

Just Culture and Rep

Many employers in aviation try to follow 'Just Culture' principles, and it is an issue often discussed. But how does the Civil Aviation Authority apply Just Culture principles? The Director, Graeme Harris, explains the regulator's approach and gives an assurance.

So what, exactly, are Just Culture principles in the view of the CAA?

"They recognise the difference between human error," says Director of Civil Aviation Graeme Harris, "at-risk behaviour, and recklessness, and treat them differently.

"If an incident has resulted from human error, it's pointless to punish the person involved. It's human to make mistakes, we all do it. So the CAA's approach is to support the person, learn from the information provided, improve the system if we can, and move on.

"A single at-risk action is up the line a bit from a pure mistake. But it's not unusual, for a range of reasons, for people to drift from compliance. The normal response to a single at-risk action is coaching, and examining the system that allowed that at-risk action to occur.

"Just Culture principles balance individual and system accountability."

The Director is frank about why he is talking about Just Culture at this time.

"We want to increase reporting. The recent risk profile of the Part 135 sector, Air Operations – Helicopters and Small Aeroplanes, has highlighted that a number of operators and pilots are not reporting occurrences because they're worried about the CAA's response to those reports."

The Director says when participants don't report, the results are two-fold, neither of them good.

"If someone fails to report an occurrence, everyone else in the industry is denied the benefit of learning from it, and acting on the lesson.

"For the CAA to build a picture of flying conditions, and where most risk lies, and to do something positive about that, we need to hear from those who deal every day with the coalface conditions of aviation in New Zealand.

"The second thing that happens as a result of non-reporting, is that it exposes those involved to increased risk of enforcement action if the CAA does learn about the event."



Reporting

Graeme is aware there's an 'urban myth' behind much of the failure to self-report: that reporting an occurrence means the person involved will likely end up in court.

"The stats, however, don't bear that out. Over the last five years, the CAA has received about 32,500 reports and complaints, from the public, from industry, from CAA personnel. In that time there have been just 79 prosecutions.

"I don't believe there is any rational basis for a pilot, for instance, to worry about sanction if they report an incident they caused.

"If somebody fully, frankly, and in a timely fashion, reports their involvement in an incident, the CAA will apply Just Culture principles when it looks at what contributed to that event."

"I cannot recall any prosecution taken over an incident during the last five years, where the CAA learned about it only through a report by the person involved.

"If anyone knows from personal experience of such a case, I invite them to email me."

To try to chip away at the urban myth, and improve reporting, Graeme is offering an assurance.

"If somebody fully, frankly, and in a timely fashion, reports their involvement in an incident, the CAA will apply Just Culture principles when it looks at what contributed to that event.

"We will not apply those principles, however, where there's no self-reporting and we learn about the incident from some other source."

Graeme says there's a good reason why self-reporting of incidents, and non-reporting, are treated so differently by the CAA.

"Frankly, it's carrot and stick. We want to improve the reporting we otherwise wouldn't be aware of. So we undertake to apply Just Culture principles only to self-reporting."

With regard to repeated at-risk actions, or recklessness, Graeme says everyone would understand why they might be more likely to attract a penalty.

There is also another type of occurrence where Just Culture principles may not apply – an accident where harm results.

Graeme illustrates why, using the following scenario.

"A car drives through a red traffic light due to human error. There's no conflicting traffic and the car proceeds safely on its way. A second driver does exactly the same thing, once again due to human error, but this time a van carrying the local pre-school group goes through the conflicting green light and is 'T-boned' by the first car. The car driver survives but four toddlers are killed and a number seriously injured. You're the local road traffic safety authority and you learn about the two events. What action do you take with respect to each of the two drivers? Is it the same, or is it different?"

Graeme explains that in a pure Just Culture environment, the drivers would be treated the same. They would be consoled, and the traffic safety authority would look for system fixes to prevent a recurrence.

"But in countries like New Zealand, the legal framework doesn't support such an approach. There's a limit to which regulators can commit to ignoring the consequences, of an action, even one caused by human error.

"People dying or being seriously injured does drive regulator response. That's why whenever a regulator announces with fanfare that they are henceforth applying Just Culture in all their dealings, you really do need to look for the fine print.

"But I've tried to be clear and honest about the limited scope of Just Culture as applied to occurrence reporting, so there is no fine print for aviation participants to worry about." ■

The easiest way to report an occurrence is online, www.caa.govt.nz/report, or use the *Here and Now* app.

Look up Part 1 of the Civil Aviation Rules to read definitions of an accident, serious incident, and incident.

The *How to Report Occurrences* booklet is available free by emailing info@caa.govt.nz.