

Just Culture & the Judiciary

***Just culture across industries:
Learning from each other,
A maritime perspective***



Stephane FLOCH / Senior Project Officer for Marine Accident Investigation
Department B / Ship Safety

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What is happening at sea during this Conference?

- **Number of fatalities** 1
- **Number of injuries** 8
- **Number of accidents** 22
- **Number of incidents** 5 !!!

- **EMSA and investigation of marine casualties**
- **Reporting in EMCIP**
- **Reporting issues**
- **Collaboration with Judicial Authorities**
- **Way forward**



- One of 44 Agencies of the EU
- Set up in 2002; 200+ employees
- HQ in Lisbon, Portugal
- Budget (2016): ~ €55 m



- Providing **support to**, and **facilitates cooperation** between the Member States and disseminates **best practices**
- Developing and operating **maritime information capabilities** at EU level (SSN, EU LRIT CDC, IMS)
- Establishing **marine pollution preparedness, detection and response** capability (EU network of stand-by OSRV and CSN)
- Providing **technical and scientific advice** to COM in the field of maritime safety and prevention of pollution by ships
- Assisting COM in **monitoring the implementation of EU legislation**

Dir. 2009/18/EC + Reg.(EC) 1406/2002 as amended

- Support to the implementation of Directive 2009/18/EC
- PCF Secretariat
- EMCIP Database Manager
- Operational Support to MS, upon request, in investigation of VS/S casualties
- Analysis of investigation reports
- Analysis of casualty data
- Compilation of a Yearly Overview
- Training initiatives



European Maritime Casualty Information Platform (EMCIP)



EMCIP (mandatory > June 2011)

- 30 EU Countries (MS + EEA)
- Unique EU DB (+ national use)

Data providers: AIB → NOT for industry

- Users: 243 (48 Authorities)



Centralised platform for storing and analysing data + Specific taxonomy

2 types of occurrence:

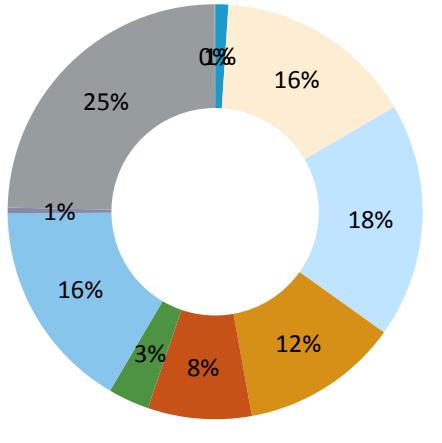
- Notification: Directive Annex II
- Investigation: Equivalent to Investigation Report (Directive Annex I)

Just Culture is not widely applied to maritime context

National voluntary reporting systems in place e.g. CHIRP (UK), MARS (UK), Foresea (FI)...

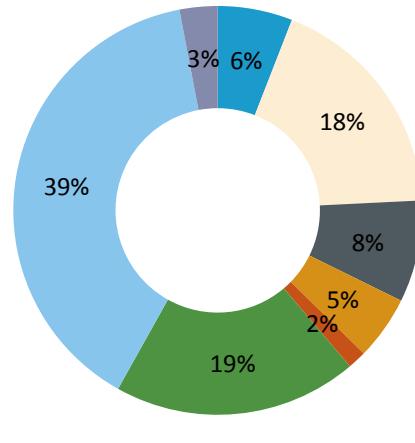
Overview of accidents 2011 - 2015

Casualty events



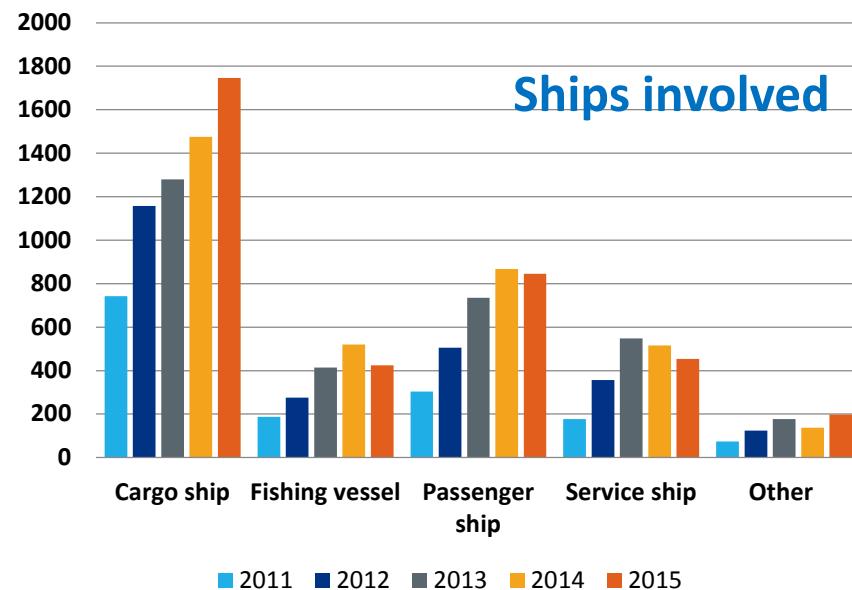
- Capsizing/Listing
- Collision
- Contact
- Damage to ship or equipment
- Fire/Explosion
- Flooding/Foundering
- Grounding/stranding
- Hull failure
- Loss of control
- Missing

Deviations

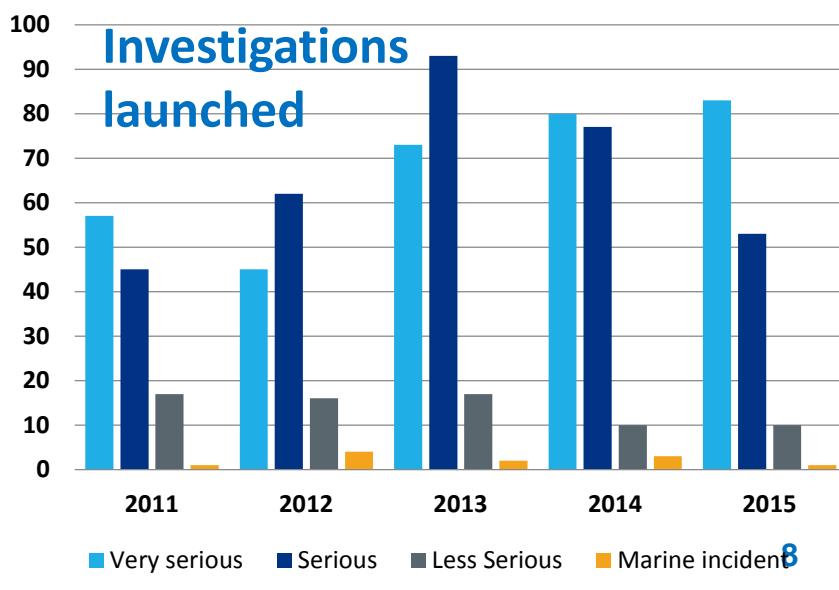


- Body movement with physical stress (generally internal injury)
- Body movement without physical stress (generally external injury)
- Breakage, slipping, fall, collapse etc of Material Agent
- Overflow, overturn, leak, flow, vaporisation, emission
- Deviation due to electrical problems, explosion, fire
- Loss of control of machine, object, etc
- Slipping - Stumbling and falling
- Other

Ships involved



Investigations launched



From the accident to EMCIP...



A large, solid grey downward-pointing arrow. It is positioned above the word 'Company' in a large, bold, sans-serif font.

Flag State

Coastal State

Other interested State

- IB of the flag state
- IB of the coastal state
- IB of the other interested state

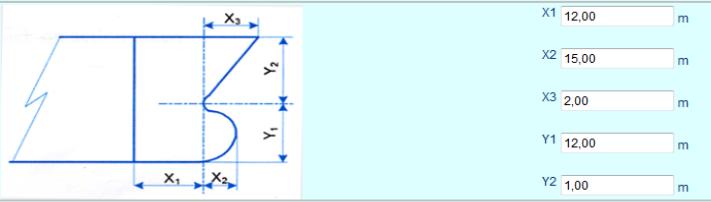


Art. 17

Art. 17

EMCIP tools

Damage Card

Length of damage	$l = 14,00$ m	Length of damage	$l1 = 1,00$ m															
Height of damage	$h = 1,00$ m	Height of damage	$h1 = 11,00$ m															
Penetration of damage	$d = 1,00$ m	Penetration of damage	$d1 = 1,00$ m															
Area of damage	$As = 15,00$ m ²	Penetration bulbous bow?	Yes															
Colliss. bulkhead damage	Yes	Bulkheads dist. AP - aft																
Subdiv. bulkhead damage	No	Bulkheads dist. AP - fore																
Double bottom present	Yes	Inner bottom breached	Yes															
Time to sink	14 min	Manner of sinking																
Additional information																		
<p>Striking ship bow geometry</p>  <table border="1"> <tr> <td>X1</td> <td>12,00</td> <td>m</td> </tr> <tr> <td>X2</td> <td>15,00</td> <td>m</td> </tr> <tr> <td>X3</td> <td>2,00</td> <td>m</td> </tr> <tr> <td>Y1</td> <td>12,00</td> <td>m</td> </tr> <tr> <td>Y2</td> <td>1,00</td> <td>m</td> </tr> </table>				X1	12,00	m	X2	15,00	m	X3	2,00	m	Y1	12,00	m	Y2	1,00	m
X1	12,00	m																
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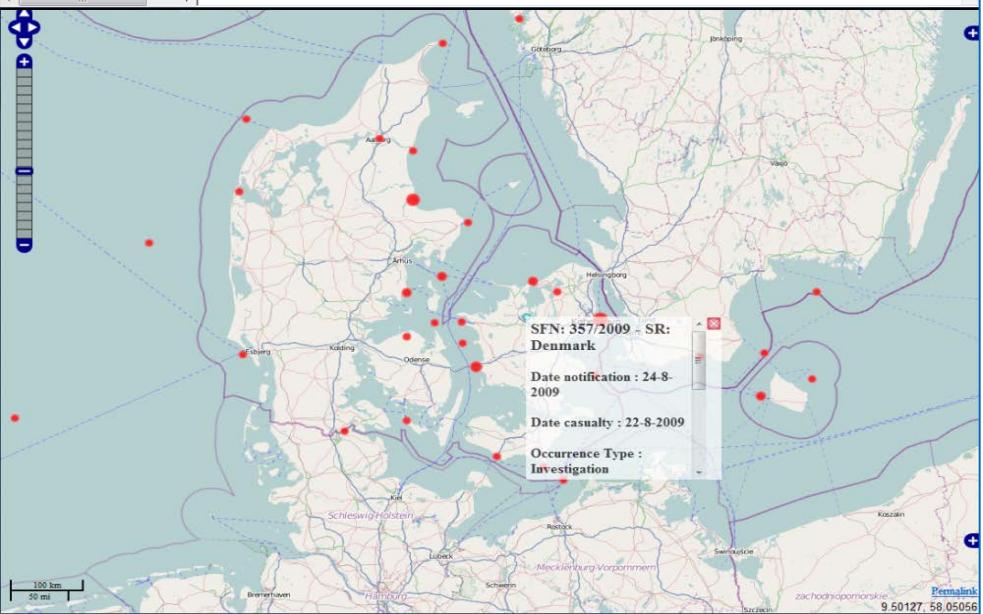
EMCIP European Marine Casualty Information Platform

Session Occurrence Interrogate Library

Query: Denmark

Find all Occurrences where ('National competent authority (Occurrence) [Value]' equal to 'DMA - Denmark' and 'Attachments (Occurrence) [Value]' has no value)

View	Edit	Casualty Report Nr	State	Reporting Date	notification Date	Casualty Occurrence Type	Occurrence Status	Nature occurrence	Name of ship	Latitude ddmm.mmm	Longitude ddmm.mmm
		479/2009	Denmark	17-12-2009	17-12-2009	Investigation	RejectedAnticipated	Casualty with a ship	BUE CAPELLA	54°57,00 N	5°28',00 E
		5/2010	Denmark	5-1-2010	5-1-2010	Investigation	RejectedAnticipated	Casualty with a ship	SKYLDNAES	54°56',00 N	10°15',10 E
		27/2010	Denmark	3-1-2010	20-12-2009	Investigation	RejectedAnticipated	Casualty with a ship	BALTIMAR NEPTUNE	57°12',00 N	8°18',00 E
		55/2010	Denmark	14-1-2010	14-1-2010	Investigation	RejectedAnticipated	Casualty with a ship	GRANDE SCANDINAVIA	55°26',30 N	8°15',10 E
		552/2009	Denmark	3-12-2009	3-12-2009	Investigation	ProposedAnticipated	Casualty with a ship	HELMUT	55°42',50 N	12°36',90 E
		448/2009	Denmark	10-9-2009	9-9-2009	Notification	Accepted	Casualty with a ship	SVANUR	55°57,10 N	11°50',10 E
		583/2009	Denmark	25-11-2009	25-11-2009	Investigation	RejectedAnticipated	Casualty with a ship	TOYA	55°42',50 N	12°39',60 E
		481/2009	Denmark	6-10-2009	5-10-2009	Notification	Accepted	Casualty with a ship	ILLUNA	63°08',00 N	50°40',00 W
		497/2009	Denmark	3-10-2009	3-10-2009	Investigation	Proposed	Casualty with a ship	VILLUM CLAUSEN	55°05',50 N	14°41',60 E
		124/2010	Denmark	2-2-2010	2-2-2010	Investigation	AnticipatedDraft	Casualty with a ship	MONSUNEN	55°55',30 N	11°37',60 E
		186/2010	Denmark	1-3-2010	28-2-2010	Investigation	ProposedAnticipated	Casualty with a ship	HANNE GRETHE	55°20',40 N	10°58',20 E
		7/2010	Denmark	7-1-2010	7-1-2010	Investigation	ProposedAnticipated	Casualty with a ship	LAMARO	56°36',20 N	10°20',30 E
		2/2010	Denmark	3-11-2009		Notification	Draft	Occupational accident	TRUST PIONEER	54°28',00 N	12°10',10 E
		586/2009	Denmark	4-10-2009	4-10-2009	Investigation	ProposedAnticipated	Casualty with a ship	MAESTRO SUN	56°17',00 N	7°06',00 E
		587/2009	Denmark	4-10-2009	4-10-2009	Investigation	AnticipatedDraft	Casualty with a ship	TINA II	55°17,00 N	12°33',10 E
		585/2009	Denmark	28-12-2009	27-12-2009	Notification	Accepted	Occupational accident	FAULKLAND	45°49',80 N	11°50',00 E
		315/2009	Denmark	1-7-2009	1-7-2009	Notification	Accepted	Casualty with a ship	TOYA	55°42',50 N	12°39',60 E
		539/2009	Denmark	23-11-2009	23-11-2009	Notification	Draft	Casualty with a ship	MARIE	55°31',40 N	10°55',90 E
		3/2010	Denmark	23-12-2009	19-12-2009	Notification	Accepted	Occupational accident	A.P. MOELLER	1°15',90 N	103°50',20 E
		444/2009	Denmark	22-10-2009	19-10-2009	Investigation	ProposedAnticipated	Casualty with a ship	NICO	51°44',10 N	1°17',70 E
		121/2010	Denmark	1-2-2010	1-2-2010	Notification	Accepted	Occupational accident	OW COPENHAGEN	55°47,80 N	12°39',10 E
		156/2010	Denmark	1-2-2010		Notification	Draft	Casualty with a ship	PARIS EXPRESS	9°26',00 N	79°56',00 W
		496/2009	Denmark	16-11-2009	15-11-2009	Notification	Accepted	Casualty with a ship	ARINA ARCTICA	74°57,30 N	17°46',00 W
		319/2009	Denmark	5-8-2009	5-8-2009	Notification	Accepted	Casualty with a ship	THEIS MAERSK	75°35',00 N	14°33',00 W
		321/2009	Denmark	7-8-2009	5-8-2009	Notification	Accepted	Occupational accident	BORNHOLM EXPRESS	55°27,00 N	14°37',00 E
		589/2009	Denmark	2-10-2009	2-10-2009	Investigation	AnticipatedDraft	Casualty with a ship			



EMSA European Maritime Safety Agency

EMCIP Home > Casualties

CASUALTIES

This part contains information about the marine accidents and incidents reported by the Accident Investigation Bodies of the EU Member States and stored in the EMCIP Database.

Reporting System (registered users only): through this hyperlink the registered user, if it is also an authorised user in the EMCIP Database, can access the database through the single-sign-on functionality.

Notifications: this page contains a summary of the last marine casualties notified by the Accident Investigation Bodies of the EU Member States. The displayed data is anonymized, which means that no ship details, or information about the entity which notified the case, are disclosed to the general public.

Investigation Reports: this page contains a summary of the latest casualties' investigation reports lodged by the Accident Investigation Bodies of the EU Member States. Each record contains a link to the Casualty Investigation Report file."

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EMCIP European Marine Casualty Information Platform

EMCIP COMMUNITY

CASUALTIES

REPORTING SYSTEM

NOTIFICATIONS

INVESTIGATIONS

RELEVANT DOCS

Q AND A

NEWS

ANNUAL OVERVIEW

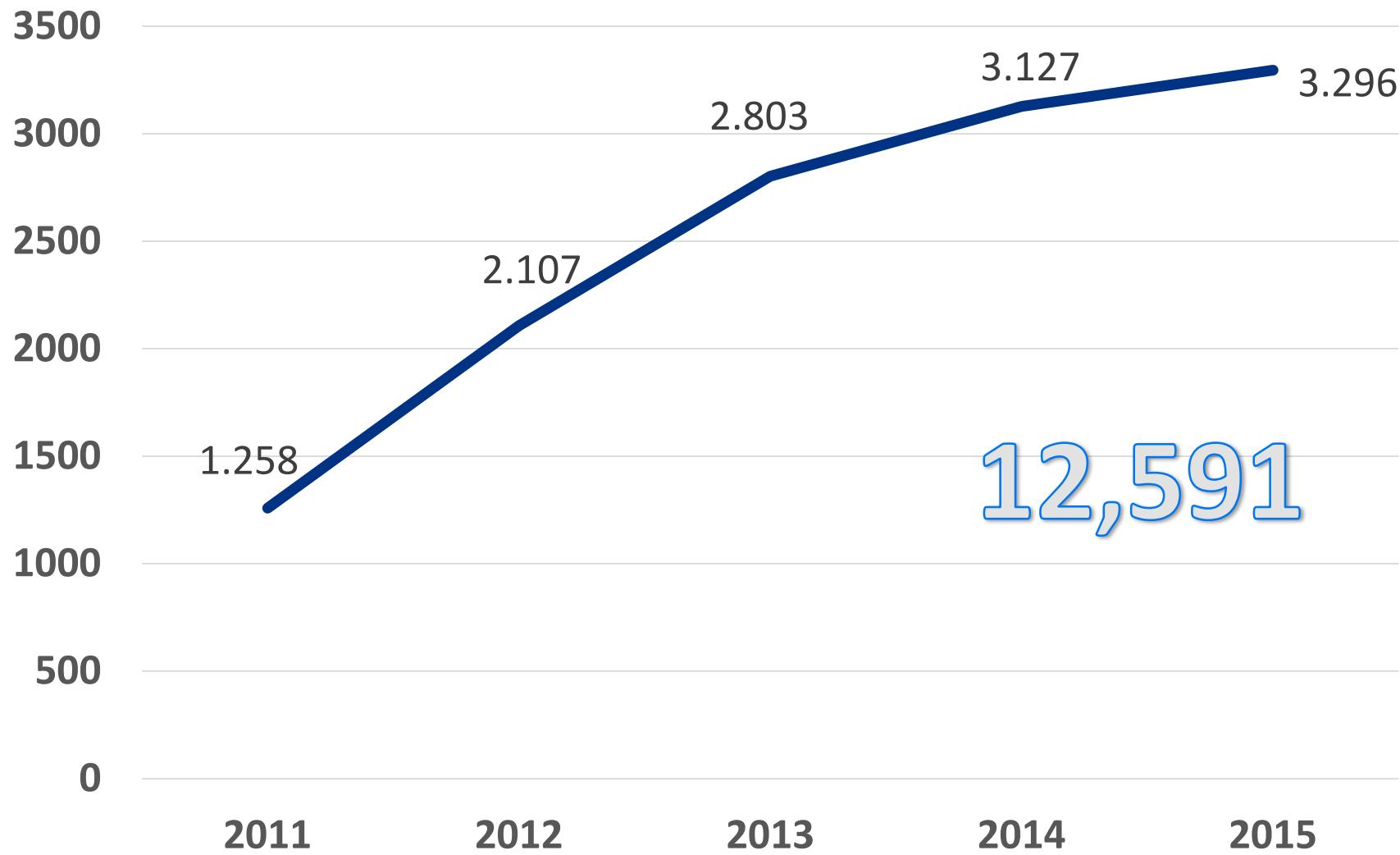
     

Last change: 19-11-2014 | [Top](#)

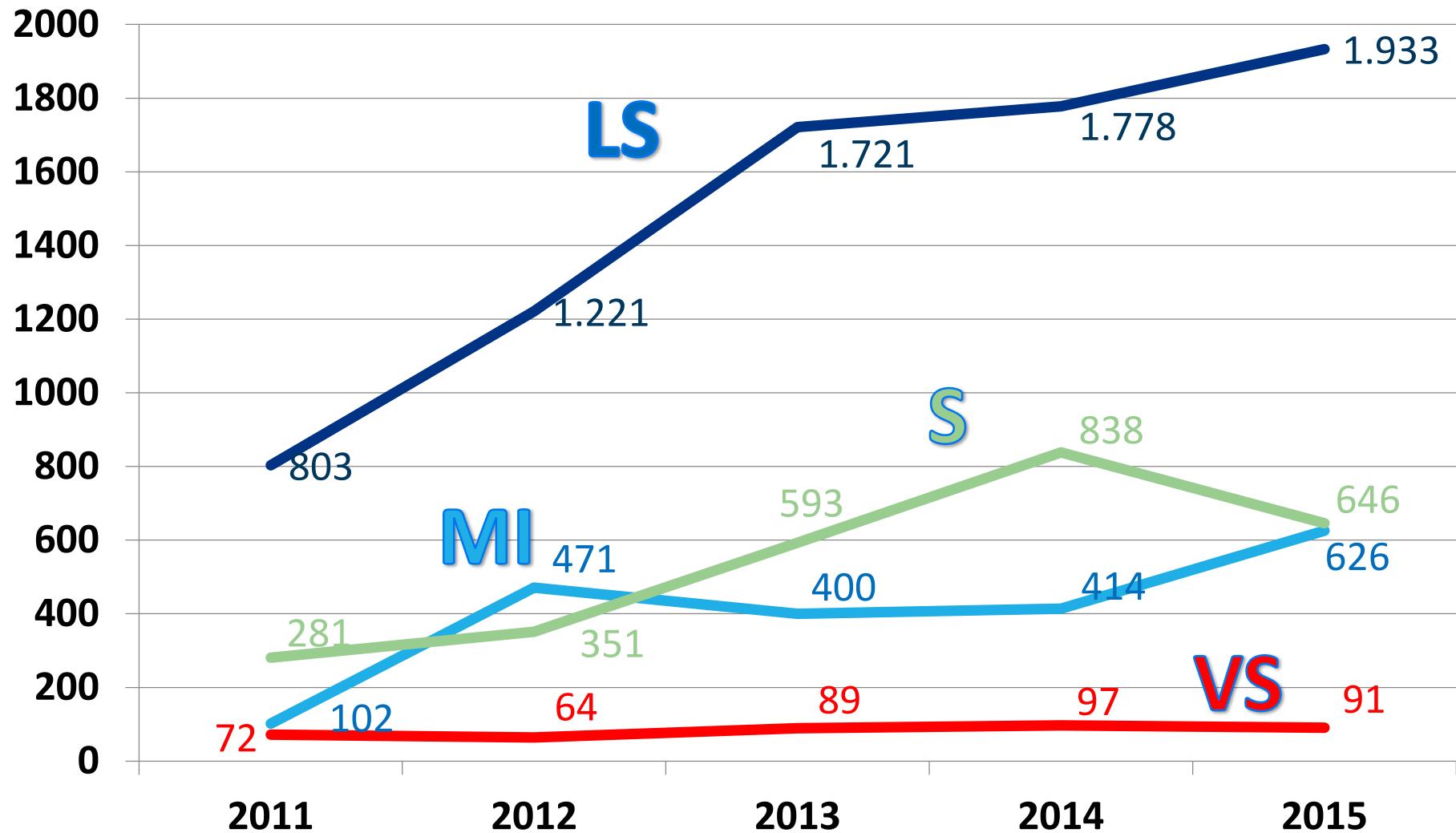
- **ALL** marine casualties and **incidents (VS, S, LS, MI)**
- **Casualty with ships**, incl. pollution + **Occupational accidents**
- Exclusion **ONLY** for some **ships' type** (not by severity)



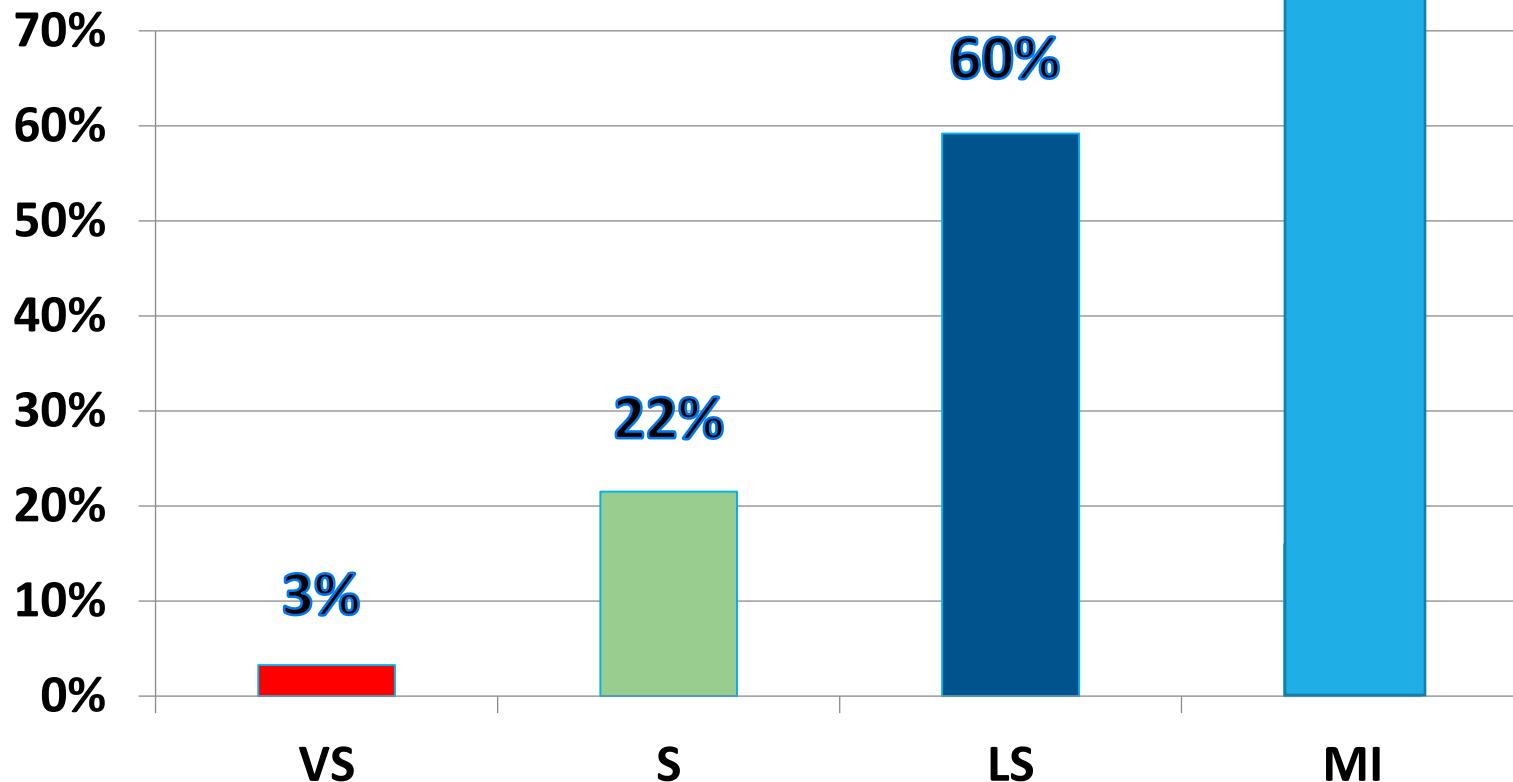
Reported occurrences



Severity of occurrences reported



How it could be expected to look like!



IMO issued guidelines supporting implementation of near-misses reporting as per section 9 ISM Code

- **Key points:**

- The issue of reporting **near-misses** (underreporting)
- Need to **promote a no-blame culture**
- Benefits from implementation of a **JC approach** for the ship companies

Possible barriers:

- **Conscious omission to report**
- **Fear of being blamed or found legally liable**
- **Unsupportive company management attitudes:**
 - complacency about known deficiencies;
 - discouragement of near-misses reporting
- **Perception that reporting near-misses is not important**

- **Principles governing marine safety investigation (AI Directive):**
 - Independent of criminal investigation and not precluded/delayed because of such investigation
 - Safety-oriented
 - Should not determine liability or blame
 - To be started as rapidly as possible
 - Collaboration with judicial authorities to ensure access to any information pertinent to safety investigation
 - MS to take into account fair treatment of seafarers (IMO-ILO Leg.3(91))

Issues to ensure quick access to evidences reported by some MS

- **Evaluation process for AI Directive in 2017**
- **An opportunity to assess the current Directive and its strengths and weaknesses.**
- **JC is not currently part of the maritime AI Directive**
- **If it were to become so, what issues might arise:**
 - a. Is JC effective to **increase the amount** of data reported, particularly “incidents”?
 - b. Are there any concerns for **data sharing** and **access rights** if the reporting system is opened to the industry or passengers?
 - c. Need to provide a **feedback** to the reporter (person or company)?

- d. Link to the **Safety Management System** of the ship companies to facilitate the reporting?
- e. How **statistics** and **data analysis** can improve safety (e.g. risk assessment perspective)?
- f. Link with other **maritime databases** to increase pool of data (THETIS, SafeSeaNet...)?
- g. How to ensure **data quality**?
- h. Does a JC framework also facilitates **collaboration between Judicial Authorities and AIB** undertaking safety investigations?

EMSA Accident Investigation sector

<http://www.emsa.europa.eu/implementation-tasks/accident-investigation.html>

EMCIP Portal

<https://emcipportal.jrc.ec.europa.eu/>



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