



Committee on Employment and Social Affairs

2016/2062(INI)

14.10.2016

OPINION

of the Committee on Employment and Social Affairs

for the Committee on Transport and Tourism

on an Aviation Strategy for Europe
(2016/2062(INI))

Rapporteur: Ole Christensen

(*) Associated committee – Rule 54 of the Rules of Procedure

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SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas 4.7 million jobs in the Union are directly (1.9 million) and indirectly (2.8 million) generated by air transport, airports and the manufacturing industry¹; whereas a further 917 000 jobs elsewhere in the global economy are supported by the European aviation industry; whereas despite the fact that the aviation market in the Union has been booming in the period 2000-2013 with passenger traffic growing by 47 %, the number of jobs in aviation has remained stable or has even declined in some subsectors;
- B. whereas the aviation sector in the Union faces fierce and unfair competition such as unlawful state aid and non-compliance with international labour standards from carriers based in third countries; whereas this unfair competition puts European carriers under pressure, thereby causing job losses in Europe; whereas international labour standards and sound competition principles must be respected to ensure a level playing field;
- C. whereas new business and employment models have emerged due to increased internationalisation, liberalisation and global competition;
- D. whereas according to Eurocontrol air traffic in Europe is likely to be 50 % higher in 2035 than in 2012;
- E. whereas recent ILO findings suggest a deterioration of working conditions in the aviation sector; whereas greater diversification in contracts can be a tool for more flexibility, but can also be misused for purposes of ‘rule shopping’ to avoid paying social security contributions; whereas in some cases atypical employment can have a negative effect on social and labour rights, safety, competition, wages, health and safety and quality standards; whereas some airlines offer cadets a position with deplorable conditions, or even resort to pay-to-fly schemes where the pilot actually pays the airline to fly revenue-earning flights;
- F. whereas in some airspaces 94 % of delays are caused by a lack of capacity in area control centres (ACCs);
- G. whereas a study carried out by the University of Ghent found that more than one pilot out of six surveyed¹ was facing atypical employment conditions, e.g. being employed through a temporary work agency, or self-employed, or on a zero-hour contract with no minimum pay guaranteed; whereas low-cost airlines are by far the biggest users of atypical employment;
- H. whereas the mobile and transnational nature of aviation makes it difficult to detect social abuses and circumvention of labour standards and means that it is impossible to tackle the problems solely at national level;
- I. whereas the European social partners, in their Joint Declaration against EU-based Flags of Convenience in Aviation, have called on European legislators to take urgent action to

¹ Y. Jorens, D. Gillis, L. Valcke and J. De Coninck, ‘Atypical Forms of Employment in the Aviation Sector’, European Social Dialogue, European Commission, 2015

prevent the development of EU-based flags of convenience in aviation, or the importing of non-EU flags of convenience into the sector;

1. Welcomes the Commission's communication on 'An Aviation Strategy for Europe'; stresses that more efforts are needed to reinforce the social agenda and create and maintain high-quality jobs in aviation, as well as to strengthen the competitiveness of the European aviation sector; believes that ensuring a level playing field in the sector is crucial; encourages the Commission to come forward with concrete initiatives in order to prevent unfair competition and protect workers' rights;
2. Points out that there are significant differences between Member States as regards working conditions and social protection and that undertakings exploit freedom of establishment in order to reduce costs; calls on the Member States to put a stop to this damaging competition;
3. Highlights the importance of having strong, independent social partners in the aviation sector, a regular, institutionalised social dialogue at all levels, and the participation and representation of employees in company matters; insists on a proper consultation process and strengthened social dialogue ahead of any EU initiative concerning the aviation sector;
4. Underlines that the right to form and join a trade union and to undertake collective action is a fundamental right and must be respected, as laid down in Article 12 of the Charter of Fundamental Rights of the European Union; rejects any attempts to undermine the right to strike in the aviation sector;
5. Urges the Commission and the Member States to closely and continuously monitor employment trends in European civil aviation and, where necessary, regulate new business and employment models; suggests that the European Aviation Safety Agency (EASA) could scrutinise new business and employment models in order to ensure aviation safety; insists that EASA involves the social partners in such a task;
6. Stresses that bogus self-employment in aviation has significant negative consequences with regard to aviation safety, the social protection of workers as well as fair competition in the market; calls on the Commission and the Member States to increase efforts to combat bogus self-employment in the aviation sector; encourages the Member States, where necessary, to provide for a clear distinction between employees and self-employed persons, in collaboration with the social partners;
7. Welcomes attempts by the social partners to negotiate an agreement on the working conditions and social rights of employees in the European aviation sector; encourages them to negotiate collective agreements in all parts of the aviation sector in line with national laws and practices, as they are an effective instrument in combating a race to the bottom regarding social, working and employment standards and in ensuring decent remuneration for all workers;
8. Stresses that there is no need for any further liberalisation of groundhandling services at Union airports; stresses the need to ensure better working conditions, higher levels of qualification, safety and better quality services in the groundhandling sector; calls for clarification of the concept of 'economic entity', with a view to extending the benefits of Directive 2001/23/EC to groundhandling workers in case of a call for tender or partial loss of activities;

9. Draws attention to a number of instances of unfair competition in the aviation sector; recalls that unfair competition can contribute to the degradation of working conditions; calls on the responsible authorities to adequately sanction any misconduct in this regard;
10. Believes that precarious working conditions, which are particularly common for young pilots and crew members, constitute a safety risk; insists that direct employment remains the standard model of employment in aviation; calls on the Commission and the Member States to ensure decent working and employment conditions;
11. Calls on the Commission and the Member States to present proposals on how to prevent indirect employment being misused to circumvent EU and national legislation on taxation and social security in the aviation sector;
12. Notes that all airlines operating in the European Union must be fully compliant with EU and Member State social and employment requirements;
13. Calls on the Commission to ensure that working conditions for staff, especially pilots, are such as to prevent safety standards being compromised as a result of excess fatigue;
14. Calls on the Commission and the Member States, on the basis of respect for the competences of each, to come forward with legislative initiatives to prevent flags of convenience, 'rule shopping' and unfair competition, also with regard to zero-hour contracts and pay-to-fly schemes in European commercial aviation, in order to guarantee fair working and employment conditions;
15. Calls on the Commission and the Member States to ensure the application and proper enforcement of labour law, social legislation and collective agreements for airlines operating in a given Member State;
16. Calls on the Commission to ensure the proper application of Regulation (EC) No 1008/2008 and to evaluate the necessity of reviewing this regulation in order to improve the 'principal place of business' criteria;
17. Calls for clarification and consistent application of the 'home base' criterion in order to ensure that it determines applicable social, employment and taxation legislation for all aircraft operations of carriers holding an EU Air Operator Certificate (AOC), both in the internal market and in international operations; believes that no employee should be in doubt on the applicable labour legislation or on where he or she is entitled to social security; draws attention to the special situation of highly mobile workers in the aviation sector in this context, and calls for better coordination of social security systems within the EU;
18. Demands that all aircrew from third countries fully comply with EU/EASA licensing requirements in order to be allowed to operate EU-registered aircraft; stresses the need to prevent and clamp down on social dumping and any form of exploitation of workers or illegal use of aircrew from third countries on board EU-registered aircraft, in order to ensure fair working conditions and a high level of safety; calls in this context on the Commission to extend the application of the Single Permit Directive (2011/98 EU) to mobile workers in civil aviation; recalls that crew from third countries have the same rights in terms of labour protection and working conditions as EU-based crew;
19. Insists that any agreements in the field of EU external aviation policy must include respect

for human rights and the relevant ILO conventions, as well as effective means of enforcement, including the denial or withdrawal of landing rights; calls on the Commission to ensure that negotiations with third countries do not lead to aviation agreements that undermine the protection of workers or social standards in Europe;

20. Emphasises that when enforcing the regulation on ‘Occurrence Reporting in Aviation’ it is crucial to report regularly on incidents regarding crew fatigue or contaminated air in the pilots’ cabins, in order to improve standards of crew health and the safety of flying personnel as well as passengers;
21. Reiterates that any agreement on aviation must include respect for human rights and fundamental freedoms as enshrined in the European Social Charter and the EU Charter of Fundamental Rights;
22. Regrets that requirements for third-country airlines operating to and from airports in the Union today are non-enforceable or even non-existent; insists that unfair competition from third-country airlines due to, e.g., direct and indirect state aid, subsidies or exploitation of workers must be effectively addressed, and that existing tools to counter unfair competition must be thoroughly evaluated and, where necessary, updated; firmly believes that as long as fair competition clauses, including respect for workers’ rights, are not included in air transport agreements with third countries, their rights to operate in the Union should be limited;
23. Calls on the Member States to invest in lifelong education and training in all parts of the aviation value chain, as the success of European aviation is highly dependent on skilled workers and innovation; recognises the need to address any skills gaps which may emerge; emphasises the importance of partnerships between education institutions, research centres and the social partners in order to update training programmes and ensure they reflect labour market needs; recommends that theoretical and practical components and internships be incorporated in educational programmes and that particular attention be paid to the latest technological developments, such as drones;
24. Calls on the Commission and the Member States to ensure sufficient public and private investment in research and development in the aviation sector; highlights in this context the importance of manufacturing and service provision along the aviation value chain, as being of high importance for employment and growth; firmly believes that their role must be better addressed in the aviation strategy;
25. Stresses that the European pilot’s licence should ensure a high level of safety and security, since this is to the benefit of all staff and passengers; notes that the recruitment of non-holders of a European pilot’s licence may lead to a general reduction in pilot salaries;
26. Believes that a network of aviation training institutes under the auspices of the EASA Virtual Academy would help to establish common training and safety standards;
27. Calls on the Commission and the Member States to establish a certification system for educational centres that provide training for cabin crew, in order to enhance safety and security;
28. Recommends that common standards regarding the competences of aviation safety inspectors should be established;

29. Reminds the Commission that the Single European Sky (SES) liberalisation process, and in particular the performance scheme for the Air Navigation Service Providers (ANSP), should not be implemented to the detriment of the working conditions of highly skilled operational personnel or lead to cuts in investment in new technology and training of new personnel; encourages the Commission to consider how to avoid such a development, since it would not serve the goal of a better, more effective and more productive air traffic service in Europe;
30. Calls on the Member States to guarantee all workers in the aviation sector decent working conditions, including health and safety at work, regardless of the size and type of company which employs them, the place of employment or the underlying contract; stresses that this includes protection against exposure to particle pollution in airports; stresses the need for transparent rules on occupational health and safety in the aviation sector which must make all aircraft with an EU AOC subject to regular oversight in respect of national competence;
31. Stresses the need for regular monitoring of the psychological wellbeing of air crew to ensure their health and safety at work; highlights the importance of rest time for air crew, to ensure the maximum level of safety and security during their working time;
32. Insists that the need for further clarification of applicable law and competent courts vis-à-vis the employment contracts of mobile workers in aviation should be assessed in close cooperation with the representatives of those workers;
33. Calls on the Commission and the Member States to prevent social abuses and circumvention of labour standards by guaranteeing protection for those providing information, facilitating open reporting and enhancing cooperation between Member States' labour inspectorates;
34. Calls on the competent authorities to improve the current situation regarding ACCs by, for example, increasing staff numbers and improving working conditions, in order to handle the projected increase in air traffic and reduce the number of delays and congestion in EU airspace;
35. Urges the Commission and Member States to ensure better implementation and enforcement of the existing Union legislation in the aviation sector.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	12.10.2016
Result of final vote	+: 46 -: 6 0: 0
Members present for the final vote	Laura Agea, Guillaume Balas, Brando Benifei, Vilija Blinkevičiūtė, Enrique Calvet Chambon, Ole Christensen, Martina Dlabajová, Lampros Fountoulis, Elena Gentile, Arne Gericke, Marian Harkin, Czesław Hoc, Danuta Jazłowiecka, Agnes Jongerius, Rina Ronja Kari, Jan Keller, Ádám Kósa, Agnieszka Kozłowska-Rajewicz, Jean Lambert, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Javi López, Morten Løkkegaard, Thomas Mann, Dominique Martin, Anthea McIntyre, Joëlle Mélin, Elisabeth Morin-Chartier, Emilian Pavel, João Pimenta Lopes, Georgi Pirinski, Marek Plura, Terry Reintke, Anne Sander, Sven Schulze, Siôn Simon, Jutta Steinruck, Romana Tomc, Yana Toom, Ulrike Trebesius, Marita Ulvskog, Renate Weber, Tatjana Ždanoka, Jana Žitňanská
Substitutes present for the final vote	Georges Bach, Deirdre Clune, Tania González Peñas, Dieter-Lebrecht Koch, Neoklis Sylikiotis, Flavio Zanonato
Substitutes under Rule 200(2) present for the final vote	Raymond Finch