

## **ADVISORY INFORMATION 2/2022**

*3 March 2022*



### **CAAM POLICY ON JUST CULTURE AND ENFORCEMENT**

#### **1 Introduction**

- 1.1 The Civil Aviation Authority of Malaysia (CAAM), apart from regulating the aviation industry, plays a role in promoting safety and security. Through implementation of Safety Management System (SMS), CAAM aspires that industry would be willingly and ably to manage its own hazards and risks, and mitigate appropriate actions as immediate remedy and long-term solution.
- 1.2 In the event of the need to initiate enforcement action as a result of an alleged violation following any oversight activities, CAAM would have exhausted every means possible to consider every effort has been made to circumvent the event leading to alleged violation.
- 1.3 This Advisory Information (AI) is issued to notify operators and service providers that CAAM has an enforcement policy which is in full support of just culture, and any enforcement action would only be instituted as a last resort after all remedial and mitigation action has been exhausted.

#### **2 Principles of Enforcement Policy**

- 2.1 In the process of ensuring enforcement, the officers shall invariably be guided by the following principles—
  - a) Natural Justice and Accountability
    - 1) Enforcement decisions must be:
      - i) fair and follow due process of law;
      - ii) transparent to those involved;
      - iii) consistent between like circumstances; and
      - iv) subject to appropriate internal and external review.
  - b) Impartiality
    - 1) Enforcement decisions must not be influenced by:
      - i) personal conflict or agendas of the officers;

- ii) irrelevant considerations, such as gender, race, religion, political views or affiliation; and
  - iii) personal, political or financial power of those involved.
- c) Proportionality,
- 1) Enforcement decisions must be commensurate with the identified breach and the safety risk it give rise to, in particular:
    - i) Our first priority is to protect the safety of the members of the public including fare-paying passengers;
    - ii) We will take strong action against those who consistently and deliberately operate outside the existing law or approved procedures;
    - iii) We endeavour to educate and promote training or supervision of those who are observed to be lacking in proficiency but are willing to comply;
    - iv) We will take action against those dealing with licensed and certified personnel, who breach legal provisions, requirements, etc.
- d) Just culture,
- 1) Enforcement decision must also take into consideration the element of safety management, in particular:
    - i) In the event the person could develop corrective action plan (CAP) for Level 2 non-compliances (refer to paragraph 3) and complete the CAP within agreed time scale between the person and CAAM, the finding shall be closed and no further action to the investigation;
    - ii) Safety data obtained during the course of enforcement shall not be used or disclose to any third party for purposes other than safety improvement;
    - iii) The source of information obtained from voluntary incident reporting system must be protected to prevent any form of abuse against the storage or processing of personal data.

### **3 Level of Non-Compliance**

3.1 Levels of non-compliance are as follows:

a) Level 1:

Where the CAAM determines a non-compliance with the relevant requirements and/or safety performance of an organisation or individual has fallen to the extent that there is a potential to seriously affect or there is a significant risk to aviation safety/security, a Level 1 finding will be made.

Action: The authorised officer will take action in accordance with the relevant act, regulation, directives, circular or notice whichever is applicable, which may result in provisional or substantive suspension or variation of the approval, or a proposal to revoke the approval. The authorised officer may

also consider the need for possible prosecution. Immediate remedial action shall be required for all Level 1 findings, and before the suspension (if suspension is provided) is lifted.

b) Level 2:

Where the CAAM identifies a non-compliance with the relevant requirements but determines that the nature of that non-compliance is such that there is no immediate risk to aviation safety/security, a Level 2 finding will be made.

Action: The authorised officer will require the organisation or individual to develop Corrective Action Plan acceptable to the authorised officer that will restore compliance within an agreed timescale. Failure to remedy the non-compliance within the timeframe may result in enforcement action.

c) Observation:

Observations will usually be raised as the result of an audit or inspection when best practice is not being followed, or when it is anticipated that the auditee, although currently in compliance, is unlikely to remain so unless appropriate action is taken.

Action: The authorised officer may provide advice and guidance to industry on how non-compliance might be avoided. The authorised officer expect industry to take this advice seriously and act on it appropriately.



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