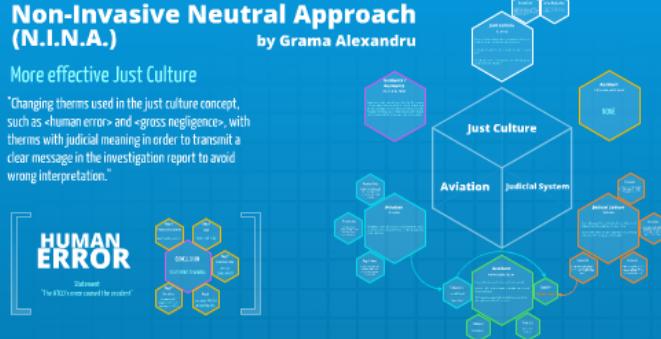


## OVERVIEW OF PRESENTATION

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

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

## CONTACT

website : [www.RATCA.ro](http://www.RATCA.ro)

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## OVERVIEW OF PRESENTATION

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

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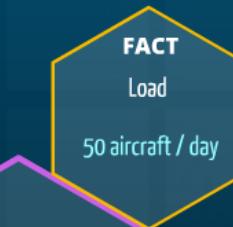
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## More effective Just Culture

"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."

HUMAN



the organization about their own errors and hazards if they are afraid of being blamed. Lack of trust of employees prevents the organization from being informed of the actual risks. Managers make decisions in order to improve safety.

NO

# Just Culture

## Aviation

## Judicial System

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.

Gre

If somebody  
have fallen  
that one o

# 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

ority of aircraft  
the error by  
ew, Air Traffic  
ses from either  
way intended or

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# Just Culture

## Aviation

## Judicial System

From a legal perspective, culpability and blameworthiness in the commission of a crime

In strict liability crimes, the actor does not have to prove a certain mental state; if the result occurs, the actor is guilty

# Judicial System

## 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.

**Negligently**

**Recklessly**

**Knowing**

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

# Purposely

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



## **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

one's

at his

## **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

the organization about their own errors and hazards if they are afraid of being blamed. Lack of trust of employees prevents the organization from being informed of the actual risks. Managers make decisions in order to improve safety.

NO

# Just Culture

## Aviation

## Judicial System

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

des the way  
should be carried  
ference 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.

In  
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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NO

# Just Culture

## Aviation

## Judicial System

From a legal perspective, culpability is not the same as blameworthiness in the commission of a crime.

In strict liability crimes, the actor is liable regardless of his/her mental state; if the result occurs, the actor is guilty.

# 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

Just Culture & Judicial System

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NO

# Just Culture

## Aviation

## Judicial System

# 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.

Culpability

Negligent conduct

evidence 1  
Accident Report  
Human Error"

Evidence 2

Evidence 3



# Evidence 1

## Accident Report

### "Human Error"

If an

Pros  
the

The  
whe

# Evidence 2

## Interviews

# Evidence 3

## Regulations & Procedures

Culpability

Negligent conduct



ant to identify personal  
that to avoid similar

From a legal perspective  
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# HUMAN ERROR

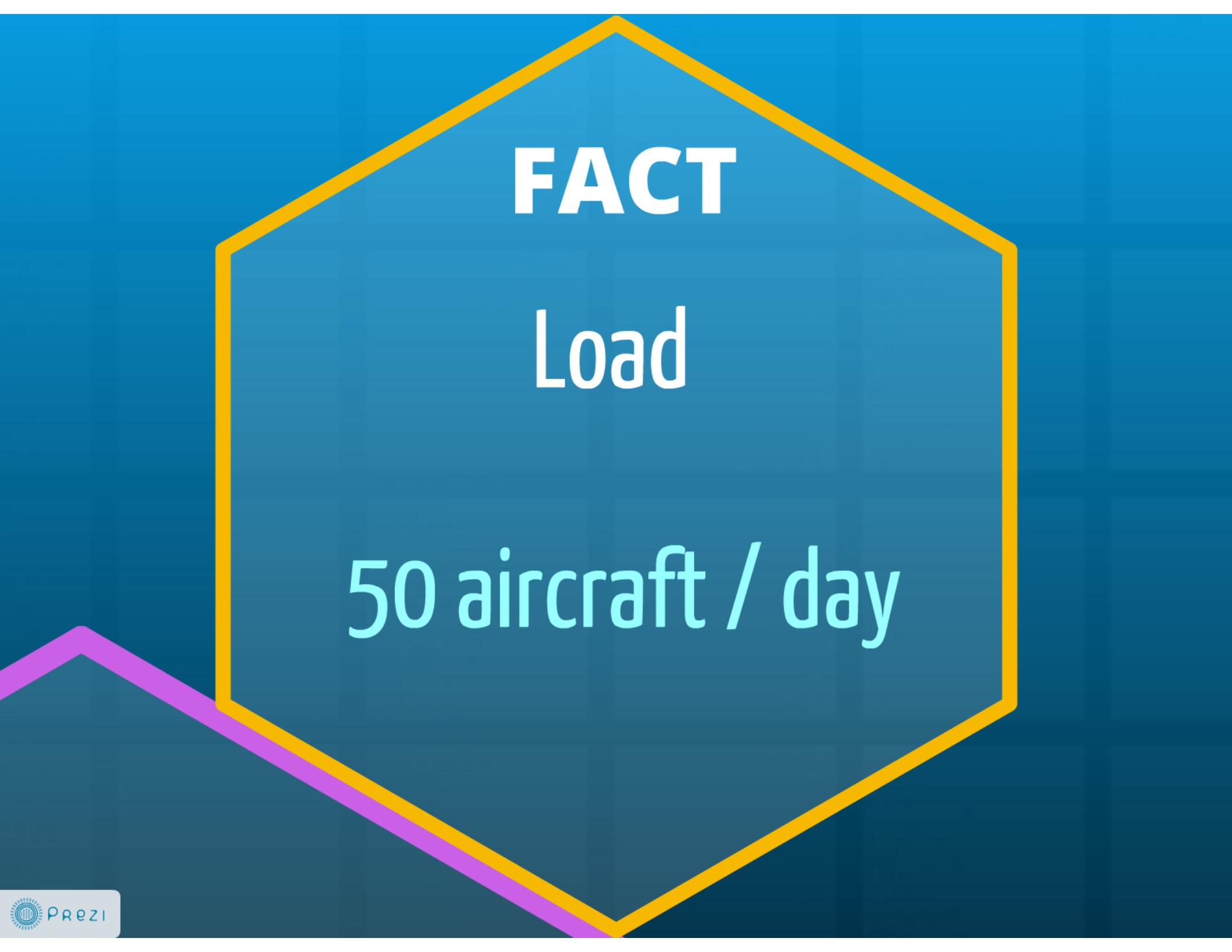
Statement

"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

**FACT**

STATEMENT

STATEMENT

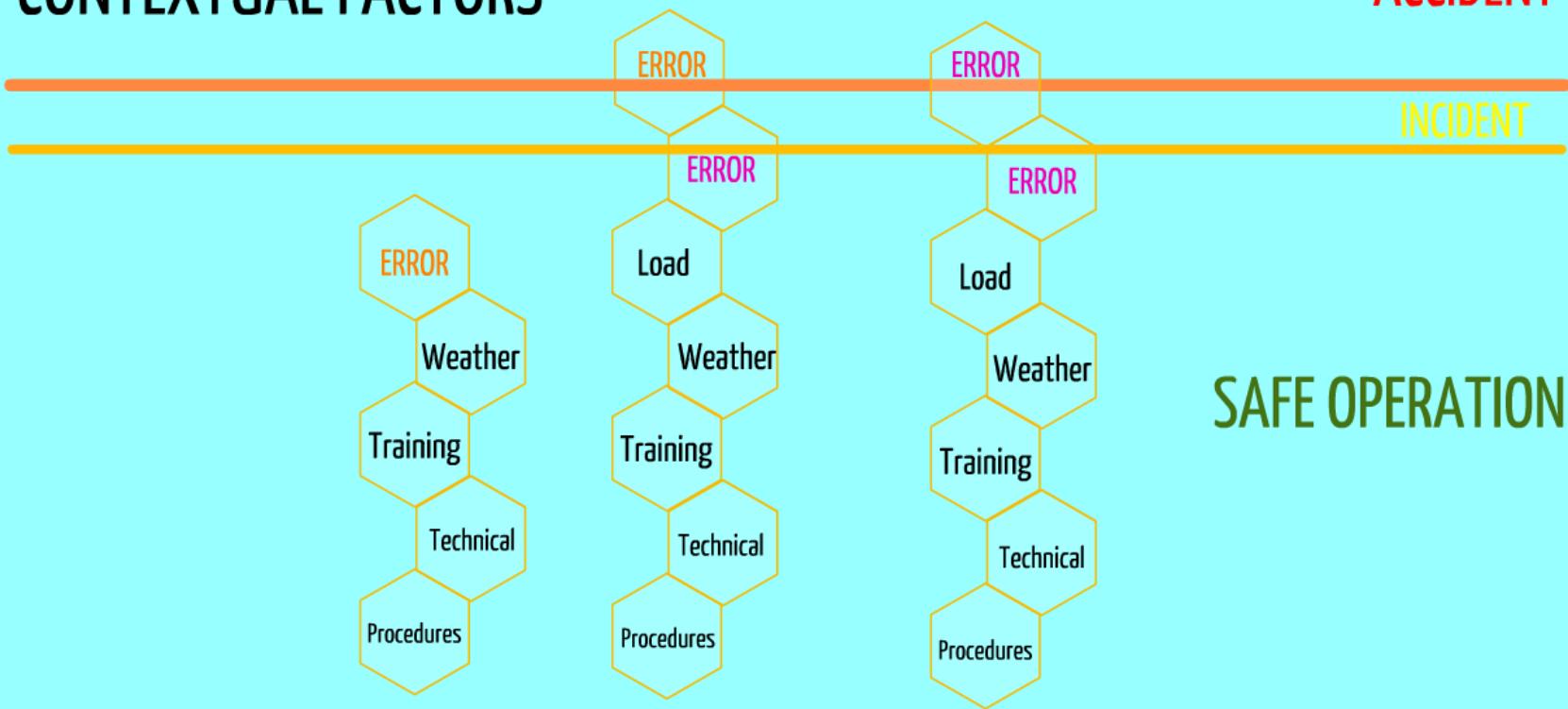
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"The ATCO's error caused the accident"



# CONTEXTUAL FACTORS



# **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**

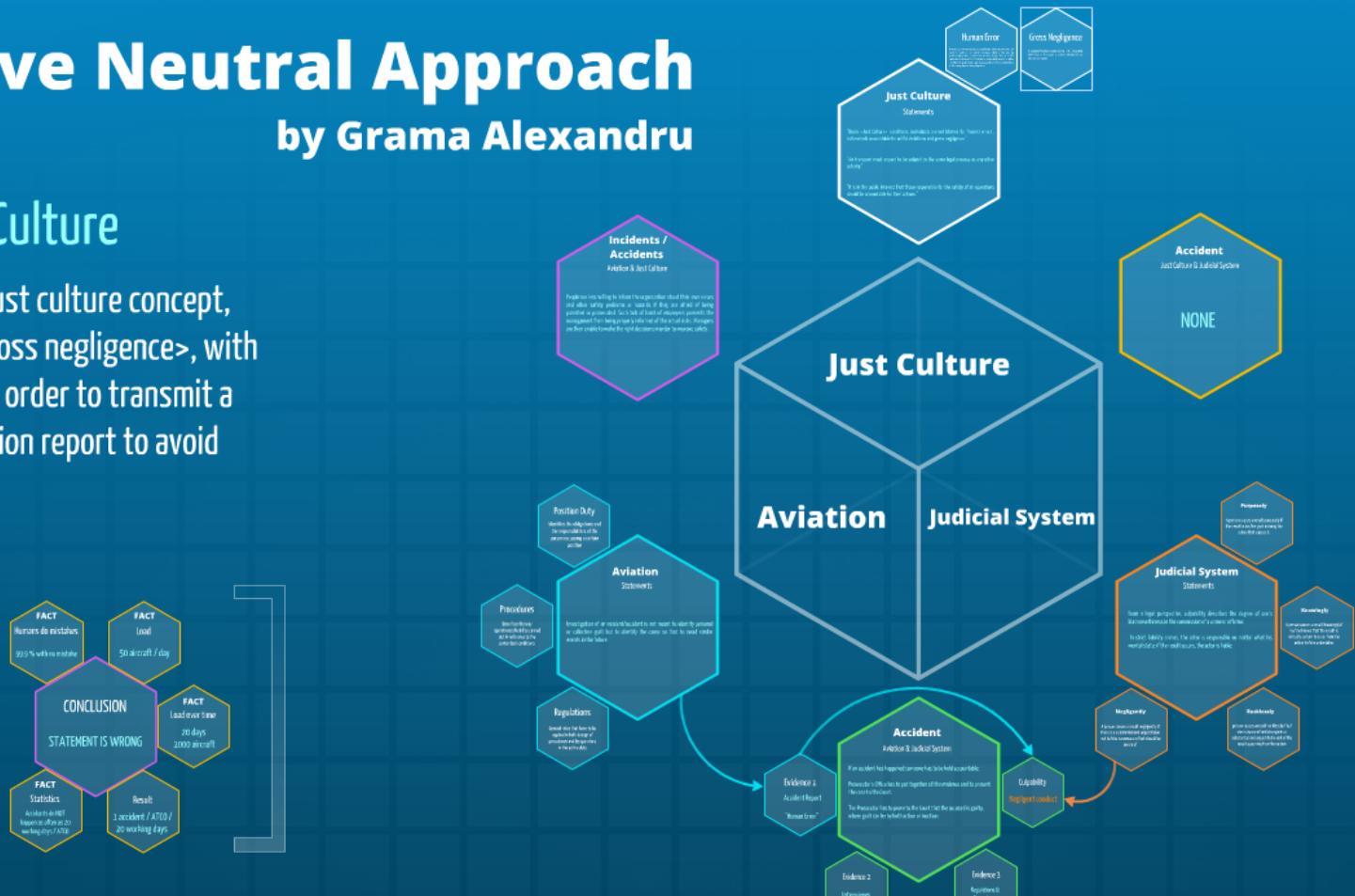
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by Grama Alexandru

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