



EUROPEAN COMMISSION

Employment, Social Affairs and Equal Opportunities DG

Social Dialogue, Social Rights, Working Conditions, Adaptation to Change
Social Dialogue, Industrial Relations

SECTORAL DIALOGUE COMMITTEE CIVIL AVIATION

Just Culture working group meeting

29th September 2008

Concise minutes (adopted on 15 December 2008)

The meeting was chaired by Mr Clarkson (workers) and Mr Josefsson (employers). The agenda was adopted.

1. Matters arising from the minutes

The minutes of the last meeting (19th February 2008) were adopted. The five existing definitions of just culture had not been put on paper yet (would be done by ETF). The parties took note of the changes arising from the move of transport commissioner Jacques Barrot to the justice, liberty and security portfolio. ERA did not exclude that this change could be beneficial since vice-president Barrot understood transport

2. Draft charter and guidelines

The parties presented and discussed the following papers: "Draft civil aviation social partners just culture charter" and "Appendix: company guidelines". The objective would be to achieve a joint result by the end of the year. Most of the parties had their board meetings or the like still this year or in January 2009, which would allow an official approval of the commitment.

The draft texts were slightly amended, namely:

- Change in the first sentence of the introduction: "The social partners' objective in producing this charter is to improve (...) to learn quickly from ~~mistakes made by others~~ events which could have put safety at risk."
- Add the following sentence at the end of the section on punishment/criminalisation: "However, immunity from punishment should not be guaranteed where individuals are guilty of wilful or reckless misconduct."
- Change the first sentence of the section on protecting reporters: "The social partners ~~believe that the public has a right to know about safety lapses~~ recognise the need for the public to be properly informed about aviation safety performance."

- Shorten the heading containing just culture as follows: "Role of regulatory authorities versus role of judiciary following an accident"
- Delete the first sentence of this section and change the text.
- Under the section on commitment, add "... an initiative which is designed to prevent accidents and other incidents, save lives and reduce injuries."
- 3.1.1: amendment introduced by ECA: "The objective of an investigation is to ~~look for the cause of~~ identify all the factors that led to an incident..."
- 3.1.5: Change last sentence: "This possibility ~~of this~~ must be included in the investigation."

The revised version of the text would be sent by Mr Clarke (ERA) next week¹. In addition, the parties agreed to reconsider the title in order to make it more attractive and/or clearer to the general public. The deadline for comments on the revised version of the draft charter and guidelines was set for 20 November 2008.

As far as the follow-up was concerned, ERA considered that it was not necessary to print the documents (an electronic dissemination would suffice). AEA recommended informing the new cabinet of the transport commissioner in time about the social partners' work.

3. Update on consultation process and possible changes to directives 94/56/EC and 2003/42/EC

The Commission representative informed the meeting that no crucial development on just culture had occurred since the last meeting where DG TREN had made a presentation on the revision of the directives. According to DG TREN, Eurocontrol was charged of preparing some proposals on this topic. Eurocontrol had had a meeting with representatives from Ministers of Justice of different Member States and Switzerland before the summer and would have another meeting with them in November. For the time being, Eurocontrol hadn't prepared any concrete proposal.

The social partners said that they had not received any further information on the remaining consultation meetings which had been previously announced to them².

4. Any other business

The next meeting was planned for 15th December 2008. DG TREN would be invited to discuss the revision of the Directive and in particular the just culture aspect.

¹ The revised version was sent on 2nd October 2008.

² Invitations have been sent in the meantime to participate in workings group to assist the Commission in the revision of Directive 94/56 on accident/incident investigation

List of participants 29th September 2008

<p>Employers:</p> <p><u>ACI-EUROPE:</u> Apologies received</p> <p><u>AEA:</u> Mr Husain Khan Ms Hamann</p> <p><u>CANSO:</u> Mr Josefsson</p> <p><u>ERA:</u> Mr Clarke</p> <p><u>IACA:</u> Apologies received</p> <p><u>IAHA:</u> Mr Schmitz</p>	<p>Workers:</p> <p><u>ECA:</u> Apologies received</p> <p><u>ETF:</u> Mr Clarkson Mr Coutelier Mr Rubini</p>
<p style="text-align: center;">European Commission: Ellen Durst (DG EMPL/F/1)</p>	