

Final report of the discussion

Global Dialogue Forum on the Effects of the Global Economic Crisis on the Civil Aviation Industry

(Geneva, 20–22 February 2013)



GDFCAI/2013/11

INTERNATIONAL LABOUR ORGANIZATION

Sectoral Activities Department

Final report of the discussion

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on the Civil Aviation Industry**
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Geneva, 2013

INTERNATIONAL LABOUR OFFICE, GENEVA

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Introduction

1. The Global Dialogue Forum on the Effects of the Global Economic Crisis on the Civil Aviation Industry was held at the International Labour Office in Geneva from 20 to 22 February 2013. The Governing Body of the ILO had proposed the convening of the Forum at its 310th Session (March 2011)¹ and approved the composition of the Forum at its 315th Session (June 2012).² Based on the agreed points of discussion, the Office prepared an issues paper³ to serve as a basis for the Forum's deliberations.
2. The purpose of the Forum was to discuss the effects of the economic crisis in the civil aviation industry, in order to reach a common understanding of the difficulties the industry has undergone due to structural change, and a better understanding of the effects of the low-cost carrier (LCC) model on the industry as a whole, as well as consensus on a common approach that could contribute to a more sustainable industry.
3. The Chairperson of the Forum was Ambassador Mr Roderick van Schreven (the Netherlands). The Government group coordinator was Mr Niyonkuru (Burundi). The Employers' and Workers' group coordinators were respectively Mr Stienen (the Netherlands) and Mr Richardson (United Kingdom). The Secretary-General of the Forum was Ms van Leur, Director of the Sectoral Activities Department (SECTOR), the Deputy Secretary-General was Mr Wagner, the Executive Secretary was Mr Seligson, and the coordinator of the secretariat services was Ms Than Tun.
4. The Forum was attended by 144 participants, including 55 Government representatives and advisers, as well as 57 Worker and 17 Employer participants, and 15 observers from international governmental organizations (IGOs) and non-governmental and international organizations (NGOs).
5. The Secretary-General of the Forum welcomed participants to the ILO, recalling that the previous meeting on civil aviation had been held in January 2002 in the aftermath of the attacks of 11 September 2001. The industry was vulnerable to external crises and shocks, as had been further illustrated by the SARS pandemic, the 2008 global economic crisis and the disruptions caused by the volcanic eruption in 2010. Over the preceding decade, the industry had undergone considerable change with unprecedented growth in passenger volumes, alliances between airlines and the emergence of LCC. From the point of view of passengers, those changes had increased the range of available options and had made air travel affordable for many. Factors in growth were the globalization of the economy and the gradual deregulation of the industry. Market forces also played an increasing role across the air transport value chain. All those changes had had a profound impact on the industry and on the people working in its different sectors. In some areas, growth had created jobs, while in others jobs had been lost and working conditions had deteriorated. Therefore, the crux of the Global Dialogue Forum was to analyse the changes in the industry and the role that the ILO could play to promote decent work for all, through the implementation of the four strategic objectives of the Decent Work Agenda: creating jobs; guaranteeing rights at work; extending social protection; and promoting social dialogue.

¹ GB.310/STM/1 and GB.310/14(Rev.).

² GB.315/INS/8.

³ Civil aviation and its changing world of work, is available online at http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_201282.pdf.

She welcomed the broad participation from Worker, Employer and Government representatives and pointed out that the meeting would consider all components in the value chain. Various IGOs and NGOs were also present. One of those organizations was the International Civil Aviation Organization (ICAO), the United Nations agency to promote the safe and orderly development of civil aviation, which had signed a Memorandum of Understanding (MoU) with the ILO in 1953. There was great scope for further cooperation between the two organizations in the future. A similar example of cooperation was the agreement signed by the ILO and the International Maritime Organization (IMO) in 1959. It had provided for regular consultations on common areas of interest in the maritime sector and, recently, working groups had been set up to work on specific sectoral issues. A product of that collaboration included guidance on seafarers' medical examinations.

6. The Chairperson welcomed the participants to the Global Dialogue Forum observing that few industries were as broad as the civil aviation industry. The purpose of the meeting was to discuss the effect of the economic crisis, as well as other crises, on the industry. Promotion of social dialogue would lead to decent working conditions and create a sustainable industry.
7. The Executive Secretary presented the issues paper.⁴ The aviation industry brought together many actors and employed more than 8 million people worldwide. Although it was highly international, it remained firmly anchored in countries, and despite partial deregulation it remained highly regulated by governments, national and international regulatory bodies. The industry was characterized by widely varying job profiles and industrial relations, its sensitivity to seasonal fluctuations and the perishability of its products. Over the last decade, the sector had undergone a number of crises: the terrorist attacks on 11 September 2001; the outbreak of SARS in 2002–03; the economic crisis of 2008–09; and the volcanic ash problems in 2010. Those crises had highlighted the industry's vulnerability to social, economic and environmental factors.
8. Air traffic had grown exponentially between 1970 and 2010 and was predicted to grow by 4 to 6 per cent between 2008 and 2027. The civil air industry did not only transfer people, but also cargo, and although only 0.5 per cent of world cargo was transported by air, that figure represented 35 per cent of global cargo value. However, airline profit margins since 1970 had followed a flat curve of approximately 0.1 per cent growth. Notably, airlines had undergone strong growth in the Middle East, creating a major international hub in that region. LCCs had also undergone rapid growth to represent a quarter of the total available seat capacity. Airlines still got their money mostly from selling tickets and transporting cargo; however there had been a marked growth in so-called ancillary revenues. For example, many airlines would charge separately for a reserved seat, a piece of luggage or for the right to board the plane among the first. Airports had also undergone much change. There was wide variation in the size and ownership of the 1,670-odd airports worldwide, but they remained important sources for employment. They had historically been natural monopolies; however competition had recently intensified as airlines had a greater choice of where they could fly from. The land-side operations of airports were being increasingly outsourced to external providers.
9. The air transport industry provided nearly 8.4 million direct jobs in 2010, which could be broken down into four groups: airlines and handling agents; airport operators; others working on site at airports; and workers in the civil aerospace industry. Trends in the United States, for example, showed that before 2001, employment grew alongside revenue passenger miles. After 2001, employment decreased while revenue passenger miles

⁴ GDFCAI/2013.

increased. Bankruptcy forced several airlines to proceed to lay-offs and industrial relations had deteriorated. In addition, aviation infrastructure constraints caused congestion and delays leading to customer dissatisfaction. Despite national and international restrictions on mergers, alliances between airlines had been a way of consolidating the industry.

- 10.** Air traffic was regulated through approximately 4,000 bilateral air service agreements which had, in some cases, been replaced by multilateral so-called open skies agreements. The regulatory framework continued to rely heavily on airlines' nationalities but airlines were becoming increasingly international by contracting out their services. The idea of flags of convenience (FOC) in civil aviation had been much discussed within the ICAO but there was concern that economic liberalization should not compromise safety and security or result in substandard working conditions.
- 11.** Historically, labour costs represented the largest single cost for airlines. In recent years, fuel prices had exceeded that cost and could not be controlled by airlines, making labour costs the only controllable factor through wage reductions, layoffs and outsourcing. Job profiles in the industry were highly segmented and largely gender divided. In Air France, for example, women accounted for 66 per cent of cabin crew but only 5 per cent of pilots. In view of high labour demands, more equality could contribute to a more sustainable industry.
- 12.** The challenges faced in building a sustainable industry included infrastructure constraints, shortage of specialized skills, economic viability and environmental performance. There were also a number of challenges for decent work. Industrial relations were hampered by complex trade union and collective bargaining systems, as well as national restrictions. Occupational safety and health (OSH) issues, such as jetlag, radiation, fatigue and injuries were also of great concern as they were directly linked to aviation safety. Migrant workers encountered discrimination and lack of social protection within the industry. Social dialogue had shown the potential to resolve potential economic and social problems, and to foster economic progress. In that context, the role of the ILO was to promote decent work in the industry in order to create jobs, guarantee rights at work, extend social protection and promote social dialogue. There was great potential in applying the Decent Work Agenda to the air transport industry through collaboration with partners such as the ICAO, with the common goal of developing a sustainable air transport industry.
- 13.** The representative of the International Organisation of Employers (IOE) voiced a complaint regarding his group's contribution to the ILO's press release on the Global Dialogue Forum, which had not been accurately reflected, suggesting a bias against the industry's employers.
- 14.** The Employers' group coordinator stressed the importance of follow-up to the Forum by discussing and further elaborating on the role of the ILO. Change was a fact of the industry, and it was crucial to find proper answers to it. The keyword was "agility", in terms of regulation, contracts, industrial relations, and providing sustainable employment. Workers and employers were capable of engaging in social dialogue and, to that end, governments should provide a level playing field through a rationalization of regulation.
- 15.** The Workers' group coordinator pointed out that the challenge over the following days would be to work together. A framework for sustainable growth in the civil aviation industry was needed. It should be sustainable economically to ensure profitability; sustainable socially to ensure that benefits were shared with those who worked in and accessed the industry; and sustainable environmentally. The Workers' group wished to work with the Government and Employers' groups to identify common ground on economic and social issues. The group endorsed the focus on follow-up. Although different regions were impacted in different ways, there was a distinct need for

infrastructural development. The success of the Forum would be measured by its success in establishing a framework for social dialogue in the industry.

16. The Government group coordinator said that it was important for Government representatives to take part in the Forum. It was a good opportunity to share experiences with other countries, stakeholders and other organizations. The issues of infrastructural needs and fair competition between the different stakeholders needed to be addressed. Government policies would be affected by the outcome of the discussion between the stakeholders.
17. A representative of Aircraft Engineers International (AEI) said that the Forum should seek to identify common goals. It should be in no one's interest to lower standards and good employers and good examples should be encouraged.
18. A representative of the International Air Cargo Association (TIACA) highlighted the importance of air cargo in terms of value. However, in terms of technological progress, cargo handling was far behind air travel (for example, paper waybill versus e-tickets). There was concern that airlines were being hampered by security measures. Decent work was required in order to attract and retain workers in view of the loss of prestige in the industry and the ensuing shortage of a skilled workforce.
19. The Employers' group coordinator disagreed with possible suggestions that choices made in the sector only benefited employers. Choices were made in accordance with demands from the industry. The industry struggled to be profitable and had to be receptive to demands from the markets. He also refuted the notion that airlines prioritized cuts in labour costs over other areas.

First point for discussion: What have been the effects of the economic crisis and other crises since 2000 on civil aviation, what difficulties did the industry undergo due to the structural change, and how have low-cost carriers affected the industry as a whole?

20. The Executive Secretary of the Forum introduced the first point for discussion noting that the purpose was to arrive at a common understanding of the state of the industry. The discussion point made three assumptions: firstly, that the crises had had a major effect on the industry; secondly, that the industry had undergone structural changes with difficulties; and thirdly, that LCCs had affected the industry. Discussion could cover the different impacts on different players and regions.
21. The Workers' group coordinator stated that the principal effect of crises was the introduction of unfair forms of competition, from either LCCs or legacy airlines. That had had a serious impact on workers' rights and decent work, and there was sometimes fundamental difference in respect of rights across the world. The Forum could establish an ongoing dialogue to avoid unfair competition for the benefit of the industry and its workers. The application of core ILO labour standards, regarding freedom of association and collective bargaining in particular, involved workers' and employers' organizations and therefore they would have to work together. He further emphasized the need for transparency, to avoid unnecessary taxes, and to protect workers' rights. The industry could learn from the maritime industry to avoid FOCs and their social consequences. An agreed framework for the industry would ensure a level playing field for workers' rights as well as for airlines and operators.

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22. An Employer participant from France remarked that the presentation by the Executive Secretary had not sufficiently emphasized the fact that, whereas air transport in the past had been concentrated in Europe and the United States, many new markets and new operators had emerged, inter alia in China and India. As stated by Government, Employer and Worker participants, there was a need for fair competition. However, competition had always existed, but the current situation was different. LCCs should not be slighted as long as they respected the same rules as everybody else. Social dialogue tended to be looked at in isolation of economic factors. In the interest of encouraging fair competition, airlines should provide transparent management, for example on handling and airport fees. Economic factors had a major impact on labour issues and in the current situation, airlines would have to adapt or die.
 23. The Government group coordinator explained that governments could see that the tourism industry had been very much affected by the crises. There was a direct correlation between people's purchasing power and their ability to travel. Furthermore, crises had affected investments in the aviation industry, as operating costs had risen which had negatively affected the ability to operate. Another issue was the impact of regulation on airlines. Liberalization brought about issues such as social dumping, defined as the effect of the free movement of personnel from country to country, whereby those who could not pay more were deprived of their human resources. The situation called for labour regulation and the governments looked for inspiration in the maritime sector. The LCC issue required clarification, as to the challenges in terms of infrastructure and regulation, and what could governments do to encourage LCCs without violating the rights of other operators in terms of fair competition.
 24. The Employers' group coordinator explained that the Employers were looking for more consistency in regulation. Governments should not deregulate and at the same time add regulations. There were areas requiring regulation and areas where regulation could be relaxed. Regulation of the industry should be consistent and focused on creating a level playing field.
 25. The Workers' group coordinator stated that the Workers wanted to make a distinction between liberalization and deregulation. They did not wish to see deregulation, but rather liberalization with strong regulation to establish a level playing field and social dialogue. He recognized that, for employers, profitability and economic and environmental sustainability were important, but noted that for the workers, rights and decent work were paramount. Referring to "liberalization with regulation" was preferable to "deregulation".
 26. An Employer participant from the United States presented developments in his country, noting the emergence of new LCCs over the past decade alongside other new forms of competition. There were other competitive means of communication and short-haul transport, such as Skype, teleconferences, and the use of buses and cars. Over the past decade, the United States domestic market had undergone permanent structural changes, with a flat growth curve in domestic air travel despite population growth. Another direct competitor was the rail transport system, which was subsidized by the Government. The industry needed to look at ways to attract passengers back to airlines. Unnecessary taxes and regulation, especially in the short-haul market, needed to be reduced as they had driven passengers away.
 27. An Employer participant from Switzerland was concerned about the use of the phrase "level playing field" because it was not a reality in the world. Some types of airlines were not going to be able to compete on a level playing field in some places. The important concept was that regulation needed to be consistently and evenly applied. Civil aviation was a global industry and required global regulation. However, it was currently only regulated nationally and subject to national labour laws, creating a multiplicity of regulations that prevented the establishment of a level playing field. Where laws existed

they should be applied consistently and fairly, but the industry should be regulated at a global level. There had already been good examples of global dialogue on safety, which had led to the lowest ever accident record. That was the direction in which the industry should be going.

- 28.** He explained that the industry was and had always been cyclical and that it had suffered a number of crises in the past 40 years. Air cargo was a leading economic indicator and a downturn in air cargo meant that a decrease in passenger numbers would also occur. Individual shocks such as the outbreak of SARS in 2003, an ash cloud in 2010 and hurricane Sandy in 2012 had exacerbated the situation. Since the downturn in 2008–09, passenger travel was growing again, but the increase of freight traffic had been weaker, firstly due to a shift of cargo from air to sea, and secondly due to relatively weak business confidence, which was closely linked to passenger traffic. Markets like China and India remained strong, the United States was stable and, after having experienced a hit, Japan was now stabilized.
- 29.** The global economy had reached the “stall speed”, where global GDP growth fell below 2 per cent and net post-tax profit margins began to reach negative numbers. However, a slight upturn was expected towards the end of 2013. High oil prices as well as strong fluctuations were very problematic, as airlines were forced to reduce other costs but could not then react quickly enough to variations. The “crack spread” – the difference between crude oil price and jet fuel price – was increasing and would represent an additional challenge. Airline profits were likely to remain fragile in 2013 and probably 2014. The profit forecast for 2014 was of US\$8.4 billion net with total revenues of US\$560–650 billion, which would far from cover capital costs. The situation was worst in Europe, while the United States, Asia and the Pacific, Latin America and the Middle East fared better. However, even in the best years, airline returns would always be insufficient to cover cost. The airline industry would not provide competitive returns on the money invested compared to the risks taken. The civil aviation industry did a good job helping other industries make money but a bad job at making money itself. Periods of profitability would be followed by longer periods of unprofitable growth.
- 30.** Nevertheless, the forecast for 2013–14 was optimistic, because the industry had grown rapidly at an average rate of 5 per cent over the last 40 years and was set to continue growing in the future. However, growth would not be uniform. Mature markets such as Europe would experience much slower growth than economies such as China and India. Africa would still represent a small market but would be expected to see significant growth. Central and South America were also expected to grow rapidly. Growth would create jobs in the industry, which had a reputation for providing good jobs. However, attracting people into the industry would be a challenge, as the industry was not as glamorous as it used to be. Demand for air transport was going to remain strong and continued growth was expected in air. Therefore, the industry, which on average accounted for 4 per cent of individual national economies’ GDP, remained important in the global economy and would continue to be a desirable place to work.
- 31.** The Workers’ group coordinator explained that his group wished to go into further detail at the regional level, which would differ from the global trends with regards to the effects of the crises on the industry.
- 32.** A Worker participant from Jordan informed the Forum that in the Middle East region and in the Gulf area particularly workers were not allowed to form unions and workers’ rights were often abused. When airlines underwent restructuring, their first action was to dismiss workers, who were mostly migrants. Airlines needed to recognize their social responsibilities.

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- 33.** A Worker participant from Argentina noted that Latin America had witnessed important economic growth in recent years. The commercial market offered great opportunities for the expansion of civil aviation. There had been a decade of privatization that had done away with national airlines, and positive changes had resulted from the fall of various military regimes. However, maintenance and airport costs had contributed to the decline of many airlines in countries such as Chile, Peru or Uruguay. Trade unions had disappeared and some companies, often low-cost companies, would not allow trade unions. In addition, low investment in airline companies, as seen in Argentina, had led to dismissals, sometimes only to save small amounts of money. There were two ways to get through crises: either through privatization or through state intervention. There were many examples of that in Latin America, especially in LAN. Levels of unemployment exceeded 20 per cent in parts of the region due to outsourcing and liberalizing policies. Low-cost airlines were starting to operate in the region, which had had an impact on working conditions, as well as on skill levels among workers.
- 34.** A Worker participant from Ethiopia, speaking on behalf of workers of the African region, noted that tripartite dialogue, which was an important part of the culture in Europe, was on the rise in Africa. The industry was facing fierce competition and management teams were forced to outsource and liberalize. There were major decent work challenges in the form of opposition to unionization, non-observance of workers' rights and a weak OSH environment. Migrant workers constituted another major issue, as many local pilots migrated to other countries, in particular the United Arab Emirates. That had an impact on the level of skilled workers and their ability to negotiate with the management of companies. In South, West and East Africa, civil aviation was a very volatile industry and ways of dealing with external pressures needed to be found.
- 35.** A Worker participant from India, speaking on behalf of workers in the Asia and the Pacific region, said that civil aviation was experiencing a number of problems. The region was dominated by carriers from Gulf countries. Local airlines only held 14 per cent of the market share. In South Asia, local airlines were becoming extinct, service conditions were deteriorating, and jobs were being cut. While in the past the creation of national airlines reflected countries' interests in national security, that was no longer the case. A large number of low-cost domestic and international airlines had had a negative impact on national airlines, as they did not provide decent service conditions or conditions conducive to collective bargaining. LCCs also created problems in many other parts of the region. Measures needed to be taken to ensure that workers in civil aviation enjoyed decent working conditions. The 2002 ILO meeting had identified a need for social dialogue. The lack of follow-up to the 2002 meeting made the follow-up to the conclusions of the present Forum all the more important.
- 36.** A Worker participant from Japan, a former captain at Japan Airlines, explained that when the company went bankrupt in January 2010, 81 pilots and 84 cabin crew were dismissed on the basis of past sickness and absence records and age. That took place without negotiating with the unions or considering other options. The ILO Committee on Freedom of Association issued a report on that matter in July 2012. However, neither the Government of Japan nor the management of Japan Airlines had made any efforts to settle the case. Recent deregulation in the industry and emerging LCCs had led to deterioration in working conditions, and increasing numbers of contractual and non-unionized workers.
- 37.** The Workers' group coordinator noted that, while earlier presentations and interventions had had a European and North American focus, the Workers' group wanted to present the situation from different parts of the world, describing the pressures faced by workers in different countries.

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38. The Employers' group coordinator noted that the Workers' presentations on their experiences should be to give a sense of the global picture. Commenting on the intervention by the Worker participant from India, he pointed out that the industry had room for different business models. What needed to be ensured was that there were rules that were applied equally to all business models.
 39. The representative of the ICAO noted that there still existed geographic, regulatory and economic fragmentation, which was probably one of the most important impediments to economic sustainability and to uniting air transport stakeholders. The Sixth Worldwide Air Transport Conference, 18–22 March 2013, would discuss guidelines and an action plan for a global regulatory framework in key areas of air transport. The recommendations from that conference were expected to support the economic development of air transport at a global level.
 40. The Employers' group coordinator acknowledged the importance of discussing LCCs, but felt that it needed to be recognized that there was room in the industry for many different types of business models. There were rules and that was essential. Regarding the exploration of different options prior to dismissals, the airline's agility was key and dismissals were more likely to be avoided where airlines were prepared to respond to challenges.
 41. The Workers' group coordinator stressed that a distinction should be made between LCCs and low-fare airlines. The latter tended to play by the rules, for example in terms of labour, airport obligations, leasing aircraft, and maintenance. Low-fare airlines were based on a simple point-to-point and often regional model, whereas LCCs were based on lowering costs, often by attempting to circumvent the rules, for example, by off-shoring labour costs, particularly to jurisdictions where labour law was more flexible. The Workers were not against the low-fare model but were concerned about LCCs in the cases where employers lacked social responsibility. In terms of fair rules, it was essential to have a global framework where rules could be established; that was currently not in place or only existed partially. Rules should be developed to ensure good social dialogue and a level playing field with regard to decent work.
 42. An Employer participant from France stated that it was not as simple as differentiating between low-cost and low-fare carriers. The issue did not just concern LCCs because carriers were subject to the system in their own country and in destination countries. For example, companies in the Gulf benefited from low charges and there was no transparency on how they were managed. Moreover, costs did not only include social costs but also other national charges. From an economic perspective, airlines were subject to too many taxes. However, some companies did not pay the same taxes as others and that should be taken into consideration.
 43. The Government group coordinator noted that the interests of employers and workers could often be in contradiction to one another. Governments were responsible for taking into account the interests of all stakeholders, which explained why the Governments were interested in listening to the viewpoints of actors on the ground. The ICAO policy on airport tariff equity and charges should be respected. In Burundi, the same regulation and tariffs had been applied to all operators, including the national company. Tariff equity was an important issue and other governments were invited to share their experiences with the Forum.
 44. An Employer participant from France said that unfair competition created a need for equity within States. However, it appeared that States prioritized national carriers with the highest number of domestic flights. Nevertheless, equity was a global issue not an issue within a single State.

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45. The Government representative of Norway announced that they had begun examining the situation of competition in civil aviation and challenges associated with the crises and globalization. An LCC in Norway was about to start long-haul flights to Bangkok and wanted to use local staff to reduce costs. However, Norwegian legislation required the air carrier to offer Norwegian conditions for local staff. Consequently, the airline had considered moving its activities outside Norway. A balance needed to be found between saving costs and ensuring decent working conditions. The Norwegian Ministry of Transport was about to start a broad study, which would look into a variety of issues and identify challenges to be addressed. Both the workers and employers would be involved in the study in order to collect as much information as possible. Governments might need to concede that they could not keep up with the industry's development.
 46. A Worker participant from Spain stated that the low-cost model – regardless of terminology – based operations on undermining labour rights. Such operations were not profitable or in anyone's interest and European countries should work together to address the situation. He commended the steps being taken by the Government of Norway and he warned that other LCC companies would attempt to carry out similar operations in other places unless measures were taken to address that kind of business model.
 47. A Worker participant from Norway explained that under the Single European Sky initiative, a company had tried to base itself in Bangkok under Philippine labour law. Under the open skies agreement between Europe and the United States, the company could apply those conditions provided it hired staff under Asian labour law. In those circumstances, airlines could operate outside government control.
 48. The Government representative of Norway stated that he did not have an answer to the question of legal jurisdiction and that the situation was complex. There were a lot of questions and the Government of Norway would start to analyse the situation, hoping to find solutions that would satisfy all parties concerned.
 49. The Workers' group coordinator stressed that there was a big question about where the relevant authority lay in the regulation process. Small steps, such as the Forum, were needed to discuss the need of a possible global framework. They should also examine what other dialogues would be needed to continue discussions. LCCs did not just raise the issues regarding labour practices but also about the kind of practices that extracted subsidies from regional governments and subsidies from airports. Decent labour practices and integrity were paramount but he acknowledged the unfair treatment and challenges facing airlines.
 50. Another Government representative of Norway suggested that the ILO, on behalf of the member States, draft a legal study explaining the national laws, rules and regulations typically applicable in the civil aviation industry.
 51. The Workers' group coordinator supported the proposal made by the Government representative of Norway.
 52. The Secretary-General of the Forum explained that the ILO would not be able to undertake the work proposed immediately, but if such an action was recommended by the Forum, the ILO would consider how the work could be undertaken.
 53. The Employers' group coordinator stated that they could support the proposal but suggested that the Forum spend a little time on scoping the question and defining the study in more detail before embarking on such an elaborate project.

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54. An Employer participant from France said that some relevant legislation already existed in the European Community. It would not be an easy task to define matters on a global level. European Community legislation, which covered rights at work and social protection, was very complicated and had been a major undertaking. However, it might be useful in providing guidance.
 55. The Chairperson remarked that a global framework would provide a clear advantage by highlighting legal issues hampering the establishment of a level playing field.
 56. The Workers' group coordinator said that the discussion clearly required a focused group to oversee workflow. A steering committee would ensure that the project remained on track and provide the ideal setting for continued dialogue.
 57. The Secretary-General of the Forum reiterated that the Forum could recommend follow-up actions and that the recommendation would qualify as a follow-up. Any specific request would need to be defined by the Forum.
 58. A Worker participant from Australia explained that he was a career aircraft engineer and had been encouraged by some of the views of the Employers' group, particularly with regard to the term "level playing field", respecting the "rules of the game", and the interest in pursuing further dialogue. He provided an example of an aircraft engineer that grounded an aircraft due to an engine leak, resulting in his dismissal. Such decisions were important for safety and the situation demonstrated that competition led some airlines to make compromises on safety. Safety in civil aviation was paramount.
 59. The Government representative of Norway noted the experience shared by the Worker participant and encouraged others to take such reports on-board. It was relevant to some issues reported in the European Union (EU).
 60. The Government representative of Panama remarked that the case shared by the Worker participant from Australia should not have happened and that there should be no conflict between an airline's business model and the priority goal of safe and secure civil aviation. A worker should not be fired for doing his or her job, and that was something that the industry and countries should address. It was the duty of the State to maintain control over airlines operating in its territory. For example, a State could fine the company for dismissing a worker in that way or suspend the airline's licence.
 61. A Worker participant from the United Kingdom noted that the issues raised by the participants from other parts of the world could also be found in the EU. A level playing field of common standards was needed in the context of unfair competition, an aggressive use of the LCC business model and a liberalized airline industry. The situation was highlighted when compared to some LCCs in the United States where partnerships were more common. In Europe there was a fragmented labour law map and a casualized labour situation had emerged. This meant that due to outsourcing and other strategies, workers did not need to be dismissed but instead were just asked to not come into work the next day. These strategies included self-employment, zero hours contracts, and service provider contracts, which all led to a general loss of fundamental labour rights. As a result, cases had arisen where pilots were unable to exercise their professional judgements because it conflicted with their employers' interests. Casual labour could prevent workers from being adequately represented and from participating in collective bargaining, often rendering labour laws ineffective. Established carriers had to compete with other carriers that used casual labour in looser regulatory environments and benefiting from government subsidies. Stakeholders had to decide whether they wanted the industry to compete in real terms or whether they wanted to witness a race to the bottom in terms of standards.

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62. The Employers' group coordinator asked for caution when discussing safety. There was no question that safety was the top priority for airlines. The issue of safety, once raised however, could take other subjects of discussion hostage. Airlines were highly regulated when it came to safety and it was not the objective of the Forum to discuss safety. The industry should look to the governments to enforce its laws and regulations on safety. Safety should not distract the Forum from the issues that needed to be discussed.
63. A Worker participant from the United Kingdom raised the issue of FOCs in the civil aviation industry. Workers agreed with employers on safety as the top priority but the current system made safety controls difficult. The FOC system was a threat to governments, workers and employers. However, the greatest threat was to governments. FOC carriers registered in countries with lower regulations and where they could recruit workers from various countries. That made it difficult for governments to know which safety regulations and laws to apply. A study on FOCs would, therefore, be both productive and constructive. The ILO had already taken steps to address the issue of FOCs in the maritime sector, which required a global regulatory system due to its global reach. The IMO regulated safety and environmental matters but the ILO was responsible for social issues. An overlap occurred on safety, skills, qualifications, marine pollution, conditions of employment and social matters. Consequently, there was a long-standing relationship between the IMO and the ILO. A similar overlap existed between the ILO and The ICAO in the civil aviation industry and a formal relationship should be established between them. He was not against low airfares or airlines making profits, but he was against bad employers taking advantage of loopholes in regulatory frameworks to exploit labour in a global industry. He stressed that civil aviation was a global industry that needed global regulation.
64. An Employer participant from France noted that the notion of FOCs in civil aviation raised the issues of equality and social dumping. In the EU, efforts had been made to deal with the problem and there was no need to start again from scratch. Among other, EU regulations stated that workers were covered by social security and the laws of the country in which they normally took up service. Similar regulation could be used to address FOCs, as some of the issues, such as "artificial headquarters" and right to residence had already been dealt with in the EU.
65. A Worker participant from France asked for an explanation on the arrangement in the EU. If workers had to move to another country with lower standards then their social security rights would be lowered to the standards in that country.
66. An Employer participant from France asserted that the regulation established a minimum standard and that the agreement contained definitions of remuneration and obligations. The EU arrangement was sophisticated and established workers' domiciliation and consequently determined their rights. The Association for European Airlines had supported the arrangement.
67. The Workers' group coordinator remarked that the Forum had mainly focused on airlines but other aspects of the civil aviation industry needed to be discussed. The Workers' group had several participants that could share experiences from their sectors of the industry, particularly concerning the impacts of the financial crisis and of LCCs.
68. A Worker participant from Canada noted that there had been a shift from government control of air traffic management towards privatization, accompanied by degradation in conditions, especially on collective bargaining. The challenges were more significant in those countries where air traffic management had previously been entirely government controlled and privatization had ushered in complete deregulation. There needed to be a mechanism to ensure that the terms and conditions for workers were regulated. That had become particularly important following the economic crisis, making it difficult for

developed countries to attract and retain workers. Air traffic controllers in developing countries had faced pension cuts and limits to their employee benefits. For the civil aviation industry to attract and retain top quality people, it needed to offer top quality benefits and conditions.

- 69.** The Government representative of Panama said that despite competitive pay, it was also difficult to recruit and retain qualified air traffic controllers in Panama due to long working hours. It was difficult to determine whether government ownership or privatization was better. As a government employer, regulations made it hard to increase salaries. Creating a government-owned but privatized organization would provide more flexibility in that regard, but that would lead to changes in contracting and in other terms and conditions.
- 70.** A Worker participant from Canada observed that air traffic control conditions varied from country to country in what was already a complex system. What worked well in Canada might not work in other countries and it was likely that country-specific solutions would be needed.
- 71.** Another Worker participant from Canada said that ground handling often did not get the attention it deserved considering its important role. There was a need for some type of level playing field in terms of standards. Contracts were often given to the lowest bidder, which might be an operator that did observe the same quality standards. Dialogue on global ground handling standards would be useful as a means of reaching a common understanding of that part of the aviation industry.
- 72.** A Worker participant from the United Kingdom suggested including the aerospace sector in the discussion of work in the civil aviation industry. There were common challenges with other parts of the industry, such as increased outsourcing. Firstly, changes, mainly due to cost reductions, led to outsourcing of parts of the supply chain, which gave rise to new concerns regarding quality. Secondly, labour standards had been cut back, resulting in the exploitation of workers and the conditions of their work in order to reduce costs. Those concerns could be addressed through a standard to create a level playing field. The aerospace sector depended on the civil aviation industry and could have a role in developing positive initiatives.
- 73.** Another Worker participant from the United Kingdom elaborated on the airport services sector, including airline catering and terminal work. The sector had had similar experiences to ground handling with regard to increasing outsourcing. Catering had been the first area affected and their union had had to negotiate a series of consecutive contracts. The sector had been privatized longer than any other. Airport terminals, for their part, had shown creativity in generating new sources of revenue, such as retail and other concessions. Airport revenues were often not being shared with the airlines and other aviation sectors. There could be a private sector solution to the airport services sector, as long as it was carefully monitored.
- 74.** The Chairperson concluded that return on investment was often low in civil aviation and the issues relating to profitability were complex. There was also considerable diversity in outsourcing between countries and regions. For example, European workers were mainly employed directly by the airports while that was not the case in the United States.

Second point for discussion: What are the most important occupational safety and health issues and how could they best be addressed?

75. The Executive Secretary introduced the second point for discussion. He observed that the subject of OSH in the aviation industry covered a plethora of issues, often specific to certain occupational groups. A few examples were radiation, musculoskeletal injuries and the increasing problem of violence against staff. There was a clear link between staff safety and aviation safety in general. The ILO had a long experience of working on OSH, which was covered by a number of its Conventions and Recommendations. The discussion would serve as a basis to consider how the ILO could work with constituents and stakeholders to address that important issue.
76. The Workers' group coordinator introduced a list of experts to talk about different OSH issues. He called for a partnership with the ICAO and for a revision of the existing MoU to ensure practical coordination between the parties concerned.
77. A Worker participant from Denmark raised the issues of baggage weight and particle pollution. In addition, he observed that outsourcing could influence mental health as workers constantly felt that they were on sale and only had short-term perspectives. The problem of baggage weight had long been recognized, and despite the measures put in place and the new technologies developed, the problem persisted. Shortened turnaround times were aggravating the situation but, while those might be there to stay, baggage weight could be limited and greater investment made in new technologies. He proposed that discussions should consider lowering baggage weight limitations from 23 kg to maybe 20 or 15 kg, at least where baggage was handled manually, which was mainly the case. Secondly, particle pollution was a long-standing issue, which had recently become measurable. Fine particles had dangerous consequences for health and had ultimately been found to cause bladder cancer. To address the issue, rules could be established regarding factors such as the use of aircraft engines and auxiliary power units (APUs). The issue could also be addressed by looking at ways of using electric technology instead of diesel engines in aircraft equipment and in other machinery used in airports. Recommendations could be developed to introduce the replacement of machinery with electric equipment.
78. A Worker participant from Canada highlighted the importance of critical incident stress management in situations where people had to deal with catastrophic events. He noted that good programmes and effective protocols existed in other safety-sensitive industries, and that it was generally acknowledged that there was a genuine benefit for all in ensuring functionality and a rapid return to work. He requested that the Forum discuss the issue further with a view to establishing critical incident stress as a fundamental part of OSH in the industry. In addition, he noted that non-punitive reporting was essential to the OSH conditions of aviation workers.
79. The Employers' group coordinator stated that occupational safety was intrinsically linked to flight operation safety and a single safety culture should be developed. The relationship between the ICAO and the ILO should be rationalized and a centre of gravity established. The specific issues highlighted by the workers formed a grey area that required regulation.
80. The Government group coordinator identified a need for greater clarity on the issue of OSH and the relationship between the ILO and the ICAO. He saw a tendency in current regulation to focus on customer safety, with personnel safety as a secondary or corollary issue. In that light, it was important to ring-fence OSH issues within the mandate of the ILO. The focus of measures should be on operational safety as a whole.

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- 81.** An Employer participant from France pointed out that several airlines had taken substantial measures on OSH. Airlines acknowledged the importance of stress management and some organized training modules on stress management and trauma at work. Employers were not passing responsibility on to other parties but were dealing with OSH issues at the airline level.
 - 82.** The Employers' group coordinator noted that the issue of pollution also came down to regulation. A large amount of pollution was not generated by airlines, calling for a broader perspective on the subject.
 - 83.** The Government representative of the Netherlands said that, over the past decade, there had been a strong focus in his country on human factors and on the role of the social partners in helping to identify the risks on the ground and the best ways of mitigating them. In 2009, a meeting had been arranged with KLM on OSH, leading to a project that had brought together a wide range of sector participants. The companies that had taken the project results into account had seen a 14 per cent decline in accidents. While it was necessary for governments to work on regulation, human factors remained very important and should not be ignored.
 - 84.** The Employers' group coordinator noted that the previously mentioned project had indeed been a success. However, he reiterated the intrinsic interrelation between OSH and operational safety. Operational safety was an area in which human factors had already been examined in depth and integrated.
 - 85.** The Workers' group coordinator agreed that operational safety depended on human factors and called for regular ongoing dialogue between the ILO and the ICAO on that crucial issue.
 - 86.** A Worker participant from the United States pointed out that the current guidelines on carry-on baggage had been established two decades ago when air travel was very different. Each carrier had their individual rules on the weight, size and number of carry-on bags allowed, which set up a complex system that had not been simplified by alliances between airlines handling each other's flights. In the United States, there had been initiatives to limit the size, type and number of carry-on bags. After 9/11, the Federal Aviation Administration (FAA) had issued guidance to carriers recommending one carry-on bag and one hold bag per passenger, but that had only been loosely enforced. In addition, the ICAO recommended that cabin crew check for any suspicious baggage during the boarding process. However, the distractions created by the number of oversized bags taken on board often prevented cabin crew from carrying out such checks. Restrictions on carry-on bags could create a uniform and enforceable rule for the industry, protect cabin crew from musculoskeletal injuries, and enhance security. The weight limits set by manufacturers for overhead lockers in aircraft should also be enforced to avoid hazards in the event of evacuation. He stressed the need for dialogue between the ILO and the ICAO to ensure that carry-on baggage limits were reviewed to provide for the safety of cabin crew and enable the performance of their security duties. Secondly, the speaker pointed to problems related to cabin air quality. Cabin air was extracted from engine compression and conveyed unfiltered to the crew and passengers. He pointed out that "engine bleed air" could expose cabin crew to fumes from engine oils, hydraulic fluids, and to carbon monoxide. Acute and chronic symptoms had been identified and were becoming globally recognized. Means to prevent exposure to contaminated supply air included improving designs, providing workers with education and training, and preventative maintenance measures. Engine bleed air could be filtered and the quality of cabin air monitored in order to issue early warnings and isolate contaminated air sources to mitigate health impacts and associated operational consequences. He gave an example of an incident where the bad quality of cabin air had had serious operational and health consequences for flight attendants and noted that similar reports had also been made by pilots. He pointed to the

paradox of carrying out alcohol checks on cabin crew, when no measures were taken to control engine bleed air. Dialogue between the ILO, the ICAO and employers needed to address the issue and to look for possible solutions.

- 87.** A Worker participant from Canada highlighted the importance of food safety and catering as a health and safety issue for both workers and passengers. Cost pressures had led to an intensification of work in catering services, which meant that productivity was often given priority over OSH issues and workers feared reprisal from employers if they reported problems. It should be noted that food on board had an incremental value for the flight experience, in particular in the business segment. In 2009, a survey in the United States had revealed that workers were being asked to cut corners in food handling and truck maintenance, which were precisely areas where corners should not be cut. Although employers and workers had agreed and worked out a solution, the ILO and the ICAO needed to continue monitoring the issue.
- 88.** A Worker participant from Australia noted that the problem of fatigue in air travel concerned both employers and employees. Employee work-life balance was a major concern and it was in the interest of airlines to prevent their workers developing physical and mental problems. Although a safety management framework existed, it needed to be built on. He noted that the rules on the duty times of airline workers were often breached.
- 89.** A Worker participant from the United Kingdom stated that the negative impacts of fatigue and long working hours on employees' lives, health and individual safety were often overlooked. He noted that there was a wide body of scientific research on the subject, which should be incorporated into labour standards. Noting that the issue of working conditions in the civil aviation industry was poorly addressed and often fell between regulatory regimes, he hoped that all parties would recognize its importance and that cooperation would be sought on the matter between the ICAO and the ILO.
- 90.** The Employers' group coordinator acknowledged that contributions were being made with a genuine intention but said that their conclusions could not always be substantiated and had a tendency towards generalization.
- 91.** An Employer participant from the United States stressed that servicing the passenger's needs must be factored into any debate over safety and health matters, including baggage limitations. In the United States, there had been a huge decrease since 2001 in the number of passengers using airlines on short haul routes. A series of well-intentioned government regulations, such as security regulations, have made air travel more cumbersome and time consuming. These constraints have pushed passengers to use other, more flexible alternatives including private cars, buses, and trains. As passenger traffic dropped, so did employment levels. Regulations restricting passenger options with baggage are likely to drive away some passengers and inevitably lead to further loss of jobs. While airlines rely on cabin crew and ramp employees being healthy, effective training and equipment are better avenues for preventing work-related musculoskeletal disorders.
- 92.** An Employer participant from France said that the right approach would be to seek ways of managing customer expectations while meeting OSH standards, and not the other way around. He also noted that a one-size-fits-all approach was not realistic as cultures and standards varied widely across companies and regions. Discussions should shy away from standards that would not allow companies to meet passenger expectations.
- 93.** The Government representative of Panama said that the discussion highlighted many elements that needed to be addressed by the ILO. With regard to baggage weight, operators were responsible for enforcing their own policies. The issue of cabin air quality should be subject to certification standards established by the ICAO and IATA and he stressed the need for a global policy on fatigue. Although every country had its own regulation on duty

times, there was a need for a global perspective, and the ICAO, together with the industry, was in a good position to provide solutions.

- 94.** The Government representative of Australia noted that his country's aviation industry had been affected by each of the crises outlined in the issues paper. That reflected the inherently global nature of the aviation industry and its vulnerability to different types of crises. He acknowledged that while a number of the crises that had occurred since 2000 had had direct financial impacts on the industry, they alone could not account for structural changes. On the point in question, he noted that Australia recognized that the safe management of both cabin crew and pilot fatigue was an enduring challenge for both Australian and global aviation. In order to meet that challenge, Australia was moving towards enhancing the role of safety management systems, which assisted in identifying and managing risks and hazards such as fatigue. Australia's Civil Aviation Safety Authority was currently developing new regulatory standards that would provide the basis for a fatigue risk management system (FRMS). The system was being developed in line with ICAO standards and it was expected to come into effect in the first half of 2013. He further noted that Australia's regulatory approach to OSH in civil aviation recognized that both employers and employees had a shared responsibility in managing OSH issues such as fatigue.
- 95.** The Government representative of Qatar said that many airline companies were at that time operating in his region and that strong competition had resulted in good services and low prices, especially in Asia. Efficient and flexible air traffic services combined with an excellent safety record permitted many people in the region to find new employment opportunities and greatly contributed to the world economy, despite the low profit margins for airlines indicated by IATA. More could be done for workers, especially in terms of OSH, to ensure better working conditions. Social dialogue was one way of achieving such improvements and could help to attract and retain workers and further develop the industry.
- 96.** An Employer participant from the United States observed that fatigue was a very complex issue and that there had been a lot of activity on that subject in the United States, including active regulatory work and legislation before the House and the Senate. The participation of another body, however competent it might be, would not be effective. While strong safety management systems could be used to customize operational rules for workers and employers, it would be hard to come up with global regulations.
- 97.** An Employer participant from Switzerland noted that it was generally agreed that excess baggage weight is a problem and that excess weight, size and pieces should be discouraged. However, uniform application of existing restrictions has proved impossible to achieve. As regulations would have to be enforced by governments at the national level, chaos would ensue when baggage crossed borders. He also noted that the responsibility for imposing additional restrictions on passengers' carry-on baggage and/or the size of checked baggage would pass from governments to airlines, which might put employees in confrontational situations.
- 98.** A Worker participant from the United States referred to the example of Southwest Airlines, whose workers were almost entirely unionized and earned the highest wages in industry in the United States. Regarding luggage weight concerns, a global standard was needed which could only be achieved through global dialogue. Such steps would pave the way to a better industry for both employers and passengers.
- 99.** A Worker participant from Spain wished to clarify that the Workers' group was not trying to impose any other limitation through baggage weight restrictions. An agreement was needed on the maximum weight of individual pieces of baggage, in keeping with OSH criteria. It was up to each operator then to decide how many bags passengers were allowed.

Imposing a maximum weight per bag was also in the passengers' interest as excessively heavy bags created handling problems and were more likely to be left behind. There was a global demand for decent working conditions based on scientific data indicating that baggage handlers were five times more likely to suffer from musculoskeletal problems.

- 100.** A Worker participant from Denmark stressed that the main responsibility for pollution remained with aircrafts. Aircraft engines and APUs were the main generators of ultra-fine particles. If managed properly, a win-win situation could be achieved, saving fuel and decreasing pollution.
- 101.** A Worker participant from the United Kingdom observed the need for caution when interfering in the regulatory process. The focus was not on fatigue risk management systems (FRMS) and safety rules, as there was already a lot of development in that area, but on OSH. Safety rules only covered the operation stage, but fatigue affected workers past their working hours. It was not the operation but the elements of fatigue that affected the worker which should be addressed through social dialogue.
- 102.** The Employer group coordinator was hesitant to create new forums for discussion where effective forums already existed. He noted that the positive conditions that had been described in Southwest Airlines came down to the notions of flexibility and agility. The company paid its employees well and in turn they were some of the most productive and courteous staff in the sector. Agility and productivity was the ideal balance that the industry should be aiming for.
- 103.** The Government representative of Congo said that there had been a marked progress in his country in the area of baggage handling, and that it was an area of tripartite responsibility. Given the recurring problem of lost baggage, a global baggage handling standard was needed and he noted that fatigue was a major problem in that regard.
- 104.** The Government representative of Finland said that legislation was an obvious way of addressing OSH risks in civil aviation. However, practice at the company level was of even greater importance. Management needed to have a positive attitude towards OSH. It should not be seen as a costly constraint, but rather as an investment that could increase productivity. Once correct attitudes were adopted, the next step was to establish cooperation and communication with both workers and subcontractors. In addition, risks needed to be identified, eliminated or controlled and reported.
- 105.** An Employer participant from France considered that it was difficult to work on the problem of fatigue in the ILO. As noted by the Government representative of Australia, certain issues were specific to different flight durations, which now included ultra long haul flights. Work had been carried out on FRMS and further work was ongoing in certain airlines. The debate should be allowed to develop among the specialists and the ILO should not become prematurely involved.
- 106.** The Government representative of Norway expressed his support for the statement made by the Government of Finland.
- 107.** The Workers' group coordinator said that dialogue between the ILO and the ICAO should establish relevant and useful discussion points. Although they had no prerogative in any particular area, there were very clear areas in which dialogue was needed. Regulatory regimes should not be duplicated where they were already effective, only where they were lacking or where there was confusion. There needed to be an understanding on how to address issues in the context of the multiplicity of existing regulatory frameworks.
- 108.** A Worker participant from France reacted to the intervention by the Employer participant from France stating that a dialogue on fatigue was needed and that ultra-long-haul flights

remained in the minority, enabling the development of general measures. The fact that there were regulatory systems in place should not be an obstacle to further dialogue on fatigue.

109. A Worker participant from the United States said that a workable system on cabin baggage should ensure that once bags were on board they did not need to be moved. The air quality problem had been widely recognized and the reports provided by the Workers' group were not just anecdotal. Therefore, solutions needed to be discussed with the ILO and the ICAO.
110. The representative of the IOE said that the issues in question were not within the ILO's mandate and he hoped that the draft document would not overstep itself.
111. A Worker participant from India pointed to abuses in the use of workers by outsourcing units. The attrition rate among subcontractors was very high but, unfortunately, as there was a strong labour supply in his country, workers were easily replaced.
112. A Worker participant from Belgium said that although there were examples of good practice, it would be beneficial to address the issue of stress at a global level. Too much stress affected performance and measures should be taken to ensure workers' well-being. Such measures might include stable rosters, including adequate breaks and turnaround times. In addition, conditions should ensure that workers enjoyed a balanced work and family life and were able to operate in a blame-free and stable environment. Work could be carried out with the ICAO to produce guidelines – not necessarily regulations – to address the “stressors” in the industry.

Third point for discussion: What should be done to promote social dialogue in the civil aviation industry, in order to ensure that civil aviation can attract and retain the workforce it needs and provide decent work, and to contribute to a more sustainable industry?

113. The Executive Secretary introduced the third point for discussion. The sustainability of the industry was being widely discussed, both from an economic and an environmental perspective. There was a perceived “social dialogue deficit” in the industry and many of its current problems could be addressed through open dialogue and building up trust and cooperation. Both the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted in 1998, and the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy (MNE Declaration), adopted in 1977, were of relevance to the discussion. It provided an opportunity to consider ways in which the ILO could work together with constituents and stakeholders to address challenges.
114. The Chairperson observed that it was clear that social dialogue was by no means uniform across the industry, creating a “mosaic” of practices.
115. The Workers' group coordinator believed that the ILO played a key role in establishing social dialogue and that timely follow-up to the Forum was important. He suggested that a small and balanced steering committee could be set up within the ILO to oversee that follow-up. Employers, workers and governments might be asked to contribute financially to make that possible. It had been said that the industry was no longer attracting workers because it had lost its glamorous image; however, many workers had not joined the industry because of the glamour of working as a baggage handler, for example, but

because the industry had a reputation for being decent. In light of that, the industry primarily needed to attract workers by offering them decent work.

- 116.** The Employers' group coordinator objected to the suggestion that there was a "deficit of social dialogue" in the industry, but agreed with the Chairperson's statement that practices in that regard differed from region to region.
- 117.** An Employer participant from Sweden gave an example from his company (SAS), where social dialogue had been key in solving long-term company financing problems in 2012. It was essential to "fight common enemies", which included costly initiatives, bureaucracy, and unnecessary measures that threatened sustainability. He noted that most of the European Commission's initiatives to support companies were doing the opposite by increasing costs. Airlines were usually the "last pieces" in the value chain and had the lowest profit margins, calling for a rebalancing of the value chain. Moreover, legislation on certain maintenance activities and passenger legislation often threatened bottom lines and introduced the risk of complete failure. The situation was further aggravated by fuel and government charges.
- 118.** An Employer participant from France spoke about the importance of social dialogue in the recent restructuring of Air France–KLM. The social partners needed to establish social dialogue and allow workers to unionize. Given that restructuring would be a constant factor in the industry, ongoing social dialogue was required at the enterprise level. He stressed that job cuts should not be used outside company strategies. There needed to be greater confidence in management, which should learn to face the outside world while observing practices of fair competition. For social dialogue to be effective the social partners themselves would need to understand its functioning and the issues at stake and should receive the necessary training to that end. He emphasized that throughout the crisis his company had maintained social dialogue mechanisms.
- 119.** The Government group coordinator said that the Global Dialogue Forum was an excellent example of what could be achieved through social dialogue and that he was eager to hear about the experiences and opinions of the governments and social partners. Furthermore the group had noted that there were situations where solutions had been found through social dialogue at a national level. The issue of attracting and retaining workers was of great concern. Problems differed between developing and developed countries. In developing countries it was difficult to attract people to the industry and there was a "brain-drain" due to lack of resources to pay for expensive training and offer competitive salaries. He asked whether and how social dialogue could provide answers to the problems faced by developing countries and requested the Office to provide support on training and wage levels in the civil aviation industry.
- 120.** The Government representative of Australia believed that a fairly paid workforce was the key to unlocking productivity and growth. The ILO was in a good position to promote social dialogue to that end. In Australia, a number of agreements based on social dialogue were generating gains for both workers and employers. The long-term benefits of social dialogue should be sought, as they would provide stability and sustainability in the industry. Given Australia's positive experience of social dialogue, he encouraged the discussion of productive enterprise agreements.
- 121.** A Worker participant from Norway stressed that social dialogue needed to be carried out on a level playing field. On the other hand, the creative efforts of workers and employers should be acknowledged. To be sustainable, the industry required sustainable airlines and a sustainable workforce.
- 122.** A Worker participant from France pointed to the practice of social dialogue at the European level. Although disagreements with employers were common, on average social

dialogue led to a better understanding of the sector and its functioning. However, in some countries, neither collective agreements nor trade unions were allowed. Workers did not seek to create problems but rather wished to find solutions. The ILO should promote social dialogue in the sector and the social partners should be allowed and enabled to express themselves representatively.

- 123.** A Worker participant from Brazil noted that his country's experience was that social dialogue worked, although claims by companies that social dialogue was taking place were not always substantiated. He called for support in the promotion of social dialogue.
- 124.** A Worker participant from Canada observed that social dialogue was disjointed across national and regional borders and should be dealt with at a global level. Protocols should be established to support emerging companies with no history of collective bargaining and social dialogue. Training programmes were required and the right to collective bargaining should be guaranteed.
- 125.** A Worker participant from France said that it was essential for social partners to be kept informed during restructuring and that social dialogue should be based on correct figures and economic data, which should be shared between employees and employers.
- 126.** Another Worker participant from France said that he was confident in the potential of social dialogue to achieve positive results, as proved by the two organizations that had recently signed a decision regarding new Air France rules.
- 127.** The Employers' group coordinator said that he believed in the added value of social dialogue based on mutual respect and a genuine understanding of each other's positions. Social dialogue was the work of responsible employers and responsible employees.
- 128.** An Employer participant from the United States remarked that social dialogue had greatly expanded in the industry over the last 30 years. He cited the Railway Labour Act, which had been under discussion with unions since 1994. Many topics had been raised that would have been unthinkable 30 years before. The crisis had ushered in many opportunities for tripartite social dialogue and a number of different committees now existed for different sectors, which facilitated an exchange of views even if consensus was not always possible. He was aware of the reality regarding recruitment and retention. In particular, it had become increasingly difficult to find skilled mechanics and pilots. The industry should approach young people in secondary and higher education. Notwithstanding reports of lack of interest in the sector, in a recent Delta Airlines recruitment procedure, there had been 99 applicants for every position, which could be accounted for by the competitive salaries that the company offered.
- 129.** The Government representative of Niger said that social dialogue was rooted in his Government's mentality. In the civil aviation sector, the Government required companies to submit their business projects. The Ministry of Transport had established a forum where people could provide information on developments in the industry and a commission met on a monthly basis to review issues in the transport industry. A National Social Dialogue Committee brought all parties together to find solutions to specific issues, as well as proposals for new regulation. The Government was committed to social dialogue and to protecting the interests of all, creating a climate where more interest in the aviation industry had developed.
- 130.** A Worker participant from the United Kingdom said that in some countries, such as Qatar and United Arab Emirates, social dialogue was not allowed. However, there were also some good national examples, such as SAS in northern Europe and Rolls Royce in Brazil. Failures in social dialogue at the national level needed to be avoided. He referred to the Iberia strike, which was taking place as they spoke, stating that if an international

perspective was given to social dialogue and supported by the ILO such breakdowns could be avoided. The ILO should provide tools for governments, employers and workers, establishing criteria for social dialogue at the national level. Social dialogue should create the conditions where workers could approach the industry with greater confidence, with a view to creating a more sustainable industry.

131. A Worker participant from Fiji said that social dialogue was prohibited in his country as per labour laws adopted in 2011, despite the country's ratification of most of the ILO Conventions. Trade unions should not be excluded from social dialogue.
132. A Worker participant from Benin said that there was a social dialogue deficit in certain African countries. A federation of trade unions had been established in his country to train workers across the industry. Workers need to be organized, but in certain cases that was not possible.
133. An Employer participant from France said that the role of governments was to ensure that the social partners were recognized in line with ILO Conventions and the notion of tripartism. At the European level, social dialogue could sometimes be difficult. The European Commission provided data allowing the social partners to engage in informed social dialogue. The training of participants continued to be of paramount importance. European Commission initiatives provided an example of good practice indicating that objective information was needed to elaborate strategies.
134. The Government representative of Cameroon reacted to the statement made by the representative of Benin, stating that social dialogue existed at all levels of government in Cameroon. There were 11 federations of trade unions, four employer organizations and a whistle-blower committee in charge of monitoring the national social dialogue climate.
135. The Chairperson summed up by saying that there was certain consistency in the discussion regarding social dialogue. Restructuring in companies was an ongoing feature and there had been repeated calls for the value chain to be rebalanced. Regional differences had been highlighted as well as the importance of establishing a clear relationship between the ILO and the ICAO. The ILO should not wait another ten years before its next meeting on civil aviation and the creation of a steering group might be used in follow-up. Further discussion should take into account the fact that the civil aviation sector was highly varied. There was considerable potential for the future in Asia. However, discussion should not centre on airlines alone. Working conditions needed to be addressed, despite the easy replacement of labour in certain regions. The Forum should discuss ways in which the ILO and the ICAO could cooperate and find areas in which common approaches could be applied.

Fourth point for discussion: Recommendations for future actions by the International Labour Organization constituents and the International Labour Office

136. The Workers' group coordinator explained that there were important elements to include in the recommendations for future actions by the ILO and its Members. These elements had been raised during the Forum and included the sustainability of the industry and a mechanism for ongoing social dialogue. Since the last meeting at the ILO, there had been an absence of dialogue between the social partners as well as between the ILO and the ICAO. The recommendations for future action needed to explain how ongoing dialogue would occur. The Workers' group supported the undertaking of an inventory of the challenges of the absence of global level regulation and the complexity of determining legal jurisdiction in the civil aviation industry. Similarly, the group was supportive of

ongoing work to promote decent work in civil aviation through various strategies of the ILO. There was a demonstrated commitment by all parties for positive and good spirited social dialogue and work towards shared aims. He suggested that the terms of the dialogue between the ILO and the ICAO should be clearly defined. It should not only consist of conveying the elements of consensus reached at the Forum, but should set up a meeting between the Director-General of the ILO and the Secretary-General of the ICAO to review the existing MoU. That would ensure ongoing discussion and an interface and dialogue between the two organizations, which had been lacking over the past decade.

- 137.** The Employers' group coordinator emphasized that the Forum should promote the further improvement of social dialogue. The industry's need for agility in order to respond to a constantly changing environment was a necessary consideration. A broad investigation into global level regulation and legal jurisdictions could encounter difficulties. The efforts of the ILO and its tripartite constituents would be better focused on the promotion of decent and productive work and the equal application of standards.
- 138.** An Employer participant from the United States expressed reservations about the extent to which the ILO would engage with the ICAO. Dealing with all the technical aspects mentioned during the Forum raised a logistical problem. Discussing those areas of expertise would be difficult and would require input from a wide range of specialists which might bring the process to a halt. Furthermore, airlines were subject to certain anti-trust regulations that limited their ability to discuss certain issues. Nonetheless, it was the ILO's prerogative to participate in the ICAO Conference. If the parties wanted to keep the dialogue moving forward on various issues related to working conditions, it was best to keep the scope as limited as possible.
- 139.** An Employer participant from France explained that airlines were looking for fair competition but that examining the issues associated with determining legal jurisdiction in civil aviation was very complicated.
- 140.** The Government representative of Norway supported the idea of a study undertaken by the ILO as well as the ILO's participation in the ICAO Conference.
- 141.** The Government representative of the Netherlands highlighted the issue of attracting a skilled workforce and enhancing productivity in the civil aviation industry which could be incorporated into the Forum's recommendations. The Government group also wanted to ensure that proper efforts were made by the ILO to collaborate with the ICAO.
- 142.** The representative of the ICAO suggested that the Forum, in the interest of harmonization, referred to the "global regulatory framework" when discussing international regulation of the civil aviation industry, as it was in line with ICAO terminology.
- 143.** The representative of the IOE noted that the work and programming of the Sectoral Activities Department (SECTOR) already had procedures for ongoing sectoral dialogue and that it just needed to be used.
- 144.** The Workers' group coordinator explained that a small body could be constituted to review issues that could be further discussed through social dialogue, and that such a body would not require large delegations.
- 145.** A Worker participant from the United Kingdom added that the role of the small body would be to identify and facilitate social dialogue on issues that required regulation. For this reason, governments also needed to be included. The Forum's participants could fund the body, and it would thus enable progress to be made without waiting for the advisory body process.

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146. The representative of the IOE noted the difficulties concerning the representation of employers at a small body. It would be hard to limit representation to a few participants given the number of issues that were being discussed. The civil aviation industry involved many subsectors and partners, as well as many major airlines.
 147. A Worker participant from France pointed out that similar bodies existed at the European level, such as the social dialogue committees in the European Commission's Department of Mobility and Transport. Such light bodies served the purpose of putting issues on the table and required few resources.
 148. The Secretary-General explained that only an oral report of the Forum would be presented to the Sixth Worldwide Air Transport Conference in March 2013 in Montreal, as the final report of the Forum could only be adopted by the Governing Body in October 2013. In addition to the work proposed through the Advisory Body process, she pointed out that part of the sectoral activities carried out by the Office fell under recurrent and statutory work, including inter-agency cooperation. Any consultative body established by the Forum would have to be informal in nature; otherwise it would have to be approved by the Governing Body.
 149. The Employers' group coordinator stressed that the Employers' group did not consider an inventory of the challenges of the absence of global level regulation and complexity of determining legal jurisdiction in the civil aviation industry to be a priority. Such an exercise would be too expensive and elaborate.
 150. The Government representative of Norway proposed that the recommendation for future action could be to carry out a "fact-finding" or "mapping exercise", as already discussed under the first point for discussion. The Government representative of Denmark supported the idea proposed by the Government representative of Norway.
 151. The Deputy Secretary-General explained that there were examples of other sectors where the Office had studied laws and practices to analyse the overall conditions of work and issues in the sector. Such a study had been prepared, for example, for fishing sector.
 152. The representative of the IOE questioned whether the issues to be covered in the inventory were in accordance with the mandate of the Office.
 153. The Workers' group coordinator, referring to the proposal that had come from the Government group regarding a "fact-finding" or "mapping", stated that such an exercise would serve as the basis for future work and that it should be appropriately considered by the Employers' group.
 154. An Employer participant from the United States remarked that there was a need to be reasonable with regard to the level of ambition of the recommendations for future action. In order to discuss some of the topics that had been referred to, further technical expertise was required, because many of the operational issues went beyond the expertise of the Forum participants.
 155. The Workers' group coordinator emphasized that the recommendations of the Forum needed to reflect the discussions that had been held in the Forum.
 156. The Chairperson urged the Forum to ensure that they did not wait another ten years before its next meeting. In a constantly changing industry, it was crucial that the social partners and governments went forward on the issue, focusing on decent work. The ILO and the ICAO had common interests and it was important for the two organizations to assess how to get the most benefits from their synergy.

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- 157.** The Secretary-General informed the Forum that, following the civil aviation meeting in 2002, the Governing Body had recommended that the Director-General of the ILO consult with the Secretary-General of the ICAO to strengthen cooperation between both organizations on matters of common interest and to consider revising the MoU.

Consideration and adoption of draft points of consensus

- 158.** The Global Dialogue Forum considered draft points of consensus prepared by the Office based on the discussions held during the plenary sessions. They covered recent changes in the civil aviation industry, safety and health issues, social dialogue and sustainability, and recommendations for future actions by the ILO and its Members.
- 159.** The Chairperson commended the Forum for its constructive discussions covering a broad range of issues. Civil aviation was a complex, innovative and technology-driven sector with incredible growth potential. The workforce included numerous job profiles including pilots and flight attendants, ground staff, luggage handlers, and the persons in airport restaurants and shops.
- 160.** The sector was continuously having to adapt and reinvent itself. Business models in the industry were changing. Although there were few flight personnel on flights, the sector as a whole was labour intensive ranging from those that did not require prior expertise to highly skilled jobs. If it was agreed that growth in the industry was likely to be strong in the next decade, civil aviation was going to be an incredible jobs machine. There was a convergence of interests among the tripartite constituents. The Workers' group had raised various issues related to working conditions including OSH, job uncertainty, and restructuring of the sector. Social dialogue was essential for the sustainability of the sector as the three groups had put forward. Employers needed productive, motivated, healthy and committed staff. Labour costs were an important part of total cost but not a place to make savings. There was a need for a level playing field which involved regulation, but regulation that was effectively implemented to ensure that everyone complied. LCCs had obtained a share of the existing market and had tapped into completely new markets. Some of the LCCs in the industry had engaged actively in social dialogue while others had been less forthcoming.
- 161.** For governments, regulation was their primary role in civil aviation. The sector was in need of a level playing field but with room for competition and innovation. The industry was essential for broad economic growth, for countries to be internationally connected, and to enable the functioning of multinational companies and tourism. Safety was the number one issue and not negotiable – it was the essence of the sector which was one of the safest means of transportation. Such convergent interests meant that there was an incentive before the Forum to reach productive points of consensus to move global dialogue in the civil aviation sector forwards.

Recent changes in the civil aviation industry

- 162.** The Employers' group coordinator emphasized that safety was the highest priority in the civil aviation industry and that it was governed by a high level of safety regulations. The Forum agreed that safety was paramount in the sector.
- 163.** The Workers' group coordinator proposed that growth of the industry may have been hampered by a number of factors in addition to limitations in aviation infrastructure, such as excessive taxation, and complex and sometimes unnecessary regulation. It was

important to stress that fair competition should be enhanced rather than focusing on the avoidance of unfair competition. This suggestion was supported by the Employers' group.

- 164.** The Employers' and Workers' groups both emphasized that acknowledging the technology-driven nature of the industry was important and that taxation was an issue that may have been hampering the industry's growth. In response, the Government group coordinator explained that governments did not believe that their taxation in the civil aviation sector could be described as being excessive, but could agree with the fact that the industry was technology driven in nature. This assertion was supported by the Government representative of the Republic of Congo.
- 165.** A representative of the ICAO indicated that upcoming ICAO Conference was going to discuss the taxation of international air transport and there was going to be a paper specifically dealing with the issue on the agenda.
- 166.** The Government representative of Australia suggested that the Forum needed to distinguish between levels of taxation and differences in taxation. The Forum agreed that it could distinguish between the two.
- 167.** The Government representative of Brazil highlighted what seemed to be a contradiction between safety as the foremost priority with a high level of safety regulation with references to the industry being hampered by complex and unnecessary regulation. The Government group coordinator stressed the need to avoid subjectively designating some regulation as being unnecessary.
- 168.** The Employers' group coordinator explained that a good, high level of regulation was not necessarily synonymous with complex regulation. Safety was non-negotiable and should be covered by a high level of safety regulation. It was important to be mindful that the good kind of regulation in this regard was the only regulation that was relevant.
- 169.** The Government representative of Norway suggested that the purpose of the regulation be the focus of the discussion, thus defining "necessary regulation" as appropriate regulation of the industry.
- 170.** The Workers' group coordinator explained that there were two different types of regulatory shortcomings. Firstly, the problem where regulation was lacking, and secondly, where regulations were too complicated. Legislation should not be overly complicated with the aim being simple and transparent. A Government representative of Brazil agreed that the industry needed robust regulation, but at the same time simple and transparent regulatory regimes. However, the Workers' group coordinator felt that reaching consensus on a point like that would go beyond what had been discussed in the preceding days.
- 171.** The Government group coordinator, speaking as the Government representative of Burundi, agreed with the Government representative of Brazil that a positive statement needed to be developed which was not overly critical of existing regulations.
- 172.** The Government representative of the Netherlands explained that a number of governments were currently in the process of reviewing existing legislation in consultation with their respective social partners. For this reason, the Government of the Netherlands did not oppose the views of the Workers' and Employers' groups. The position of the Netherlands was echoed by a Government representative of Australia .
- 173.** The Workers' group coordinator stated that the term "low-cost/fare carriers" was contentious and suggested referring to the fact that the market share of the new model carriers, including LCCs, had increased globally and was a response to market demands and customer needs. Fair competition and the observance of the rights at work as stipulated

in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up should be applied by all actors in the civil aviation industry regardless of their business model.

- 174.** The Employers' group coordinator asserted that it was not appropriate to single out LCCs. Reference to new model carriers as having contributed to the innovation in the industry was preferable.
- 175.** The Workers' group coordinator recognized that an agreement on explicit reference to "low-cost carriers" was not possible, but wanted assurances that LCCs were included in the concept of "new model carriers". Also, it was not clear whether the advent of LCCs had brought innovations. The Employers' group coordinator confirmed that LCCs were captured in the term "new model carriers".

Identifying the most important safety and health issues

- 176.** The Employers' group coordinator proposed that OSH be seen as an important investment in productivity and not only as an expense. Cooperation and communication between management and workers was essential within the whole industry. Risks/hazards should be identified, controlled and reported within jointly established OSH management systems that were developed in the context of a just culture. A global approach to OSH issues in the industry could improve clarity.

Social dialogue and sustainability

- 177.** The Employers' group coordinator explained that a sustainable civil aviation industry was not merely the aim of governments, employers and workers, but that it was in the interest of customers and society as a whole.
- 178.** The Workers' group coordinator asserted that decent and productive work was part of a sustainable civil aviation industry. Social dialogue was an essential element to improve sustainability and decent and productive work and contribute to greater industrial harmony and therefore stability in the industry. Some countries had, often with the encouragement of the government, had long traditions of social dialogue in civil aviation, while in some other countries there was an absence of social dialogue. Improved social dialogue in some countries would benefit all the stakeholders.
- 179.** The Employers' group coordinator noted that social dialogue required the participants to have access to relevant information. To encourage more constructive engagement, capacity building was needed to develop skills and experiences in social dialogue and in civil aviation industry economics and other issues.
- 180.** The Workers' group coordinator emphasized the issue of the problems of recruiting and retaining workers as well as creating decent and productive jobs in some countries.

Recommendations for future actions by the International Labour Organization and its Members

181. The Employers' group coordinator stressed that the industry needed decent and productive work as well as agility to respond to the continuously changing environment and to further strengthen social dialogue and workplace cooperation. The Employers' group could not agree to an assessment of regulatory frameworks and measures as well as legal jurisdiction in the civil aviation industry. However, it was important to ensure that another ten years did not pass without progress. He recognized the importance of having continued social dialogue and suggested having an ad hoc advisory body in a year to evaluate progress.
182. The Workers' group coordinator stated their agreement with the idea of having an ad hoc advisory body one year after the Global Dialogue Forum to discuss the outcomes and the progress made on the points of consensus. This would require some research and activities.
183. The Secretary-General informed the Forum that the ILO did not have an "ad hoc advisory body" mechanism, but could look into the possibility of arranging one a year after the Global Dialogue Forum. More information was required on what the participants would expect from such a body and what form it should have. She noted that the meeting may need to be held without any cost to the Office.
184. The Workers' group coordinator explained that it was important to discuss the human factors as part of the review of the MoU between the ILO and the ICAO from 1953. Human factors were key to safety and security in civil aviation. The point of a review of the MoU would be to clarify the ownership of issues between the two organizations. The Employers' group coordinator agreed with the need for clarification of the interests of the ILO and the ICAO.
185. The Workers' group coordinator stated that a "human factors approach" to safety and security should be promoted. Clear coordination and cooperation between the two organizations needed to be ensured. The ILO would only be discussing matters that were part of its mandate.
186. The Secretary-General proposed to describe the interface between the ILO and the ICAO mandates as being on "matters of common interests". These terms were used in the MoU from 1953.
187. The Workers' group coordinator highlighted that, in 2002, it had been agreed that a human factors approach would be promoted within the ICAO and other regulators. It made sense to implement what had been agreed in 2002 in terms of updating the MoU.
188. The Employers' group coordinator suggested that the ILO should promote, within the ICAO and other regulators, a human factors approach in the security domain which maximizes the quality of human resources in terms of elements that impact on the performance of security and safety functions. He also suggested that the ILO and the tripartite constituents promote decent and productive work in civil aviation through effective promotion, implementation and use of all relevant ILO standards, instruments, declarations, codes of practice and tools as well as engage in action-oriented research and dissemination of relevant information on trends and developments in civil aviation.
189. The Chairperson explained that the intention was for a representative of the ILO to convey the essential elements of the discussion held at the Global Dialogue Forum to the Sixth Worldwide Air Transport Conference of the ICAO, scheduled to be held on 18–22 March 2013 in Montreal, Canada.

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- 190.** The Employers' group coordinator explained a hesitation about the idea for an ILO representative to convey the essential elements to the ICAO conference. He sought more clarification regarding what would be the essential elements that would be conveyed.
- 191.** The Secretary-General emphasized the importance of the ICAO Conference due to the fact that it was held once per decade. There was a sense of urgency to reflect the consensus reached at the Forum while mindful of the fact that the Governing Body of the ILO would not yet have endorsed the conclusions.
- 192.** The Workers' group coordinator welcomed the idea of an ILO representative conveying the essential elements of the Forum to the ICAO Conference. The idea was that if the Forum reached some points of consensus then there would be no problem conveying those points at the ICAO.
- 193.** The Employers' group coordinator noted that he had misunderstood and that the essential elements meant the points of consensus reached at the Forum and not all the discussions that had taken place. There was no objection from the Employers' group to an ILO representative sharing the points of consensus of the Forum at the ICAO Conference.
- 194.** The Secretary-General confirmed that it would be the points of consensus that would be orally conveyed at the ICAO Conference and that this was considered part of the normal inter-agency work and reporting activities of the ILO.
- 195.** The Chairperson suggested that there would be an assessment of the progress made 12 months after adoption of the conclusions by the Governing Body. In response, the Workers' group coordinator explained that there was a need for a smaller body to carry out the assessment.
- 196.** The Secretary-General indicated that there would be advisory body sessions in September 2014 but that the Office needed further guidance on what the participants wanted in terms of this type of outcome. A year from the anticipated adoption of the Forum's conclusions by the Governing Body would be October 2014.
- 197.** A Worker participant from the United Kingdom explained that if the ILO structure remained the same, the assessment by a small group in a year's time would have been a transport and maritime advisory body. The Workers' group was looking for a small, informal, ad hoc gathering specific to the civil aviation sector that would assess the progress made on the follow-up to the consensus points from the Forum.
- 198.** The Workers' group coordinator reiterated that the proposal was to convene a meeting to ensure that progress was made. It did not need to be a large meeting but instead a small, ad hoc meeting.
- 199.** The Employers' group coordinator suggested that the ad hoc meeting did not have to wait until 12 months after the adoption of the outcome of the Forum by the Governing Body. The meeting could be held earlier. He asked if it was thought that the meeting was intended to be self-financed, meaning at no cost to the Office.
- 200.** The Workers' group coordinator asserted that they did not want the mechanisms of bureaucracy to prevent social dialogue. The Office needed only to provide the venue. The Workers' group were able to help with the financing of the ad hoc meeting. The meeting was not going to have a broad mandate, but rather deal with the points of consensus of the Forum.

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- 201.** The Secretary-General stated that the Office had no objection to such an ad hoc meeting and was keen to seize all opportunities to facilitate social dialogue. However, it was important to be mindful of the fact that the Office was engaged in an ongoing work programme, with already allocated resources and time commitments. The Office needed more specific guidance regarding the objective of the ad hoc meeting, the basic of the discussion, and whether it would be bipartite or tripartite.
- 202.** The Workers' group coordinator welcomed the idea of government participation in the future ad hoc meeting. The meeting would require a document that would have assessed the broad points of consensus such as the meeting with the ICAO, and a venue. The Employers' group also felt that government representation at the ad hoc meeting was important.
- 203.** A Worker participant from the United Kingdom explained that at the previous Transport and Maritime Advisory Body, the programme for civil aviation had been left open to allow for the fact that direction for activities in the sector would arise from Forum's points of consensus. The Forum was recommending a meeting to be the follow-up to be inserted into the work-plan.
- 204.** The Secretary-General noted that the request for an ad hoc meeting could likely be accommodated if it is included in the points of consensus as a recommendation for future action. The guidance regarding the nature of the ad hoc meeting needed to be agreed upon. The Workers' group coordinator suggested that the guidance regarding the ad hoc meeting needed to refer to a timeline such as a number of months and that the objective be to assess progress made on the consensus points.
- 205.** The Government representative of Australia proposed that 12 months after the adoption by the Governing Body of these consensus points there would be an assessment made by the ILO in implementing these consensus points to be considered at a tripartite meeting.
- 206.** The Government representative of the Netherlands supported the proposal by the Government of Australia, and noted that there was scope for some preparation for the ad hoc as a follow-up to the Forum. Governments felt that it was important that there was follow-up to the Forum so that the sector did not wait another ten years.
- 207.** The Chairperson suggested that the Forum acknowledge that the facilitation of the ad hoc meeting would need to take into account the resources of the ILO.
- 208.** The Workers' group coordinator proposed that the ad hoc meeting be held no later than 12 months from the end of the Global Dialogue Forum.
- 209.** The Secretary-General explained that SECTOR did not have the mandate to engage in further meetings in the 2014–15 biennium as there were already 12 sectoral meetings scheduled through the advisory body procedure. She suggested that no later than 12 months after the adoption of the report by the Governing Body, an assessment of progress made by the ILO would be undertaken as a basis for discussion at an ad hoc tripartite meeting.
- 210.** The representative of the IOE noted that, in light of the recent reforms of the Governing Body, the conclusions of sectoral meetings existed more or less as soon as the chairperson of the meeting had hammered down the end of the meeting. The Governing Body would authorize the Director-General to distribute the report of the discussions to all the participants. The points of consensus were adopted as soon as they had been agreed on at the end of the Forum.

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- 211.** The representative of the International Trade Union Confederation (ITUC) affirmed that the manner in which the Governing Body documents were now prepared meant that the Governing Body would be asked to authorize the Director-General to distribute the report of the discussions including the points of consensus but that it did not adopt the report as such.
- 212.** The Chairperson understood the constraints on the Office but assured the Forum that there would be follow-up to the points of consensus it adopted. For this reason, a recommendation for an ad hoc meeting needed to refer to taking into account the resources of the Office.
- 213.** The Employers' group coordinator and the Workers' group coordinator welcomed the emerging consensus on the recommendation for an ad hoc meeting as future action. The important aspects of the agreement were that there was no need to wait for Governing Body endorsement of the outcome of the Forum, and that there was an "escape clause" for the Office pertaining to resources. No later than 12 months after the Global Dialogue Forum an assessment of the progress on the implementation of the points of consensus arising from the Forum would be considered by an ad hoc tripartite meeting, taking into account the resource situation of the ILO.
- 214.** The Global Dialogue Forum adopted the points of consensus, which included amendments agreed during the closing session.

Closing statements

- 215.** The Employers' group coordinator felt that the Forum had engaged in a fruitful discussion of work in the civil aviation industry. The Forum had achieved more than had been anticipated.
- 216.** The Workers' group coordinator stated that the Forum could be considered a success as it had established a framework for follow-up on the conclusions of the Forum.
- 217.** The Government group coordinator emphasized the importance of government participation and experience in such social dialogue settings. The Forum had been a success and could serve as an example to be emulated at the national levels or as a learning experience for those that were not familiar with this type of dialogue.
- 218.** The Secretary-General expressed her appreciation for the active and positive interaction of all the participants at the Forum and noted that it potentially was a big day for civil aviation if the groups lived up to what had been agreed. The Office would, to the extent of its mandate, help facilitate the follow-up to the points of consensus of the Forum.
- 219.** The Chairperson concluded that the Forum had engaged in lively discussions and high-quality interventions in an open and respectful manner. They had covered a wide range of issues from the past decade in the civil aviation industry and discussed recommendations for follow-up actions. He noted the importance of establishing an ongoing relationship between the ILO and the ICAO.

Points of consensus

Point 1: Recent changes in the civil aviation industry

1. Safety remains the first priority and is governed by a high level of safety regulations.
2. Despite the economic crisis and other crises, the civil aviation industry has continued to grow. Growth has been uneven in different geographical markets. However, growth may have been hampered by a number of factors such as the level of taxation and different taxation regimes, and complex and sometimes unnecessary regulations and limitations in aviation infrastructure. The technology-driven industry will continue to change and therefore continuous social dialogue is essential while governments need to focus on ensuring a level playing field to enhance fair competition among all industry sectors.
3. Liberalization in the civil aviation industry with its multitude of different actors involved in a complex supply chain, has increased competitive pressure and this could have led to enhanced challenges for decent and productive work.
4. Globally, regulations should be applied consistently and transparently to establish level playing fields for the different segments of the civil aviation industry. Furthermore, there is a concern about the complexity of determining legal jurisdiction particularly over labour issues.
5. The market share of the “new model carriers” has increased globally and has contributed to the innovation of the industry and is a response to market demand and customer needs.
6. Fair competition and the observance of the rights at work as stipulated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up should be applied by all actors in civil aviation industry regardless of their business model.

Point 2: Identifying the most important safety and health issues

7. Occupational safety and health should be considered a shared responsibility between employers, workers and governments. Occupational safety and health is seen as an important investment in productivity and not only as an expense. Cooperation and communication between management and workers are essential within the whole industry. Risks/hazards should be identified, controlled and reported within jointly established occupational safety and health management systems that are developed in the context of “just culture”.
8. There are occupational safety and health issues in the industry. A global approach to these issues could provide clarity.

Point 3: Social dialogue and sustainability

9. A sustainable civil aviation industry with decent and productive work is a common goal for governments, employers and workers in the interest of customers and society as a whole. To achieve that goal, the industry needs a sustainable workforce, sustainable enterprises and a balanced value chain.

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10. Social dialogue is an essential element to improve sustainability, and decent and productive work in civil aviation and may contribute to greater industrial harmony and therefore to stability in the industry. In some countries, social dialogue in civil aviation has been linked to better economic results. Restructuring is common in the industry and is more successful when conducted through social dialogue. Some countries, often with the encouragement of the government, have a long tradition of social dialogue in civil aviation, while in some other countries there is an absence of the basic rights at work as stipulated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, and, therefore, social dialogue is non-existent. In other countries, social dialogue needs to improve, creating benefits for all stakeholders.
 11. Social dialogue requires mutual respect, trust, and open and relevant information sharing. It is also important that the participants have equal access to relevant information and the ability to analyse the issues and changes facing the industry. To encourage more constructive engagement, capacity building is needed to develop skills and experience in social dialogue and in civil aviation industry economics and other issues.
 12. The civil aviation industry in some countries has problems in recruiting and retaining skilled workers, as well as decent and productive jobs. Some developing countries suffer from brain drain and some lack capacity to train workers needed to meet the demand of the industry.

**Point 4: Recommendations for future actions
by the International Labour Organization
and its Members**

13. In view of the discussion at the Global Dialogue Forum in February 2013, the following future action was recommended:
 - (a) The ILO, in consultation with its tripartite constituents, will explore means to address the needs of the industry for agility and decent and productive work, in order to respond to a continuously changing environment and to further strengthen social dialogue and workplace cooperation.
 - (b) The Director-General of the ILO is invited to consult with the Secretary General of the ICAO on ways of strengthening cooperation between the ICAO and the ILO on matters of common interest, and to discuss the 1953 Memorandum of Understanding between the two organizations with a view to its updating in order to take account of developments in the civil aviation industry.
 - (c) The ILO should promote within the ICAO, and other safety regulators, a “human factors approach” in the security domain, which maximizes the quality of human resources, in terms of elements that impact on the performance of security and safety functions.
 - (d) The ILO and the tripartite constituents will continue to promote decent and productive work on a level playing field in civil aviation through effective promotion, implementation and use of all relevant ILO standards, instruments, declarations, codes of practice and tools, as well as engage in action-oriented research and dissemination of relevant information on trends and developments in civil aviation.
14. The ILO should convey the points of consensus from the Global Dialogue Forum to the Sixth Worldwide Air Transport Conference (ATConf/6) of the ICAO, scheduled to be held on 18–22 March 2013 in Montreal, Canada.

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- 15.** No later than 12 months after the Global Dialogue Forum, an assessment of the progress on the implementation of the points of consensus arising from the Forum should be considered by an ad hoc tripartite meeting, taking into account the resource situation of the ILO.

List of participants
Liste des participants
Lista de participantes

Chairperson

Président

Presidente

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Members representing Governments
Membres représentant les gouvernements
Miembros representantes de los gobiernos

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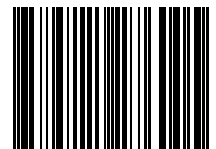
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