Everything you wanted to know about Just Culture and were afraid to ask

Just Culture Awareness Workshop
24.5.2017

Just Culture - what is it and what is not
IFATCA perspective
Marc Baumgartner
IFATCA
Just Culture, prosecutions, safety intervention accidents over time

**Just Culture**

- More than three quarters of ATCOs surveyed hide incidents for fear of reprisal

**Accountability**

- Eurocontrol ES2
- EU 376/2014
- EU JC Charter
- Just Culture Model Policy
- SAFREP
- ASMT
- JC RP1 SKPI
- Just Culture Prosecutors Course

**Safety interventions and themes**

- ASRS - 1975
- UK MOR Scheme 1976
- BASIS (BA incident reporting scheme)
- CHIRP
  - Anonymity versus confidentiality
  - Anonymous reporting systems
  - Flight Data Monitoring

**Court cases and convictions**

- LH540 Nairobi 1974
- SWR316 Athens 1979
- AFR296 Habshem 1986
- ITF148 Strasbourg 1992
- DAL39 Schipol 1998
- SAS866 & DIE1X Linate 2001
- DH-K11 & BTC2387 Überlingen 2003
- HCY522 Athens 2005
- JKK522 Madrid 2008

- ATCO (flying) Found guilty of manslaughter
- PIC & Co-Pilot Negligent Manslaughter Negligent bodily injury + disrupting air services Co-Pilot acquitted PIC 5 years 2 months sentence converted to a fine
- PIC & Co-pilot Acquitted Manufacturer convicted of homicide
- Pilot convicted of negligently endangering aircraft and passengers
- Captain acquitted Status of CVR challenged
- JAL Captain & 2 ATCOs prosecuted ATCOs found guilty
- BFU Conclude pilot error. Six Crossair managers prosecuted All acquitted
- Nine people charged with multiple manslaughter charges Crew sentenced to 10 years imprisonment Two engineers acquitted
- Pilots & 4 ATCOs charged
- Engineers & supervisors charged with manslaughter

**Reporting**

- Open Reporting
- GAIN
- SASI

**No-Blame Culture**

- Anonymity versus confidentiality
- Anonymous reporting systems
- Flight Data Monitoring

Source: Michaelides-Mateou & Mateou (2010)
### Safety Data protection

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### Reporter protection

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### Definition of just culture

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The dualism of Just Culture

When an event will remain inside the organisation or with the regulator
Forward-looking

- Learn about the culture and determine the context in which you are situated
- 1. Living with just culture. Where to start in your organisation.
- 2. The line, what is it? Who draws it? And how does it affect you?
- 3. Data disclosure. Protecting you from probing eyes

When you expect that an event will go to court
Backwards-looking

- 4. When it goes to court and in cultures with focus on blame and shame. Protection and the crisis organisation.
Where does JC fit in?

International

Standardisation

Policies

Sovereignty

Oversight

Penal code

Civil aviation act

National

Execution

Business

Performance

Corporate

Professional

Regulation

standardisation

Policies

standardisation
• A Just culture is in the service of safety. Not a means of social control or a disciplinary mechanism. Be wary of an undue emphasis on gross negligence.

• To effect a Just Culture, trust needs to be built between all of those who have a legitimate and appropriate interest. This is a much larger group than may be initially thought.

• To achieve the ideals of a Just Culture will require collaboration and understanding of others views.

• Just Culture will be tested. Just Culture will be misinterpreted. Each occasion that it is tested or misinterpreted is a learning opportunity for all and can be used to strengthen Just Culture. Be informed to influence these occasions.

• Just Culture is perishable. It requires hard work to be sustained by continued commitment to the ideals and by continuous dialogue.

• Just culture is not simple. Each event where Just culture is tested will have its own unique context.
- Just culture is dual
- Just culture is social construct
- Just culture is drawing the line
- Just culture is difficult