



Luchtverkeersleiding Nederland
Air Traffic Control the Netherlands



ES2-WS03-14 - JUST CULTURE

Experience Sharing Enhanced SMS

ATC The Netherlands (LVNL) Headquarters, Amsterdam, 20-21 November 2014

"Everything you always wanted to know about Just culture (but were afraid to ask)"

Every year, at least one general Just Culture Workshop is held in a European capital in which safety people, ANSPs, CAA's, EC, EASA, ECA, IFATCA, EUROCONTROL and Public Prosecutors/Judges jointly discuss the concept of Just Culture.

The "divide" between international safety rules and national laws pertaining to civil and criminal liabilities has too long been blamed for the difficulties encountered in the aviation safety domain. It is held to be responsible for the almost complete absence of communication, let alone cooperation, between aviation safety experts and national prosecutors. The Just Culture approach respects these limits and explores - promising - solutions of educating both parties and building trust and understanding in exercising their tasks, recognising their mutual responsibilities for balancing safety and administering justice.

Under the Just Culture principles, grossly negligent or intentionally criminal behaviour should be punished, but not "honest mistakes". If a Prosecutor were only to prosecute in cases of gross negligence or wilful misconduct, the chances of pilots or controllers being indicted for their actions are very small indeed. Such a prosecution policy is already effective in a number of European States and we are working very hard to invite other States to follow their example.

Now what about Just Culture at a corporate level? Also known as "Internal Just Culture", it is very much part of the general Just Culture concept. Corporate activities in the safety management domain include the handling of incident reports and mistakes by controllers and other ATM frontline

employees. In a corporate environment with a clear emphasis on safety, but one which also has efficiency and performance-based financial goals, the "corporate culture" will interact well with the Just Culture elements as adopted by the company.

The challenge lies in ensuring that no conflicts arise between the application of corporate rules that are based on national labour or corporate law and those governing national criminal judiciary processes. Corporate sanctions cannot be compared with criminal legal sanctions. Unacceptable behaviour on a corporate level must therefore be reconciled with applicable rules that govern the responsibilities of the criminal judicial authorities. Assistance for establishing harmonised norms for corporations would be very helpful. Presently, a discussion is ongoing to "revive" the initiative of a European Just Culture Charter that could also be of use in addressing this issue.

The Amsterdam ES²-WS03-14 Just Culture workshop builds on a series of similar events which began in Istanbul in 2012 and were followed by a workshop in Madrid in 2014, as part of an effort to bring aviation and judiciary experts together. It is also a key part of the EUROCONTROL, IFATCA and ECA Prosecutor expert initiative. Finally, we expect this workshop to mark another step of progress towards our ultimate goal: a Just Culture at national and corporate levels, in balance with each other and the judiciary!

We look forward to seeing you in Amsterdam at the Headquarters of LVNL - ATC The Netherlands - for: *"Everything you always wanted to know about Just Culture - but were afraid to ask"*.

AGENDA

DAY 1 - 20 NOVEMBER 2014

08:30 - 09:00 Registration

09:00 - 09:15 Welcome and introduction

*Paul Riemens - LVNL CEO, DUTCH PROSECUTOR GENERAL
Joe Sultana - EUROCONTROL Director Network Manager*

09:15 - 09:45 Session 1: Just Culture in aviation - dynamics and deliverables

Roderick van Dam - Chairman of EUROCONTROL Just Culture Task Force

09:45 - 10:15 Session 2: Just Culture from a Dutch Aviation Prosecutor perspective

Fred Bijlsma - Dutch Aviation Prosecutor

10:15 - 10:45 Coffee break

10:45 - 11:15 Session 3: How a CAA can foster Just Culture between aviation and the judiciary

Mr. Piotr Ołowski - President of the CAA of Poland

11:15 - 12:00 Session 4: Practical Case – usage of the experts and interface with a Prosecutor

Marc Baumgartner - IFATCA

12:00 - 13:30 Lunch Break

13:30 - 14:30 Session 5: Transparency: delivering the goods

*André Stuijt - Unit Manager LVNL: Living in a glass house
Job Brüggen - Safety Manager LVNL: Affording transparency: Corporate Just Culture
Paul Riemens - CEO LVNL: the next step.*

14:30 - 15:00 Coffee break

15:00 - 15:45 Session 6: Transparency: is society ready to know what they perhaps did not want to know?

Moderators: Job Brüggen - Safety Manager LVNL and Tony Licu - Head of Safety Unit EUROCONTROL NM

Invited panellists: Dutch Aviation Prosecutor, Press, Ministry, Dutch CAA

15:45 - 16:00 Conclusions of Day 1

Moderator: Tony Licu - Head of Safety Unit EUROCONTROL NM

17:00 - 18:00 You are cordially invited by LVNL to enjoy an exclusive **Cultural** tour of the 'gallery of fame' in the Rijksmuseum (www.rijksmuseum.nl/en), featuring famous works by Rembrandt, Vermeer and other Dutch Masters. This one-hour tour, escorted by professional guides, will be followed by a **dinner (18.00-21.00) sponsored by LVNL**.

DAY 2 - 21 NOVEMBER 2014

09:30 - 10:45 Session 7: The case law of the Supreme Court of Cassation in the field of aviation accidents

Pietro Antonio Sirena - President of the IV Civil Section, Italian Supreme Court of Cassation, Rome

10:45 - 11:15 Coffee break

11:15 - 11:45 Invited: European Economic and Social Committee view on Just Culture

Jacek Krawczyk - President of the Employers Group of the EESC (European Economic and Social Committee) a formal advisory organ of the EP, the Commission and the European Council.

11:45 - 13:15 Session 8: Moderation panel – Just Culture “Everything you always wanted to know about Just Culture (but were afraid to ask)”

Roderick Van Dam, Pietro Antonio Sirena, Fred Bijlsma, Edmondo de Gregorio (Italian Public Prosecutor), Marc Baumgartner, Job Brüggen, Delphine Micheaux-Naudet, Renault Bosma (ECA)

Moderator: Tom Lintner - CEO Aloft Aviation Consulting

13:15 - 13:30 Session 9: Overall Conclusions and Closure

Moderator: Tony Licu - Head of Safety Unit EUROCONTROL NM

13:30 Lunch