



ECA
Piloting Safety

PRESS RELEASE

Maltese pilot dismissals and subsequent bogus self-employment are illegitimate and must be annulled

Brussels, 3 Aug. 2020

The European Cockpit Association, representing over 40.000 pilots in Europe extends its support to the 69 pilots of Air Malta, who were dismissed by the company in June 2020, and warns against the Government of Malta promoting precarious atypical aircrew employment.

ECA President Jon Horne: “The treatment of Air Malta’s pilots is a stark example of COVID-19 being used as an excuse to undermine worker’s rights, and must not be tolerated.” Air Malta have not conducted a proper consultation process as required by EU legislation. Furthermore, and contrary to EU law, the jobs of Air Malta are being replaced by bogus self-employed crews recruited by a UK agency following Air Malta’s decision to allegedly transfer charter operations to the wholly-owned Government of Malta company, Med Air.

In other jurisdictions such as the Netherlands, Spain and Belgium, judges have annulled the dismissals when employers have not respected statutory collective dismissal procedures. Judges obliged employers to respect the European transfer of undertaking provisions that forbid dismissals during transfers and guarantee the respect of employee rights enshrined in collective agreements. Furthermore, a basic principle of social law is that contractors cannot take over direct employment following dismissals.

“It is not acceptable that the Maltese authorities themselves facilitate replacing direct employment with precarious atypical jobs via foreign broker agencies through self-employment” states Philip von Schöppenthau, ECA Secretary General. “Rather than Malta becoming a ‘Flag of Convenience’ and sponsoring social engineering through precarious broker-agency set-ups, bogus self-employment must be actively fought to preserve a level playing field in the European Aviation Market and the rights of European workers.”

Jon Horne: “COVID-19 is hitting workers across Europe very hard. Aviation is one of the sectors that suffers most. We urge the Maltese Government to resolve the issues with Air Malta, using EU funds and any other means available, in order to provide fair support for the duration of the crisis. We also call on the Government of Malta to ensure that the rights of workers, including pilots, are respected and that no opportunistic behaviour threatening social sustainability is allowed.”

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Note to editors: ECA is the representative body of over 40.000 pilots from across Europe, striving for the highest levels of aviation safety and fostering social rights and quality employment for pilots in Europe. – ECA Website: www.eurocockpit.be