

IS CRIMINALISATION THREATENING SAFETY?

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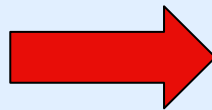
Criminalisation of Aviation/ATM

- Criminalisation: Wrong term for a serious problem
- Balance between two goals:
 - Enhancing Safety and Administration of Justice
- No Extremes:
 - No immunities from Prosecution
 - No misuse of Prosecution/Judicial Powers
- Resolve at the root:
 - Protect investigation process
 - Establish prosecution policy
- Just Culture Concept

Concept of Just Culture

EUROCONTROL definition:

"A culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where gross negligence, wilful violations and destructive acts are not tolerated"



Definition under discussion
in ICAO

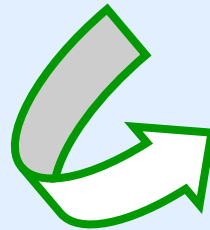
Concept of Just Culture

- Objectives:
 - To provide increase in reporting
 - Not to justify absence of reporting
- Evolved from punitive-free reporting, blame free reporting

To achieve a balance between the interests of safety (e.g. protection of safety information) and those of a proper administration of justice

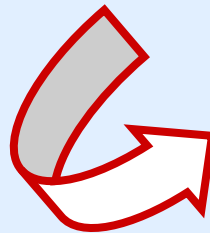
Concept of Just Culture

Actions, omissions and decisions expected from someone with your level of training and experience



Not prosecuted

Gross Negligence or Wilful Misconduct



Not tolerated

BUT WHO DRAWS THE LINE ?

Way Forward

A first step.....

- European Just Culture initiative in ICAO
- Joint Workshops – National and Regional
- Draft Policy Statements
- Independent Prosecution and Court experts
- DIALOGUE !!

Way Forward

FINALLY, REMEMBER:

IT TAKES TWO TO TANGO !