

AIRE Position Paper on de-regulation of employment in the airline sector

On March 14, the European Parliament Committee on Transport and Tourism (TRAN) invited Patrick Ky, executive director of EASA, to present the Agency's [report](#) on *interdependencies between socio-economic factors and civil aviation safety*.

The study highlights the rise in “atypical forms of work contacts” (via a contract with a temporary work agency and self-employment) among air crew in the recent years.

AIRE welcomes EASA's finding that “*safety records and safety reports available to the Agency do not show any correlation between the forms of contracts used by a given airline and the safety records of that airline*” (EASA Article 89 report, section 3.1.7). As the cornerstone of its views, AIRE stands for de-regulation in the airline sector which includes freedom to conclude various forms of contract between an airline and pilots and/or cabin crew.

Below are the key points of AIRE position on this matter:

- De-regulation of the employment market in the airline sector is the natural consequence of the de-regulation of the sector itself.
- This de-regulation was decided by the EU (Commission and Member States) and has given rise to new business models bringing economic added value to the European market. Connectivity (economic and social) has been significantly improved thanks to airlines making flying affordable to many.
- The EU Member States have chosen to retain their national competence on labour, social and fiscal rules. The absence of harmonization across Europe is a political decision and airlines should therefore not be made responsible for closing the gap in harmonizing the employment rules and conditions and should not be wrongly accused of “legislation shopping”.
- Labour law allows the parties the freedom to choose the form of employment and the applicable legislation. This freedom of choice corresponds to demands from both contracting parties for a higher degree of flexibility.
- One should not underestimate the factor of seasonality in airlines' business models, as well as pilots' preferences in exercise of their professional activities. Atypical employment is designed to take into considerations airlines' seasonal, geographical and customer focus, while, on the other hand, giving air crew flexibility depending on their personal circumstances and planning.
- As demonstrated in EASA report, the type of contractual relationship between airlines and crew is irrelevant to an air carrier safety level. It is the compliance to safety regulations that safeguard safety. It is therefore not appropriate to challenge the freedom to choose the form of contractual relationship in the airline sector any more than in any other sector.

Restricting the freedom to contract would indeed be equivalent to a backwards regulation of the airline sector with very damageable consequences on the economy, connectivity and employment. The review of the Air Services Regulation 1008/2008 should not be misused to promote the regulation at EU level of the airline - crew contractual relationship.