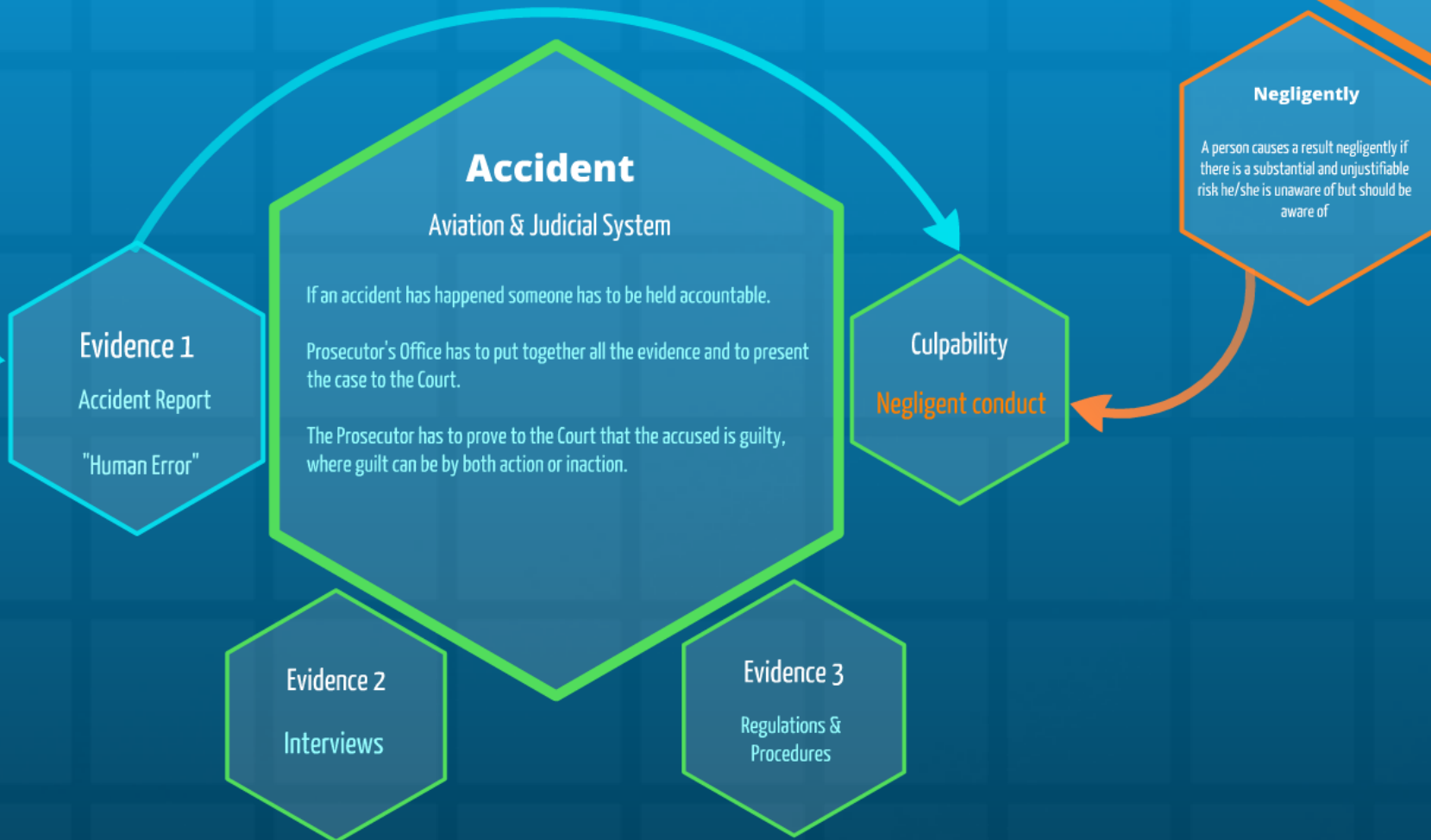
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HUMAN ERROR

Statement

"The ATCO's error caused the accident"

FACT

Humans do mistakes

99,9 % with no mistake

FACT

Load

50 aircraft / day

FACT

Load over time

20 days

1000 aircraft

G

Result

1 accident / ATCO /
20 working days



FACT

Statistics

Accidents do NOT
happen as often as 20
working days / ATCO

CONCLUSION

STATEMENT IS WRONG

FA
Load o

20
1000

FACT

Statistics

Results

HUMAN ERROR

Statement

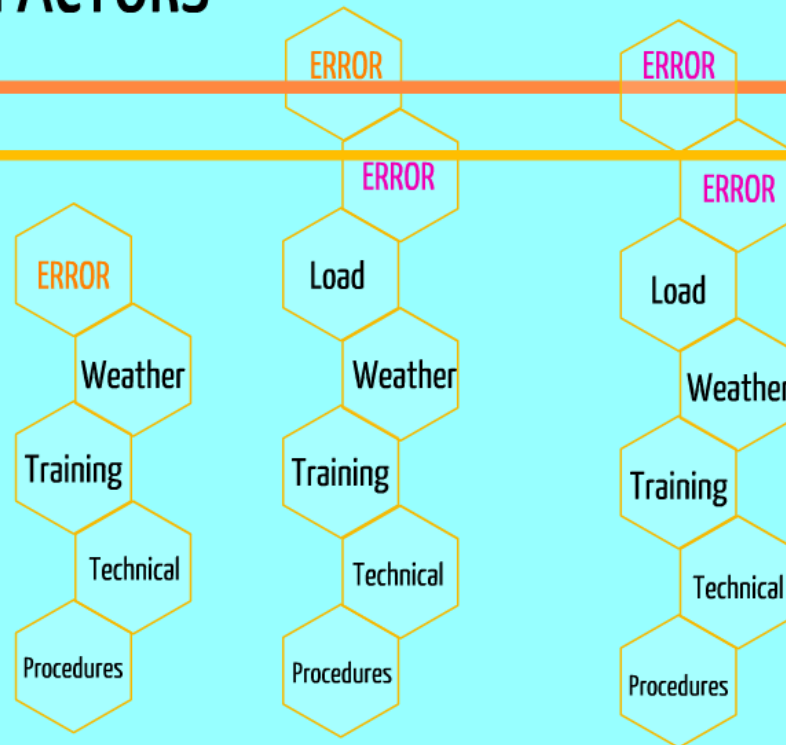
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CONTEXTUAL FACTORS

ACCIDENT

INCIDENT



SAFE OPERATION

TRAINING

"Do NOT expect people to perform better than the training that they get"

PROCEDURES

"Do NOT expect people to solve the problems of the procedures while on active duty"

TECHNICAL

"Do NOT expect people to overcome the technical difficulties that were proven to be contributing factors in incidents without means of bypassing them"

GENERAL RULES

"Do NOT expect to remove HUMAN ERROR from the context"

"The Contextual Factors that have proven to lead to an accident will happen over and over again until a change is made"

The saying : "Lightning doesn't strike twice in the same place" **IS WRONG**

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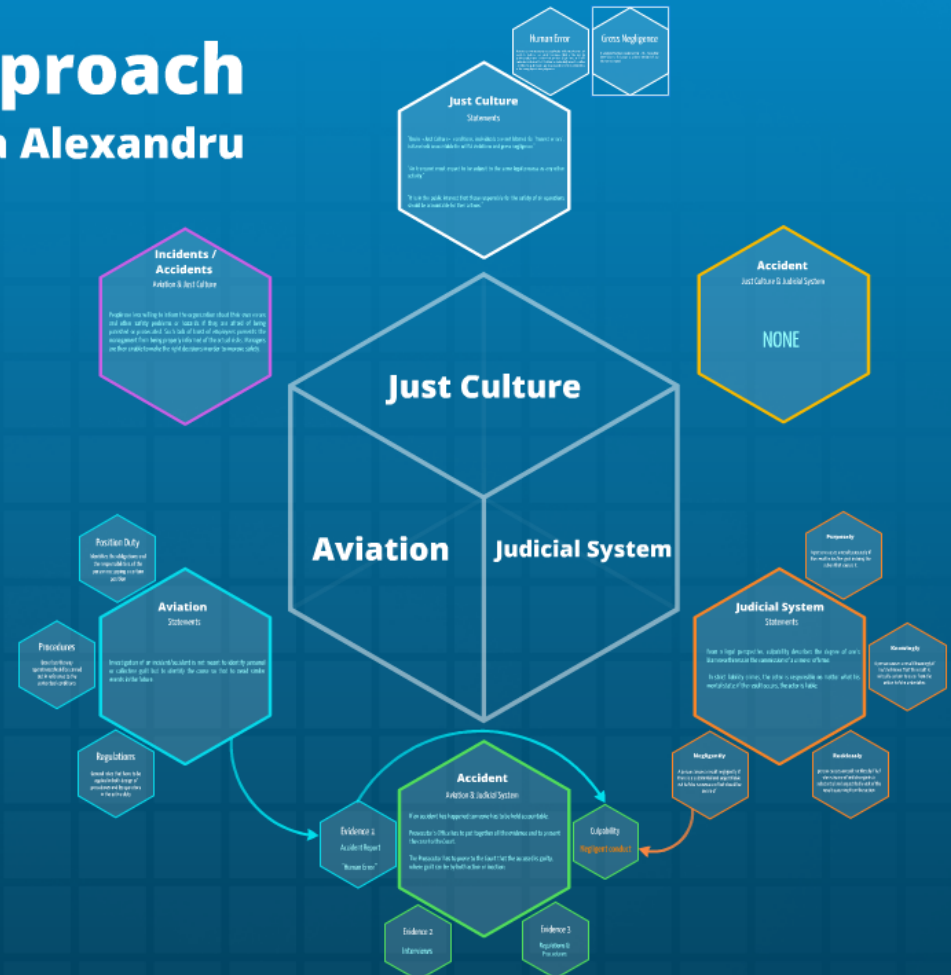
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