CHARTER FOR JUST CULTURE IN AVIATION

EUROPEAN CIVIL AVIATION SOCIAL PARTNERS' CHARTER FOR CONTINUOUS IMPROVEMENT IN AVIATION SAFETY

Introduction

The social partners' objective in producing this Charter is to improve aviation safety in Europe by maximising the opportunity for everyone involved in safety critical aspects of air transport to learn quickly from events that are reported by others and which could have put safety at risk.

This requires a positive approach to individuals who report events and mistakes. To maximise learning opportunities, those who report such incidents must be encouraged.

Objective

Flying is one of Europe's safest forms of transport. Our objective is to make it safer, even as traffic continues to grow. Any improvement in safety will reduce accidents and other incidents, save lives and reduce injuries.

An important way to understand where safety weaknesses exist in the air transport system is through increasing the reporting of events that affected safety by the individuals involved in the event, and by ensuring widespread sharing of this information.

Incidents & their causes - What happened and why?

In air transport, events occur every day from which someone else can learn. In many cases, these lessons are not learnt because the event is not reported. Only if information on the event is shared can we change and prevent similar events in the future.

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.

Punishment / criminalisation are not the answer

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.

Punishment will not prevent a similar occurrence in the future. However, immunity from punishment should not be guaranteed where individuals have wilfully acted in a reckless manner or committed an act of gross negligence.

Protecting reporters and confidentiality of reports / transparency

The social partners recognise the need for the public to be properly informed about aviation safety performance. However, open information about an event does not require the identification of the individuals or the organisation concerned. Learning from the problem will protect the public in the future – blaming and punishing individuals and organisations will not.

Role of regulatory authorities and role of judiciary following an accident

During an accident investigation, the rapid publication of safety recommendations may save lives. The threat of criminal prosecution may slow down the investigation and reduce its effectiveness.

The interests of future travellers are better served by strong regulatory oversight and rigorous enforcement of rules by national and international authorities.

Trust between stakeholders requires continuous dialogue

Trust between all stakeholders (including aviation administrators, administrators of justice, the media, industry management & staff, the public and politicians) is fundamental at all levels to ensure a strong reporting culture.

This trust can only be built on continuous dialogue between all stakeholders to improve understanding of the issues.

Commitment

All sides of the aviation industry agree to progress the aims of this Charter with the urgency required by an initiative which is designed to prevent accidents and other incidents, save lives and reduce injuries.

Brussels, March 31, 2009

COMPANY GUIDELINES ON JUST CULTURE

1. General principles

1.1 The safety of operations is a paramount responsibility of Company management and staff and is in the interests of air transport users, the Company and its employees. It is therefore important that any event that affects air safety is reported fully, freely and in a timely manner.

1.2 To achieve this, Companies should have a confidential non-punitive safety reporting culture, which encourages people to report safety-related information but does not absolve individuals from their normal responsibilities. A policy which facilitates this culture should be developed in Companies where it is not already in effect.

1.3 The purpose of reporting any event or incident that might affect, or might have affected, safety is to establish the facts and identify any cause or causes, and thereby prevent further occurrence: the purpose is not to apportion blame or liability. To this end, all staff should be encouraged to report any such event including those which are not governed by mandatory reporting requirements.

1.4 The reporting system (either mandatory or voluntary) and the investigation processes of any safety related occurrence should be the responsibility of the Company's safety management independent from line management.

1.5 Following any reported incident an investigation needs to be considered. The details of incidents, the cause and any recommendations should be published so that managers and staff can learn from other people's mistakes, thus improving safety which is the main objective of a just culture reporting policy. These reports must be written in such a way that no individual involved can be identified.

1.6 The Company's just culture reporting policy must be clear regarding any use of information derived from live monitoring or recorded information which highlights apparent misconduct.

1.7 The identity of any person(s) making an incident report should not be disclosed unless required by the Company's national authority or law. Employees must understand that they will be given full support by the Company during any external investigation by police or judicial authorities following an incident.

1.8 For the incident reporting system to be effective, all managers and other employees should have trust in the system. Senior Company management, including the Accountable Manager where such a position exists, must make it

known through words and deeds that they are fully supportive of the safety programme and the associated reporting policy. A statement which supports the policy, which is acceptable to management and staff, and which is signed by the President/CEO or Accountable Manager and also by appropriate staff representatives, is useful. This should be published together with a clearly written document that provides all the details of the Company policy.

1.9   Such an approach requires all employees concerned with the safety of operations to believe that management will act justly if they report events that eroded, or could have eroded, normal safety margins. Feedback of changes implemented as a result of open reporting will give both managers and staff an understanding of the benefits to be gained from an open reporting culture including a trusted reporting system. It is beneficial if this feedback can highlight the action taken and tangible safety benefits achieved as a result of the report.

2.   **Management and staff responsibilities**

2.1   A good working relationship between all managers and between managers and employees with safety responsibilities is essential. Direct communication between them must be assured.

2.2   All managers should understand that they can directly affect the attitudes of employees towards both the Company and safety. Managers can positively affect employees' attitudes to safety in such a way that wilful acts of misconduct do not occur. An ethos of pride and self-discipline becomes manifest as professionalism which can be seen both inside and outside the Company.

2.3   Managers shall be made aware of incidents and occurrences, no matter how routine, on a regular basis. This should include details of any recommendations and remedial actions taken.

2.4   Managers shall relieve employees directly involved in an incident from their working position after the incident as soon as possible and offer critical incident stress counselling on a local basis as soon as possible, and follow up long term counselling if necessary.

2.5   Employees shall report all safety-related incidents as soon as possible, including those where the employee has made a mistake, using the companies agreed defined procedures and/or reporting systems.

2.6   Employees shall inform management when there are barriers to incident reporting. Managers, in turn, have a responsibility to remove any such barriers where practicable.

2.7   Employees should accept that necessary actions following an incident and/or subsequent investigation may include – but are not restricted to – removal from the working position, retraining, and competency checking.

2.8   Managers and employees have a joint responsibility to maintain an environment where trust exists between all parties, and to discuss areas where there are barriers to trust.

3.   **Managing incident reports**

3.1 Investigation

3.1.1 Managers and employees should co-operate with any investigation.

3.1.2 The objective of a Company investigation is to look for the cause of an incident and not to blame anyone. If the incident is serious, it should be discussed by a panel of experts who are able to act independently of both the Company and the regulatory authority. Recommendations should be made to prevent the occurrence happening again and, if necessary, Company procedures should be changed. Staff representatives should be represented on the investigation panel, as this will build trust in the whole procedure.

3.1.3 All investigations should be conducted with objectivity and confidentiality as defined by a non-punitive reporting culture.

3.1.4 It may be necessary to provide feedback to managers and staff during an investigation. Sometimes open discussions concerning the events can help prevent rumours, provide feedback to management, and maintain trust in both the safety systems and management's intentions. Staff representatives must be informed when it becomes impossible to avoid identification of individuals during this process. During investigations of the most serious incidents, it may be necessary to take some action (eg suspension from safety-critical duties) prior to arriving at conclusions.

3.1.5 Regardless of the type of incident and the potential causes, any investigation must consider whether Company rules, procedures and practices or the underlying staff morale could have had any part to play.

3.1.6 It is necessary to differentiate between unintentional error as a result of human or systemic failure, from the wilful and intentional breaking of rules and procedures. It is important that where wilful acts of deviation from standard operating procedures arise from a genuine desire to "be safe" or to satisfy perceived business aims (commercial pressure), then the organisational factors which permit this context to exist must be included in the investigation.

3.2 Preventative/supportive action

3.2.1 Company management must respond when it is determined that an intentional breach of Company practices and procedures has been committed. This response will take account of the circumstances, in particular when the breach was the result of a deliberate decision to override procedures because they did not adequately cover an extreme situation being encountered at the time.
   a) This response must be in proportion and relevant to the causes and circumstances.
   b) The sole intention of any response to an incident should be the prevention of further incidents.
   c) Part of this is to ensure the maintenance of, or possibly the enhancement of, a positive safety culture amongst all other employees.

3.2.2 In consideration of the incident, management should take favourable account of the fact that an employee has complied with his/her responsibilities to cooperate and to report the circumstances of the incident. Normally, disciplinary action

should be contemplated only in those instances in which the conclusions of the formal investigation report indicate to management that the employee(s) concerned has recklessly acted, or omitted to take action, in a wilful and intentional way that is not in keeping with training, responsibilities and experience, or has been found to be operating under the influence of psychoactive substances.

3.2.3 Other than in the cases described in the above paragraph, the Company should take no disciplinary action against:
   a) an employee who spontaneously and rapidly reveals a breach of safety in which he or she is implicated and which the Company would not have known about otherwise;
   b) an employee who, while respecting the applicable rules, could have done other than he/she did, and in the course of that conduct inadvertently caused or could have caused an undesirable outcome;
   c) an employee who could not have been aware he/she was taking a substantial and unjustifiable risk towards causing an undesirable outcome.

3.2.4 When considering a course of action in direct response to an incident, thought should always be given to relevant re-training. Training can be used to directly address any issue, whether it is a deviation from standard operating procedures, lack of understanding, or inadequate skill level. In addition, existing training programmes may need to be altered, thereby ensuring that the lessons are learned by as many as possible, and retained for the future.

Brussels, March 31, 2009

PRESENTATION OF THE SOCIAL PARTNERS

ACI - covers the European region, within the global federation that is Airports Council International. In its role as the voice of Europe's airports, ACI EUROPE represents the interests of over 400 airports in 45 countries. Members account for over 90% of commercial air traffic in Europe. In 2007, ACI EUROPE member airports welcomed 1.47 billion passengers and handled 17.4 million metric tonnes of cargo and 20.8 million aircraft movements. By actively seeking the views of our members and working in partnership with other aviation stakeholders, we generate comprehensive common policies that serve as a reference to the entire aviation industry.

AEA - the Association of European Airlines - brings together 35 major airlines, and has been the trusted voice of the European airline industry for over 50 years. A non-profit-making association, the AEA, acting on behalf of all its members, actively engages with the institutions of the European Union, as well as all the relevant European and international organizations in the aviation value chain. The AEA strives to shape the industry's future with its members and, wherever possible, works in partnership with all its stakeholders in the aviation value chain to ensure the sustainable growth of the European airline industry in a global context.

CANSO - CANSO –the global association of Air Navigation Service Providers – provides a global platform for the exchange and promotion of best practices in Air Traffic Management with a clear aim to improve ANS provision worldwide. Our 49 full members handle 80% of global air traffic in 70% of world airspace, while our associate members are all major players in the field of Air Navigation Services.

ECA – The European Cockpit Association (ECA) is the representative body of European Flight Crew at European Union (EU) level. Speaking on behalf of its members – the National Flight Crew Associations originating from 36 European countries – ECA represents over 38,000 European pilots/flight engineers. ECA plays an active, responsible role in the further development of the air transport industry across Europe.

ERA – European Regions Airline Association – is the principal body that represents the interests of organizations involved in intra-European air transport by influencing regulatory and environmental conditions, Facilitating technical cooperation and advancement and gaining public and political support.

ETF – European Transport Workers' Federation – is a pan-European trade union organization which embraces transport trade unions from the European Union, the European Economic Area and Central and Eastern European countries. The ETF has affiliated unions which organize workers in railways, road transport, maritime transport, ports and docks, inland navigation, civil aviation, fisheries and tourism services. The ETF represents more than 2.5 million workers from 40 European countries.