

## JUST CULTURE AND PILOT MENTAL HEALTH: LEGAL AND ETHICAL CHALLENGES

*'JUST CULTURE' ET LA SANTÉ MENTALE DES PILOTES DE LIGNE: LES DÉFIS LÉGALE ET ÉTHIQUE*

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**Introduction:** Pilots should not face the risk of job or income loss because of mental health problems, but at the same time aviation safety should not be compromised by mental health risks. Both aviation authorities and experts in the field have proposed Just Culture principles to deal with mental health problems in airline pilots.

**Background:** Relevant literature on the legal and ethical challenges when applying Just Culture principles to (mental) health issues was examined. Just Culture was originally developed to increase the safety of organisations in general, not particularly to deal with (mental) health problems. In case of mishaps, Just Culture aims to identify flaws in work processes in order to increase future safety. Identifying and punishing those responsible is not its primary goal. In a Just Culture individuals are only punished in case of gross negligence or willful misconduct. This is different from most legal systems, which primarily aim to identify the individuals responsible for mishaps, to restore damages and to provide retribution. Whereas legal systems primarily look backwards to do justice, Just Culture primarily looks forward to increase future safety. Because Just Culture principles can interfere with general legal principles, they can be difficult to implement unless specific regulations are made. It is impossible to make legal exceptions for Just Culture on a case-by-case basis. However, medical-ethical standards, Just Culture and most legal systems share several common underlying ethical principles such as utilitarianism and the ethics of the human dignity.

**Summary:** When, as with pilot mental health issues, several interests have to be balanced against each other, it is essential to use an ethical framework to guide decision making. Just Culture can well be used to deal with mental health issues, as it shares common values with medical-ethical and legal principles.