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## **IFATCA POLICY ON ACCIDENT AND INCIDENT INVESTIGATION**

**Guidance Material for Member Associations.**

**Version 2.0 – February 2026**

## **MANUAL**

IFATCA is the recognised international organisation representing air traffic controller associations. It is a non-political, not-for-profit, professional body that has been representing air traffic controllers for more than 50 years, and has more than 50,000 members in over 120 countries.

Printed and published by:

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### Document Change Summary

Version	Date	Changes
<b>1</b>	31 <sup>st</sup> July 2022	The material contained in the TPM LM 11.2.8 is extracted and presented as a stand-alone document, as per Resolution C69 arising from WP 80 of the 61 <sup>st</sup> IFATCA Annual Conference (2022).
<b>2</b>	February 2026	11.2.8 became 7.2 Virtual Conference 2022. Policies updated from 2023-2025 conferences. Narrative(s) updated to reflect new policies.
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# IFATCA POLICY ON ACCIDENT AND INCIDENT INVESTIGATION

## Introduction

The International Federation of Air Traffic Controllers' Associations (IFATCA) lists among its objectives - **"to promote safety, efficiency and regularity in International Air Navigation"**.

The fundamental purpose of any investigative process is to determine what occurred, why it occurred, and what measures can be implemented to prevent a recurrence. Such processes are most effective when air traffic controllers are protected from disciplinary action or legal liability arising from their participation. Investigations that are confidential and non-punitive encourage openness and full cooperation, reducing the likelihood that controllers will exercise, either deliberately or implicitly, their right to remain silent.

The International Civil Aviation Organization (ICAO), in Annex 13 to the Chicago Convention, states that **"the sole objective of the investigation of an accident or incident shall be the prevention of accidents or incidents. It is not the purpose of this activity to apportion blame or liability."**

In support of this philosophy, IFATCA has developed policy and guidance material on Accident/Incident Investigation to ensure that air traffic controllers can contribute fully and openly to investigative processes. A comprehensive understanding of all relevant facts and circumstances leading to an accident or incident is essential, this knowledge underpins continuous improvement in the safety of the air traffic control system.

## 1. Just Culture, Trust and Mutual Respect

IFATCA's definitions: <sup>1</sup>

### Just Culture

***"A culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where gross negligence, wilful violations and destructive acts are not tolerated."***

### Positive Safety Culture

***"A positive safety culture is defined by values, attitudes and behaviour that are committed to the organisation's safety efforts and is achieved through the combination of technical competence that is continually enhanced through training and education, effective communications and information sharing."***

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<sup>1</sup> TPM 2025, Definitions

IFATCA Policy is: <sup>2</sup>

***“A Just Culture is an essential element of a positive safety culture, which fosters open communication, learning from mistakes, and a shared commitment to continuous improvement.***

***Those Member Associations under national legal frameworks where mandatory and/or voluntary incident reporting systems are not yet compulsory, are encouraged to create one provided it is based on confidential reporting; the reported data shall be protected and never used against the reporting person nor any other person mentioned in the report and it is compliant with ICAO Doc 9859 – Safety Management Manual, 4<sup>th</sup> Ed. (2018).***

***Just Culture shall be in the service of safety, fostering a positive safety culture where individuals feel able to identify and report potential hazards without fear. It is by no means a means of social control or disciplinary mechanism.***

***A strong Just Culture is a fundamental part for a Positive Safety Culture. Having Just Culture enables operators and service providers to create a positive environment where the employees feel comfortable to report and share safety information without subjected to any punitive actions. Therefore, a strong Just Culture is a key enabler to foster and support the other components of safety culture.***

***Adhering to a Just Culture, and fostering a Positive Safety Culture, Air Navigation Service Providers can move to align with the characteristics of a High Reliability Organisation, minimising risks and maximising safety performance.***

***IFATCA shall encourage Member Associations to urge their aviation organisations to develop a Just Culture Policy as a key component of a positive safety culture. This policy, supported by the highest organisational level and visibly endorsed by the workforce level should include the following elements:***

- ***Just Culture principles ensuring fair treatment of staff at all levels (managers and employees)***
- ***Recognition of staff at all levels for the role they play in delivering a safe service.***
- ***Commitment to provide with the appropriate tools, training and procedures required to perform their job and guaranteeing that they would not be put in situations where safety is compromised because of organisational factors. Anyhow, systemic factors outside the scope of individuals in case of unwanted outcomes are to be considered.***
- ***Means to constantly measure maturity and effectiveness of Just Culture within the organisation.***

***Any incident reporting system shall be based on the following principles:***

- a) Cooperation: with all those having a legitimate and appropriate interest***
- b) Dissemination: distribution of safety-related data to all those with appropriate interest.***
- c) Confidentiality: for the whole procedure, guaranteed by law.***

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<sup>2</sup> TPM 2025, LM 7.2.1

- d) ***Protection: for those involved or mentioned in the report, the provision of which be within the remit of an independent body.***
- e) ***Trust and mutual respect.***

***Air Navigation Service Providers and their respective employee groups shall develop mechanisms that foster an environment of trust and mutual respect in order to improve the capability to compile, assess and disseminate safety-related information with each other, as well as with other national and international aviation organizations.***

***Adhering to a Just Culture and fostering a Positive Safety Culture, Air Navigation Service Providers can move to align with the principles of a High Reliability Organisation minimising risk and maximising safety performance.”***

Accidents and incidents in aviation have been used to enhance aviation safety. Safety information is a main source for the permanent enhancement of safety in aviation, but there are many risks to its inappropriate use. As a result, safety information is very sensitive and needs special protection.

The information is not to be put into the public domain or to be used against the personnel involved.

Voluntary reporting systems are different than those that are mandatory, they shall contain safety concerns, issues or even hazards, connected with the suggestions as to how this can be avoided in the future. ICAO states that there should be a voluntary reporting system established and it shall be non-punitive.

A strong Just Culture is a fundamental part for a Positive Safety Culture. Having Just Culture enables operators and service providers to create a positive environment where the employees feel comfortable to report and share safety information without subjecting to any punitive actions. Therefore, a strong Just Culture is a key enabler to foster and support the other components of safety culture.

Many organizations rely heavily on a Voluntary Safety Reporting Program, in which reporting of safety problems and incidents is encouraged without fear of reprisal. This is key in making any high-risk operating system safer.

## **2. Exemption from Duty**

IFATCA Policy is: <sup>3</sup>

***“In the event of an alleged occurrence, the ATCO(s) shall have the opportunity to be relieved from control duties. IFATCA recommends the ATCO(s) be relieved. The relief is without prejudice and is non-disciplinary.***

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<sup>3</sup> TPM 2025, LM 7.2.2

***When the ATCO(s) are relieved from control duties, they shall have the opportunity to undergo basic debriefing (e.g. CISM).***

***If the ATCO(s) agree that they are not suffering from traumatic stress, impaired mental/emotional well-being, they may resume control duties.”***

It is not always possible for ATCOs to assess their own state of mind after a traumatic situation; hence it is recommended they be relieved from the console. It is important that ATCOs are relieved to fully understand the situation as well as deal with any possible emotional and psychological impacts caused by the occurrence.

***A controller thus exempted or removed shall not suffer loss of pay during any period in any way associated with the investigation of an incident / accident occurrence.”***

In practical terms, this means that a controller shall not be required to use any form of leave – such as sick leave, vacation leave, or leave without pay – to account for their absence from operational duties resulting from involvement in an accident/incident. In many cases, a controller may be unable to return to duty for the duration of an investigation, which can be prolonged. It would therefore be unreasonable and inequitable to impose any financial burden or other penalty on a controller while they await the outcome of the investigative process over which they have no control.

Aspects of this policy coincides with the principles of the IFATCA Critical Incident Stress Management (CISM) policy.<sup>4</sup>

***“The Federation recognises the importance of stress management for air traffic controllers and recommends that, at regular intervals, air traffic controllers be provided with up-to- date information on stress management techniques.***

***The Federation urges MAs to bring to their administration's attention the stress-inducing potential of their work environment in order that particular consideration is given to ensure that the work environment is suitable and as stress-free as possible.***

***The Federation endorses the use of professionally trained peers in the provision of critical incident stress management (CISM) to colleagues experiencing critical incident stress (CIS).***

***Comprehensive and confidential support services should be available at all times for air traffic controllers, support staff and their families.***

***Professional critical incident stress support services should be made available to air traffic controllers involved in ATC incidents / accidents and any other occurrences that have potential***

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<sup>4</sup> TPM 2025, MED 8.2.3



***to create critical stress reactions influencing the ATCO's performance. It is the controllers' choice whether or not to take advantage of these support services."***

### **3. Right of Representation**

IFATCA Policy is:<sup>5</sup>

***"Controllers shall have the right to be accompanied by a representative of their choice at any hearing, inquiry or investigation into any Air Traffic Control incident or accident."***

The controller can be accompanied by an employee or Association representative. They should also have the right to be represented by legal counsel. Justice must be seen to have been served; therefore, the controller should be able to determine who would best serve their interests in the investigation.

***"Controllers should make no written statements without the advice of a legal representative of their choice, even at pre-investigation board stages."***

This policy does not mandate that a controller obtain legal advice before making a written statement; rather it establishes a strong protective principle. In the case of an incident, it is advisable for a controller to seek advice from an appropriate representative, such as an employee representative, Association representative, or legal counsel. In the case of an accident, it is strongly recommended that the controller obtain legal advice prior to providing any written statement.

In the immediate aftermath of an incident / accident – when events may be confusing and recollections incomplete – it may be prudent for a controller to make brief personal notes to record factual recollections. Such notes should be made as soon as practicable, before memory is influenced by reflection, rationalisation or external interpretation. Caution should be exercised when preparing these notes. In some Member Association countries, personal notes may be considered admissible evidence. Therefore, any such notes should be clearly prefaced to indicate that they are prepared solely for the use of legal counsel, do not constitute an admission of guilt, and may be amended as additional facts become known to the controller.

***"The circumstances prompting the investigation, and the perceived operational situation immediately prior to the alleged incident / accident, shall be made available to the controllers and their representative(s) prior to any questions being put to them."***

The controller and their representative(s) should be granted a reasonable amount of time to review and consider the information provided. Access to this material prior to questioning ensures the controller can understand the context and scope of the investigation prior to answering any questions. This approach allows responses to be limited to matters directly related to the alleged incident/accident and promotes

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<sup>5</sup> TPM 2025, LM 7.2.3

accurate, complete and relevant answers, thereby supporting a fair, effective, and safety-focused investigative process.

***“When an Investigation Board is convened, it shall be confidential and non- disciplinary in nature. The Board should be comprised of individuals who have operational experience in Air Traffic Control.”***

In the case of an incident, an Investigation Board is convened to determine whether a loss of separation or other hazardous situation occurred and, if so, to identify the contributing factors. The purpose of the Board’s findings is to support the prevention of a recurrence, rather than the attribution of blame. Accurate and meaningful conclusions can only be reached when all relevant information is available, which is best ensured through a confidential and non- disciplinary investigative environment that encourages full and open disclosure.

Where air traffic control matters are under investigation, it is essential that the investigators have air traffic control operational experience to ensure that technical facts, operational context, and established practices are correctly understood and interpreted. It is also recommended that another controller, preferably from the same area of responsibility, be on the Investigation Board to ensure impartiality and to provide expert insight into procedures, local practices, or facility- or sector-specific considerations that may be unique to the area where the incident allegedly occurred. The same principles apply in accident investigations where the possibility exists of ATC involvement.

***“Controllers and their representative(s) have the right to make representations and direct questions to the officials in charge of the investigation.”***

One of the objectives of an Investigation Board is to establish a complete and accurate understanding of the facts. Allowing controllers and their representative(s) to make representations and to direct questions to those conducting the investigation supports this objective by clarifying context, addressing potential misunderstandings, and resolving misinterpretations that may arise during questioning. This participatory approach promotes transparency, encourages full cooperation, and contributes to the shared goal of preventing the recurrence of similar incidents or accidents.

***“MAs shall inform their members that any statement made in an accident or incident investigation could also be used by prosecutors in legal proceedings.”***

This policy underscores the importance of ensuring that members are fully aware of the potential legal implications associated with providing statements during accident or incident investigations. While the primary purpose of such investigations is the improvement of safety and the prevention of recurrence, statements made in this context may, in some jurisdictions, be admissible or referenced in subsequent criminal or civil proceedings. By clearly informing members of this possibility, Member Associations enable controllers to make informed decisions, seek appropriate representation or legal advice where necessary, and exercise due caution when participating in investigative processes. This awareness supports the protection of individual rights while preserving the integrity and effectiveness of the investigation.

***“Controllers and their representative(s) have the right, prior to appearing before any Investigative Board, to review all relevant video and audio recordings and computer readouts of Air Traffic Control operations where available. In addition, the controllers and their representative(s) shall be provided***

***with copies of transcripts of all relevant audio recordings prior to appearing before any Investigative Board.”***

When controllers and their representative(s) are granted access to all relevant video and audio recordings, computer readouts, and transcripts in advance of an Investigation Board hearing, they can prepare effectively and participate meaningfully in the process. Early access to this material ensures the controller has clear and accurate understanding of the operational context and the scope of the investigation, reducing the risk of misunderstanding or incomplete recollection.

This preparedness supports the controller in providing precise, factual, and relevant information, which in turn assists the Investigation Board in establishing an accurate and comprehensive account of the events. By enabling informed participation, this practice strengthens the fairness, transparency, and effectiveness of the investigative process and reinforces its primary objective of identifying safety lessons and preventing recurrence.

#### **4. Protection of Identity**

IFATCA Policy is: <sup>6</sup>

***“Protection of the identity(ies) of ATM staff involved in incidents or accidents shall be guaranteed.”***

The disclosure of personal identifying information – such as names, home addresses, or other private details – of individuals associated/involved in serious ATC incidents or accidents has, in the past, resulted in severe and tragic consequences for air traffic controllers. Such disclosures expose air traffic personnel to undue personal, professional, and psychological harm and undermine confidence in investigative processes.

Employers and air navigation service providers must therefore take decisive action to establish, implement, and enforce appropriate legal, regulatory, and procedural safeguards to ensure that the identities of air traffic controllers and other ATM staff involved in incidents or accidents remain confidential, privileged, and protected. These protections are essential to maintaining a Just Culture, encouraging full participation in investigations, and supporting the overarching objective of improving aviation safety.

#### **5. Reference Card**

IFATCA Policy is: <sup>7</sup>

***“Member Associations should provide their members with information containing the basic rights and the rules that will be applied in case of incident / accident investigations. This should include guidance***

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<sup>6</sup> TPM 2025, LM 7.2.4

<sup>7</sup> TPM 2025, LM 7.2.5

***on the reporting process, Just Culture, the investigation process, and the specific parts of the legal system that applies in their State(s). Special consideration should be given to any areas where the State has filed difference(s) provisions contained in Annex 13.”***

Providing such information ensures that members are fully informed of their rights and responsibilities and understand the steps necessary to safeguard those rights throughout the investigative process. Clear guidance also reassures members that established procedures are in place and that no critical steps will be overlooked. This preparation helps reduce uncertainty and anxiety and supports controllers in navigating what may be an unfamiliar, stressful and traumatic experience, enabling them to engage confidently and effectively in the investigation.

## **6. Use of recorded data**

IFATCA Policy is: <sup>8</sup>

***“Audio and visual recordings and AWR are confidential and shall not be released to the public.***

***Audio and visual recordings and AWR shall not to be used to provide direct evidence, such as in disciplinary cases, or to determine controller incompetence.”***

Air traffic control audio, visual, and AWR recordings exist to support the technical and safety-focused investigation of accidents/incidents, and to ensure appropriate protections for air traffic controllers. Maintaining the confidentiality of such recordings is fundamental to preserving the integrity and credibility of the Accident/Incident Investigation Process.

Their protected status encourages accurate reporting, open participation, and trust in the investigative framework. Any use of recordings beyond their intended purpose—particularly as direct evidence in disciplinary proceedings or to assess individual competence—undermines Just Culture principles and risks discouraging transparency, cooperation, and safety reporting.

Accordingly, strict safeguards on access, use, and disclosure of air traffic control recordings are essential to ensure investigations remain focused on systemic safety improvements rather than individual blame.

***“Except for AWR, recorded data shall be used only in the following cases:***

- a) when investigating ATC related accidents and incidents;***
- b) for search and rescue purposes;***
- c) for training and review purposes provided all ATCOs affected agree;***
- d) for the purposes of adjusting and repairing ATC equipment.”***

It is recognised that recorded data may also serve other clearly defined and legitimate purposes.

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<sup>8</sup> TPM 2025, LM 7.2.6

In the context of Search and Rescue operations, recorded data can be instrumental to determining the last known position, communications, or operational status of an aircraft, thereby supporting timely and effective response efforts.

In relation to training and operational review, recorded data can be a highly effective educational tool, enabling air traffic controllers to replay and analyse traffic situations they previously managed. In such cases, and for reasons of courtesy, trust and privacy protection, the prior agreement of all affected ATCOs should be obtained before data is used.

Furthermore, there are no objections to the use of recorded data, including computer readouts, by qualified technical personnel for the purposes of adjusting, testing, and/or repairing air traffic control equipment. Such use is considered a necessary and appropriate function to ensure the continued reliability and safety of ATC systems.

***“Access to recorded data shall be limited to authorised personnel. Authorised personnel shall be mutually agreed by the controllers’ representative and the appropriate authority. Recorded data used shall be identical to that presented at or originating from the relevant controller’s position.”***

***IFATCA is opposed to the use of visual AWR on the basis of invasion of privacy.***

***AWR shall only be used to aid in incident and accident investigations to improve aviation safety.”***

Since there may be differences of opinion or interpretation regarding who should have access to recorded data, it is essential that authorised personnel be clearly defined through a mutual agreement between the controllers’ representative and the appropriate authority. Such agreement helps ensure consistency, transparency, and trust in the handling of recorded data.

When recorded data is used to reconstruct events, it is of paramount importance that the material accurately and completely reflects what was presented to and / or originated from the controller’s working position at the time of the occurrence. The validity of any reconstruction depends on the fidelity of the recorded data to the operational reality experienced by the controller.

Any omission, alteration, or addition to the recorded data compromises the accuracy of the reconstruction and undermines the reliability of subsequent analysis. Such discrepancies may lead to incorrect conclusions and are therefore unacceptable. Ensuring that recorded data is an exact and unmodified representation of the controller’s operational environment is fundamental to fair, credible, and safety-focused investigations.

The use of visual AWR raises significant privacy concerns for air traffic controllers and, as such, must be approached with the utmost caution. IFATCA’s position reflects the need to protect controllers from intrusive surveillance practices that do not demonstrably enhance safety outcomes.

This collaborative approach recognises the sensitive nature of recorded data and supports its use strictly for safety-related purposes, in accordance with established policy and Just Culture principles. It also provides a structured framework for managing access in a way that protects both the integrity of investigations and the rights of air traffic controllers.

It should be noted, in some countries, national legislation may influence or prescribe access arrangements. Where this is the case, such legal requirements should be considered while striving to uphold the intent of this policy to limit access and prevent misuse of recorded data.

***“Prior to the installation of AWR, legislation shall be in place which prohibits the use of any area recorded information against a controller in any criminal or civil litigation. The legislation should provide for substantial penalties for any breach of the legislation.”***

***The AWR system, including user management and access to the recordings, should be managed by an independent authority within the ANSP, chosen jointly by management and Member Association(s).***

***Before being published in an incident or accident report, non-relevant information shall be removed from AWR transcripts.”***

Where the installation of AWR systems is contemplated, it is essential that a robust legislative framework be established in advance. Such legislation must explicitly prohibit the use of any recorded information against a controller in criminal or civil proceedings and include meaningful penalties to deter and address any misuse. Without these safeguards, the integrity of safety investigations and the principles of Just Culture are placed at risk.

To further ensure impartiality and trust, responsibility for the management of the AWR system—including user access and recording control—should rest with an independent authority within the ANSP, jointly selected by management and the relevant Member Association(s). This arrangement provides necessary checks and balances and helps prevent inappropriate access or use.

Finally, when AWR material is referenced in accident or incident reports, only information that is directly relevant to the safety investigation should be included. The removal of non-relevant data is essential to protect privacy and to ensure that published material remains focused on systemic safety issues rather than individual actions.

***NOTE: There is **no formal definition** for "Ambient workplace recordings" in the "Definitions" chapters of Annex 11, Annex 13, or ICAO Doc 4444. However, **Annex 11 (ATC Workstation Context):** While it does not use the specific term "Ambient workplace recording" in its requirements, it recommends that air traffic control units be equipped with devices that **"record background communication and the aural environment at air traffic controller workstations"**.***

## 7. Legal Assistance

IFATCA Policy is:<sup>9</sup>

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<sup>9</sup> TPM 2025, LM 7.3.1

***“When accidents or incidents involving air traffic controllers are brought before an investigation board or court of law, IFATCA shall endeavour to provide legal assistance, if so requested in a timely manner by the concerned MA or any Associated Professional member of IFATCA.***

***When seeking legal assistance from IFATCA, Member Associations shall establish contact with the Executive Board.”***

This policy reflects IFATCA’s commitment to supporting air traffic controllers and its Member Associations when controllers are involved in accidents or incidents that progress to formal investigation boards or judicial proceedings. Access to timely and appropriate legal assistance is an important safeguard to ensure that controllers’ rights are protected and that proceedings remain fair, proportionate, and focused on safety.

Effective support depends on early engagement. Member Associations are therefore encouraged to contact the Executive Board as soon as legal assistance may be required. Prompt notification enables IFATCA to assess the situation, coordinate support, and provide guidance or resources in a manner that is both efficient and aligned with IFATCA’s policies and objectives.

## **8. Foundational and General Policy on the Legal Liability of the Controller**

IFATCA Policy is:<sup>10</sup>

***Adequate legislative protection shall be provided to the air traffic controller in order to reduce such strains as may be engendered from improper legal status.***

***IFATCA can never support any controller who is guilty of gross negligence and/or flagrant dereliction of duty. However, the Federation shall reserve the right to use any legal means available to it to protect any member who is accused of such tort.***

***IFATCA defines that it should be necessary to prove “mens rea” (guilty mind) beyond all reasonable doubt, before a crime can exist.***

***All other cases where “mens rea” cannot be proven shall fall under Civil law, as opposed to Criminal Law. It shall be heard by a competent Civil Court, and shall be subject to the following conditions:***

- a) No controller shall be imprisoned pending a civil court hearing, nor after a civil court hearing if it is proven that a controller has committed a tort only;***
- b) No controller shall be subjected to disciplinary action under administrative law to have the administrative case heard prior to the Civil Court action. If there is likelihood of a Civil action, it would be fairer to transfer the controller to non- active duties without loss of any financial benefits in all cases, thereby avoiding prejudging the Civil Court's ruling;***
- c) Employing Agencies shall be responsible for the torts of their employees;***

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<sup>10</sup> TPM 2025, LM 7.1.1

- d) Military authorities and controllers shall be subject to the same legislation when either they are controlling general air traffic, or an accident occurs involving general air traffic and operational air traffic, the latter being under military control or flying without control;***
- e) IFATCA is not renouncing legal liability for air traffic controllers, but seeking only to keep it within reasonable bounds so that controllers may suffer less stress in carrying out their day-to-day duties.***

***IFATCA shall continue the efforts towards a suitable Convention limiting the Legal Liability of air traffic controllers.***

***In the event of an accident or incident that can be shown to have been caused wholly or in part due to inadequate standards, regulations, staffing, equipment and training or any other professional tool given to the ATCO, the employer should demonstrate that they are not vicariously liable whether or not such acts or omissions were specifically authorized by the employer.***

***Member Associations shall bring to the attention of their national administration written details of any persistent deficiency in order to create a deficiency data base and to emphasize their vicarious liability.***

***During the legal proceedings following an investigation, all legal representatives should consider the controllers work environment and any other pertinent factors that contributed to the incident or accident as an overall evaluation of the event (holistic approach).***

***The controller's employer should indemnify the controller for all damages and legal costs for defence incurred if a controller is held liable as a result of carrying out duties prescribed by the employer.***

***Aerodrome controllers cannot be held liable for any accident or incident that occurs on that portion of the aerodrome or its vicinity under their control if there is no direct visual observation of the area and a surface movement surveillance system is not in use.***

IFATCA is of the opinion that the criminal and civil prosecution of air traffic controllers following aviation accidents and incidents is generally not in the public interest. Aviation safety is founded on the operation of highly complex, technical systems that rely on human performance within defined regulatory, organisational, and systemic constraints. Applying criminal law to individual controllers without full consideration of these factors risks undermining safety by discouraging open reporting, cooperation, and learning.

This is a matter is not solely the existence of inappropriate laws, but rather how and where those laws are applied within a highly specialised technical area. Criminal prosecution in such circumstances often fails to account for systemic shortcomings, shared responsibilities, and the absence of criminal intent, while placing disproportionate personal and professional strain on individual controllers.

IFATCA therefore believes that this challenge should not be addressed through an international convention proscribing but rather through a shared international understanding of the detrimental effects that such prosecutions can have on aviation safety, Just Culture, and the effective functioning of air traffic services. This understanding must balance the legitimate interest of public accountability with the need to protect aviation professionals from inappropriate legal exposure.



Accordingly, adequate legislative protections that clearly distinguish between criminal acts involving proven intent and unintentional errors arising from the performance of complex operational duties, while ensuring that legal liability is applied fairly, proportionately, and in a manner that supports the overarching objective of aviation safety.

## **9. Summary**

This guidance material consolidates IFATCA policy on accident and incident investigation, grounded in the ICAO Annex 13 principle that the sole objective of investigations is the prevention of future occurrences—not the apportionment of blame or liability. Investigations are most effective when they are confidential, non-punitive, and structured to promote full disclosure, allowing air traffic controllers to participate openly without fear of disciplinary action or legal exposure.

Central to the policy is the establishment of a Just Culture as an essential element of a positive safety culture. IFATCA encourages reporting systems that protect reported data from misuse, ensure confidentiality by law, and are overseen in a manner that promotes trust and mutual respect between service providers and employee groups. These foundations enable organisations to learn from events, identify hazards, and strengthen system resilience—key characteristics associated with high reliability operations.

The policy also sets clear procedural safeguards for controllers involved in occurrences. These include the opportunity to be relieved from duty without prejudice or loss of pay, access to appropriate debriefing and support (including CISM), and the right to representation at any stage of an inquiry or investigation. Controllers and their representatives should be provided relevant contextual information in advance of questioning and must be able to participate meaningfully by asking questions and making representations, supporting a fair process and a complete understanding of operational realities.

To preserve Just Culture and protect individuals from harm, IFATCA requires the protection of identity for ATM staff involved in accidents or incidents and strongly limits the release and use of recorded data. Audio, video, and related recordings must remain confidential and must not be used as direct evidence in disciplinary proceedings or to determine competence. Where AWR is used, governance, access, and publication controls must be robust, with safeguards—especially regarding visual AWR—to protect privacy and prevent misuse, including the need for legislation prohibiting use in criminal or civil litigation.

Finally, IFATCA's commitment extends to legal support: when incidents or accidents progress to investigation boards or courts, IFATCA will endeavour to provide legal assistance when timely requested through the appropriate Member Association channels. Overall, this policy framework strengthens investigation integrity, protects controllers, and focuses the system on learning and continuous safety improvement.

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