

**SMS & FRM**

**3, 2, 1...**

***GO!***

*For pilots, by pilots*



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## From Joint Aviation Regulations to Just Safety Culture



SMS, FRMS, JSC, MORs... In this blurry world of acronyms, no wonder some of us get lost. As if they were aimed at confusing people. Actually, they are all related to one single objective: the continuous improvement of aviation safety. With the deadline for implementation of SMS approaching, we decided to dedicate most of this edition to this topic.

In 2000, the implementation of JAA regulations harmonized standards across all European airlines' flight and maintenance procedures. The airlines that barely met the old rules were therefore forced to either adapt or disappear.

After the implementation of these technical and administrative standards across most of the airline community, the next step was to look for front-line flight crew participation. This resulted in the adoption in 2003 of an EU Directive (2003/42/EC) encouraging reporting of occurrences (this text was implemented in the Belgian Law in 2005).

For the next 10 years, mandatory reporting was progressively and successfully implemented. It contributed to the development of a safety culture within airlines. The concept of Just Safety Culture, which encourages every pilot to report occurrences, even when generated by human mistakes, has become a widely accepted principle within the aviation community.

Unfortunately, reality does not always reflect theory. BeCA has indeed recently noticed serious drifts in the daily application of Just Safety Culture, which may affect reporting efficiency. We are closely monitoring these issues and we actively work within airlines to correct them.

The next 12 months will bring even more changes, as a new EU legally binding regulation (EU376/2014) will become effective as of 15 November 2015. This regulation will oblige airlines to implement an efficient reporting system, based on Safety Culture (this concept appears 11 times in the text).

We believe this new rule is a big step forward in the improvement of aviation safety. We are proud that BeCA, by actively participating in the work of our European structure (the European Cockpit Association), highly contributed to it. Nevertheless, it could become wishful thinking if pilots still feel uncomfortable to report every occurrence. An efficient reporting system, based on a Just Safety environment, is therefore a must. We will strive to ensure this new Regulation will not remain a "tick the box" exercise.

*By Capt. Alain Vanalderweireldt, BeCA President*

## Is flying to crisis zones part of the pilot job?

**P**ilots from nearly every airline are or will be confronted to new go/no go decisions: accepting or refusing to fly to crisis zones, i.e. areas where conflicts or massive pandemics are developing. Just to name a few recent examples: Israel, Ukraine and African countries (Sierra Leone, Liberia, Mali and Guinea). Some airline managements consider it is “part of the pilot job” and their view on that question is that crews cannot refuse to fly to crisis zones. According to them, not accepting to operate such a flight would be considered as refusal to work. But, is this correct?

This strict “mission oriented” vision does not take into consideration the obligation for an employer to take care of his employees’ health and well-being. This basic principle is laid down in Belgian social legislation and the company Prevention and Protection committee is responsible for its implementation. This official body is entitled to produce advice and recommendations on any situation that can potentially affect employees’ health and well-being.

The contribution of pilot representatives within these committees is therefore of paramount importance. They must provide their company with well-documented arguments. By bypassing these recommendations, the employer may engage its responsibility. The difficulty however is to continuously produce relevant and up-to-date advice regarding risk areas operated by the airline.

### NO GO ZONES VS. RISK AREAS

No go zones are places where flights are restricted or prohibited, usually documented in NOTAMS. Any employee has the right to refuse a duty to a no go zone. In these cases, if a company wants to maintain its flight service, it will have to call for volunteers.

In case of emerging armed conflicts or terrorist threats, airline managements will refer to security assessments produced by their own security managers. Their role is to collect information (from National authorities, local security agents, other airlines, etc.) in order to provide a continuously updated risk evaluation to senior airline management. Interest-



ingly, security managers are not directly responsible for their evaluation since they are not post-holders approved by their national CAA.

In case of pandemics, international organizations like WHO and travel advice from Belgian Authorities can be considered as references as the company doctor will have limited access to information.

### WHAT DOES BECA RECOMMEND?

It is our firm standpoint that any pilot (or cabin crew) has the right to refuse to fly to a destination where there are objective health or security concerns. However, this option should not be left to pilots individually, but be part of a collective and well documented advice built and defended by pilot representatives within the company (or at sector level, in coordination with BeCA).

As safety professionals, we must also be aware that human activity and aviation are not risk free. We should therefore avoid falling into the trap of overreaction, which could unnecessarily harm our airlines’ financial situation. In turn, employers must adopt transparent and continuous communication with their pilots and crew representatives on the preventive and mitigation measures regarding operations to crisis zones.

*Alain Vanalderweireldt*  
BeCA President





# Managing & Delivering Aviation Safety

SMS, FRM, JSC... If you don't fully understand these concepts, just keep reading: this article was written for you!

These concepts have now become a must for every aviation safety professional. Their aim is to improve the way, aviation actors, altogether, *manage* and *deliver* safety. But how can we deliver if we do not understand these concepts and the implications on our airlines and our profession? In this article, we will do our best to help clarify those terms and make you understand why they are so vital in the modern aviation system.



## 1) THE BASICS

How do these concepts interlink with each other?



A Safety Management System (SMS) is a systematic and structured approach to controlling safety risks within an airline and the aviation industry. It aims at identifying potential hazards (weather, terrain, lack of training, fatigue, inadequate regulation, etc.) in order to find appropriate mitigation measures. It is therefore a proactive and predictive approach.

A Fatigue Risk Management (FRM) is one of the components of a fully implemented SMS. It aims at identifying and mitigating the risks linked to fatigue, which is therefore considered as any other potential hazards.

In order to implement a truly effective and efficient SMS, it is of paramount importance that operators create a trustful environment for their personnel. Such an environment will encourage the staff to report their mistakes ('occurrence reporting') without the fear of being blamed for this. This is what we call a Just Safety Culture. A Just Safety Culture is therefore the fundamental basis of any SMS and FRMS.

## 2) SMS IN PRACTICE

You probably think: theory is nice, but in practice, how does it work?

As of 28 October 2014, according to European regulation 965/2012, all operators must have implemented an SMS. As a consequence, all of us, pilots, must (should) have received an initial SMS training.

To implement an SMS, operators must first set the "rules of the game" in a Safety Management Manual (SMM), where the management explains its Safety Policies & Objectives. This is called the first 'pillar' of SMS.

The second pillar is the Risk Assessment and Safety Management of the operations. This is the day-to-day work, which can be divided in five steps:

# Risk Assessment Process



Once risks have been assessed and mitigation measures implemented, what else can we do?

Safety Assurance is the third pillar. It is basically a process through which we always make sure that the risk control strategies that have been identified are up-to-date, implemented and, above all, effective.

Finally, through the fourth pillar (Safety promotion), we ensure that everybody in the company is aware of these concepts, understands them and is trained. This contributes to the establishment of an overall safety culture throughout all levels of the company.

## 2) JSC - AN IDEAL WORLD...

Just Safety Culture... What a beautiful concept! It evokes something that is fair; something that is related to safety; and something that everybody in a community shares, believes in and defends. What a nice and ideal world, don't you think? But, is it our airline's world and the EASA world?

In theory, it is. A JSC is the basis on which any effective SMS is built. Without trust, without fairness, without common beliefs, the SMS will only be a piece of paper. Therefore, as of 28 October, it seems logical that a fair and trust environment is in place in every European airline.

Do you have a Just Safety Culture in your company? To be able to answer this question, we will try to give you a brief overview of the main principles of a JSC:

- Everybody must accept that human errors are unavoidable.
- We must learn from these errors to improve safety, not to attribute blame.
- Occurrence reporting is a cornerstone in the creation of a JSC. A JSC provides employees with sufficient confidence and trust so they are willing to report their errors, without fear of being blamed. How will pilots report if they are not 100% that they will not be sanctioned? Of course, this excludes gross negligence and deliberate or willful acts.
- A JSC is promoted and enforced by the management, in a partnership approach with the crews.

So, within your airline, does the crew evolve in such an environment? As safety professionals, we must strive for proper implementation of a JSC and SMS within our own airline and contribute to it by reporting any kind of incidents. As your representative, BeCA will provide support to its members, airlines and authorities, in order to ensure a proper implementation of JSC and SMS in every Belgian airline. We will support our members in case of incidents, we will develop communications material on new legislations, we will draft a Just Safety Culture charter and example of Flight Data Monitoring agreement, etc. But for this, we need YOU, our members. We need you to let us know any problem or abuse, so we will be able, altogether, to make these nice concepts become a reality.

*Rudy Pont  
BeCA Air Safety Committee*

### LAST CALL

#### Get your VAT back!

As explained in the e-news sent on 12 September, pilots who have training invoices issued in September 2004 or later can get a refund of their VAT/TVA/BTW.

BeCA wants to make sure that you do not end up losing your rights. Therefore we decided to pay for the first step of the procedure i.e. the legal summon ("*Dagvaarding/Assignment en Justice*") issued by our lawyer. We therefore urge those of you who are still within the 10-year limit to send us your invoices not later than 30 November.



#### Follow-up: Wathelet's response to our open letter

In our last Cockpit Flash, we published an article underlining recent worrying events at the head of Belgian CAA, following a breach of civil aviation legislation by a Belgian operator for two TV programs. We regretted at that time that our letters and calls to Mr. Wathelet remained unanswered, in particular our open letter from 24 March 2014. In July, Mr. Wathelet finally responded to this letter. Unfortunately, his letter did not meet our expectations. While we were questioning the attitude of the BCAA and his cabinet in letting the first flight take place, he simply replied that the BCAA "followed the legislation in place" and therefore "sent their report" to the judiciary, which is the only body competent to adopt sanctions. He therefore did not explain why the BCAA did not try to prevent the flight from being operated. With the new government recently formed, we can only hope that the next transport cabinet will be more transparent and will listen to our concerns.

#### National elections: what can we expect?

On 25 May, we voted for our regional, national and European representatives. The new government was formed a few weeks ago and we now know the names of the people who will be our main contacts for the next 5 years. As expected, Mr. Wathelet is leaving his position of State Secretary for Transport. During his mandate, and in particular in the past year, politicians talked a lot about noise issues and flights over Brussels. They made decisions on windnorms based on some lobby groups' demands, forgetting about an important aspect: safety. Generally speaking, during these four



years, BeCA has been put aside; we have been contacted when they needed us to "endorse" decisions and discussions that had taken place without consulting us. BeCA's plea to Mrs Jacqueline Galant (new Minister for Transport) is to truly consider us as an important stakeholder and ensure we are consulted prior to any decision-making on all aviation issues. In the new government agreement, there is mention of increasing the age of pension until 67, unless for "hard jobs". BeCA will closely follow this issue and make sure that pilots' interests are protected.



# Reorganization of BeCA Accident/Incident Hotline

Would you know what to do in case you face an accident/incident?

Would you know whom to contact?

Accidents and incidents do not only happen to others. At BeCA, it is one of our main duties to assist our members during these difficult situations. And this is done through our accident/incident hotline.



Hotline Briefing Session

Don't miss the opportunity!  
Register Now!

2 December, BeCA Office

Recently, the BeCA committee decided to reorganize the hotline, with the aim of keeping all accidents and serious incidents under the responsibility of the hotline and the occurrences and minor incidents within the tasks of each category Vice-President. The reason for this differentiation is to improve our reaction time and support to members. We are currently reviewing the whole hotline procedure and working process.

In this perspective, we decided to organize briefings exclusively open to our members, in order to inform them about the procedures and the functioning of the hotline. On 2 December, we will hold another session in our office, from 2 PM to 4.30 PM. We highly encourage each of our members to attend this event, where actual case studies will be discussed. Don't miss this opportunity, it is free of charge! Register now by contacting our office at [beca@beca.be](mailto:beca@beca.be) or +32 2 245 34 50.

## In case of accident / serious incident

### Do



#### 1. Notify your company

Disclose the facts without expressing opinions about the way the accident/incident happened.

#### 2. Call BeCA HotLine

**+32 2 248 03 68**

If you definitely **cannot reach BeCA**, you may call the IFALPA worldwide HotLine on **+44 1202 653 110**. These numbers are **strictly restricted to BeCA members** in case of accidents or incidents.

#### 3. Keep the crew together

If you (or a crew member) require hospitalization: no discussion while under medication! It might be a good idea to ask for hospital/hotel for the entire crew to keep them isolated.

### Don't



#### 1. Don't make any statement until you obtain our help

If under pressure, only state minimal and neutral facts: e.g. my name is... I am the captain/co-pilot on flight N°... From... to... We carried X Pax and Y crew members. Dangerous goods... At first glance, the aircraft seems to be damaged at... I am not in a state to make further declarations at this time, etc.

#### 2. Don't talk to the press

Without the green light from your operator and BeCA's support.



## In case of occurrence / incident

### As Soon As Possible

1. Inform your Operation Control Center / Dispatch if further operations are affected
2. Technical Related Occurrence: Inform your maintenance and file the Aircraft Technical Log

### Within 72 hours of the event

1. File the appropriate report\* according to your Operation Manual A chapter 11
2. State facts and figures, no interpretations
3. Inform BeCA at [beca@beca.be](mailto:beca@beca.be)

### If called in by your management

1. Contact BeCA (preferably your Vice President or at +32 2 245 34 50)
2. It is always better to be accompanied by a delegate or a witness

\*Type of reports:

- Voluntary Report
- Mandatory Occurrence Report (MOR) / Air Safety Report (ASR)
- Fatigue Report (FR)
- Human Factor Confidential Report (HFCR)

Remember that the goal of a safety investigation is to collectively learn from individual mistakes and not to attribute blame.

### Fake operational base to avoid more stringent regulations: a new trend?

Or the so-called “Flag of convenience”

In short: an airline of country X bases its crews and aircraft in country Y, where labour standards, taxes or regulations are less stringent than in its own country. This is what Norwegian Air Shuttle (NAS) has done, with the creation of two branches:

- Norwegian Air International (NAI), registered in Ireland, with crews supposedly based... in Bangkok! It operates flights from Europe to Thailand and also intra EU routes.
- Norwegian Long Haul (NLH), registered in Norway, with crews supposedly based in Bangkok. It flies to Thailand, the USA and intra EU routes.

A few months ago, NAI requested an AOC from the US, but the US Department of Transport decided not



to grant it. We welcomed this decision and we hope that the European Union, which has highly supported NAI, will align its position with the US and adopt new rules to stop these unfair practices. For more information, you can read ECA’s Press Release and Press kit (<https://www.eurocockpit.be/stories/20140903/norwegian-s-harmful-business-model-slowed-by-us-authorities>).

### First EU-wide Survey on Pilots’ Employment

From 15 to 29 September, aircrews from all over Europe were invited to respond to a survey on crew employment. This survey, launched by the University of Ghent in cooperation with the European Commission, was aimed at gathering information to conduct an independent scientific study on atypical forms of employment in the aviation sector (contract pilots). A two-day conference will be held in Paris on 12-13 February 2015 to discuss the results of this study. We hope that this will help identify and reduce the threats to the pilot profession. We will keep you informed.

### EU Elections – What impact on pilots?

On 22-25 May 2014, all European citizens were invited to vote for their representatives at the European parliament. We witnessed a surge of Eurosceptic and far-right parties and a winning center-right. A new

President of the Commission was appointed, Jean-Claude Juncker, who promised a “more social Europe” and stressed that “the internal market is not more important than social affairs”. The Parliament also nominated two new commissioners for Transport & Space (Violeta Bulc) and for Employment & Social Affairs (Marianne Thyssen). A hearing at the European Parliament showed that both of them seem to consider social and employment aspects as important. BeCA, through our European structure ECA, will work actively to ensure that these words are translated into acts, to tackle issues such as bogus self-employment, social dumping, unfair competition and downgrading of employment conditions.

### Want more news from Europe?

If you are interested in European developments and want to receive pilot news, feel free to register to ECA newsletter online (<https://www.eurocockpit.be/webform/subscribe-to-eca-newsletter>).



### New ICAO Task Force following MH17

In early August, as a result of the MH17 tragedy, the International Civil Aviation Organization (ICAO) decided to create a task force to address the “gaps in the system”, in order to improve security measures when overflying crisis zones. The Task Force on Risks to Civil Aviation arising from Conflict Zones met on 14-15 August and will meet again in December. Our international structure, IFALPA, is an active member of the group.

### Joint Industry statement following MH17

In the aftermath of MH17, ICAO, IATA, ACI and CAN-SO issued a joint statement on “Risks to civil aviation arising from conflict zones”, where they strongly condemn the use of weapons against civil aircraft. This statement triggered the creation of a new ICAO Task Force (see above). To read the statement, please visit: <http://www.icao.int/Newsroom/Pages/Joint-Statement-on-Risks-to-Civil-Aviation-Arising-from-Conflict-Zones.aspx>

### IFALPA Air Traffic Services Committee Meeting

Capt. Paul Vissers represented Belgian pilots at this meeting held on 20-22 May by IFALPA, our international structure. The Committee discusses all issues related to Air Traffic Management, with the aim of improving aviation safety worldwide. It works in close cooperation with ICAO, which hosted the meeting in its headquarters. The main topics were the Pilots’ Vision on Weather, which highlights the pilots’ need in terms of meteorological data; an ICAO state letter regarding an amendment to the ICAO PANS-ATM Emergency Descent Procedures; the creation of a task force on aircraft tracking following the MH370 crash; and regional issues, such as communications problems in Africa. If you wish more information on the meeting, please do not hesitate to contact us.

### Want more news from the world?

If you are interested in global developments and want to receive pilot news, feel free to register to IFALPA publications at <http://www.ifalpa.org/publications/publications-subscriptions.html>.



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*Cockpit Flash* • 2014 - Issue N° 3

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