



ASS. NAZ. ASSISTENTI E CONTROLLORI
DELLA NAVIGAZIONE AEREA

ITALIAN AIR TRAFFIC CONTROLLERS' ASSOCIATION
MEMBER OF IFATCA



INTERNATIONAL FEDERATION OF AIR TRAFFIC CONTROLLERS' ASSOCIATIONS

Lisbon, 22/23 November 2016

An Italian experience, a better collaboration!

Dears colleagues, **a better collaboration is possible and we have seen it!**

What I was asked for is to expose, in a few words, the Italian experience with justice, judges and **our mentality change** occurred in the recent past.

In 2011 the Italian Criminal Supreme Court judged two air traffic controllers guilty for **culpable disaster** and **involuntary multiple manslaughter**.

The day of change!

Until that day the Judge was just seen as someone that **doesn't know anything of our job** and **unable to judge our duty**. In a certain way, we should say, he was seen as a "nightmare".

What was wrong on that?

What did we have to do, even if it was hard and took a long time, to drive a new paradigm in judge's mentality?

We changed the method, **dialogue** rather than conflict, **transparency** rather than impenetrability, **respect** rather than suspicious.

So we started an **open dialogue** with judges with **respect and seriousness**, and **we saw a change**.

Now what we suggest is!

Contact them and establish a **link**. Let them appreciate that **you don't have anything to hide**. Let them appreciate that **you respect them**. You have to **build with them** a process looking for a **better collaboration**.

A better facts analysis not only for us but for all the professionals, as the railways, maritime and healthcare's professionals are. People working as we work, in the similar "atmosphere", with the same skills, in complex system with embedded risks.

We foster a JC message! The message you may foster should be a wide-ranging message, **you don't move only for controllers**, your message **shouldn't be a message from a small interest group**, because in this way the message could be misunderstood.

What did this mentality let ANACNA obtain?

In collaboration with the Italian Magistrates Superior School we have organized two official seminars for the **continues preparation of judges**. JCPEC always present! In the second occasion the National Provider was part of the organization and the National Air Safety Agency had a speech.

So that we have **facilitated** the **relationship** between **magistrates** and the **aviation community**.

This obtained goal, together with others official agreements signed by the interested parties, has accelerated a **better collaboration between safety's inspectors and public prosecutors** and let Just Culture come in!

Briefly!

The extensor of the 2011 judgment is now the most important supporter of a new paradigm into the Italian courts.

Members of the most important Italian criminal court, referring to professional negligence, are nowadays looking at it with a different model of analysis. An analysis taking into consideration, for instance, JC, not technical skills, the setting where professionals are working in, corporate responsibility, and so on.

Nowadays it seems to be a period during which Italian's **judges are taking in consideration more the whole rather than the last single act**.

We are proud to consider that our efforts are bricks in the bridge that, it seems to us, is closing the gap!

What we suggest to you is to **be positive** for a new **collaboration** with judges.

Be patient and let them appreciate what your **duty is** and in what your **job is based on**.

Relationships are very important!

Next step!

Following an Italian healthcare parliament initiative, today in Italy we have a new law considering medics negligence and liability from a new perspective, a “**limited criminal liability**”, we are trying to create a shared mindset that, by a new initiative, allows to obtain a **law referring to all professionals that are characterized by quick time reactions, stressful job settings, not technical skills, coherence of rules and reciprocal professional trust**.

Finally I want to thank you Toni, Marc and Roderick for their collaboration and all of you for your time and attention.

Dr Marcello Scala