



Flight Safety and Just Culture

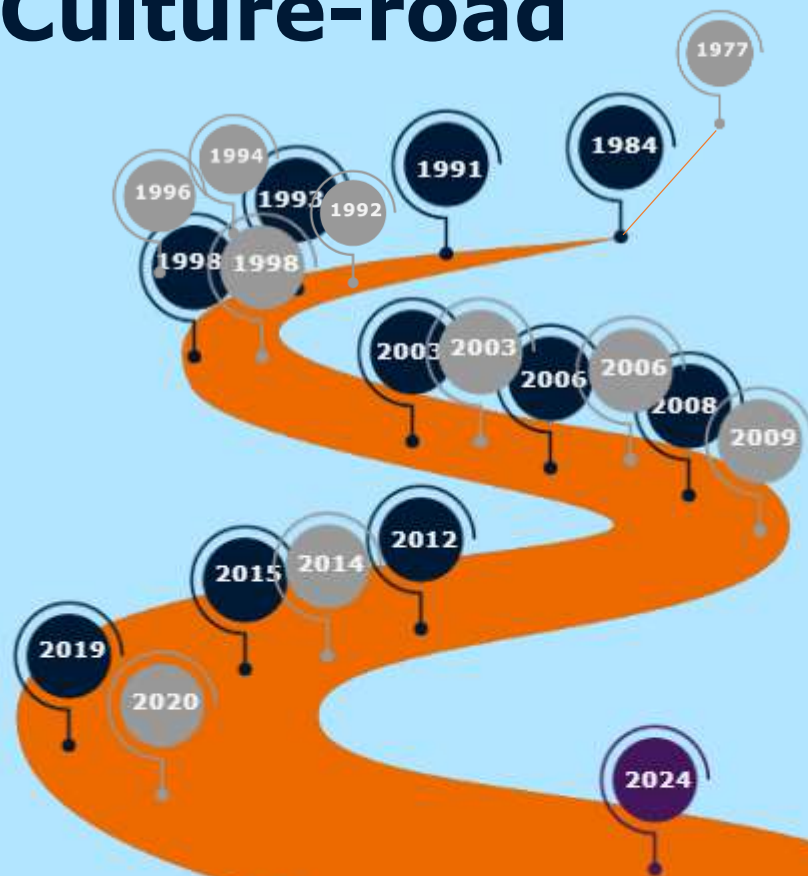
Trust and transparency

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Just Culture-road



Just Culture

- Legal concept with background in safety science
- EU Regulation 376/2014 (Occurrence Reporting)
- Preamble 36

The civil aviation system should promote a safety culture facilitating the spontaneous reporting of occurrences (...). Just culture is an essential element of a broader safety culture, which forms the basis of a robust safety management system. An environment embracing safety culture principles should not prevent action being taken where necessary to maintain or improve the level of aviation safety.

- Safety culture components James Reason





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Just Culture

JUST CULTURE (JAMES REASON)

JUST CULTURE (ART. 2 REGULATION 2014/376)

- A culture in which (...) persons are not punished for actions, omissions or decisions (...) that are commensurate with their experience and training,
- but in which gross negligence, wilful violations and destructive acts are not tolerated



Organisations

No wilful violation/
gross negligence

Gross
negligence

Wilful
violation



Member States





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Who draws the line?



NETHERLANDS
PUBLIC PROSECUTION SERVICE ✓

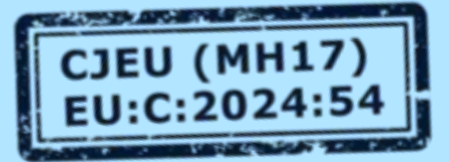


Why do we even need a prosecutor?



Just Culture and Public Interest

- Prosecutors are driven by public interest
- Ensuring high level of civil aviation through Regulation 376/2014 is in the interest of the public



'(...) it must be borne in mind that the Court has already held that the objectives of guaranteeing air traffic safety and, more broadly, of ensuring a high uniform level of civil aviation safety in Europe constitute objectives of general interest (...).'

'Such an objective of general interest might also be (...) in a sector characterised by a particular situation, a system of supervision and control based on mechanisms for notification of information (...), shared analysis of that information (...) and protection of that information by means of confidentiality obligations.'





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1992

Society wants answers

Also about blame and liability



Honest answers require investigation
Honest answers require context





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2009

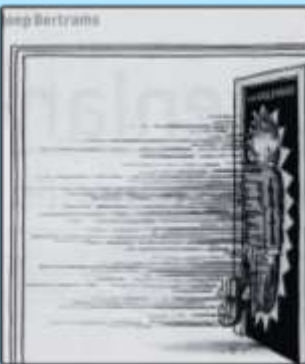
Turkish Airlines-crash 25 feb 2009

- 135 people on board, 9 dead, 120 injured
- Purpose criminal investigation: determine the cause and the possible culpability of (legal) persons.
- Dismissal suspicions Turkish Airlines, Boeing and (air traffic controller) ATC The Netherlands
- Much longer investigation Dutch Safety Board
- Why has this taken so long?





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Major issue: access FDR data

- Dutch Safety Board Act has no balance test



- Dutch Safety Board took FDR without consultation
- Nearly a year of delay due to refusal to share information





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2009



Appeal decision not to prosecute

Appeal dismissed on three grounds

'Both a criminal investigation (...) and an investigation by the (independent) Dutch Safety Board have been conducted into the causes of the air disaster. These investigations were thorough and exhaustive.'

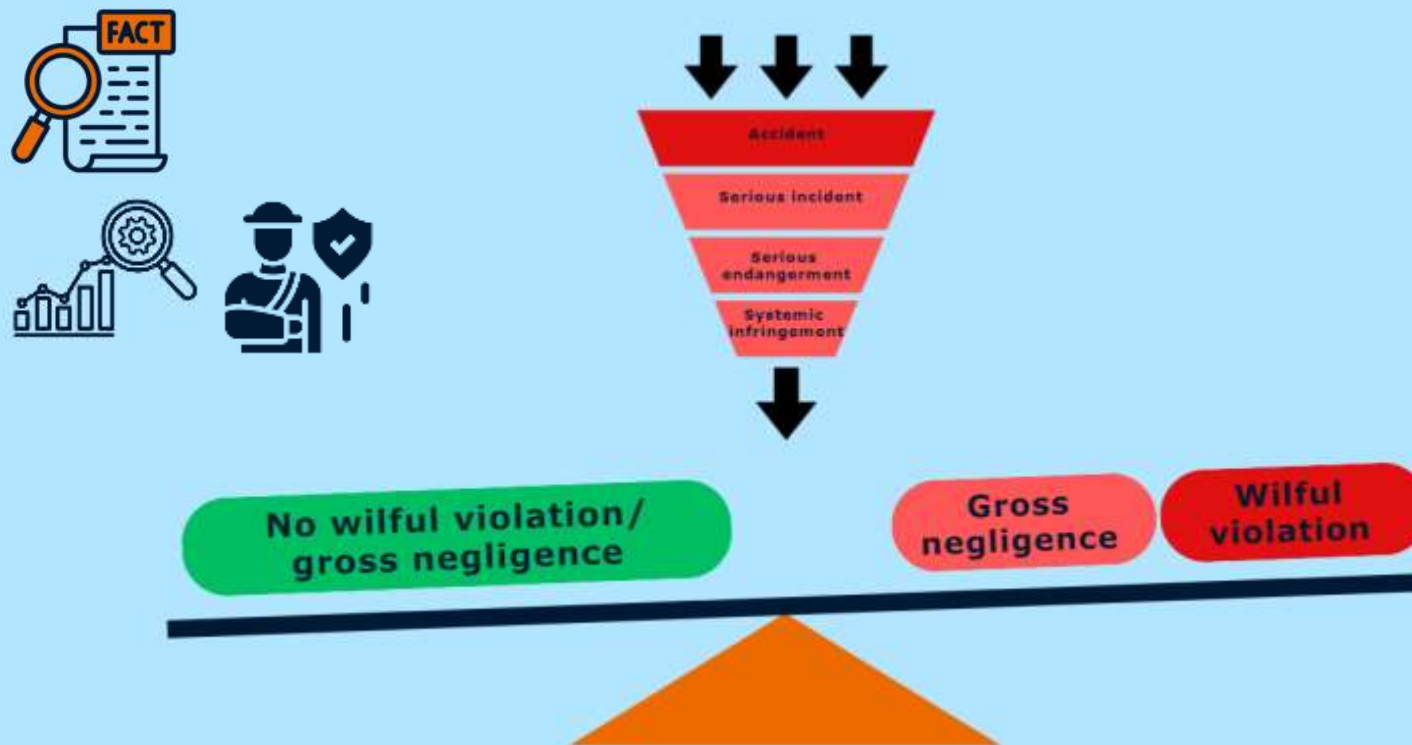
'It is likely that (...) everything possible has been done to reduce the risk [of recurrence] (...). This serves aviation safety - and thus the right to life and the general interest.'

'[The plaintiffs] received financial compensation as a result of the accident (...). From the foregoing, it is clear that none of the defendants sought to evade responsibility for the causes of the accident.'



Restrained prosecution policy

General policy on prosecution aviation occurrences





Best ads in 50 years: The Guardian's commitment to 'the whole picture'

Context matters, also for prosecutors

- Different points of view in criminal investigations



- Don't leave the prosecutor in the dark
- Engage in conversation

Growing trust in the Netherlands

- ATC The Netherlands now informs PPS

Since 2014/2015: Reporting of every accident or serious incident not only to (the occurrence reporting unit of) the CAA and the Dutch Safety Board, but also to the PPS.

In addition, publication on their website (description of the situation, analysis and improvement).

- Criminal action CAT rare but understood

Apart from Swedish airline pilot with falsified licence (2010), these concern various alcohol cases.

- Continue to work towards shared understanding



Calling prosecutors

Let's connect and share experiences about Just Culture and other aviation issues



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