



Ryanair's Irish fiction refuted by European Court of Justice

Irish plane, Irish employee? Court of Justice says 'No'

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European pilots welcome the landmark judgement by the Court of Justice of the European Union in the case of air crew against Ryanair and its temporary staff agency Crewlink. The decision brings a definitive end to Ryanair's fiction of considering a Ryanair plane as Irish territory, with Irish employees, subject to Irish jurisdiction. This claim has incorrectly designated Irish courts having jurisdiction over thousands of pilots and cabin crew and has deprived many of them from access to legal help at the place where they actually work.

[Today's decision](#) by the European Court of Justice clearly refutes Ryanair's rhetoric "Irish aircraft = Irish employee". Instead the Court states that the 'home base' of crews is the most 'significant indicator' to determine the employee's habitual place of work and which laws and jurisdiction apply to them. This brings urgently needed legal certainty for all crews in Europe.

"This ruling puts the convenient fantasy that aircraft registered in Ireland are somehow an airline's own 'private kingdom', to the flame", says ECA Vice-President Jon Horne. "This argument has been wrongly used to deny mobile workers all over Europe their fundamental rights and made them feel like subjects, not employees. The court not only clearly states that a worker's home base is their place of employment, but – in addition – that it is the real home base that matters, not an invention by some crafty employers."

"This Court ruling has repercussions well beyond Ryanair, says Philip von Schöppenthau, Secretary General of ECA. "There are many airlines out there that make use of highly questionable employment set-ups and doubtful contractual jurisdiction clauses. This EU-wide ruling makes it now possible to challenge such set-ups and will help plug the legal loopholes that allowed too many airlines to get away with practices that need to be examined and challenged by the courts."

The decision is a ray of light for the thousands of pilots and cabin crew across Europe who have struggled to find legal protection at the place where they actually work on a daily basis, forced to seek judicial redress in Ireland. Pilots and cabin crew can now derive their workers' rights and applicable law from the place of the home base as a general rule – unless proven otherwise on an individual case-by-case basis, or abused for 'strategies to circumvent the rules'.

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For further information, please contact:

Capt. Jon Horne, ECA Vice-President
Philip von Schöppenthau, ECA Secretary General
Tel: +32 2 705 32 93

Note to editors: ECA is the representative body of over 38,000 pilots from across Europe, striving for the highest levels of aviation safety and fostering social rights and quality employment for pilots in Europe. – Our Website: www.eurocockpit.be