

STAR – 008

V2 – December 2014

Just Culture

It is proven that non-punitive reporting cultures provide the best opportunity for collecting safety data, and allowing corrective feedback, both to those people reporting incidents and also to other personnel, company systems and procedures. Abusing the confidentiality and trust of such systems is known to have a detrimental effect on safety by reducing the number of voluntary safety occurrence reports that are filed.

A very small percentage of reported incidents (0.2%) involve acts of wilful negligence or misconduct. It may be that the non-punitive concept in some companies is considered sacred and it has become impossible for acts of this nature to be addressed effectively. It is the opinion of the ERA ASG that if acts of wilful negligence or misconduct are not dealt with professionally, in an agreed way, then this too could have a detrimental effect on the reporting system and the trust of crew members in the company management; ultimately damaging safety in the airline.

It is therefore recommended that airlines introduce a “Just Culture” by agreeing procedures and options for dealing with these rare cases. This STAR provides some guidance on how to achieve this.

Following any incident an investigation needs to be considered. **For incidents of suspected negligence or misconduct an investigation should always be undertaken.**

- All investigations need to be conducted with objectivity and confidentiality as decreed by a non-punitive reporting culture.
- It is necessary to differentiate between genuine errors and/or negligence as a result of human or systemic failure, from the wilful and intentional breaking of rules and procedures.
- It is important to note that, some wilful acts of SOP deviation could be genuinely undertaken from a desire to “be safe” or to satisfy perceived business aims (commercial pressure), this needs to be determined.
- When it is determined that an intentional breach of company practices and procedures is committed, without any intention of maintaining the safe operation of an aircraft (*or any other airline function*), a response must be made.
 - This response must be in proportion and relevant to the causes and circumstances.
 - **The sole intention of any response to an incident should be the prevention of further incidents;**
 - part of this is ensuring the maintenance, or enhancement of a positive safety culture amongst all other employees.

Definition of a Just Culture

A Just Culture consists of a non-punitive reporting, investigative, analysis and feedback system, and also a disciplinary reporting and feedback system. Such a culture can be described as a working environment where employees agree to and are confident that:

- mistakes, errors, slips, failures and negligence caused by systemic or human failures, and wilful misconduct with positive intent, will be investigated and addressed within the principles of a non-punitive policy, and
- ill-intended volitional acts that breach company practices and procedures will be addressed by an agreed disciplinary policy.



It is helpful if a statement supporting this concept, and acceptable to all, is signed and published by the President/CEO/Accountable manager (and perhaps flight and cabin crew representatives).

- Accompanying this pledge should be a clearly written document providing all the details.

NB: Many airlines may assume that it is understood that breaches of discipline will be dealt with appropriately – however, if a procedure is not written down and agreed between management and employees a great deal of misunderstanding may exist.

Elements of a Just Culture

- Managers need to be made aware of incidents and occurrences, no matter how routine, on a regular basis, and also how the FSO and QA systems address any findings. This will give them an understanding of the benefits to be gained from a trusted non-punitive reporting system and open culture.
- A good working relationship between the FSO, QA manager and Accountable manager is essential; and direct communication must be assured.
- Managers need to understand that they directly affect the attitudes of employees towards the business and safety; neglecting this fact can lead to an environment where wilful acts of misconduct occur.
- An ethos of pride and self-discipline becomes manifest as professionalism – this is not only good for business directly, but can be used as a marketing tool.
- Managers can positively affect employees' attitudes to safety such that wilful acts of misconduct do not occur.
- Regardless of the type of incident and the potential causes, any investigation must consider the role played by company rules, procedures and practices as well as the underlying morale.

A separate channel for reporting suspected breaches of discipline will help to maintain the independent status of the FSO.

- The FSO and the ASR system should not be involved in any disciplinary procedure.
- During investigations of the most serious incidents, it may be necessary to take some action (eg suspension from flying) prior to arriving at any conclusions.
- It may be necessary to provide feedback to other employees 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. (This will require negotiation if identities are to be exposed).
- The company's Just Culture policy must be clear concerning the use of FDM derived information which highlights apparent misconduct.
- A different approach may be required to cater for events where a mandatory or voluntary occurrence report is filed and those where this is not the case.

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.

- It is helpful if flight and cabin crew are provided with an aide memoir to assist them on such occasions, especially when overseas (see STAR 002 Guidelines for Pilots).

Possible Actions

Changes to company policies, rules, procedures, and practices should always be considered, as should aircraft specific procedures and practices (consult manufacturer).



When considering a course of action in direct response to an employee's wilful misconduct, thought should always be given to some form of relevant re-training. Training can always be used to directly address any issue, whether it is an SOP deviation, lack of understanding, or inadequate skill level. It will also be seen by others as a fair and necessary response. As a result training programmes may need to be altered, thereby ensuring that the lessons are learned by as many as possible, and retained for the future.

Other "corrective" responses may include:

- operating under probation for a period of time
- assertiveness training for first officers in the simulator
- personal CRM training with the emphasis on professional conduct and appropriate behaviour

It is accepted that for those exceptional cases of wilful misconduct (ie use of drugs, un-authorised fly-pasts) some form of discipline will be necessary; however, each case will need to be examined independently. Before any action is taken consideration must be given to the potential counter-response from other employees and any responses to previous incidents of a similar nature.

Ultimately the level and type of discipline must ensure the continued collection of safety data.

- a warning in the form of a "letter on file" used as a suspended punishment combined with retraining might be considered as the most lenient form of discipline
- suspension of certain responsibilities, such as a training role, may be necessary – this can also reassure others

Implementing a Just Culture

- Airlines must have a mature non-punitive safety reporting culture in place and already proving its effectiveness.
- Flight and cabin crews must already have trust in the reporting system and the independence of the FSO.
- The Accountable manager must make it known through words and deeds that they are fully supportive of the safety programme and the non-punitive policy.

In airlines where these elements exist, a few simple actions can effectively introduce the basis of a Just Culture:

- open debate within the company as to how to deal with an incidence of wilful misconduct
- consider different examples of wilful misconduct; both well and ill intentioned
- consider what options for action are available for different scenarios
- maintain flexibility by avoiding the creation of a list of conduct versus a list of actions
- obtain approval and acceptance from both management and employees
- document and publish the policy
- get the accountable manager's signature and public endorsement
- avoid any involvement from the FSO in the disciplinary process
- establish another channel of reporting, separate from the ASRs, for such cases.

Postscript

Without a method of effectively and professionally dealing with rare cases of ill-discipline harm may be done to the collection rate of safety information following such an incident. By implementing a Just Culture policy, such incidents can be easily dealt with and employee trust in the safety management system and company management maintained, or even increased.



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