



WORKING PAPER

**ACCIDENT INVESTIGATION AND PREVENTION (AIG)
DIVISIONAL MEETING (2008)**

Montréal, 13 to 18 October 2008

Agenda Item 1: Annex 13

1.7: Attachment E to Annex 13

ESTABLISHMENT OF A JUST CULTURE DEFINITION
(Presented by CANSO²)

SUMMARY

As the global voice of ATM, CANSO is focussed on and fully supports the need for an effective safety culture within the aviation industry. A Just Culture is critical to the development of a positive safety culture. In WP/33, the ICAO AIG/08 is being asked to adopt a global definition of Just Culture put forward by a number of European States and Eurocontrol, in the paper entitled, “Just Culture (JC) Definition and Implementation of a JC Concept”.

CANSO agrees with the paper’s proposition that progress on safety requires a systems perspective. Therefore, a view from a broader section of the aviation community, including ANSPs, is needed. CANSO’s view is that the entire aviation community, including the global ATM community must be consulted on and provide input to a global definition of Just Culture for it to be effective. The global ATM community is considering Just Culture, but it is premature for a definition to be proposed for adoption by ICAO at this time. In particular, CANSO is finalising a global definition of safety culture and Just Culture in November this year for use by the ATM community.

CANSO would request that ICAO does not adopt any definition of safety culture or Just Culture until definitions can be supported by the global aviation community, including ANSPs.

Action by the meeting is in paragraph 3.

¹ Language versions provided by CANSO.

² FULL MEMBERS | Aena - Spain | AEROTHAI - Thailand | Airports Authority of India | Airservices Australia | Airways New Zealand | ANS of the Czech Republic | ATNS - South Africa | ATSA - Bulgaria | Austro Control - Austria | Avinor - Norway | AZANS - Azerbaijan | Belgocontrol - Belgium | CAAS - Singapore | DFS - Germany | DHMI - Turkey | DSNA - France | EANS - Estonia | ENAV SpA - Italy | Federal Aviation Administration - USA | Finavia - Finland | GACA - Kingdom of Saudi Arabia | Hellenic Civil Aviation Authority | HungaroControl | Irish Aviation Authority | ISAVIA - Iceland | Kazaeronavigatsia - Kazakhstan | LFV - Sweden | LGS - Latvia | LPS Slovak Republic | LVNL - the Netherlands | MATS - Malta | NAATC - Netherlands Antilles | NAMA - Nigeria | NANSO - Egypt | NATS - UK | NAV CANADA | NAV Portugal | Naviair - Denmark | OACA - Tunisia | Oro Navigacija - Lithuania | PANSA - Poland | ROMATSA - Romania | Sakaeronavigatsia Ltd - Georgia | Serco | skyguide - Switzerland | Slovenia Control | SMATSA - Serbia | State ATM Corporation - Russia | UksATSE - Ukraine |

1. INTRODUCTION

1.1 The Working Paper presented by France and entitled, “Just Culture (JC) Definition and Implementation of a JC Concept” (WP/33) highlights an extremely important area of concern to the aviation community. A Just Culture definition, along with actions to support the implementation of an adequate Just Culture concept, is essential for addressing the need for the protection of safety reporting and sharing of information while respecting the principles of justice and freedom of information.

1.2 There is no question that States should be urged to adopt and implement Just Culture principles. Providing more precise legal guidelines for the implementation of a Just Culture, in particular with respect to the role of the judicial authorities will hopefully contribute to achieving a proper balance between the objectives of the implementation of effective safety reporting systems and those of the administration of Justice. As well, providing guidelines to aviation professionals on how to interact with the media will contribute to achieving the right balance between providing relevant and accurate information to the public while preserving the needed confidentiality of individuals in the interest of aviation safety.

1.3 However, the recommendation to support and adopt for inclusion in Annex 13 the description of Just Culture as “a culture where 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, wilful violations and destructive acts are not tolerated” is premature.

1.4 CANSO agrees with the paper’s proposition that progress on safety requires a systems perspective; therefore a view from a broader section of the aviation community, including ANSPs, is needed. For it to be effective, CANSO’s view is that a global definition of Just Culture should be supported by the entire aviation community, including the global ATM community. The global ATM community is currently considering Just Culture, but it is premature for one definition to be proposed for adoption by ICAO at this time.

1.5 Before adopting a definition and, as importantly, describing the key principles of a Just Culture, an informed discussion within the aviation community should take place. There are a number of possible definitions each with its own strengths and weaknesses and these must be considered prior to ICAO adopting its own definition.

2. DISCUSSION

2.1 A number of definitions are currently being used/proposed for “Just Culture”. The current definitions have both strengths and weaknesses and in all likelihood it is possible to improve upon them. A discussion of three current definitions is provided below.

2.2 **Definition 1:** “Just Culture is a culture where 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, wilful violations and destructive acts are not tolerated.”

2.2.1 **Source:** Working Paper prepared by France, on behalf of EC, ECAC, and Eurocontrol for the ICAO Accident Investigation and Prevention (AIG) Divisional Meeting, 1318 October in Montréal.

2.2.2 **Strengths:** Recognizes that people make errors and should not necessarily be punished for those errors. Attempts to establish a line between acceptable and unacceptable behaviour through the statement that “gross negligence, wilful violations and destructive acts are not tolerated”.

2.2.3 **Weaknesses:** The definition focuses on front line operators by specifically referring to them. However, the fact that many systemic issues are the result of management decisions, which may be in error along with the fact that, as often as not, managers are also brought before the courts, any definition should explicitly include all personnel.

2.2.4 While a strength of the above definition is its attempt to define the line between acceptable and unacceptable behaviour, the definition has some challenges. First and foremost, is the use of the word “wilful”, which means intentional, deliberate. It has been recognized that people will often knowingly violate safe operating procedures; however, at times those violations can be system-induced when procedures are not available, unworkable, unintelligible or incorrect. In these cases, there should be the same application of Just Culture as there is with other system-induced errors.

2.2.5 Another challenge is the use of the term “gross negligence”. This would tend to suggest that some forms of negligence would indeed be considered as acceptable behaviour. How and where would one draw the line between acceptable and unacceptable levels of negligence?

2.2.6 Finally, the wording “commensurate with their experience and training” seems to disallow types of human error that would be considered “honest mistakes”. Analysis of past accidents often reveals that the most experienced, highly respected individuals are involved in incidents and accidents. Is it less acceptable that people with high levels of training and experience make errors as opposed to those with less? As well, it presupposes that the quality, acceptability and relevance of the training is not lacking; unfortunately, this is often not the case.

2.3 **Definition 2:** “An atmosphere of trust in which people are encouraged for providing essential safety-related information, but in which they are also clear about where the line must be drawn between acceptable and unacceptable behaviour.”

2.4 **Source:** Reason, James. Managing the Risks of Organizational Accidents. Aldershot: Ashgate. 1997. Also cited in GAIN’s, “A Roadmap to a Just Culture: Enhancing the Safety Environment”, September 2004. This definition is also being put forward for adoption by CANSO members.

2.5 **Strengths:** The definition is not limited to front line operators, but focuses on all personnel. Instead of referring to specific actions, omissions or decisions, it highlights the need for encouraging the sharing of all safety-related information. Fostering a Just Culture starts with the sharing of accident and incident information, but must move well beyond that in order to be truly successful. An atmosphere must be fostered whereby personnel are willing to not only self-report, but also bring forward any type of safety-related concern. An additional strength of the definition is that it clearly states that there is a line between acceptable and unacceptable behaviour and personnel are aware of where that line is.

2.6 **Weaknesses:** The definition does not attempt to describe where to draw the line between acceptable and unacceptable behaviour. Given the perceived need to provide some boundaries for Judiciary purposes, the above definition provides little guidance in this area. The term “atmosphere” may be considered too ethereal and does not clearly describe what such an atmosphere would look like.

2.7 **Definition 3:** “A Just Culture is one in which employees are held accountable for deliberate violations of the rules but are encouraged and rewarded for providing essential safety-related information. A Just Culture does not tolerate reckless behaviour or deliberate malfeasance.”

2.8 **Source:** Joint Planning and Development Office (JDDO) Safety Culture Improvement and Resource Guide, June 2008.

2.9 **Strengths:** The definition supports the concept that a “Just Culture” is neither a blame free nor a punitive culture, but lies somewhere between these two extremes. It is not limited to front-line operators, but refers to a workplace where employees are encouraged to report without fear of disciplinary action. It also attempts to draw the line between acceptable and unacceptable behaviour by speaking of “reckless behaviour and deliberate malfeasance.”

2.10 **Weaknesses:** The definition states that employees are held accountable for deliberate violations and yet, as described above, violations can be system-induced when procedures are not available, unworkable, unintelligible or incorrect. In these cases, there should be the same application of Just Culture as there is with other system-induced errors.

3. **ACTION PROPOSED**

3.1 WHEREAS there is a need to adopt a global definition of “Just Culture” that is supported by the entire aviation community, the AIG is invited:

To review the various definitions currently put forward for “Just Culture” and, working with the global aviation community, develop a definition that embodies the strengths of current definitions, but also addresses the identified weaknesses.

3.2 WHEREAS the development and establishment of a Just Culture will greatly facilitate the reporting and sharing of safety data as an essential contribution to enhancing safety in international aviation, the AIG is invited:

To work with the global aviation community, to develop a set of guiding principles that embody the Just Culture Concept.

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