



Agenda Item 3: Specific Air Navigation Activities and Developments
3.4 Aircraft Operations (OPS)

AVIATION SAFETY QUALITY ASSURANCE PROGRAMME

(Presented by the Secretariat)

1. Background

1.1 The early experience of Operators with established Aviation Safety Quality Assurance Programme ASQAP attests to the potential of such programs to enhance aviation safety by identifying possible safety problems that could lead to accidents. Use of this programme is to identify potential problems that were previously unknown or only suspected. Where potential problems were already known, the airlines have used these programs to confirm and quantify the extend of the problems. And most important, on the bases of analyses of data, airlines have taken action to correct problems and enhance aviation safety. The ASQAP can be defined as a *“programme for obtaining and analyzing data recorded during operation to improve personnel performance, operators training program, procedures, air traffic control procedure, airport maintenance and design and aircraft operation and design.”*

2. Objective

2.1 The objectives of the Aviation Safety Quality Assurance Programme (ASQAP) is to prevent accidents and incidents. Aviation safety is a line management responsibility. However, assuring the highest practical level of safety is the responsibility of every employee associated with, not only the flight operations but all associated phases (Airworthiness/Security, ATC, etc.) One aspect of the programme is ***Risk Management, not Risk Avoidance***, or in other words, system and process redundancies designated to eliminate the possibility of a single process either technical or human failure that may cause an accident.

2.2 The means by which we accomplish these objectives are by identifying Flight safety concerns and applying corrective actions. Consequently ASQAP analyzes risk, increases awareness, validate programme effectiveness, measures system performance and ensures accountability. Thus increased compliance with the respective Air Regulations is achieved. The scope of events that are considered under ASQAP include any observations that highlight a potential Flight safety concern. The action taken in this programme reflect the desire of all parties to solve problems rather than to take legal or Company action against the employee. The ASQAP combines essential self-reporting elements of previously established voluntary disclosure programs established by FAA, Transport Canada and U.K. CAA. ***To educate rather than to punish.***

3. Accident Prevention

3.1 More and more public attention has turned to the annual rate of world wide aviation accidents. Although downward trends in hull losses have been noted in certain years, other years have produced dramatic increases in accidents involving passenger injuries and /or fatalities. ***The world wide aviation accident rate has not declined in recent years*** and is a growing concern due to the projected annual increase in the total number of flights.

3.2 Historically, airlines and State Aviation authorities (CAA) have acquired limited knowledge of aviation safety by examining failures through accidents investigation or through enforcement of rules and regulations. Corrective action in many cases is limited to individual operators and specific events. Although these responses to known Flight safety concerns have had measurable success in the past, greater threats may lie outside our traditional realm of knowledge. The challenge is to access previously unidentified areas of concern that can lead to accidents. If the global aviation accident rate is to be significantly reduced, we must continue to develop enhanced prevention strategies that identify risk and accomplished corrective action.

3.3 ASQAP prevents accidents and incidents through the following essential steps:

- 1) Identifying risk (critical)
- 2) Analyzing risk
- 3) Accomplishing corrective action
- 4) Validation and verification of effectiveness
- 5) Educating employees and increasing their awareness level
- 6) Measuring overall system performance
- 7) Ensuring a continuing system of accountability

3.4 The programme objectives are served only after all steps have been accomplished! However risk identification and corrective action are the most critical and important steps in achieving accident prevention.

4. Corrective action based on incentives and sole -source reporting

4.1 The key ingredient to risk identification and corrective action is to provide incentives for individuals and operator. To report those events that pose Flight safety concern. In order to ensure the benefits of self reporting, the CAA has to offer certain non-punitive enforcement-related incentives to encourage individual employees and the certificate holders (carriers, shops) to report incidents of unintentional non-compliance with the regulations. The ASQAP is based on principles of identification and corrective action rather than immunity. The ASQAP offers an alternative to traditional CAA legal and enforcement and Company disciplinary action. In cases in which an individual meets the criteria for participation and complies with the corrective action recommended by the ***Event Review Team (ERT)***, the event is closed with administrative action or no action in lieu of legal enforcement. Through ASQAP, the CAA furthers its statutory authority in a way that best tends to reduce or eliminate the possibility of recurrence of accidents in air transport.

5. The main issues to be addressed are :

- 1) Security reporting Programme
- 2) Transportation of Dangerous Goods Programme
- 3) Flight Operation- Quality Assurance Programme

5.1 Safety reports and information arising from one programme often will require coordination and accountability with other programs and other departments. Recognizing that the operational environment may differ among departments, the airline's overall responsibility to ensure safety remains constant.

6. Programme description

6.1 Based on MOU - CAA – Operator / CAA - Individual

- 1) Enclosure in the Legislation/Regulation describing the legality of the disclosure process and identification of Regulatory compliance procedures vs. enforcement procedure (certificate, document, permit).
- 2) Description of non-applicable infractions and offences
- 3) Each departmental ASQAP operates independently as a partnership between Operator and CAA in accordance with programme description.

7. Oversight responsibility

7.1 Oversight responsibility is assigned with each department's ASQAP

Flight Department	OPS. Manager, Chief Pilot, VP/ OPS and CAA Principal OPS. Inspector (POI), and if applicable Airline Pilot Association president.
Dispatch department	System Operations Control director and POI
Maintenance/Eng	VP of M & E and POI, Maintenance and Avionics Programme Manager- Responsibilities and coordination

7.2 Each department operating ASQAP designates a Programme manager who is responsible for the administration of the ASQAP on behalf of the Operator and ensuring compliance and the ASQAP data and information policy. Responsibility will include timely dissemination of all ASQAP reports to the ERT, which will provide recommendations to resolve the safety related concerns. The ERT will provide continuous tracking and analysis of all safety related events. The programme manager will ensure coordination with other Operator's departments of all investigations and corrective actions on behalf of ERT.

8. Event Review Team (ERT)

8.1 The core of ASQAP consist of three members member Event Review Team (ERT), established for each department. The ERT consists of one designated representative with alternates from the CAA, the Operator and representative organization or union.

8.2 The ERT makes all the decisions regarding acceptance criteria and recommends corrective action solution for reported flight safety concerns. For official meeting purposes a quorum exists exist when all three participating ERT members are present. The ERT designates individual to be responsible for coordinating ASQAP investigation and corrective actions with outside parties, as appropriate. These outside parties, include, but are not limited to CAA, ATS, Aircraft manufacturer, the Accident Investigation organization (NTSB,CATSB. Etc.) and other airlines and employee associations.

9. Event Reports

9.1 In order to prevent accidents and incidents, either one of the reports is considered for participation in ASQAP.

- 1) Self- disclosure of possible Air regulation deviation and;
- 2) General or specific flight safety concerns.

10. Possible violation of air regulations

10.1 If the individual employee believes that the event may involve self-disclosure of a possible violation of regulations, he or she must notify the ERT as soon as possible, but later than 24 after the occurrence of the event, or after the time the employee become aware that the deviation (infraction occurred). The notification can be accomplished by completing an ASQAP report via specific departmental ASQAP system.

11. General or specific flight safety concerns

11.1 All eligible employees are encouraged to report any event or observations they feel identifies a potential hazard to flight operation and should be reviewed by the ERT. No 24 hours limit applies. Timely reporting is essential for corrective action to be effective.

12. ERT review and corrective action recommendations

12.1 Confidential ASQAP should be sent to each representative of ERT on a daily bases. The ERT should meet periodically as necessary, to review and investigate. The ASQAP may recommend procedural policy changes, training or other solutions. The reporting employee can be contacted during these meetings. (separately from required initial interview).

12.2 In achieving corrective action, the ERT may provide data and or information and possible solution to the following:

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| 1) | The Operator | For improvements to policy, training procedures and/or aircraft training modification. |
| 2) | Individual employee | For skill enhancement or additional training-to-proficiency. |
| 3) | CAA and any aviation Organization | For safety enhancement. |

13. Implementation of regulatory changes.

- 1) *Use of Immunity*
Prohibition of use of any report submitted under ASQAP for any disciplinary action, except information concerning criminal offences or accidents.

2) *Transactional Immunity*

Upon the finding of any violation of regulations, neither a civil penalty nor certificate suspension will be imposed by the CAA if certain ASQAP criteria are met. The CAA will make the finding of the regulation violation a matter of record for a determined period (1 - 5 years recommended).

APPENDIX A

DECISION GUIDELINE FLOW CHART.

CAA INVESTIGATIVE JURISDICTION AND RESPONSIBILITY

Normally by the law and by the CAA regulations, the CAA is responsible for the proper investigation and disposition of all suspect cases of non-compliance with the aviation regulation. The CAA establishes investigative and enforcement jurisdiction and responsibility regarding event reported to the ASQAP ERT Personnel. The CAA-ERT representative is empowered to complete ASQAP investigation and administrative Action.

NOTE. The ASQAP has to be incorporated in the Inspector's Manual

The CAA-ERT representative will determine whether or not a reported event meets the criteria for inclusion into ASQAP. Once an event meets the criteria for participation and is accepted into ASQAP by the ERT, the CAA shall transfer all the jurisdiction and responsibility for compliance and enforcement to the appropriate (*district, regional*) office.

The CAA ability to investigate suspected instances of non-compliance with the air regulations is enhanced through the ASQAP. The ASQAP offer the CAA the opportunity to learn about events that would go unrecognized otherwise. By this the CAA amplify its statutory authority in the way that best tends to reduce or eliminate the possibility of recurrence of accidents in air transport.

VOLUNTARY DISCLOSURE OF A POSSIBLE VIOLATION OF REGULATIONS BY CERTIFIED EMPLOYEES.

All parties of this agreement believe that voluntary sharing of data and information, disclosing possible violation combined with a cooperative, non-punitive approach to solve problems enhances and promotes aviation safety. Resolution of reported events emphasis on the correction of the safety concerns rather than punitive action. In instances where an ASQAP report involves a possible violation of regulation, the individual employee involved is treated in similar fashion as an certified Operator, who has voluntarily disclosed a possible violation. Based on the unanimous consensus of the ERT, the individual who complies with the provisions of ASQAP agreement will receive either Administrative Action (CAA letter of correction) or No Action. (CAA letter of no action) or an ERT response in lieu of CAA legal enforcement action. A letter of correction does not constitute a finding of violation. Normally the name of a recipient of CAA letter of this category is made a temporary matter of record and the name is expunged within period of no more than 30 days. Non above will be kept as CAA record.

ACCEPTANCE CRITERIA

Each individual employee participating in the ASQAP must report separately and satisfy all acceptance criteria as established by the letter of Agreement and determined by unanimous consensus of the ERT. The following criteria apply for an individual employee who reports a possible violation of the regulation.

- 1) Participation is limited to employees of the Operator assigned to duties by the operator and to events occurring while acting in that capacity.

- 2) The employee must voluntarily make initial notification of possible violation of regulations by written or electronic report (or if hot line is installed) as soon as possible, but no later than 24 hours after the event occurred.
- 3) *The alleged violation of regulation was inadvertent and not deliberate and does not involve intentional disregard for safety or security.*
- 4) *Applicable law does not require legal enforcement action (e.g. criminal conduct, illegal drug or alcohol use or carriage of weapons).*
- 5) The reporting employee must comply with the corrective recommendations of the ERT, thereby demonstrating a constructive attitude towards complying with the regulations.

The ERT will determine acceptance into ASQAP in accordance with the above criteria, including events submitted by *employees who have been previously involved in the following:*

- 1) *Regulatory action of any type.*
- 2) *The same or similar type of events, or*
- 3) *Multiple events.*

If an employee has been previously involved in CAA enforcement action recommendation will take into consideration the enforcement history.

DISCLOSURE AND INVESTIGATING CRIMINAL ACTIVITY OR SUBSTANCE ABUSE

In instances of criminal activity or substance abuse the terms of confidentiality and restriction to legal investigation otherwise contained in the agreement do not apply!

NON - QUALIFYING EVENTS.

A non-qualifying event is an event that does not meet the ASQAP acceptance criteria as established by the Letter of agreement and determined by the ERT or is excluded from the ASQAP by the ERT because an employee withdraws from ASQAP or is unable to successfully comply with the ERT recommendations. In this case, *if the sufficient evidence exist, the CAA may initiate legal enforcement.*

THE BASIC ELEMENTS OF ASQAP.

The basic ASQAP have to include the following elements:

- 1) ASQAP Training policy
- 2) Training feedback-Technical and Operation
- 3) Operations
- 4) Maintenance and Engineering
- 5) Dispatch
- 6) Security
- 7) Transportation of Dangerous Goods
- 8) Medical and proficiency-related events
- 9) Routing and confidentiality
- 10) Shared responsibility- and operator voluntary disclosure program.
- 11) Accidents and Incidents
- 12) Amendments to MOU or LOA
- 13) Duration and termination

SUMMARY

The implementation of ASQAP will enhance the safety of overall Operators system. Then CAA will gain data and information about the occurrence and causes of events that otherwise will have gone unrecognized. The operator will identify and correct broad range of safety-related issues that were previously undisclosed prior ASQAP. Individual employees will effectively resolve safety concerns they encounter and be afforded an opportunity to participate in process with CAA that recognizes the open and honest disclosure of flight safety concerns. Through the investigation and corrective action taken to resolve these issues, the traveling public will continue to gain a safer airspace system.

ERT DECISION GUIDELINE FLOW CHART

