

# Just Culture's shifting “line in the sand”

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CBS/AP | July 28, 2013, 7:31 PM

# Driver in Spain train crash charged with negligent homicide



Train driver Francisco Jose Garzon Amo is helped by two men as he is evacuated from the site of a train accident in Santiago de Compostela, Spain, July 24 2013. / **XOAN SOLER/LA VOZ DE GALICIA/AP**

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**SANTIAGO DE COMPOSTELA, SPAIN** | The driver of a Spanish train that derailed at high speed, killing 178 people, has been provisionally charged with multiple cases of negligent homicide by a magistrate Luis Alaez



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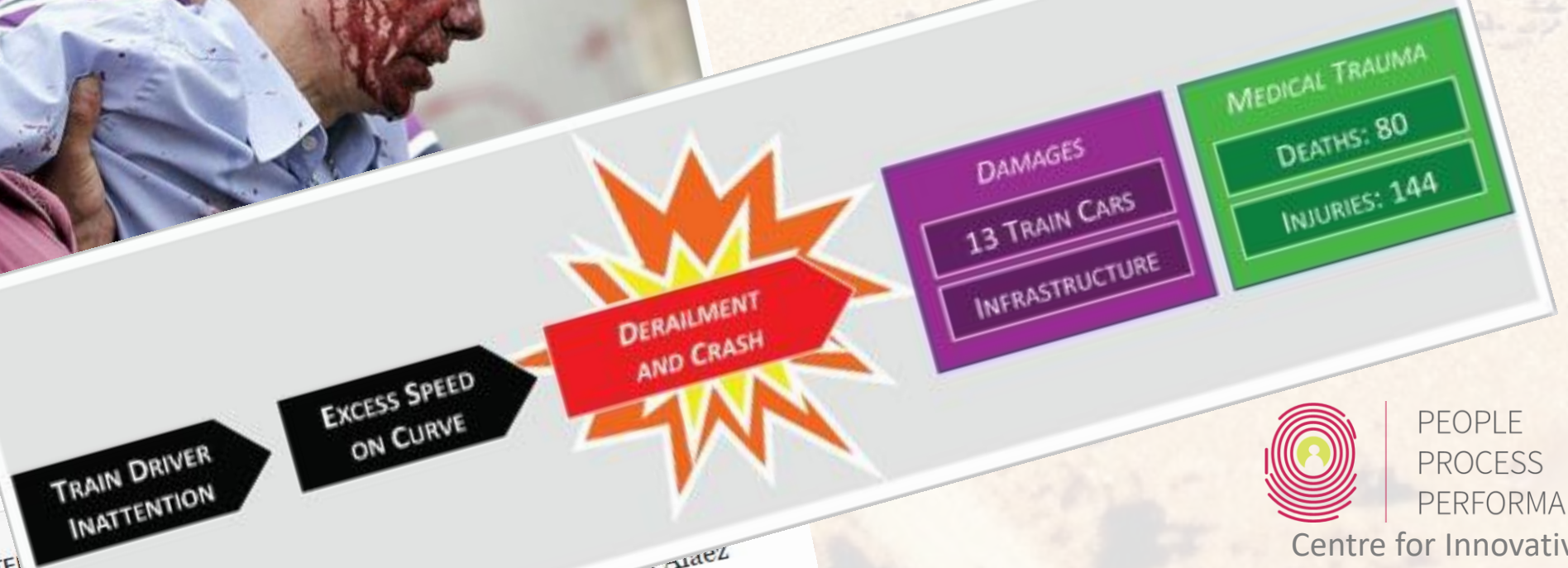


CBS/AP July 28, 2013, 7:31 PM

# Driver in Spain train crash charged with negligent homicide



- Twice the speed limit for that section
- Driver on his mobile
- Mr Garzón Amo had reportedly previously boasted of the speeds he had reached while driving trains.
- Mr Garzón charged with 79 counts of homicide in 2013, 4 days after the crash



Train driver Francisco Jose in Santiago de Compostela.  
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SANTIAGO DE COMPOSTELA, SPAIN | The driver of a Spanish train that derailed at high speed, killing 147 people, has been provisionally charged with multiple cases of negligent homicide.

- The speeds Garzon boasted of are normal and fully permitted on the high-speed line sections
- The train driver's attention was distracted by repeated mobile phone calls **from the railway's inspector** in charge of the rail line leading into Santiago de Compostela
- The last of these calls lasted 1 minute and 42 seconds, sufficient time for the train to travel more than 5.5 km and emerge from the final tunnel before the curve
- Garzón said he suffered a "lapse of concentration" and "wasn't sure of the train's position" as he approached the curve when the train should have been slowed to 80 km per hour
- He applied the brakes but not in time to slow the train sufficiently
- Adif not originally held liable for not installing speed-limiting technology – their Safety Director charged in 2017



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Just Culture



No-Blame Culture



Blame Culture



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“Is an atmosphere of **trust** in which people are encouraged, even rewarded, for providing essential **safety-related information...** but in which they are also clear about where **the line must be drawn** between **acceptable** and **unacceptable** behavior.”



# Just Culture

Prof. James Reason



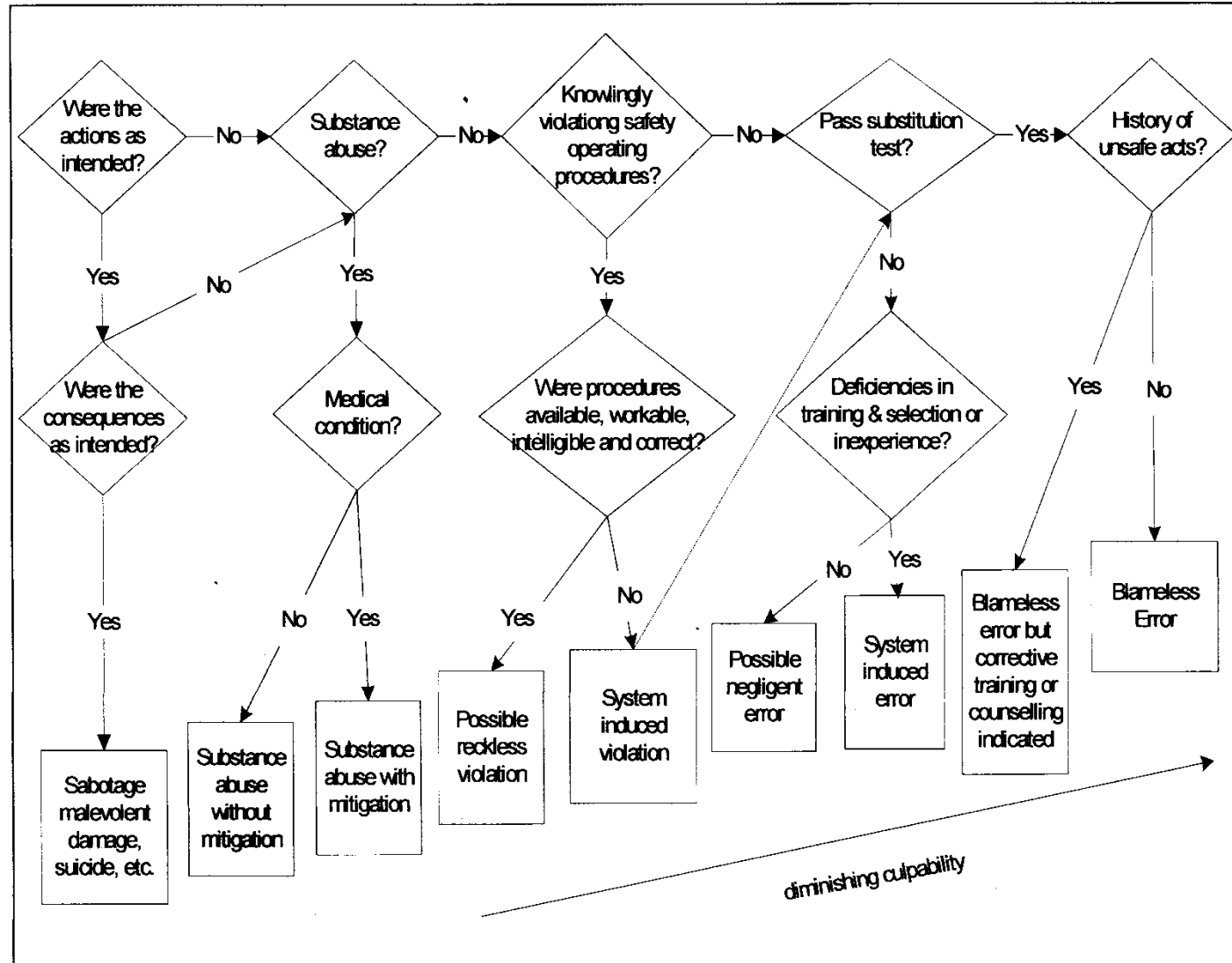
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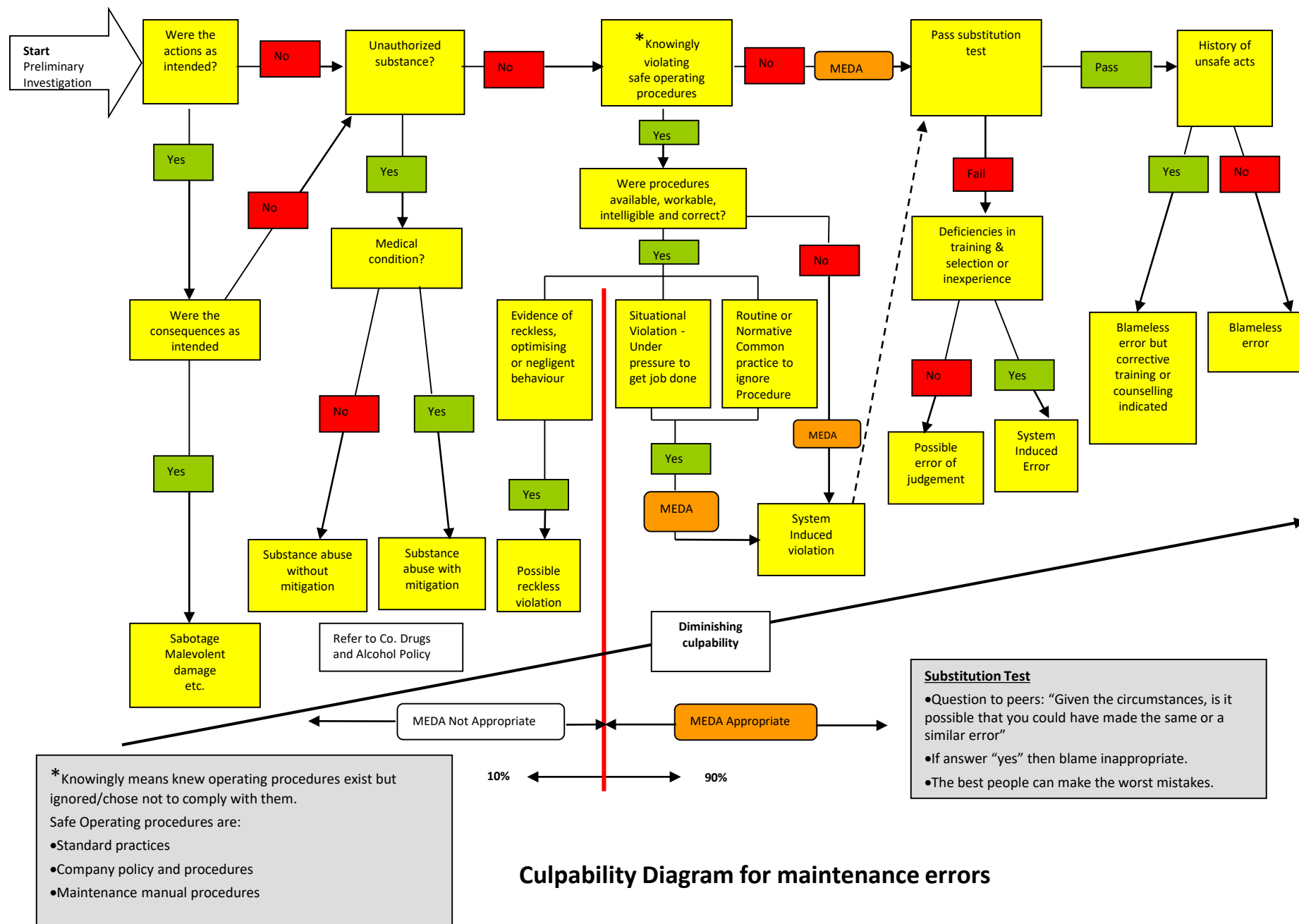
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# Culpability decision tree for unsafe acts (Reason 1990)







**Culpability Diagram for maintenance errors**



# Four challenges for Just Culture



Professional dilemmas



Routine non-compliance



The shifting line in the sand



Implementation



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The shifting  
line in the sand

The assumption is that it is possible to  
**consistently**, and with reasonable **objectivity**,  
analyse an incident and **determine culpability**.

“The problem is guidance that suggests that a just culture only needs to  
“clearly draw” a line between culpable and blameless behavior.

Its problem lies in the false assumption that acceptable or unacceptable  
behavior form stable categories with immutable features that are  
independent of context, language or interpretation”.

(Dekker, 2009 p.179)



Contents lists available at ScienceDirect

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# Just culture's “line in the sand” is a shifting one; an empirical investigation of culpability determination

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An online survey asked 3136 aviation maintenance personnel from one company to judge the appropriate level of discipline in three incident scenarios. Five pieces of “mitigating” contextual information were subsequently presented per scenario and the participants given the opportunity to re-assess their response.



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### Scenario 3

**George is a junior technician He carried out a task using an unapproved tool The part was damaged because the wrong tool was used. This cost the company \$200,000**

**What level of discipline is appropriate for George?**

No Discipline	Verbal Warning	Written Warning	Final Written Warning	Dismissal
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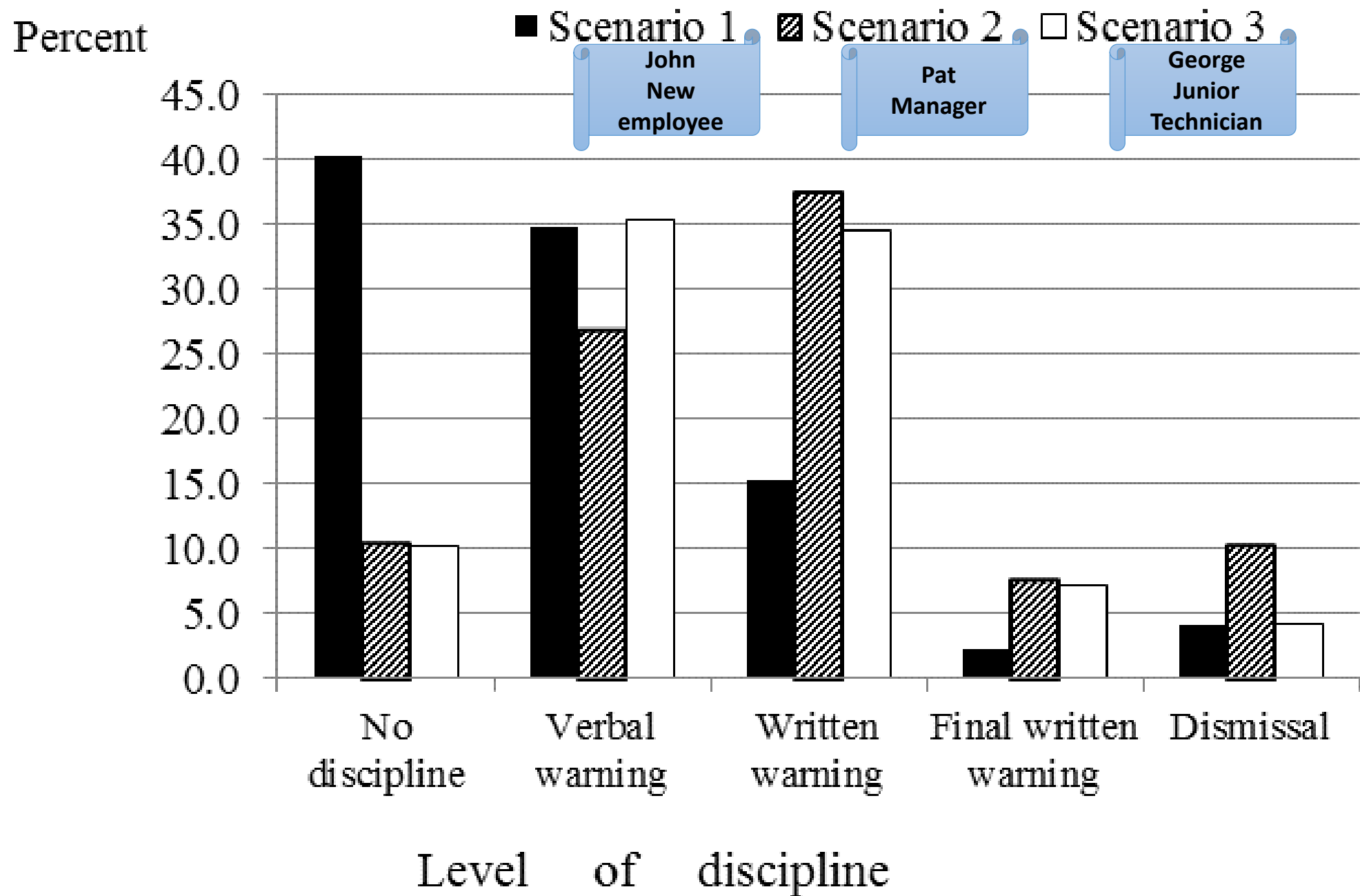
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## Scenario 3

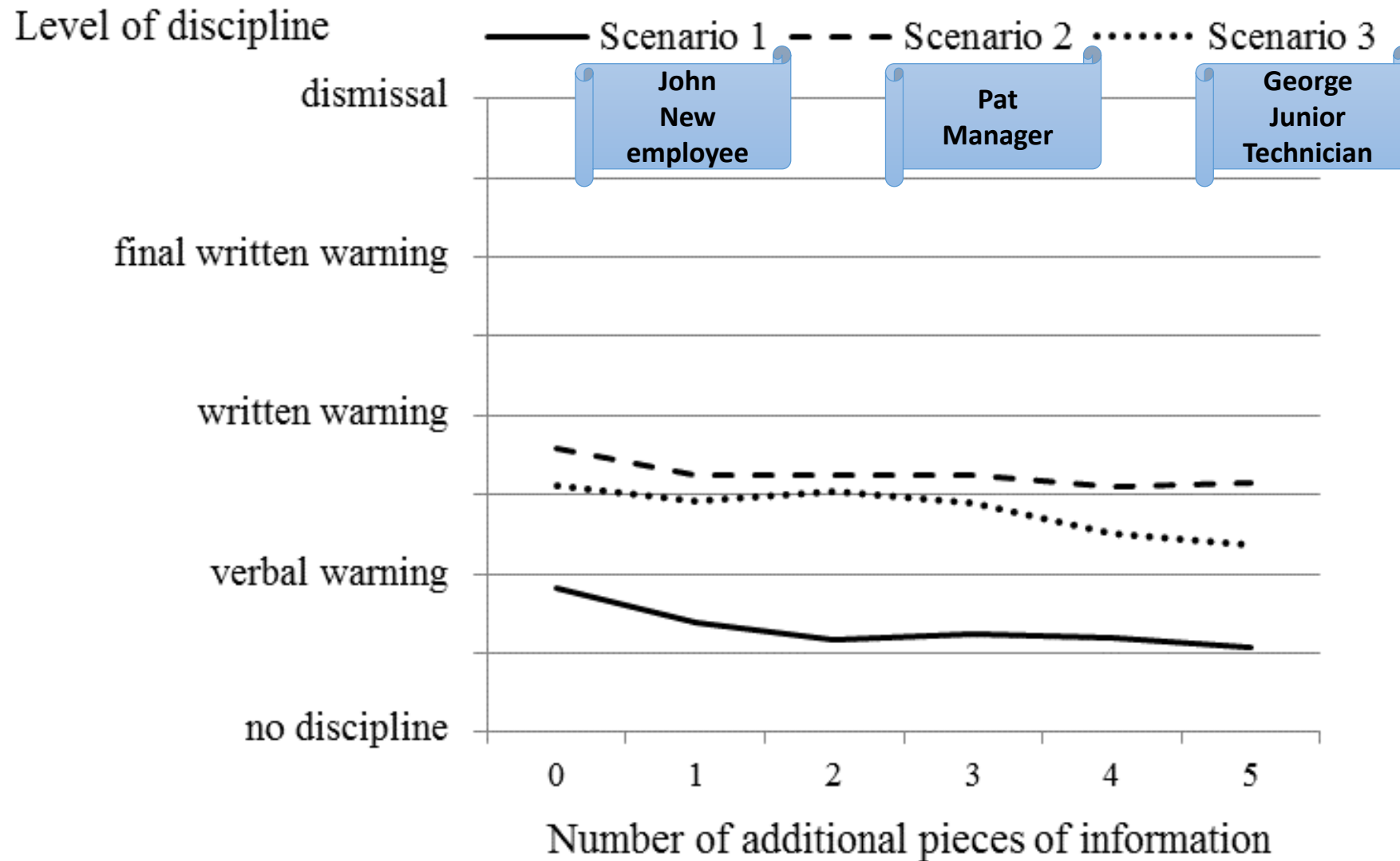
**George is a junior technician He carried out a task using an unapproved tool The part was damaged because the wrong tool was used. This cost the company \$200,000**

1. The correct tool is expensive and only one was kept in stock
  2. The correct tool was being used in another unit and the wait to get the tool would have been one hour
  3. George has seen his more senior colleagues frequently using the unapproved tool
  4. The last words he heard from his manager before he went to a safety board meeting were “that task better be done when I get back”
  5. That morning George got a letter from his Doctor to say that he needed to go for further tests on a small lump on his head
-









**Less Punitive**

**More Punitive**



**Site A**

**Site B**

**Site C**

**Site D**

**Site E**

**Site F**

Europe

North America

Longer in the company

Shorter in the company

Management

Operational Staff



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The shifting  
line in the sand

Aviation maintenance personnel, at least in this company, reason in line with just culture

But the starting level of discipline varies across site, region, role in the company, level of experience.





The shifting  
line in the sand

**BUT:**

Culpability in an organizational context is not **a  
once-off individual decision** based on fixed  
information

It is a **social process**



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line in the sand

## The Social Process of culpability

**Framing**

- an incident as having a “potential culpability”

**Information  
gathering**

- to inform the culpability decision

**Encoding**

- that information to make it available to decision makers and

**Social  
interpretation**

- of the information and

**Its translation**

- into a potential disciplinary action



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... magistrate Luis Alaez



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## Professional dilemmas

Operational staff frequently face **professional dilemmas** which require difficult **judgment calls** which leave themselves open to **criticism** if something goes wrong and possibly **praise** if things go right

- How to manage inadequate resources – personnel, equipment, tools
- Time pressure
- Fatigue, stress, low lighting
- Uncooperative colleague
- Unrealistic expectations
- Unworkable, incorrect, incoherent, inaccessible procedures







Routine non-compliance

34%?

Rule-based v Adaptive Safety

Safety management systems and safety culture in  
aircraft maintenance organisations<sup>☆</sup>

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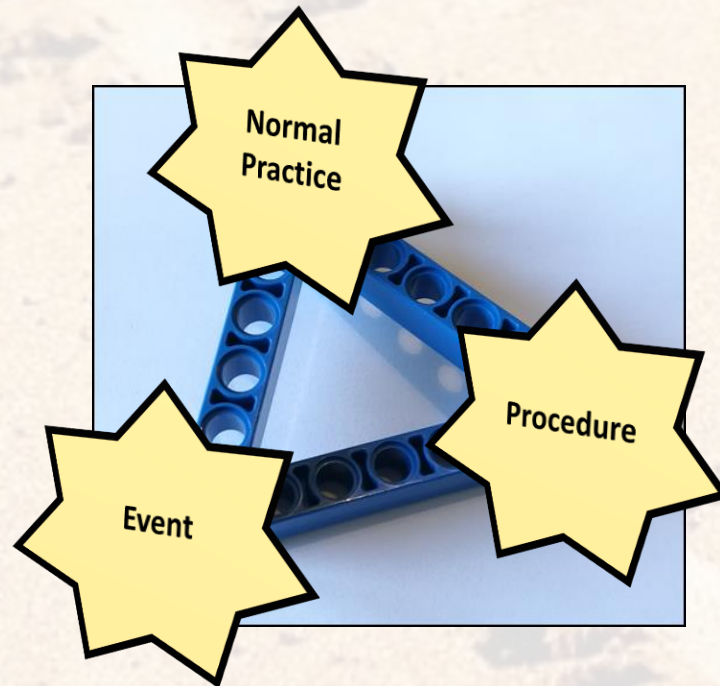
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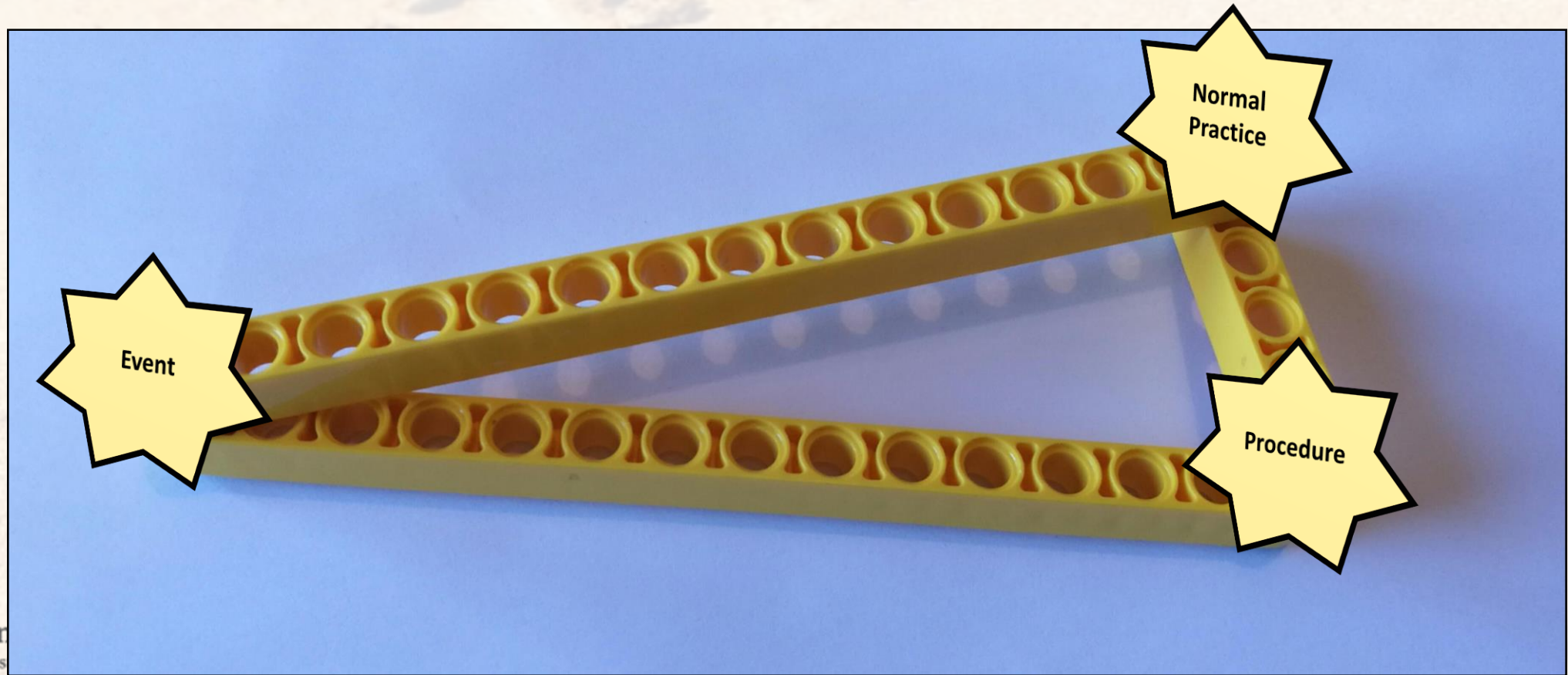
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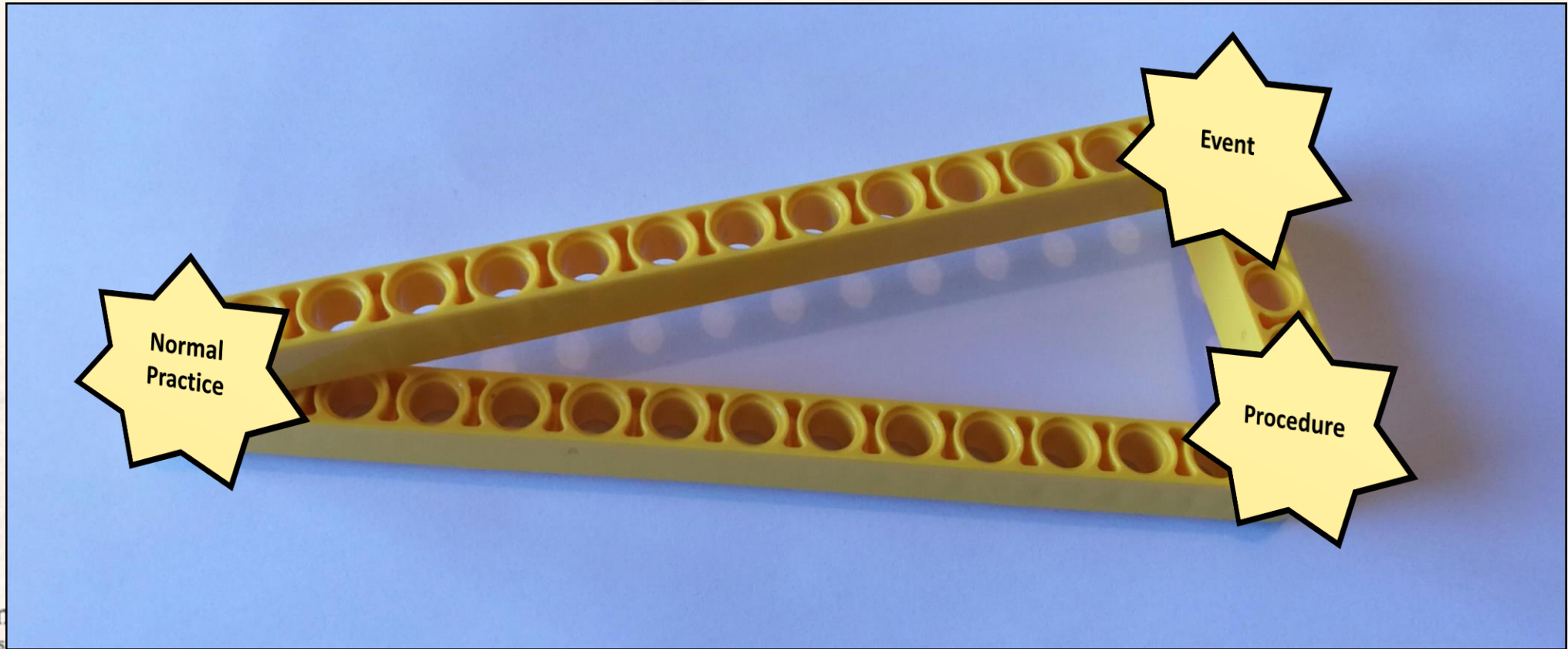


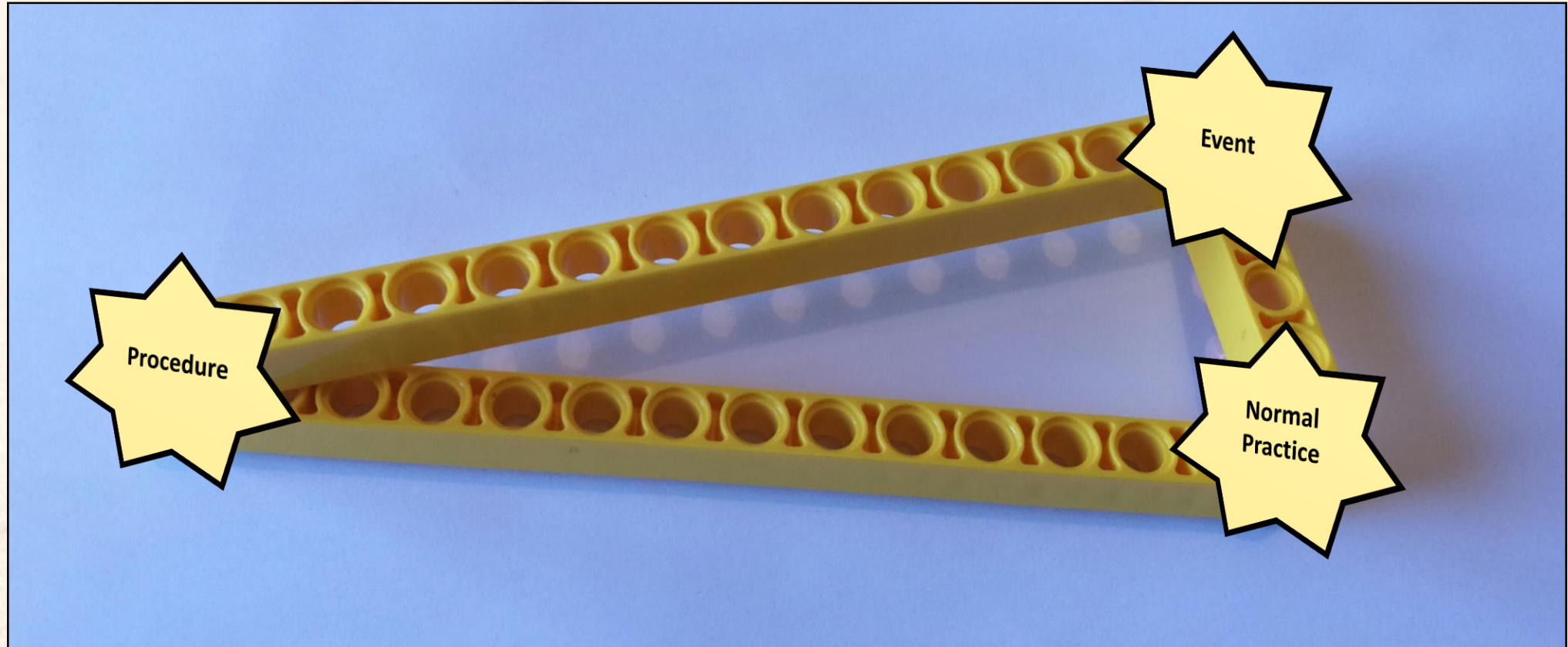




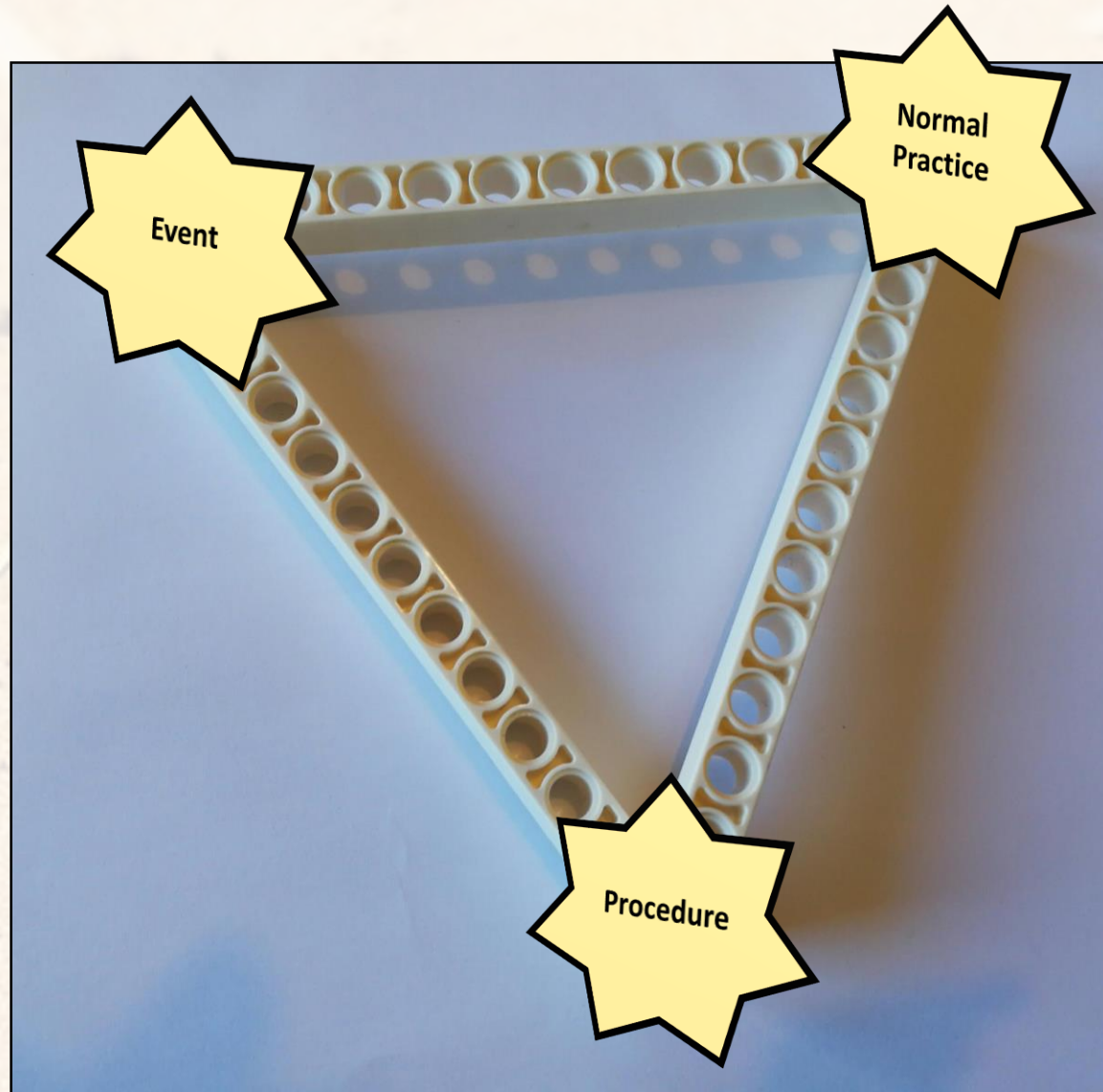
















- Senior Management buy-in
- Middle Management buy-in
- Local Management buy-in
- Policy developed with Unions/Staff
- Reconciled with HR policies
- Training & promotion
- Negative stories have much longer legs