



ASSEMBLY — 38TH SESSION

TECHNICAL COMMISSION

Agenda Item 27: Aviation Safety – Policy

SOLID STEPS TO CREATING A JUST CULTURE IN REPORTING MECHANISMS

(Presented by ITF)

EXECUTIVE SUMMARY

Some ICAO Member States have not implemented non punitive reporting mechanisms or “Just Culture” whilst some have introduced a form of Just Culture without involving the respective trade union and professional representatives. In a changing environment with the development of new technologies and new systems, it is vitally important that all stakeholders are free to report incidents without fear of retribution or prosecution except where an individual has been involved in wilful violations or destructive acts. The International Transport Workers Federation (ITF) does not simply want the introduction of Just Culture by government dictact. In our view it is vitally important that Just Culture is developed by involving all stakeholders.

Action: The Assembly is invited to:

- a) ask ICAO to monitor and review the implementation of just culture, identify the barriers to its introduction, monitor the implementation of non-punitive reporting systems in Member States and provide support and assistance to those Member States that have yet to implement such systems;
- b) recognize the valuable contribution a just culture environment will make to aviation safety;
- c) request that States review without further delay their existing legislation to remove any and all deterrents to the collection and analysis of valuable safety related information; and
- d) to consider the protection of persons involved in the reporting, collection and/or analysis of safety related information in aviation.

<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	Not applicable.
<i>References:</i>	

1. INTRODUCTION

1.1 ITF is an international trade union federation of transport workers' unions. It consists of 654 independent trade union organisations representing 4.5 million transport workers in 151 countries. It is one of several Global Union Federations allied with the International Trade Union Confederation (ITUC). The ITF represents over 617 thousand civil aviation workers worldwide and speaks for aviation employees globally. The day-to-day safe and secure operation of air transport worldwide depends on their skills and commitment.

1.2 The 36th Assembly adopted Resolutions A36-7 — ICAO Global Planning for Safety and Efficiency and A36-8 — Non-disclosure of certain accident and incident records. The 36th Session of the Assembly was mindful of the several contributions touching on the important relationship between the free and frank reporting and exchange of information related to aviation safety occurrences, the application of that information to efforts specifically calculated to enhance aviation safety, and the impediment to those efforts posed by the use of such information for what are broadly characterized as “inappropriate” purposes.

1.3 Specifically the 36th Session of the Assembly resolved to urge Member States to promote: “[...] a Just Culture by creating an environment in which the reporting and sharing of information is encouraged and facilitated and in which remedial action is undertaken in a timely fashion when deficiencies are reported [. . .]”.

1.4 Recognizing, that “the protection of certain accident and incident records from inappropriate use is essential to ensure the continued availability of all relevant information to accident investigators in future investigations”, the 36th Session of the Assembly further resolved to urge Member States to: “examine and if necessary adjust their laws, regulations and policies to protect certain accident and incident records in compliance with Annex 13, in order to reduce impediments to accident and incident investigation, in consideration of the legal guidance for the protection of information from safety data collection and processing systems issued by ICAO”.

1.5 ICAO Annexe 13 states “A voluntary incident reporting system shall be non-punitive and afford protection to the sources of the information. In the notes on the Annexe it is stated, “A non-punitive environment is fundamental to voluntary reporting.” It further notes that “States are encouraged to facilitate and promote the voluntary reporting of events that could affect aviation safety by adjusting their applicable laws, regulations and policies, as necessary.” Guidance on both voluntary reporting systems is contained in *Safety Management Manual (SMM)* (Doc 9859).

1.6 The ITF acknowledges that some progress has been made. However, it is regrettable that some ICAO Member States have not implemented non punitive reporting mechanisms or “Just Culture” whilst some have introduced a form of Just Culture without involving the respective trade union and professional representatives.

2. DISCUSSION

2.1 In a changing environment with the development of new technologies and new systems, it is vitally important that all stakeholders are free to report incidents without fear of retribution or prosecution except where an individual has been involved in wilful violations or destructive acts. It is also a significant tool to improve and enhance safety. The introduction of a Just Culture will greatly assist us in coping with the forecasted traffic increases predicted worldwide. It makes little sense that we all talk

about investing in future systems or the next generation of aviation professionals without addressing the introduction of Just Culture around the world.

2.2 ICAO recognizes that it has a role in supporting States, airports and air navigation service providers in developing appropriate safety processes. However, it appears that ICAO feels unable to intervene with judicial authorities to see how we can ensure protection of certain accident and incident records from inappropriate use. In the ITFs view, this issue has to be tackled in order to ensure that a Just Culture is adopted throughout the aviation community and in every Member State.

2.3 Why is it important to change both the judicial view of occurrence reporting and to develop Just Culture? Almost all aviation experts acknowledge that fear of prosecution and retribution is a barrier to open reporting. In a joint declaration all of the European social partners in the aviation industry stated: “Fear of punishment does prevent events being reported. Without a report there can be no analysis. Without an analysis there can be no lessons learnt. Without learning lessons we cannot make changes to prevent similar events in the future.” The same declaration went on to state “public safety when flying is not served by punishing or prosecuting those who wish to share their mistakes. Fear of punishment represses reporting of lapses in safety margins. It is more important to improve safety than to punish individuals who had no harmful intention”.

2.4 However, the ITF does not simply want the introduction of Just Culture by government dictations. In our view it is vitally important that Just Culture is developed by involving all stakeholders. Trust between all stakeholders (including aviation administrators, administrators of justice, the media, industry management and staff, the public and politicians) is fundamental at all levels to ensure a strong reporting culture.

2.5 However, the ITF also acknowledges that there are some difficulties that need to be overcome. We are not seeking the introduction of a system of immunity from punishment where individuals have wilfully acted in a reckless manner. However, the requirement to punish such individuals must be balanced with the need to ensure full reporting. It should also be recognized that State regulators need to play a role in ensuring that company reporting procedures are genuine and that all managers and other employees should have trust in the system. Recent reports are tending to show that some staff do not believe that the reporting systems in place are genuine and that reporting incidents or safety concerns will not lead to punitive actions by employers.

3. CONCLUSION

3.1 The Assembly is invited to consider that:

- a) the aviation industry has identified the need to introduce Just Culture. Just Culture is part of a global action plan, and its principles have received the endorsement of virtually every sector concerned with international aviation. To ensure the successful adoption of a Just Culture in all Member States, the judicial world must recognize certain legal impediments to progress need to be identified and solutions found;
- b) the introduction of a Just Culture will greatly assist us in coping with the forecasted traffic increases predicted worldwide. We simply cannot turn away from Just Culture by saying that it cannot be achieved because some judicial systems make it difficult to introduce. Safety cannot be enhanced without the introduction of a Just Culture reporting system; and

- c) ICAO review where Just Culture has been successfully introduced and to identify what the barriers are to its introduction by some Member States and companies.

4. **FUTURE WORK**

4.1 The Assembly asks ICAO to arrange a meeting of interested parties to discuss the development of Just Culture and to share experience and expertise.

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