7th National Safety Seminar
Creating a Safety-Conscious Aviation Environment
JUST CULTURE

Cobus Toerien:

• SFO A330/340, Flight Safety Manager & CRM Facilitator – SAA.
• Chairman of the Accident Analysis & Prevention Committee – ALPA.
• Concerned Aviation Safety Practitioner – AFI Region.
“One cannot create or maintain a ‘Safety - Conscious Aviation Environment’ without a JUST [& Learning] CULTURE!”

Cobus Toerien
Where did it all start?
The Health Care Industry

To Err Is Human:
Building a Better Health Care System

“The focus must shift from blaming individuals for past errors to a focus on preventing future errors by designing safety into the system.”

Institute of Medicine, Committee on Quality of Health Care in America, 1999
Fix Operator or System?

Is the Person Clumsy?

Or Is the Problem . . .

The Step???
7. Need More Focus on System

**How It Is Now . . .**

You are highly trained

and

If you did as trained, you would not make mistakes

so

You weren’t careful enough

so

You should be **PUNISHED**!

**How It Should Be . . .**

You are human

and

Humans make mistakes

so

Let’s also explore why the system allowed, or failed to accommodate, your mistake

and

Let’s **IMPROVE THE SYSTEM!**
Engineering a “Just Culture” In Safety Data Reporting

- Gross negligence
- Omissions
- Slips
- Lapse
- Mistakes
- Violations
- Criminal Offences

Management Statement in Safety Policy

- Procedures
- Proactive
- Management

Defining the borders of “bad behaviours”
The evolution of safety thinking

TECHNICAL FACTORS

HUMAN FACTORS

ORGANIZATIONAL FACTORS

1950s  1970s  1990s  2000s

Source: James Reason
The Organisational Accident

Organisation
- Management decisions, organisational processes, corporate culture, etc.

Workplace
- Error-producing conditions
- Violation-producing conditions

Person
- Errors
- Violations

Defences

Bad outcome
- Incident Accident

Latent failure pathway
Safety Management System

Management Perspective:
Violations, deviations from rules / procedures are the major causes of accidents in industry.

Reality:
Violations occur for many reasons, but, contrary to expectations, is usually the result of well-intentioned staff, attempting to get the job done.
Just Culture Concept

Where an “honest mistake” is made, remedial action is taken through the SMS
SAFETY “GT’s”

[Great Truths]
“We must acknowledge that no system can be designed to produce perfect results – because we do not start with perfect components.”

– Just Culture
Humans make Errors!

Organisations acknowledge that, but do they accept that?
Errors are symptoms of something wrong in a system
ERRORS ARE ‘RESULTS’ AND NOT CAUSES

Errors = What?
Causes = Why!
Accidents are caused by a failure in the system – not by individuals
But, an Intentional ACT is not an ERROR
Why Just Culture?

“When I first heard of Just Culture, I didn’t know what it was, but I knew immediately that we needed it. Only later did I come to realize its simplicity, power, and effectiveness. I now believe that for any high-consequence endeavor, Just Culture must be the foundation for the organizational safety effort to succeed.”

The Honorable Robert Sumwalt, Ill
Member, National Transportation Safety Board
“Just”

[Adjective] “Wikipedia”

Based on or behaving according to what is morally right and fair:

- a just and democratic society
- fighting for a just cause
- a just culture in aviation safety!
Just Culture - 2 Main Concept’s

1. **HUMAN ERROR is inevitable**; system monitoring & improvement crucial to accommodate those errors!

2. Individuals are accountable for actions if *knowingly* violating safety procedures or policies!
Engineering a “Just Culture” In Safety Data Reporting

Management Statement in Safety Policy

Defining the borders of “bad behaviours”
Shortcomings of a “no blame culture”

Unacceptable Behavior
(willful, dangerous)

Blameless Unsafe Acts
Defining the Borders of “Unacceptable Behaviour”

It is necessary to agree on a set of principles for drawing this line.

Gross negligence [recklessness] and criminal offences are well defined – by nature they are deliberate acts.

Omissions, slips, lapses, mistakes and violations fall under the category of “honest mistakes”
“Balance accountability with learning and change the way in which we think about accountability, to become compatible with learning!”
Does threat of discipline increase one’s awareness of risks?

“Punishment can deter an intentional act, but it can never stop you making mistakes.”

[Errors]
Different Objectives

PROFIT

ACCOUNTABILITY
Blame & Liability
[WHO / WHAT / WHEN]
Reg 185 SACAA

LEARNING
Causes & Prevention
[WHY / HOW?]
Reg 12.03.1 SACAA
Safety Investigations

Purpose of the Investigation:
In terms of Regulation 12.03.1 of the Civil Aviation Regulation 1997, this report was compiled in the interest of the promotion of aviation safety and the reduction of the risk of aviation accident or incidents and not to establish legal liability.

[Also refer to ICAO Annex 13A ATT E]
What is needed is a “JUST CULTURE”

– An atmosphere of trust in which people are encouraged providing essential safety related information
– but in which they are also clear about where the line must be drawn between acceptable and unacceptable behaviour.
Principles of a Just Culture

Three “Manageable” Behaviours (Marx, 2000)

1. **Human Error:**
   - Where the person inadvertently carries out an error
     [which may/or may not have caused an undesirable outcome]

2. **At-Risk behaviour (negligent):**
   - Action is intentional; the action increases the risk of an accident; the person does not recognise the risk

3. **High Culpability behaviour (reckless):**
   - A conscious disregard of a substantial and unjustifiable risk
     [wilful intent]
Negligence:

Is defined as behaviour that involved a harmful consequence that a “reasonable and prudent” person would have foreseen.
Negligence:

The area of “tort law” known as negligence involves harm caused by carelessness, not intentional harm.
Recklessness:

Is defined as taking a deliberate and unjustifiable risk.

[ intentional act ]
# Principles of a Just Culture

## Human Error
- Product of Our Current System Design and Behavioral Choices
- Manage through changes in:
  - Choices
  - Processes
  - Procedures
  - Training
  - Design
  - Environment

## At-Risk Behavior
- A Choice: Risk Believed Insignificant or Justified
- Manage through:
  - Removing incentives for at-risk behaviors
  - Creating incentives for healthy behaviors
  - Increasing situational awareness

## Reckless Behavior
- Conscious Disregard of Substantial and Unjustifiable Risk
- Manage through:
  - Remedial action
  - Punitive action

## Conclude
- Coach
Managing Healthcare Risk – The Three Behaviors

**Normal Error**
- Product of our current system design
- Manage through changes in:
  - Processes
  - Procedures
  - Training
  - Design
  - Environment

**At-Risk Behavior**
- Unintentional Risk-Taking
- Manage through:
  - Understanding our at-risk behaviors
  - Removing incentives for at-risk behaviors
  - Creating incentives for healthy behavior
  - Increasing situational awareness

**Reckless Behavior**
- Intentional Risk-Taking
- Manage through:
  - Disciplinary action

**Negligence**

**Negligence**

**Recklessness**
A quick story about
Just Culture @ Home
Shortcomings of a “no blame culture”

- Unacceptable Behavior (willful, dangerous)
- Blameless Unsafe Acts
Decision tree for determining culpability of unsafe acts

1. Were the actions as intended? 
   - Yes: Sabotage, malevolent damage, suicide, etc.
   - No: Unauthorized substance?
     - Yes: Medical condition?
       - Yes: Substance abuse with mitigation
       - No: Substance abuse without mitigation
     - No: Were procedures available, workable, intelligible and correct?
       - Yes: Deficiencies in training & selection or inexperience?
         - Yes: System-induced error
         - No: Possible negligent violation
       - No: System-induced violation
2. Knowingly violate safe operating procedures? 
   - Yes: Pass substitution test?
     - Yes: History of unsafe acts?
       - Yes: Blameless error but corrective training, counseling needed
       - No: Blameless error
     - No: Diminishing culpability
   - No: Unauthorized substance?
Engineeering a “Just Culture” In
Creating a Safety – Conscious Safety Environment

Gross negligence  Omissions  Slips Lapse  Mistakes  Violations  Criminal Offences

Recklessness

Management Statement in Safety Policy

Procedures  Proactive  Management

Defining the borders of “bad behaviours”
We must be willing to investigate, to analyze, and to learn from our mistakes, and to share this learning in a manner that supports improved system design and continued safe choices.
It's About Understanding This...

the mission

- Values and Expectations
- System Design
- Behavioral Choices
- Good or Bad Outcomes

Learning Systems
Justice and Accountability

The Just Culture COMMUNITY
PRE-REQUISITES FOR A JUST CULTURE

- Ease of reporting
- TRUST
- Independence
- Motivation & Promotion
- FEEDBACK
- Acknowledgement
Creating a Just Culture

- **Benefits**
  - Increased reporting
  - Trust building
  - More effective safety & operational management

- **Legal aspects**
- **Reporting policy & procedures**
- **Methods of reporting**
- **Determining roles and responsibilities**
- **Develop reporting form**
- **Develop template for feedback to users**
- **Educating users and implementing the system**
- **Developing and maintaining the right culture**
A Just Culture is essential for all managers, at all levels, to both understand & to reconcile accountability for error, with learning from that error!
Main Documents Reviewed


References

A Roadmap to a Just Culture – Flight Safety Foundation [FSF]

The Just Culture Community – David Marx

Just Culture – Global Aviation Information Networking [GAIN]

Developing a Just Culture At Alaska Airlines - Dave Prewitt [VP Safety]

Categories: Safety Culture | Enhancing Safety | Human Error and the Law
Articles | Safety Regulations - SKYBRARY

Improved accident prevention through non-punitive reporting IFALPA

A Review of Just Culture in ATM & other industries - EUROCONTROL

A Just & Learning Culture - Capt Gavin McKellar [SAA / ALPA]

Presentation & Guidance on Just Culture – SFO Cobus Toerien [SAA / ALPA]
Further Reading

ICAO:

EUROCONTROL
• Establishment of Just Culture Principles in ATM Safety Data Reporting & Assessment;
• To find out more about Just Culture, http://www.eurocontrol.int/esp/public/standard_page/just_culture.html

Flight Safety Foundation
• Do You Have a Safety Culture?;
• A Roadmap to a Just Culture: Enhancing the Safety Environment;

Others
• Prosecution of Your Crew Following an Incident in a Foreign Country: [Are You Ready for This?] Tim Brymer, Aviation & Aerospace Partner Clyde & Co LLP;
• The criminalization of human error in aviation and healthcare: A review, Sidney Dekker, Lund University
• Flying in the Face of Criminalization, by Sofia Michaelides-Mateou, University of Nicosia and Andreas Mateou, Cyprus Airways
Thank you!