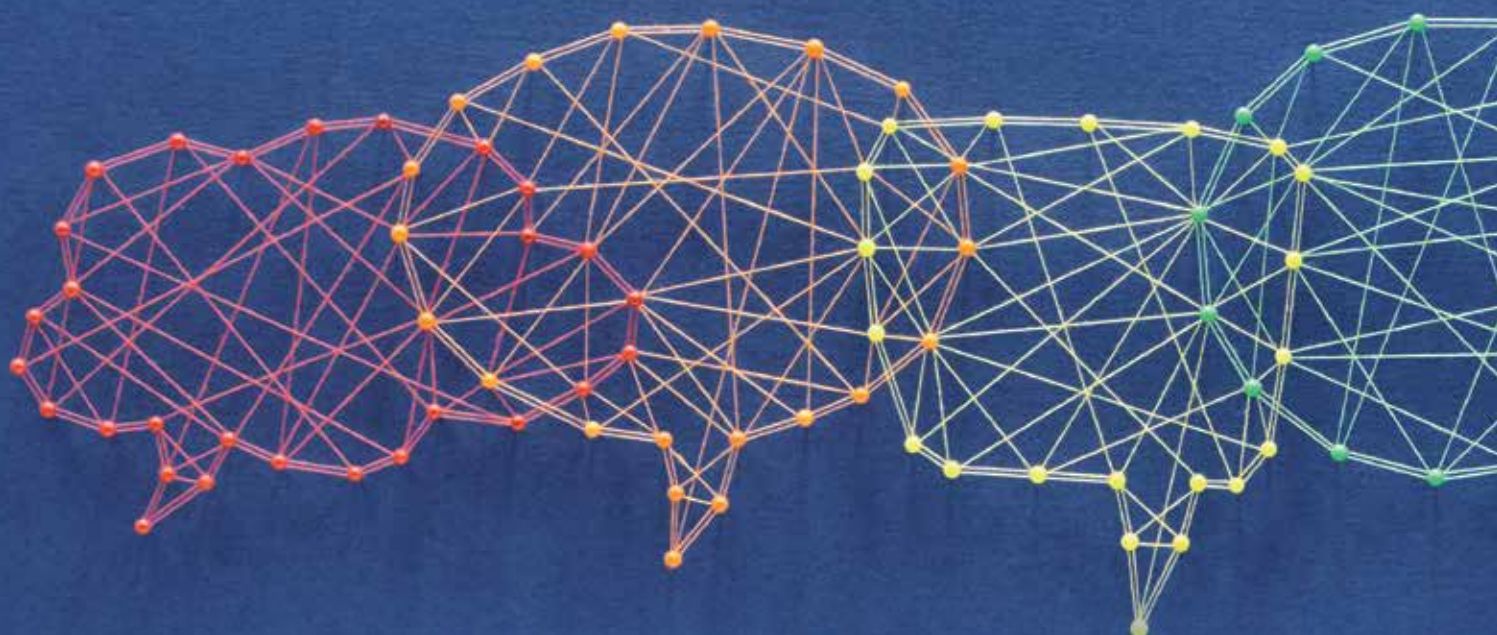


JUST CULTURE: WHAT HAVE WE DONE FOR YOU?



For over 20 years, EUROCONTROL and its partners have pioneered efforts to promote Just Culture at the corporate and judicial levels. Readers of *HindSight* may not be familiar with the various aspects of activity. So, what have we done for you? **Tony Licu, Radu Cioponea, and Steven Shorrock** explain.

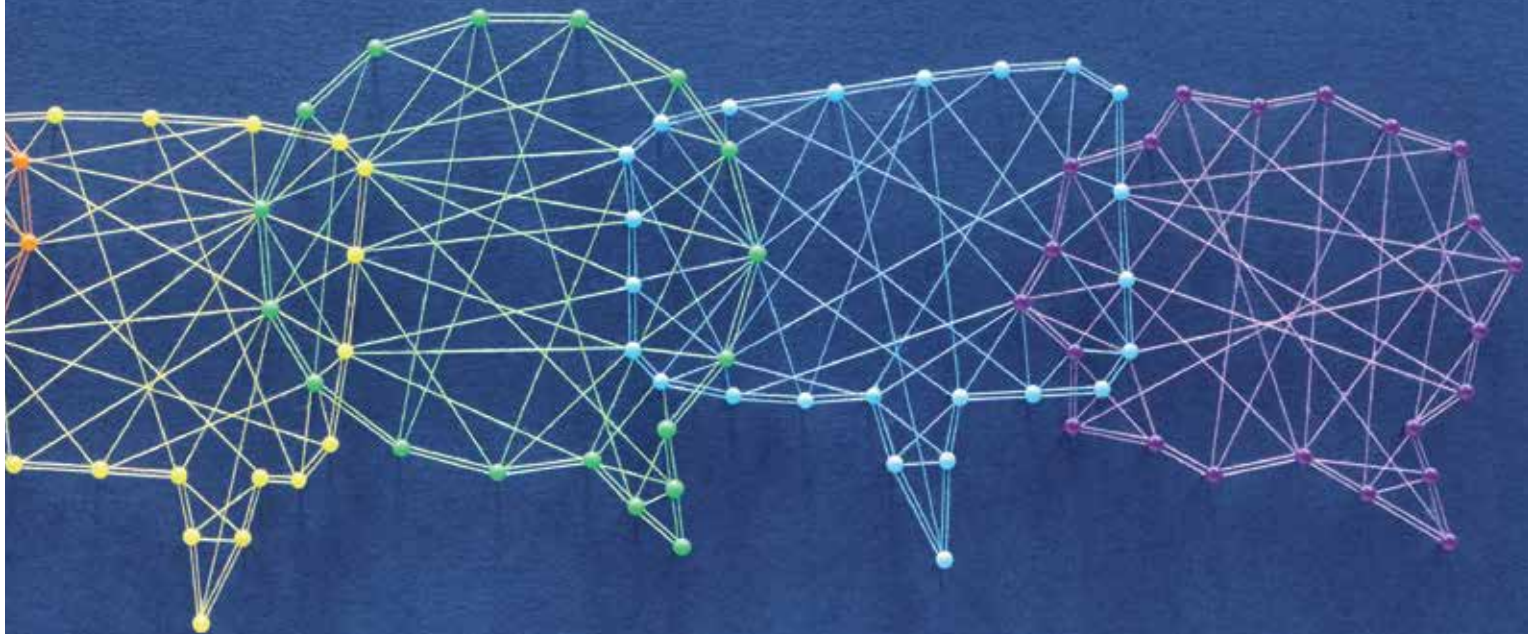
At EUROCONTROL, we are proud of the progress that has been made over the last 20 years in shaping and enhancing the landscape of Just Culture, in aviation and other sectors. Working with our operational and judicial partner organisations and professionals, we cover many aspects of Just Culture, at the corporate and judicial levels. So, what have we collectively done for you? Here are seven areas of focus. They reflect our dedication to fostering Just Culture, promoting safety enhancement and accountability within a fair and trusting ecosystem.

“The Just Culture Task Force contributes to shaping the regulatory landscape surrounding aviation safety and legal aspects.”

1. We facilitate and strengthen the dialogue between safety experts and judicial authorities

A critical activity when it comes to Just Culture is to facilitate and strengthen the dialogue between safety experts and judicial authorities. This is one of the key objectives of the Just Culture Task Force (JCTF), established over a decade ago under the guidance of the Director

General of EUROCONTROL. This task force is a platform to address the intersection of safety and legal aspects in the



aviation industry, and other sectors, which have included rail, maritime and healthcare. Chaired jointly by a EUROCONTROL representative and a European Judge, the JCTF brings together a diverse panel of legal and safety experts representing Member States, as well as air traffic management (ATM), air transport associations, and other industries, including railways and healthcare.

This collaboration is essential to strike the right balance between ensuring accountability for safety-related incidents and fostering an environment that encourages reporting and learning from adverse events. To achieve this, the JCTF focuses on the development of policies and practical guidance materials for Just Culture promotion. By formulating proposals for consideration by regulatory bodies as well as ministries of justice across European countries, the Just Culture Task Force contributes to shaping the regulatory landscape surrounding aviation safety and legal aspects.

“The Prosecutor-Expert Course bridges the gap between operational expertise and legal proceedings, ultimately contributing to a safer and more just aviation ecosystem.”

2. We bring prosecutors and operational experts together to improve mutual understanding

Prosecutions for aviation-related incidents and accidents are rare. But when they do happen, it is important to maximise mutual understanding when it comes to safety and justice. That is the *raison d'être* of the *EUROCONTROL Prosecutor-Expert Course*. The course, launched in 2012 and sponsored by EUROCONTROL, is a collaborative

initiative with IFATCA (International Federation of Air Traffic Controllers' Associations), and with support from ECA (European Cockpit Association).

The course offers specialised training to professionals engaged in the prosecution of aviation-related incidents. It is designed to equip independent operational experts, nominated by their respective associations, with the knowledge and skills necessary to effectively assist prosecutors when dealing with

aviation incidents. With this assistance, prosecutors can make an informed decision about whether a judicial investigation or criminal prosecution is necessary or not.

The course is held twice a year. To date, controllers and pilots from 36 countries have participated, along with judicial professionals from 23 countries. This includes public prosecutors, legal advisors, judges, and a high court president.

An expert list has now been produced, including pilots and controllers confirmed as prosecution experts based on criteria established by the Just Culture Task Force, IFATCA and ECA.

Additionally, the course strives to create a network of prosecutors and judges who are advocates of Just Culture principles. In doing so, the course helps to ensure that legal actions are well informed and grounded in operational realities. The Prosecutor-Expert Course bridges the gap between operational expertise and legal proceedings, ultimately contributing to a safer and more just aviation ecosystem.

3. We foster wider cooperation and collaboration between aviation stakeholders and the European judiciary

For the continuous improvement of safety and justice, cooperation and collaboration between aviation stakeholders and the judiciary is necessary, facilitating the exchange of perspectives. The *National and Regional Just Culture Roadshows* orchestrated by EUROCONTROL have successfully traversed over a dozen countries, with some nations hosting these events more than once. The core objective of these roadshows is to initiate and stimulate discussions between the aviation and transportation sectors and the judiciary, fostering collaboration and shared insights.

Additionally, the roadshows aim to highlight and promote the *Model for a Transport Prosecution Policy* (see next section), positioning this policy within each country's specific legal framework, particularly in countries where such a policy is not yet in place. The success stories of these roadshows are notable, with instances like Slovenia and Croatia showcasing agreements between the aviation industry and the judiciary.

To augment the impact of these initiatives, we organise *Just Culture Conferences*. These conferences attract large and open participation, drawing crowds of over 150 attendees. The convergence of diverse industry perspectives nurtures a rich environment for knowledge exchange, idea sharing, and collaborative problem-solving.

The Just Culture Conference of 2023 in Vienna marks a revival after a five-year hiatus due to COVID, bringing together experts and stakeholders to deliberate on the principles of just culture across various industries. Co-hosted by EUROCONTROL and Austro Control, this conference took place on the 14th

and 15th of September 2023 in Vienna, at the premises of Austro Control. Distinguished speakers from an array of sectors, including aviation, rail, healthcare, and nuclear, as well as the judiciary, contributed their insights to the discourse among over 150 participants.

Further information

Just Culture Guidance Material for Interfacing with the Judicial System: <https://skybrary.aero/sites/default/files/bookshelf/4594.pdf>



4. We develop policy for collaboration between safety investigators and judicial authorities

After an accident or incident within civil aviation or the railways, it is normal for a safety investigation authority to launch a safety investigation. The purpose of this investigation is the improvement of safety with a view to preventing recurrence. A safety investigation does not apportion blame or liability.

The objective of the *Model for a Transport Prosecution Policy* is to provide directions regarding the criminal investigation and prosecution of potential criminal offences resulting from aviation and railway incidents or accidents that come to the attention of prosecutors. This helps to ensure that both the safety investigation and judicial process can progress in parallel without either party acting in a manner prejudicial to the interests of the other.

“The Model for a Transport Prosecution Policy acknowledges that criminal charges should only be pursued in cases where there is a blatant disregard for safety standards or intentional misconduct.”

The model outlines a structured framework for the collaboration between safety investigators and judicial authorities. The model emphasises the importance of safeguarding the confidentiality of accident and incident findings. The objective is to maintain a clear separation between safety

investigations and legal proceedings, thereby promoting a balanced approach to addressing transport-related incidents.

Key principles within this model include the limitation of criminal prosecution to instances of “gross negligence” and “wilful misconduct.” The Model for a Transport Prosecution Policy acknowledges that criminal charges should only be pursued in cases where there is a blatant disregard for safety standards or intentional misconduct. Where possible under national criminal law, the policy foresees that no prosecution be brought against individuals for actions, omissions or decisions which reflect the conduct of a reasonable person under the same circumstances, even when those actions,

omissions or decisions may have led to an unpremeditated or inadvertent infringement of the law.

The model underscores the principle of maintaining the independence of the National Prosecutor. This recognition ensures that legal decisions are made without undue influence and align with the fair application of justice. By establishing a coherent and balanced framework, the model strives to harmonise the realms of safety investigation and criminal prosecution, cultivating an environment where accountability and learning coexist without compromising the integrity of either process.

The directions in this Model Policy largely build on the legal obligations in EU Regulation 996/2010, 376/2014 (aviation), EU Directive 2016/798 (railways) and the International Convention on International Civil Aviation, Chicago 1944 (ICAO Annex 13 and Annex 19).

The EUROCONTROL *Model for a Policy Regarding Criminal Investigation and Prosecution of Aviation and Railway Incidents and Accidents* was unanimously endorsed by the Provisional Council in 2018.

Further information

Model for a policy regarding criminal investigation and prosecution of aviation and railway incidents and accidents: <https://www.eurocontrol.int/sites/default/files/2020-11/eurocontrol-aviation-rail-just-culture-policy.pdf>



“For over a decade, Just Culture has been integral to EUROCONTROL’s Safety Culture Programme, applied in over 30 countries.”

Force. Through both the survey and interview insights, legal perspectives are incorporated alongside the operational viewpoints. The Just Culture Survey has helped to foster open discourse and enhance understanding, with the goal of further improving the industry's safety standards.

For over a decade, Just Culture has been integral to EUROCONTROL's *Safety Culture Programme*, applied in over 30 countries. Our safety culture questionnaire is scientifically validated and one of the most extensively used in the world. There are several questions on Just Culture, and it is always a topic of conversation in the subsequent workshops, which have resulted in over a thousand hours of discussion. The approach has produced many improvements in air navigation service providers (ANSPs), some suggested internally by ANSP staff, and others learned from other ANSPs, plus good practice derived from research.

Just Culture is also the topic of several of the EUROCONTROL *Safety Culture Discussion Cards*. These are a practical resource to aid real discussion about safety culture by any person or team in any industry sector. The cards use the same concepts as the survey methodology, though everyday language is used to make the cards completely accessible. The Safety Culture Discussion Cards are now available for downloading and printing in Edition 2, in several languages.

Further information

The Future of Safety Culture in European Air Traffic Management - A White Paper: <https://skybrary.aero/bookshelf/future-safety-culture-european-air-traffic-management-white-paper>

Safety Culture Discussion Cards: <https://skybrary.aero/articles/safety-culture-discussion-cards>

5. We undertake surveys to understand perceptions of Just Culture

How do front line and other aviation personnel feel about Just Culture in their organisation? The *Just Culture Survey*, facilitated by EUROCONTROL, offers a comprehensive method for collecting insights within the aviation industry. Accessible online, this survey operates under a confidential framework. It aims to respect participants' privacy while encouraging open and honest responses.

The survey methodology involves gathering input from air traffic controllers (ATCOs), both through online submissions and live interviews. The data are analysed, and the results are presented in a disidentified, aggregated manner.

The outcomes of the survey carry substantial weight, as they directly inform the efforts of the Just Culture Task



6. We provide guidance for dealing with the media

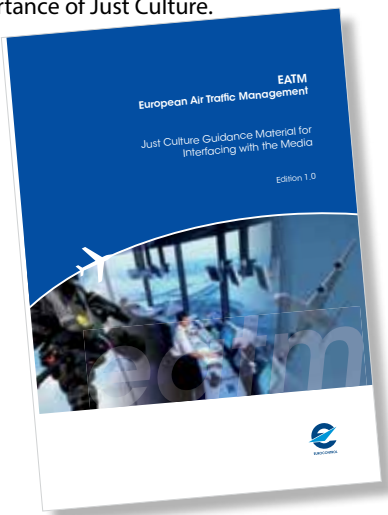
How should professionals in ANSPs and other aviation organisations communicate with the press after aviation incidents and accidents? This was the topic of EUROCONTROL's *Just Culture Guidance Material for Interfacing with the Media*, issued in 2008. The document helps to foster better communication between the aviation industry (particularly ANSPs) and the media.

The need for an effective interface between ANSPs and the media is emphasised, particularly during times of crisis. The guidance emphasises the importance of corporate communication and media relations functions within ANSPs to foster openness, transparency, and trust. It acknowledges the challenges in reporting and explores how to provide accurate, balanced, and credible information to the media. The document highlights the significance of the media's understanding of the fundamental principles of ATM and ANSP operations.

The document underscores the need for the press to grasp the underlying purpose of a Just Culture in encouraging incident reporting and enhancing ATM safety. By explaining the difference between honest mistakes and unacceptable behaviour, and by illustrating good practice, ANSPs can help the media to produce accurate reporting and better public awareness of the importance of Just Culture.

Further information

Just Culture Guidance Material for Interfacing with the Media: <https://skybrary.aero/bookshelf/books/4784.pdf>



7. We publicise and promote Just Culture principles for all

On an everyday basis, Just Culture is most relevant in organisations at the corporate level. Within EUROCONTROL we produced and published our own Just Culture Policy. This was signed by the Director General in 2014, and our internal *Just Culture Committee* oversees the application of the policy.

For a much wider audience, EUROCONTROL developed the *Just Culture Manifesto*. The goals of the manifesto are to:

- articulate a vision of just culture that connects with people from all industrial sectors, around the world;
- speak to people in all roles – front line, support, specialists, management, both in private industry, government organisations and departments, and the justice system; and
- provide a framework for other people to advance this vision of just culture.

The Just Culture Manifesto distils five commitments that we believe are critical for Just Culture and the need to balance safety and the administration of justice.

Then there is Just Culture on SKYbrary. SKYbrary is an electronic repository of safety knowledge related to flight operations, air traffic management (ATM) and aviation safety in general. A wealth of information has been collected over the years, including reports, guidance material, presentations, and webpages.

And finally, Just Culture is, of course, promoted in this issue of HindSight magazine on Just Culture...Revisited, which reaches tens of thousands of operational, safety, management, and even judicial professionals around the globe. Justice and Safety was also the theme of Issue 18. HindSight allows diverse perspectives to be put forward, from the theoretical to the practical. We hope that this issue of HindSight has helped you in your understanding of Just Culture, and to understand some of many initiatives that are ongoing.

Further information

HindSight 18 Justice and Safety: <https://skybrary.aero/articles/hindsight-18>

HindSight 35 Justice Culture Revisited: <https://skybrary.aero/articles/hindsight-35>

Just Culture Manifesto: <https://skybrary.aero/enhancing-safety/just-culture/about-just-culture/just-culture-manifesto> or <https://skybrary.aero/sites/default/files/bookshelf/5880.pdf> (printable PDF version)

EUROCONTROL Just Culture Policy: <https://skybrary.aero/sites/default/files/bookshelf/4775.pdf>

Just Culture SKYbrary page: <https://skybrary.aero/articles/just-culture>

Conclusion

Through these initiatives, the principles and practices of Just Culture have taken shape, in control centres, flight decks, courtrooms, and beyond. We have tried to connect the worlds of safety and justice to encourage a better understanding of the interplay between the two. By facilitating dialogue between different sectors and professions, these efforts show what is possible via collaboration and commitment to improvement. We hope that this influence resonates in the hearts and minds of professionals who work to enhance safety, especially you – the readers of *HindSight*.



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