



**International Civil Aviation Organization**

ICAO South American Regional Office

**Eleventh Meeting of the Civil Aviation Authorities of the SAM Region (RAAC/11)**

(Santiago, Chile, 6 – 8 May 2009)

RAAC/11-WP/20

14/04/09

**Agenda Item 4: Review of the level of safety oversight attained in the Region**

**d) Analysis of the activities being developed by the Regional Aviation Safety Group – Pan America Meeting (RASG-PA)**

**STANDARDS FACING THE JUST CULTURE AND THE SMS IMPLEMENTATION**

(Presented by Colombia)

**SUMMARY**

This working paper shows the relationship between the rules contained in regulations under a traditional approach and the introduction of SMS regulations, just culture and the balanced nature of the Aviation Authority. It studies the harmonious relationship in the regulatory process with special emphasis on the need for unity in the regulation and concludes that efforts from RASG-PA in this matter should be followed.

**References:**

- Annexes 6, 8, 11, 14 in relation to SMS; and
- SMS Implementation Guidance Material.

**1. Introduction**

1.1 The mandate function principle of a standard in an Annex to the Chicago Convention, with the acceptance of each State to authorize and harmonize this standard in their regulations and ensuring compliance with it, basically seeks for a regulatory system based on ruling or prohibiting, it appears because we have built a system that punishes you if you fail to comply or if it is done what is forbidden.

1.2 This interpretation is made generally by the monitored, when an Authority intends to say "According to the regulations you must have a SMS," the monitored interprets: "If you do not have a SMS you will be punished", what is seek with the establishment of SMS?, the duty of penalty, the duty to behave to prevent penalty or an instrument to improve permanently safety of a monitored; we must add another factor when adopting standards (SARP) into the national regulations, as those can come into contradiction in various forms with other rules, or simply become superfluous in its objective.

1.3 However, standards associated with SMS go together with an element that we seek to establish in aviation, "**just culture**", this moves "**between the punishment and impunity**" as discussed in the first international workshop on Human Factors in Aviation in Bolivia in 2008, identifying four kinds of unsafe behavior: human error, negligent conduct, reckless conduct and intentional violation, it is clear that just culture is based on learning from unsafe acts to develop the level of safety awareness by improving the ability to recognize unsafe conditions, an essential element of the SMS.

1.4 That line that comes from the mistake to the intentional and systematic violation in human behavior and is associated with the standard as it is built into each State regulation about SMS with conditional in some way to the just culture and punishment which is required by society, creates a dilemma of the balance point in relation to the nature of SMS, the standard in the regulation of each State and the just culture to create confidence in people to deliver information to on safety the SMS.

1.5 This connection is completed by the State's attitude facing regulation application, since the just culture does not seem to become a permissive authority to violation or extremely paternalistic, then the culture associated with the critical element 8 - Resolution of safety concerns - would be the measurement looking for the implementation of processes and procedures to resolve identified deficiencies that may affect safety, which remains in the aviation system and the Aviation Authority or other organizations have found.

1.6 This principle applies whether SMS is introduced in operators, maintenance organizations, air navigation services providers and airports and the rule applied must be the same in relation to just culture and the structure of the standard in the region. The full potential of SMS will be achieved only when this concept is adopted equivalently or in harmony in the regulation of the region and through this to the greatest possible number of aviation organizations.

## 2. Discussion

2.1 During RASG-PA/01 was analyzed the consequent use of Safety Management Systems following the GASP / GASR process. The outcome of the workshop showed a level of maturity "in development" of SMS implementation, however, in Bogotá it was discussed the level of maturity of just culture finding that at Level 2 "Areas identified to be improved" with the following patterns:

- a) The system information for collecting and processing data on safety is not protected, but the use of safety data is appropriate in most cases.
- b) Not reporting on a voluntary basis.
- c) Not always data on the safety is analyzed.
- d) No action is taken on a regular basis to correct deficiencies identified

2.2 This correlation between just culture and SMS has to be included in a wise way to the regulatory framework of each State, must be real and practicable to avoid a superfluous standard, having clear that the SMS implementation is one road that each component of the system (operator, airport, service provider) must walk, there is not such as a perfect SMS because it is primarily based on the actions of men.

2.3 Now, we are in a level in which as States and given the transformation of the system and the private operators that began to manage airports, air navigation services, including regional safety systems is required to build new cooperation scenarios with the industrial around SMS.

## 3. Conclusions

3.1 The challenge in the establishment of regulation is not to touch the essence of the SMS to avoid ending with a regulation framed by the traditional approach and do not reach a management process to approach safety. The SMS does not have the same feature of other ICAO SARPs as it is a management system and as such is part of a company management (operator) which provides planning processes, measurement and management of the target.

3.2 SMS is moving away from the formal regulations (which command or forbid by some detailed requirements), even from regulations based on goals (the regulated entity compare to the achievement of a target) but the regulation is placed in management that in one hand seeks for operator's management adopting policies and systems designed to reduce risk and in the other hand the Aviation Authority changing the continuous monitoring from a direct way to the monitoring of organizational systems and their effectiveness within a frame based on just culture and balanced culture that should prevail in the Aviation Authority.

4. **Suggested action**

4.1 The meeting is invited to:

- a) Note and comment on the information contained in this paper.
- b) Express its commitment with the work of RASG-PA on this new era of regulation for SMS and recommend its continuation, not only in the adoption of guidelines, but in the mechanisms for monitoring SMS implementation to ensure the concept is adopted equally and harmoniously in all RASG-PA Member States.
- c) Motivate the RASG-PA to contribute in advancing in parallel the regulatory processes of just culture and the principle of balance in the Aviation Authority to ensure the implementation and development of SMS.

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