

09POS02

Improved accident prevention through non-punitive reporting

Executive Summary

One of the few remaining ways of reducing and preventing aircraft accidents is to establish non-punitive reporting systems. The identification of errors, hazards, potential incidents and serious incidents is a fundamental element of any safety management system. Yet international surveys have revealed that many air incidents go unreported because those involved are fearful of management or the regulatory authority. Reporting systems, as well as other safety initiatives such as Flight Data Analysis (FDA) and Line Operations Safety Audit (LOSA), can only be effective in an environment that adopts a non-punitive culture.





The unrestricted flow and exchange of information is vital to improving safety. Criminalisation obstructs this flow. In order for reporting systems to be effective, a non-punitive environment must prevail. Non-punitive voluntary reporting systems are supported and encouraged by all major international aviation safety organisations.

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Introduction

A non-punitive culture starts at the top of an organisation and is a function of the organisational culture at large; it is a culture that needs to be adopted and practised by the organisation as a whole. Every employee, not just those involved in safety, can influence the establishment of a culture. A cornerstone in the creation of a non-punitive culture is the establishment of voluntary open reporting systems. A good reporting culture is one in which personnel have sufficient trust in the system that they are willing to report their errors, thereby providing a valuable contribution to safety. The ICAO Accident Prevention Manual (Doc 9422) contains guidelines for the establishment of both mandatory and voluntary reporting systems. IFALPA strongly endorses the establishment of non-punitive voluntary reporting systems and the development of an airline wide reporting culture.

The primary focus of reporting systems is to prevent accidents and in order to be effective, users of these systems must have complete confidence that they will not face retribution as a result of disclosure. Properly collected and analysed aviation safety information can be a powerful tool, with the potential for great benefit. One of the major concerns, however, is that like any powerful tool, it can cause extensive harm if used improperly. There are various ways in which such information can be misused:

-  Job sanctions by employers and/or penalties imposed by government regulators based upon the information.
-  Public disclosure of the information
-  Criminal sanctions based on the information
-  Misuse of the information in civil litigation

Dealing with Culpability

Human actions are almost always affected by circumstances outside a person's control and in a non-punitive culture, it must be recognised that errors are consequences rather than causes. These consequences cannot easily be avoided since they were not intended in the first place. If the latent causes of accidents are to be identified and addressed, errors need to be seen as the beginning of investigations and not the end. Only in exceptional circumstances involving criminal action, intentional or gross negligence, should blame be apportioned. The best people can make mistakes given the same circumstances. We need to change the mindset of blame being a useful concept.

Accidents have many causes, both immediate and latent. How can one immediate cause be singled out as "the cause" for an accident? ICAO encourages the investigation of latent and immediate causes so that accidents can be prevented, recognising the system failure resulting in an accident, not an individual's error.

A non-punitive culture does not guarantee immunity from consequence, but does suggest fair treatment of individuals. This

works for the individuals and their work colleagues alike. A ‘blame free’ culture that was seen to be unable to touch a serial offender would have a negative effect on the morale of other staff, just as one that unfairly prosecuted an individual that had made an error trying to do the right thing for the company. When establishing non-punitive reporting systems, a clear distinction must be made between acceptable and unacceptable behaviour, and what constitutes egregious behaviour, for example wrongdoing that is intentional, criminal or grossly negligent, must be clearly defined. Legally, negligence involves bringing about a negative consequence that a ‘reasonable or prudent person would have foreseen and avoided.

It would be unacceptable to give blanket immunity from sanction to all personnel that could, or did, contribute to a safety occurrence. A non-punitive culture finds its limits when gross negligence, criminal activity or intent on the part of the reporter is established.












Research has shown that, in general, only about 10% of unsafe acts fall clearly in the culpable category. They include sabotage, substance abuse, wilful negligence, and falsification of records and criminal activities.

It is recognised that human error is inevitable and must be managed. However, employees who report unintentional errors should not suffer retribution or disciplinary action. The reporting of unpremeditated or inadvertent errors should not result in disciplinary action being taken against the reporter. It would be unacceptable to punish all errors and unsafe acts regardless of the origin and circumstances. Punishment has little or no effect on error rates and may well contribute to increased potential for accidents or incidents.

Those occurrences involving dereliction of duty, reckless behaviour, persistent breaches of company standards, or deliberate failure to report, should be handled in accordance with individual company disciplinary procedures. Procedures for dealing with instances of non-compliance must be agreed and established.

Conclusion

Aviation safety can be enhanced by the establishment of a non-punitive culture, the focus of which is safety rather than the apportionment of blame. IFALPA encourages Member Associations to work with their companies to establish a non-punitive culture, the objective of which will be the prevention of accidents and incidents through identification of flight safety concerns and implementation of corrective actions. A non-punitive culture must be permeated throughout airline company structures in order to develop a corporate non-punitive philosophy. To be successful, it should form the basis of all accident prevention initiatives, for example:

-  Training, including CRM and human factor training
-  Threat and error management
-  FDA
-  LOSA
-  Reporting systems
-  Confidential reporting
-  Anonymous reporting systems
-  Hazard reporting
-  Incident, serious incident and accident investigations
-  Safety philosophy, policies and procedures
-  Discipline policy

Ideally ICAO must commit to the concept of a non-punitive culture and incorporate it in the ICAO Annex 13 and the ICAO Accident Prevention Manual. States must ensure that legislation is passed that enforces the non-punitive philosophy. Companies and operators must ensure that the policy is endorsed and supported by their executive officers. As part of their accident prevention culture, all stakeholders in the aviation industry should embrace the policies and procedures of a non-punitive culture. The development of an industry-wide non-punitive culture will significantly facilitate accident prevention thereby, enhancing aviation safety.

