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In which position is Just Culture currently on the legislation side?? Stand bye?? Forgotten? Not to talk about? Just Culture is still only present on paper, only small steps are taken to move the ANSP's and the rest of the aviation community in the right direction!

Paul Neering of Bunde is an ex ATCO from Maaschtricht, retired, happily married, LO EU of IFATCA for more than 6 years (or?)...participants of many JC events, discussions, seminars, trial course for court experts....

Alfred Vlasek, Operational Safety Manager from Austrocontrol, active ATCO in Vienna, member of ECTL JCTF, member of ATM rule making groups in EASA, my substitute in SSCC, Consultative member from PLC.

Me, ATCO, Supervisor in Zagreb ATCC as well as Deputy Head of Area Center, IFATCA EVP Europe...

EC Just Culture Policy

No prosecution will 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 lead to an unpremeditated or inadvertent infringement of the law.

→ **What does this mean for the frontline operators?**

→ **Who is deciding about the quality of the action, omission or decision?**



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Frontline Operators do need the confidence that effects of the work they are doing will not be immediately prosecuted. There need to be a transparent and agreed process between the SMS and the frontline operators, how and who is deciding about that, what can be handled via an inside protocol within the company, not outside !!

Decision could be done, inside the company within a certain group of people, atco experts with JC expertise, JC experts, HF experts, no legal people, no mgmt people

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Why do we need a Just Culture ?

- Positive Impact to aviation safety
- People with trust do work more efficient
- Just Culture at civil and military level!
- We loose important information if we do not have a good reporting culture

- **Just Culture is inevitable**



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The positive impact comes with gaining trust, with getting more information, willing to give all details. Like les miserable `nothing to fear will nothing hide` ☺

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Why do we need a Just Culture II

- To gain real and honest safety information
- Get rid of the threat to be prosecuted for your work
- Trust people that they do a good job
- a lot of first hand safety information will be lost without JC



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First hand informations are important if you want to get an deep insight knowledge of your system. Look into modern security and risk mgmt. They are going more and more into the direction to take the human serious, not only figures and statistics. (here I will fill in a bit more from and Israelic professor – just have to look for it)

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How can we achieve JC inside an ANSP

- Start at every unit (none is too small or too big)
- Train management and front-end users of the system: Controllers ATSEPs and pilots
- Start to use JC principles inside occurrence Investigation systems



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This is the tricky task which need to be done carefully and step by step. In Austria for instance the working group applying JC inside the ANSP is consiting out of Ass people trained in JC, JC experts, Occ Investigation experts and working council reps. No mgmt people are inside this group as they are starting to trust that the work will be a good one for aviation safety, we slowly start to develop some tools and try to apply them

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◆ What can they mean to ATC?

◆ Current on going court cases in Europe

◆ Most striking against Just Culture principles: Cagliari

Press release of March 21, 2010: The Court of Appeal in the Cagliari case rewrites the rules of ATC: authorizing a visual approach is a crime.

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Looking at this sentence, it means that being efficient, service oriented and trying the best to provide a good service is a crime. What does the airline community think about that? Do they want to go back to inefficient, ineffective ATC?? With the ,old' risks of accidents/incidents?

Better be efficient and safe – but that is hard, and learning out of mistakes is only possible if court cases like that do not exist and a court can never write a rule from ATC new.

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Just culture at IFATCA

“A Just Culture in Accident and Incident Investigation is defined as follows: “A culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where gross negligence, willful violations and destructive acts are not tolerated.”



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Member Associations shall promote the creation of Air Safety Reporting Systems based on confidential reporting in a just culture among their service provider(s), Civil Aviation Administration(s), National Supervisory Authority(ies) and members.

IFATCA shall not encourage Member Associations to join Incident Reporting Systems unless provisions exist that adequately protect all persons involved in the reporting, collection and/or analysis of safety-related information in aviation.

Example: Denmark – Non Punitive Reporting System! (received by email)

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Just Culture at EASA

- Has Just Culture “landed” at EASA ?
- No legislation in regard to Just Culture
- EASA Rulemaking Group ATM.001, ATM.003 and ATM.004 are not mentioning Just Culture

Is there a need for a Just Culture Rulemaking Group?



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If we are convinced and EASA is convinced of the need of JC then JC should be part of all rulemaking – why isn't it like that??

IFATCA would be ready to support EASA on this topic

ATM001 is about ANSPs

ATM003 is about ATM licensing

ATM004 is about Competent Authorities in ATM

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Legislation for Just Culture

- Is it possible?
- ,Cultural' issue to be regulated?
- Different interests after incidents/accidents
- Role of the Insurance Companies
- Role of the ANSP



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Insurance Companies are only interested in their contract?? Or do they accept that Just Culture will not stop in front of the insurance? Do you/we accept Insurances as they are, or do we want to educate them.

Is the ANSP interested in a legislation about Just Culture?? Or do they want to keep an "open" regulation

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Who should to that, IFATCA would prefer a common approach from the JC stakeholder to the comission, thereafter to the ANSPs, and slowly but steadily an improvement.

Austrian Example about the JCTF to implement inside in an ANSP. Anonymous Reporting ?!?!?

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How can we achieve JC in the aviation community ?

- ☐ Educate and train prosecutors
- ☐ Educate and train media
- ☐ Educate and train regulators

EUROCONTROL expert training on Just Culture is one of the possible solutions



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There is a need to increase the awareness about the necessity for JC; Safety first
Media needs also to understand that creating a headline is a good and important thing but do it blame free and without guessing

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Combined activities



Two pilot courses of the IFATCA/EUROCONTROL expert training on just cultures were organized in 2012.

Main objective is the formation/training of independent ATM or aviation experts available to advise prosecutors and judges in case of criminal investigations resulting from aviation incidents or accidents.

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Second one is next week; IFATCA and Eurocontrol have good experiences in that, course is ☺, we are working together on a common goal.

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Combined activities



- ✓ Following a change in semantic from 'non blame' to 'non-punitive' the ATM community is using just culture to describe what could provide a concept where the safety interest and the judicial interest could be bridged
- ✓ Bridging the gap has become a challenge and at international level a lot of efforts have been initiated



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Activities by different bodies I

- only very few countries have been able to set up some intermediate steps
(e.g. The Netherlands and Switzerland aviation policy)
- EUROCONTROL has set up a multidisciplinary task force which has agreed to a Just Culture model policy which provides ministries of Transport the possibility to approach ministries of Justice to try and bridge the gap



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Activities by different bodies II

The European Social Partners have agreed on a Just Culture charter which does not address the real issue, but gives a sort of common understanding of what a Just Culture environment could be at a company level



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IFATCA was asking on different occasions what is the progress in this charter? Is there a political will behind this charter? It still happens that controllers are involved in court cases without support from their ANSP or the regulator e.g. LROP Court Case ;-)

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IFATCA is ready to support the Just Culture Concept

BUT

- are the ANSP's also ready?
- are the prosecutors ready?
- are the media ready?



ARE YOU READY?

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We need to bring all of them to a common baseline, which is a real baseline not a baseline on paper.....

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Questions?

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