

# ► The ILO's work in the civil aviation sector

## Draft compendium (1947-2022)

Technical meeting on a green, sustainable and inclusive economic recovery for the aviation industry (24-28 April 2023)

Informal document #1

Sectoral Policies Department, 2023

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## ► Introductory Note

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This document presents a compendium of the International Labour Organization (ILO)'s work in the civil aviation sector from 1947 to present. It includes conclusions and resolutions adopted by the Inland Transport Committee, and outcomes of technical meetings, ad-hoc meetings and meeting of experts.

**Part 1** includes general work of the ILO Inland Transport Committee (1945-1992) applicable to all inland transport sectors.

**Part 2** includes specific aviation work of the ILO Inland Transport Committee, as the Committee had the civil aviation sector under its purview. During this period it adopted six resolutions pertaining to the civil aviation sector.

**Part 3** includes the conclusions, points of consensus and resolutions adopted by ILO meetings convened specifically for the civil aviation sector.

**Appendices I and II** include the conclusions, points of consensus and resolutions where consensus was not reached at ILO meetings convened for the civil aviation sector (1956 and 1990).

Please note that the present compendium is a draft informal document, and for the moment, only available in English.

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## ▶ PART 1. CROSS-SECTORAL: INLAND TRANSPORT COMMITTEE RESOLUTIONS

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As far back as the 1920s certain national services and a number of employers' and workers' organisations asked the International Labour Office to study some of the problems affecting the air transport industry. In 1929 the International Labour Conference invited the Governing Body of the International Labour Office to consider the desirability of instructing the Office to undertake a study of working conditions in air transport and of appointing a committee of experts for the purpose. Among these working conditions the Director of the Office referred in his report to the following session of the conference to safety, social insurance, welfare, rules for engagement and discharge, wages, repatriation and hours of work. Governments were asked to inform the Office of the law and practice then in force.

In 1938 the International Labour Conference considered the problem of the generalisation of the reduction of hours of work, and a comprehensive report was submitted to it on the subject by the Office. A section of that report dealt briefly with air transport and suggested that the problem was not yet ripe for international settlement. Consideration of this matter was, however, once again postponed owing to the political conditions prevailing.

Immediately after the war the Governing Body, at its 94<sup>th</sup> Session (London, 1945), set up a number of tripartite industrial committees, one of which is concerned with inland transport. Civil aviation was included in the scope of that committee, which was set up at the very time as the International Civil Aviation Organisation was beginning to operate in Montreal on a still provisional basis. In the Office documents for the first session of the I.L.O. Inland Transport Committee (London, 1945), only a brief reference was made to the social problems in the field of air transport, but at its second session (Geneva, 1947) the Committee requested the Governing Body of the International Labour Office to instruct the Office to prepare a study of conditions of employment in civil aviation "with a view to the eventual consideration of a code of minimum conditions of employment" in that sector.

In 1948 the International Labour Conference in turn adopted a resolution in which it noted that the working conditions of those employed in air transport merited special attention and study and therefore requested the Governing Body to instruct the Office, in consultation with the International Civil Aviation Organisation, to undertake studies on those conditions with a view to take what further action was necessary.

In readiness for the fourth session of the Inland Transport Committee (Geneva, 1951), the Office devoted a chapter of its general report to conditions of employment in civil aviation. The Committee set up a tripartite working party on conditions of employment in civil aviation and adopted in accordance with that working party's report a memorandum (No.40) to the Governing Body in which it expressed the view that the social aspects of conditions-of employment in civil aviation were the responsibility of the I.L.O. and drew particular attention to three subjects, namely holidays with pay, social security measures and hours of work. The Committee also convened special sessions of the Inland Transport Committee or industrial meetings to deal with civil aviation problems from 1956 to 1990.

## Resolution (No. 9) on industrial relations in inland transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and having met at Geneva for its second session from 7 to 16 May 1947, and

Having considered the problems of industrial relations in the various branches of the inland transport industry, and

Being convinced that the provision of efficient transport services and of satisfactory conditions of employment for transport workers necessitates the promotion of good relations between management and labour,

Adopts this sixteenth day of May 1947 the following resolution concerning the principles, methods and machinery by which the relations between management and labour in the inland transport industry should be conducted:

### 1. Freedom of Association

1. Employers and workers, whether in public or private inland transport undertakings, should be entitled to form, without previous authorisation and without restriction of occupation, sex, colour, race, creed or nationality, organisations of their own choosing.
2. Such organisations should be granted full autonomy in drawing up their constitution and administrative rules, in organising their administration and activity, and in framing their policies.
3. Where full and effective protection is not already afforded, appropriate legislation should be enacted to protect the individual worker—
  - a. from discriminatory or punitive measures directed against him at the time of engagement or during tenure of employment for the reason that he is a member, agent or official of a trade union;
  - b. against coercion with respect to his right to join a trade union.
4. Where full and effective protection is not already afforded, appropriate legislation should be enacted to prohibit on the part of the employer or of the employers' organisations or their agents, all acts designed to
  - a. promote the formation of trade unions controlled by the employer;
  - b. interfere in the formation or administration of a trade union, or support it by financial means or otherwise interfere in its control;
  - c. refuse to give practical effect to the principles of trade union recognition and collective bargaining.

### 2. Determination of conditions of employment

5. The negotiation of collective agreements should be developed both in private and publicly owned transport undertakings.
6. (1) The State should, through the appropriate agencies, make available to the parties facilities for the development of collective bargaining.  
(2) These agencies should be entrusted with the authority where necessary to determine the representative workers' organisations entitled to enter into collective agreements with employers or employers' organisations.
7. (1) Collective agreements freely entered into should be observed in good faith, and employers' and workers' organisations should do all in their power to ensure the observance by their members of the agreements to which they are parties.

(2) All individual or collective disputes arising out of the interpretation or application of collective agreements should be referred for settlement to a procedure accepted by the parties. There should be effective and expeditious means for reaching a final determination of all such issues.

(3) Employers, employers' organisations and trade unions which are parties to collective agreements should be entitled to institute legal proceedings to secure the observance of such agreements enforceable at law.

8. Immediate attention should be paid to the practice obtaining in certain countries whereby the provisions of collective agreements covering substantial proportions of employers and workers in a trade or industry are extended to include other such employers and workers who would not otherwise be covered by such agreements, in view of the fact that, in the conditions obtaining in the countries in question, arrangements of this nature have had the effect of strengthening the authority of the collective bargaining system.

#### *Minimum working standards.*

9. Governments should set up machinery whereby minimum wage rates, hours of work and other conditions of employment can be fixed in branches or sections of the inland transport services where there are no arrangements for the effective regulation of such matters by collective agreements or otherwise.
10. For this purpose account should be taken of the necessity of enabling the workers to maintain a suitable standard of living.
11. Whatever method is applied for fixing such minimum wages and conditions of employment, employers' and workers' organisations concerned should be directly associated in the framing of all necessary provisions.
12. An adequate system of inspection should be provided with power to make investigations with a view to ascertaining whether such wages and conditions of employment are in fact being applied and to take such steps as may be authorised to deal with infringements.

### **3. Adjustment of Labour Disputes**

13. (1) A free society cannot coerce any section of its population into working under conditions which are not freely and generally acceptable.

(2) Having regard to the vital position which transport occupies in the national economy, employers and workers, with due regard to their responsibility to society, should consider lockouts and strikes as an extreme and ultimate means of bringing pressure to bear upon one another. Consequently, they should undertake to utilise to the full extent all existing facilities for the expeditious and effective settlement of disputes before considering recourse to a lockout or a strike.

#### *Voluntary Conciliation and Arbitration.*

14. (1) The State should place at the disposal of the parties conciliation machinery with a view to helping them to adjust differences arising out of the negotiation and application of collective agreements.
- (2) Once a dispute has been submitted to a conciliation agency by consent of all the parties concerned, the parties should agree to refrain from strike or lockout while conciliation is in progress.
- (3) Agreements arrived at by the parties in the course of the proceedings as well as recommendations of the conciliation agencies that are accepted by the parties should have the same validity as normal collective agreements.
15. There should be instituted machinery for voluntary arbitration and, when a dispute has been submitted to arbitration by consent of the parties concerned this should imply acceptance of the award and the intention to abstain from strikes and lockouts while arbitration is in progress.
16. In the event of a serious labour dispute threatening to cause a stoppage of work in any essential transport service, and if there is no more effective and appropriate means of securing a settlement, the Government should be able

to cause a public investigation to be made into the origin and terms of the controversy. The results of the investigation, together with the recommendations of the investigating agency as to the just solution of the dispute, should be made public without delay.

*Right to Lockout and Strike.*

17. While the right to lockout and strike applies in inland transport as in other industries, in the event of a dispute arising during the operation of temporary restrictions placed by legislation upon the normal exercise of the right to lockout or strike, effective guarantees should be provided for the maintenance of wages and conditions of employment while negotiations are in progress.

#### **4. Labour-Management Co-operative Machinery**

18. Suitable machinery should be established at all appropriate levels for promoting the application and observance of collective agreements in particular establishments and the prompt handling of grievances affecting individuals or small groups of workers.
19. Suitable machinery should be established at all appropriate levels for promoting joint consultation between accredited representatives of employers and workers on all matters in which they have a common interest, with a view to improving both the wellbeing of the workers and the prosperity of the industry. All necessary information should be placed at the disposal of joint committees established for the above purposes.
20. Committee members should be compensated at normal wage rates for loss of working time incurred in attending committee meetings and other necessary activities authorised by their committee. This compensation should be paid by the employer or by the trade unions as the case may be.
21. Employers' and workers' organisations should, so far as it is reasonable and practicable, having regard to national practice, be associated with the framing and application of any special official schemes, as for example training schemes, instituted for the benefit of the inland transport industry.
22. In the appointment of members of policy-making bodies of publicly owned inland transport undertakings regard should be paid to the opinion of the trade unions as to the need to include persons with knowledge and experience of trade union organisation and the needs and interests of the worker.



## Resolution (No. 37) concerning labour problems arising out of the coordination of transport

The Inland Transport Committee of the International Labour Organization,

Having been convened by the Governing Body of the International Labour Office,

Having met at Nervi, Genoa, in its Fourth Session from 4 to 15 December 1951,

Having noted that governments, in an attempt to ensure the best use of national resources, are promoting policies designed to achieve an effective coordination of transport and to establish conditions in which the different branches of transport can contribute efficiently and economically to the needs of the community,

Having noted that the United Nations is considering, through its regional commissions, the measures needed to promote such coordination, including the question of whether undertakings engaging in international transport operations should be subject to a permit, licence or concession to operate,

Having noted that labour costs constitute an important element in the cost of transport,

Considering that competition between transport undertakings should not be permitted to seek to take advantage of a lowering of conditions of labour and thus undermine attempts to establish a fair basis for coordination of transport, and

Considering that it is desirable to apply in the transport field the principle of equal pay for equal work;

Adopts this fifteenth day of December 1951 the following resolution:

### I.

#### Conditions of employment in relation to coordination of transport

1. The employers' and workers' organisations concerned and the governments - in so far as the latter determine, or influence the determination of, wages and other conditions of work and employment - should make every effort to promote a greater equivalence in the conditions of work and employment of workers engaged in the various branches of transport. This policy should aim at eliminating, or at least at mitigating progressively, the differences which exist or may exist between various branches of transport or between transport undertakings in respect of wages, social charges and the conditions of employment relating to work involving similar degrees of skill and responsibility. The best conditions of employment should be used as a guide, in so far as the particular circumstances in each country or in each branch of transport permit.
2. Regulations concerning the operation of transport undertakings in each country should ensure the observance of fair labour standards.
3. For this purpose steps should be taken to ensure to the workers engaged in transport for hire or reward, wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the branch of transport concerned in the district where the work is carried on -
  - a. by collective agreement or other recognised machinery of negotiation between the most representative organisations of employers and workers in the branch of transport concerned; or
  - b. by arbitration award; or
  - c. by national laws or regulations.
4. Where the conditions of labour referred to in the preceding paragraph are not regulated in the manner referred to therein in the district where the work is carried on, steps should be taken to ensure to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than -
  - a. those established by collective agreements or other recognised machinery of negotiation, by arbitration, or by national laws or regulations, for work of the same character in the branch of transport concerned in the nearest appropriate districts; or

- b. the general level observed in the branch of transport concerned by employers whose general circumstances are similar.
5. In cases in which operators are subject to the grant of a permit, licence or concession to undertake the transport of passengers or of goods, the observance of the provisions relating to wages (including allowances), hours of work and other conditions of labour specified in paragraphs 3 and 4 above should be a condition of the grant or retention of the permit, licence or concession, where other regulations do not already exist for ensuring the observance of these standards.

#### *Transport on own account*

6. The competent authority in each country, after consulting the employers' and workers' organisations concerned, should consider the possibility of applying the provisions of paragraphs 3, 4 and 5 above to those persons whose major occupation is in transport and who are employed by undertakings carrying out transport on own account, bearing in mind the special regulations or collective agreements applicable to the various Industries to which these workers may belong.

#### *Social consequences of coordination*

7. No measures for coordination should be adopted without taking into account their social consequences.
8. In cases in which measures aiming at the coordination of transport are liable adversely to affect the workers concerned, measures should be taken either by the competent authority, after consultation with the employers' and workers' organisations concerned, or by agreement between these organisations, regarding either –
- (a) transfer within the same occupation or, where necessary, to another occupation, in particular by assisting those workers who are obliged to change their occupation or place of work and by providing vocational training for workers compelled to change their occupation; or
  - (b) material and occupational assistance to workers whose discharge is unavoidable.

During the negotiations which will lead to adoption of one of the measures referred to above, attention should be specially drawn to the advantage there would be in considering whether special measures concerning the maintenance of certain acquired rights could not be adopted.

#### *Cooperation of employers' and workers' organisations concerned*

9. The employers' and workers' organisations concerned should be closely associated on an equitable basis with the work of bodies dealing with the coordination of transport either through participation in them or by means of consultation.

#### *Supervision*

10. The appropriate authorities or the contracting parties should organise labour inspection in transport undertakings in an efficient manner with a view to ensuring observance of the legal or other regulations concerning conditions of work and the protection of transport workers.
11. For the purpose of ensuring proper control of the enforcement of fair labour standards, the appropriate authorities or the contracting parties should, whenever necessary, cause to be kept, preserved and placed at their disposal records concerning in particular wages, allowances, social charges, hours of work, weekly rest, rest on public holidays and overtime. These records should not, however, involve undue formalities or administrative costs.

#### *Sanctions*

12. Adequate sanctions should be applied for failure to observe the provisions relating to wages (including allowances), hours of work and other conditions of labour. Such sanctions should include, where appropriate, the cancellation of the permit, licence or concession.

## **II.**

13. The Governing Body of the International Labour Office is invited:
  - a. to authorise the Director-General to communicate to the United Nations the report of the Subcommittee on Labour Problems Arising Out of the Coordination of Transport and the conclusions of the Committee on the subject; and
  - b. to instruct the Director-General to continue to follow the discussions in the United Nations and in other international organisations relating to the coordination of transport with a view, whenever necessary, to bringing the social aspects of the question to the attention of those concerned.

## **Resolution (No. 44) concerning the transport and handling of dangerous goods**

The Inland Transport Committee of the International Labour Organization,

Having been convened by the Governing Body of the International Labour Office,

Having met at Nervi, Genoa, in its Fourth Session from 4 to 15 December 1951,

Having noted with interest the information provided in the General Report on the transport and handling of dangerous goods in the various branches of the inland transport industry and the action taken in this field, both in Europe and in the wider international field,

Having noted with satisfaction the initiative taken on various occasions by the International Labour Office at meetings of various organs of the United Nations with a view to assuring more particularly the protection of workers against occupational accidents and illness resulting from the handling of dangerous goods;

Adopts this fourteenth day of December 1951 the following resolution:

The Governing Body of the International Labour Office is invited to ask the Office to continue to follow attentively the discussions in the various international bodies concerned with the transport of dangerous goods and to take whatever steps may be necessary to draw the attention of such bodies to the need for assuring protection for the workers engaged in such transport

## Resolution (No. 75) concerning technical assistance in the field of inland transport

The Inland Transport Committee,

Having examined Chapter VI of the General Report submitted by the International Labour Office dealing with technical assistance in the field of inland transport,

Recalling its resolution No. 45 (1951) concerning technical assistance in inland transport, and while

Commending the work done and the results achieved by the International Labour Organisation in the field of vocational, supervisory or instructor training and in productivity projects,

Feels that in accordance with the aims and purposes of the International Labour Organisation as laid down in the Declaration of Philadelphia, more recognition should be given to the social aspects of technical assistance; and therefore:

Invites the Governing Body of the International Labour Office to request the Director-General, in developing the operational activities of the Organisation:

- (a) to take into account the need to assist developing countries in building up suitable machinery for promoting joint consultation between representatives of employers and workers with a view to improving the well-being of the workers, the prosperity of the industry and of the community in general;
- (b) to use the available means for the improvement of poor conditions of work which so often lead to industrial conflicts, thus hampering the harmonious development of the economy in general and of the transport industry in particular;
- (c) to invite governments, in appropriate cases, to consult the national organisations of employers and workers concerned when formulating requests for technical assistance;
- (d) to encourage requests for assistance from the International Labour Organisation in elaborating machinery for the proper settlement of industrial problems in essential transport industries.

## Resolution (No. 76) concerning coordination of transport

The Inland Transport Committee,

Having examined the chapter of the General Report submitted by the International Labour Office dealing with Transport Coordination and having compared the views expressed therein with those contained in the ILO Report on Labour Problems arising out of the Coordination of Transport submitted to the Fourth Session of the Inland Transport Committee and resolution No. 37 thereon;

Invites the Governing Body of the International Labour Office to instruct the Director-General to continue to follow developments in transport coordination as they arise in discussions by the competent agencies of the United Nations and other international organizations, with a view to influencing decisions to be taken in the spirit of the Declaration concerning the Aims and Purposes of the International Labour Organisation and of the principles contained in the resolution (No. 37) concerning the labour problems arising out of the coordination of transport.

## Resolution (No. 78) concerning freedom of association in essential transport services

The Inland Transport Committee,

Considering that trade union freedom and full bargaining rights are the prerequisites of good industrial relations in the transport industry,

Recalling the provisions of its resolution No. 9 on industrial relations in inland transport adopted at the Second Session in 1947, and

Recognising the paramount importance to transport workers of a full implementation of Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Invites the Governing Body of the International Labour Office to request the Director-General:

- (a) to intensify his efforts to increase the number of ratifications of Conventions Nos. 87 and 98;
- (b) to urge that the principles contained both in the above-mentioned Conventions and in the resolution on industrial relations in inland transport adopted by the Committee in 1947 are applied, without any discrimination in all countries to what are styled essential services in the transport industry.

## Resolution (No. 98) concerning the convening of regional meetings for inland transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Geneva in its Ninth Session from 24 April to 3 May 1972,

Considering that the subjects relating to inland transport include aspects of fundamental importance which call for the establishment or improvement of standards to protect labour in the field of conditions of work and of safety,

Taking into account the fact that both of these aspects should be accorded special attention in those countries that have not reached a full level of development, not only as regards social and economic possibilities but also in the fulfilment of technological requirements,

In virtue of the absolute necessity of considering at the regional level the problems to be dealt with in the transport industry, and in order to suit the proposed solutions more exactly to the real situation in each country, on the basis of all the information on technical questions, standards and practice in this matter,

Recalling the decision taken by the Governing Body at its 174th Session (March 1969) which provides that the industrial activities of the International Labour Organisation should be strengthened, that for this purpose all ILO activities for specific branches of economic activity should be integrated in a major "ILO Programme of Industrial Activities", and that, under this programme, provision should be made for holding, during each biennium, seven full meetings of the Industrial Committee type and a number of small meetings equal in cost to one full meeting;

Adopts this third day of May 1972 the following resolution:

The Governing Body of the International Labour Office is invited to arrange for the convening of regional meetings, such as those that have been held for the maritime sector, which, taking into account the special characteristics of inland transport in countries that have not reached full development, would deal with the application of the resolutions or recommendations adopted at this session.



## Resolution (No. 102) concerning the improvement of the working environment and the protection of workers' health in the various sectors of transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Geneva in its Ninth Session from 24 April to 3 May 1972,

Considering that the International Labour Organisation should support, in the various nations of the world, programmes to bring about "adequate protection for the life and health of workers in all occupations" and "the provision of adequate nutrition, housing and facilities for recreation and culture",

Noting that, despite the existence of several international instruments dealing with the protection of the working environment, transport workers are often exposed to the harmful effects of various factors of pollution and to excessive strains, without effective protection and prevention,

Considering that in many countries the adverse conditions prevailing in the working environment are spreading to the places in which people live and enjoy their recreation and leisure, this being due to the absence of coherent town planning, and that a deterioration in the living environment is the result,

Considering that new techniques, the use of new methods of storage and new materials require a reassessment of standards relating to occupational health and safety;

Adopts this third day of May 1972 the following resolution:

The Governing Body of the International Labour Office is invited to:

1. address a pressing appeal to the governments of States Members of the International Labour Organisation to adopt and enforce, in cooperation with employers' and workers' organisations, measures concerning the health and safety of transport workers, in particular
  - a. the strengthening of labour inspection and provision for sanctions against those guilty of infringing regulations or of causing pollution;
  - b. town planning based on consideration of the over-all planning of the land area and of the environment;
  - c. provision for sanctions in the case of occupational accidents caused by inadequate working and safety conditions;
  - d. the reduction of permissible levels of exposure at work to harmful factors (harmful substances, noise, etc.) and the definition of these levels in effective consultation with employers' and workers' organisations;
2. instruct the Director-General to carry out thorough studies on the deterioration of the working environment and its relation to the increase in occupational diseases (including nervous diseases) and occupational accidents in the various sectors of transport;
3. taking into account these studies, include in the agenda of an early session of the International Labour Conference the question of occupational safety and the prevention of occupational accidents in the field of transport, with a view to the adoption of appropriate international instruments.

## **Resolution (No. 108) concerning working time in the transport industry**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Tenth Session, from 15 to 24 January 1980,

Concerned about the effects of new technologies being applied to transport systems throughout the world and their impact on employment and conditions of work;

Adopts this twenty-fourth day of January 1980 the following resolution:

The Inland Transport Committee requests the Governing Body of the International Labour Office, when considering the possibility of setting standards for improvements in the matter of working time, to take account of the transport industry.

## **Resolution (No. 118) concerning the right of workers in transport undertakings to organise and bargain collectively**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 23 to 31 January 1985,

Taking note of the fact that certain transport activities are considered to be essential services and that therefore the right to strike of the workers concerned is restricted;

Adopts this thirty-first day of January 1985 the following resolution:

The Inland Transport Committee requests the Governing Body of the International Labour Office to instruct the Director-General to arrange for a study about the laws, regulations and practices in this regard in the various countries in order to ascertain whether workers of transport undertakings enjoy the rights and guarantees which are essential for the normal exercise of freedom of association under Conventions Nos. 87, 98 and 151.

## Resolution (No. 125) concerning the future work of the ILO in inland transport

Resolution (No. 125) concerning the future work of the ILO in inland transport

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 23 to 31 January 1985;

Adopts this thirty-first day of January 1985 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to:

1. convene as soon as possible an Asian and Pacific regional meeting to discuss issues of particular importance concerning inland transport in the Asian and Pacific region;
2. request the Director-General to carry out studies on the following subjects, with special reference to developing countries;
  - a. conditions of the road network and motor vehicles and their effects on safety and health;
  - b. training and retraining of drivers, loaders, as well as road users;
  - c. role of the unorganised sector in road transport;
  - d. the extent and depth of technological changes in inland navigation and their effects on the working and social conditions of boatmen;
  - e. the norms for working hours and crew composition for inland navigation in the context of the need for modernisation of inland navigation.

## Conclusions (No. 126) concerning the social and legal protection (including repatriation) of inland transport workers engaged in international transport during their temporary periods abroad

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Having examined the report (Report II) prepared by the International Labour Office on The social and legal protection (including repatriation) of inland transport workers engaged in international transport during their temporary periods abroad;

Adopts this thirtieth day of January 1992 the following conclusions:

### General considerations

1. The globalisation of markets, internationalisation of trade and opening of frontiers have led to the continuous growth of international inland transport and consequently to the increase in the number of workers engaged therein. Appropriate measures should be taken to provide inland transport workers with the protection adequate to the problems they may encounter during their temporary work abroad. Such measures should be provided for by legislation, collective agreements or by bilateral or multilateral agreements including treaties, as may be appropriate.
2. Inland transport workers abroad may face a number of problems relating to their legal and social protection. Some of these problems are common throughout the inland transport sector, others stem from specifics of each individual mode of transport. In the areas where workers face similar problems irrespective of the mode of transport, consideration should be given to measures that can be applied across the international inland transport sector. In addition, appropriate solutions should be sought to the specific problems of social and legal protection which workers of each mode of inland transport encounter abroad.
3. The social and legal protection of inland transport workers abroad may be the subject of regional and subregional agreements. Employers' and workers' organisations representing the inland transport sector in each country concerned should be consulted during the formulation of such agreements. The implementation of procedures and terms laid down should include tripartite consultations and take account of the conditions in each country.
4. Legal and social protection of inland transport workers abroad should be provided irrespective of the location of the undertaking employing them. Such protection may be afforded by different means such as legislation, collective agreements, bilateral or multilateral agreements including treaties, as appropriate, which should also be used as a means of defining responsibilities of employers and workers as regards the conditions under which such protection should be provided.

### Conditions of employment

5. Conditions of employment of workers engaged in international inland transport, including their social and legal protection abroad, are those stipulated by legislation, bilateral and multilateral agreements including treaties and collective agreements of the countries where the undertakings employing them are registered. Agreed conditions of employment should remain in force and not be changed to the disadvantage of the worker during temporary stays abroad.
6. Where the employer terminates the contracts of employment with inland transport workers during their stay abroad, workers should be repatriated and provided an opportunity to defend themselves in accordance with national practice. The time taken for dismissed workers to be returned to their countries should not be included in any time limit they may have to contest the termination of their contracts.
7. In the event of insolvency of their employer during their stay abroad, inland transport workers should be entitled to repatriation arranged by the employer. Governments should ensure that their consulates provide prompt assistance to workers affected by an employer's insolvency, including arrangements for repatriation. If the

employer fails to make arrangements for repatriation because of financial problems related to insolvency, such repatriation should be arranged by the competent public authorities, at no cost to the worker.

### Conditions of work

8. Working conditions of inland transport workers that are established by national laws, regulations and collective agreements vary considerably from one country to another. This may cause problems for workers during their work abroad since, when crossing borders, they may have to comply with different legal requirements, especially as regards driving periods, duty time and rest periods. In this respect, adequate information should be provided to the workers concerned and consideration should be given in this regard to the advisability of harmonisation of national standards through bilateral or multilateral, regional or subregional agreements. For safety and economic reasons, these agreements should cover not only employees of transport undertakings but also self-employed carriers. In view of the need for flexibility required by various types of transport activities, special attention should be paid to driving periods, duty time and minimum rest periods as well as to procedures for their enforcement.
9. Transport workers and self-employed carriers engaged in cabotage, in countries where this is allowed, should comply with the relevant national regulations concerning duty time and minimum rest periods of the country in which the cabotage is being performed.
10. Self-employed carriers should be considered as autonomous undertakings responsible for their own social and legal protection abroad. However, in cases of contracts between carriers working as subcontractors and main contractors, conditions under which international transport operations are to be carried out should be specified, including those related to social and legal protection of such carriers.
11. The potential hazards arising from the international inland transport of dangerous goods require that it should be performed in accordance with regional agreements and/or international regulations, in particular those laid down by the United Nations and its specialised agencies. Furthermore, measures should be taken to ensure that such standards cover not only the transport of dangerous goods but also their loading and unloading.
12. Employers should ensure that their workers engaged in the transport, loading and unloading of dangerous goods are properly trained, instructed and informed. Appropriate measures should be taken at the international level with a view to establishing an international training and certification system that could enable national authorities to make sure of the necessary level of competence of workers engaged in the transport of dangerous goods.
13. Employers engaged in international inland transport operations should guarantee their workers legal protection for problems in connection with their work abroad. The workers concerned should be provided with a copy of the legal insurance certificate which should be translated in the appropriate languages.
14. Before going abroad, inland transport workers should be provided sufficient written information and instructions by their employers to be able to comply with the relevant national legislation, bilateral and multilateral agreements, including treaties, and practices in the countries in which they have to carry out their transport operations. Workers should be given information concerning the contents of the load and schedule of delivery.
15. The competent national authorities should take account of the specific situation of inland transport workers when they are accused of infringing laws or regulations in connection with their work in a foreign country. Such workers should be given sufficient time to prepare their defence in cases where they are subject to prosecution. They should also be provided with qualified interpreters and legal representation before and during formal proceedings.
16. In countries where the alleged offence does not normally entail a custodial sentence, the inability of an inland transport worker to produce bail money or pay fines within a reasonable time should not be used as a reason for detaining the worker.
17. Governments, employers' and workers' organisations should closely cooperate at both the national and international levels with a view to ensuring, where needed, the protection of and prompt provision of legal assistance to inland transport workers abroad. The public authorities should provide all employers engaged in international inland transport operations with information on national legal assistance schemes.

**Transport conditions**

18. Inland transport workers may be particularly vulnerable to criminal acts abroad. In this regard, adequate measures should be taken by public authorities, with the assistance, where appropriate, of the employers' and workers' organisations concerned, to protect workers while in transit and to ensure the security of parking places where crews have to spend their rest periods on board their vehicles or vessels. When inland transport workers are the victims of criminal acts abroad, the public authorities should make every effort to assist them and to help them contact promptly their employers and consular representatives.
19. Expeditious border crossing is one of the main factors which may not only reduce costs of waiting time but also improve working conditions of the workers engaged in international inland transport. National immigration and visa procedures should be adjusted as much as possible to the specific conditions of international inland transport. Efforts should be continued through bilateral, regional or subregional agreements to harmonise national transit policies with a view to making international inland transport more effective and thus improve working conditions of those engaged in it.
20. New communication technologies recently introduced in the inland transport sector have had a positive effect on the efficiency of transport operations, have often improved working conditions and reduced the isolation of operators. However, appropriate measures should be taken through legislation, collective or other agreements to ensure that such information and equipment is not used illegally, that the legal rights of employers and workers are respected and that data concerning any worker thus generated are made available to that worker.

**Social protection**

21. Inland transport workers should be fully covered to meet all necessary expenses that may arise in the event of sickness or occupational accident while they are abroad. Repatriation due to medical reasons, as well as repatriation of a deceased worker, should also be guaranteed by legislation, collective agreements, bilateral or multilateral agreements, including treaties, as appropriate.
22. Where appropriate, measures should be taken at the international level to ensure reciprocity of national medical insurance schemes through bilateral, regional or subregional agreements to ensure that inland transport workers receive necessary medical treatment abroad.
23. Appropriate measures should be taken through legislation, collective agreements, bilateral or multilateral agreements, including treaties, to guarantee inland transport workers the right to unconditional emergency medical treatment, including transportation to the nearest proper medical facilities, which might be required during their work abroad.

**Action by the ILO**

24. To promote legal and social protection of inland transport workers abroad, the ILO should assist its tripartite constituents by collecting and disseminating information, and providing technical assistance, workers' education and training.
25. The ILO should strengthen its cooperation with other United Nations agencies and other regional and international organisations to provide necessary assistance to the countries seeking to establish effective systems of social and legal protection of inland transport workers abroad through national legislation, collective agreements, bilateral and multilateral agreements or treaties, including regional and subregional agreements.
26. The ILO should continue to assist governments, employers' and workers' organisations in their efforts to set up or develop tripartite machinery necessary to provide adequate social and legal protection to workers engaged in international inland transport during their temporary periods abroad.

## ▶ **PART 2. SECTOR-SPECIFIC: INLAND TRANSPORT COMMITTEE RESOLUTIONS AND CONCLUSIONS**

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## Resolution (No. 21) concerning conditions of employment in civil aviation

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and having met at Geneva for its second session from 7 to 16 May 1947;

Recognising the rapid development of national and international air transport and the desirability of avoiding the introduction of unsatisfactory conditions of employment,

adopts this sixteenth day of May 1947 the following resolution:

The Committee invites the Governing Body of the International Labour Office to instruct the Office to prepare, for consideration at an early session of the Committee, in collaboration with the International Civil Aviation Organisation and the other appropriate international organisations:

- (a) a study of conditions of employment in civil aviation, with special reference to the problems peculiar to the employment of aircrews, with a view to the eventual consideration of a code of minimum conditions of employment in civil aviation ;
- (b) information on existing or proposed measures for coordination between civil aviation and other forms of inland transport which might affect conditions of labour and employment in the inland transport industry.

## **Resolution (No. 34) concerning night work of young persons employed in transport by air**

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office and

Having met in Brussels for its Third Session, from 18 to 27 May, 1949:

Having noted that the Governing Body at its 107th Session (Geneva, December 1948) referred to the Inland Transport Committee the question of night work of young persons employed in transport by air for its consideration and recommendation as to appropriate action; and

Having considered the matter and finding no evidence that a problem exists concerning the employment of young persons in transport by air;

Adopts this 27th day of May 1949 the following Resolution:

The Inland Transport Committee recommends to the Governing Body that until such time as there is prima facie evidence that the employment of young persons on night work constitutes a problem in civil air transport no further action should be taken.

## Memorandum (No. 40) to the Governing Body of the International Labour Office on the conditions of employment in civil aviation

1. The Inland Transport Committee noted the statement made in Chapter III of the General Report headed "Conditions of Employment in Civil Aviation" that "the object of this Chapter is not to go into the very complex problems presented by civil aviation but to outline their particular characteristics so that the members of the Committee may, if they wish, make proposals regarding the subjects they consider specially important and consequently worthy of fuller discussion."
2. Having considered the information given in this chapter having heard from a representative of the International Civil Aviation Organisation of the work already done by that body, and in hand, in regard to the technical aspects of employment in civil aviation, the Committee considers that this is a field of study outside the scope of the International Labour Organisation and properly within the scope of the International Civil Aviation Organisation. The Committee therefore makes no recommendation on the technical aspects of employment.
3. The social aspects of conditions of employment in civil aviation are the responsibility of the International Labour Organisation, and the Committee is of the opinion that there are three subjects on which it would be profitable for the International Labour Office to undertake a study and produce in the first place a report for consideration at a subsequent session of the Committee. These subjects are:
  - a. Holidays with pay
  - b. Social security measures
  - c. Hours of work.

The study should embrace all categories of personnel employed in civil aviation and should not be restricted to any particular category.

4. The Committee therefore invites the Governing Body to instruct the Office to undertake a study on these three questions and to prepare a report for consideration at the next session of the Inland Transport Committee.
5. Considering, however, the number of problems to be dealt with by the Inland Transport Committee because of the different branches included, the Committee is of the opinion that it would be desirable to convene a special session of the Inland Transport Committee to deal with civil aviation problems, and invites the Governing Body to give favourable consideration to this proposal.
6. The Committee agrees with the statement made in the General Report that civil aviation presents "very complex problems" and believes that they are inherent in the nature of the industry. Because of this the Committee is of opinion that the problems should be studied by experts having an intimate knowledge of the industry and recommends for the favourable consideration, of the Governing Body the proposal that a special section be created in the Office competent to undertake the study proposed and to deal on a continuing basis with the problems already existing and which will arise in future in civil aviation.

## Resolution (No. 94) concerning civil aviation

The Inland Transport Committee of the International Labour Organisation,

Having met at Geneva in its Eighth Session from 21 November to 2 December 1966,

Noting with appreciation the studies concerning some aspects of airline employment which have been undertaken by the International Labour Office during recent years,

Considering that civil aviation, being a highly important, fast developing and extremely complex international industry, can be given attention by the International Labour Organisation in its field of competence through the creation of appropriate tripartite machinery which can deal effectively with its many challenging social problems;

Adopts this first day of December 1966 the following resolution:

The Governing Body of the International Labour Office is invited to give consideration to the need for establishing appropriate tripartite machinery for civil aviation in order that the most pressing social problems of the industry can be discussed with the aim of framing appropriate conclusions.

## **Resolution (No. 100) concerning civil aviation**

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the national Labour Office, and

Having met at Geneva in its Ninth Session from 24 April to 3 May 1972,

Recalling Resolution No. 94 concerning Civil Aviation the Committee,

Noting the intention of the Governing Body to hold a small tripartite preparatory meeting for civil aviation,

Adopts this third day of May 1972 the following resolution.

The Governing Body is requested to give urgent consideration to convening at the earliest possible date such a small tripartite meeting for civil aviation.

## **Resolution (No. 112) concerning permanent tripartite machinery for civil aviation**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Tenth Session, from 15 to 24 January 1980,

Noting with appreciation the studies concerning some aspects of labour problems in civil aviation which have been undertaken recently by the International Labour Office,

Noting Resolution (No. 6) concerning future ILO action in civil aviation, adopted at the Tripartite Technical Meeting for Civil Aviation in 1977,

Noting that the Governing Body is already undertaking a review of pending requests for the establishment of new Industrial Committees,

Adopts this twenty-fourth day of January 1980 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to give effect as early as possible to the above-mentioned Resolution No. 6, with a particular reference to the convening of meetings and the desirability of establishing an appropriate tripartite machinery in order that the most pressing social problems of the industry can be discussed with the aim of framing appropriate conclusions.

## ▶ **PART 3. SECTORAL MEETINGS, AD HOC MEETINGS AND MEETINGS OF EXPERTS**

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## 1956: Ad hoc meeting on civil aviation

**Please refer to Appendix 1.**

This bipartite meeting did not reach consensus to adopt outcome documents in the form of conclusions or resolutions. The Final report of this meeting explains that the Steering Committee could not reach an agreement with regards to the setting up of committees to discuss the separate items of the agenda. All the proceedings of the Meeting were therefore conducted in plenary sittings.

Any draft resolutions and memorandums were put to the vote. The result was 11 votes in favour and 11 against for all of them. There being an equality of votes cast for and against, the draft resolutions and memorandums were not adopted.

These draft documents are included in **Appendix I** of this document for informative purposes



## 1960: Ad hoc meeting on civil aviation

### Conclusions (No. 1) concerning hours of duty and rest periods of crew members in civil aviation

The Ad Hoc Civil Aviation meeting of the International Labour Organisation;

Recognising that, in the determination of hours of duty and rest periods in civil aviation, account should be taken of technical, safety, economic and social factors;

Recognising that the International Civil Aviation Organisation has adopted standards for application by its member States concerning the safety, security and efficiency of international air navigation, including a standard and guidance material on the limitations of the flight time of flight crew members, and that the International Civil Aviation Organisation is actively pursuing the adoption of further standards and recommended practices in respect of safety;

Recognising that, for special considerations, it is also appropriate to adopt flight and duty time limitations and minimum rest periods;

Recognising that detailed provisions to this end should be established on a national or an individual airline basis;

Pursuant to this social objective, accepts the following Conclusions:

#### **Scope**

1. The provisions below should apply to the crew members engaged in commercial air transport (operations such as executive flying, agriculture, health, survey etc. are not included in this context) whose normal duties include assignment on board an aircraft during flight time.

#### **Hours of Duty and Flight Time**

2. There should be regulations on the flight time and the duty time of crew members engaged in commercial air transport. Such limitations should provide for at least a weekly, monthly or quarterly limitation or a combination of these, as may be appropriate to the operational conditions.
3. Where as a result of operational considerations, extended duty periods are required, sufficient crew members should be carried so as to ensure avoidance of an undue individual workload.

#### **Rest Periods**

4. Minimum rest periods should be established taking into account relevant factors such as the duration of the preceding and the succeeding duty times
5. Minimum uninterrupted periods free of all duty should be granted to crew members at their home base after a series of flights
6. Rest facilities both on flight and on the ground should be such as to ensure adequate rest appropriate to the circumstances of the operation

#### ***Methods of Application of Provision***

7. Limitations on hours of flight and hours of duty and provisions of rest periods should be determined between employers' and workers' organisations, or in accordance with national practice, as may be appropriate
8. Such limitations should be determined with due regard to operational, economic and social considerations
9. The limits of hours or minimum rest periods should be such as to ensure that:
  - (a) The total hours of duty of crew members, averaged over the period appropriate to the operational requirements are comparable with those current in the majority of occupations in the country concerned.
  - (b) Crew members enjoy periods of leisure and social conditions as normal as the circumstances of their occupational permit
10. Principles for the determination of duty rosters should be established in consultation with the representatives of the crew members concerned

#### ***Supervision of the Practical Implementation of Provisions***

11. Records of flight and duty time should be kept by operators and should be available for inspection by the appropriate national authorities
12. Crew members should not carry out flights for another employer if this leads to the prescribed standards being exceeded

#### ***Joint Consultation***

13. The framing and application of any provisions mentioned in his conclusion should be the subject of consultation between the employers' and workers' organisations concerned

#### ***Definitions***

### *Flight Time*

- 14.** Flight time is the total time from the moment when an aircraft first moves under, its own power for the purpose of taking off until the moment it comes to rest at the end of the flight.

Note: Flight time is synonymous, with the term "block -to block" time, "chock to chock" time, which is measured from the time the aircraft moves from the loading point until it stops at the unloading point.

### *Hours of Duty*

- 15.** Any time during which a crew member is performing an activity assigned to him by the operator.

Note: The word activity is understood, in the social context, to include time on standby duties, and waiting periods in connection with any assignment at places where no adequate rest facilities are available to the crew members

### *Rest Period*

- 16.** The period of time during which the crew member is not assigned any functions by his employer.

### ***Safeguarding Clause***

- 17.** None of the provisions of the present conclusions should be used to seek the amendment or review of any law, regulation, award, custom or agreement between workers and employers which ensure more favourable conditions to the workers.

### ***Other Conclusions Adopted by the Meeting***

At its eleventh and twelfth plenary sittings, the meeting had before it eight draft resolutions, the original text of which had been submitted by the workers' group. Each of the original drafts had been examined by the Steering Committee and later by a small Working Group of the Committee composed of two members from each of the three groups. After this initial examination, three of the eight drafts were submitted to the plenary meeting by the unanimous Steering Committee, while the five others were submitted directly by the Workers group after amendment to take account of certain remarks made in the Working Group.

## **Resolution (No. 2) concerning future action by the ILO in the field of civil aviation**

The Ad Hoc Civil Aviation meeting,

Considering that the ILO exists to provide a forum for dealing with social questions affecting all industrial workers, and

Considering that the civil aviation industry, by reasons of its international character and rapid technological developments create many and varied social problems for the workers employed in it, and

Considering also that these problems are likely to increase in the future,

Recommends to the ILO that it continue to give attention to all such problems by such means as the Governing body considers appropriate.

## **Resolution (No. 3) concerning occupational health risks in civil aviation**

The Ad Hoc Civil Aviation Meeting,

Having noted with satisfaction the work being done by a variety of bodies in the: sphere of aviation medicine as described on page 59 of the General Report on Review of conditions of Employment in Civil Aviation and

Recognising that there is a need for all information which is acquired as a result of this work to be made available to states members and the employers', and workers' organisations concerned,

Invites the Governing body to ask the Director-General- to consult with the organisations undertaking the work referred to with a view to the co-ordination of the results and to producing a report to be made available to States Members and the employers' and workers' organisations concerned.

## **Resolution (No. 4) concerning joint consultation the civil aviation industry**

The Ad Hoc Civil Aviation Meeting,

Welcomes the existence of collaboration at the company level and/or national level between workers' and employers' organisations, and

Emphasises the desirability, of consultation at the company level and,/or national level, according to the practice of the country concerned, upon such subjects as may be agreed between the parties concerned.

## **Resolution (No. 5) concerning personnel posted abroad and repatriation in civil aviation**

The Ad Hoc Civil Aviation Meeting,

Recognising that personnel posted abroad are sometimes affected by different living conditions at their foreign stations and realising the need for their eventual return to the home country, Invites the Governing body to ask the Director-General to make a study of the questions which may present themselves to the personnel so stationed in relation to:

- (a) the social standards they enjoy; and
- (b) responsibility for repatriation on termination of service.

## **Resolution (No. 6) concerning conditions of employment in air navigation services**

The Ad hoc Civil Aviation meeting,

whereas the maintenance of proper standards of air navigation is one of the most important factors in conducting efficient air transport operations, and depends to a considerable degree on the maintenance of the essential navigation services such as traffic control, meteorology, communications and their engineering maintenance,

Invites the Governing Body to ask the Director-General to study the conditions of employment of personnel engaged in air navigation services, with particular reference to the question whether these conditions are such as to attract suitable Personnel into these services and to retain them by providing, inter alia, career prospects, thereby achieving efficiency through the adequate manning of the services by fully qualified personnel specialising in the different occupations



## Resolution (No. 7) concerning financial security of civil aviation personnel

The Ad Hoc Civil Aviation meeting,

### 1. Civil liability

Having noted with interest chapter IX of the Review of Conditions of Employment in Civil Aviation dealing with the subject of the civil liability of the air crews,

Having noted also that the Director-General proposes to keep the matter under review in conjunction with his study of liability in all forms of transport,

Invites the Governing Body to request the Director-General in consultation with I.C.A.O. To keep this matter under review with the object of ascertaining, within the framework of this general body, how far the employee is protected or may be protected against claims being brought against him or his estate.

### 2. Air Hostesses

Invites the Governing Body to ask the Director-General to undertake a study of practices in various countries concerning the employment of air hostesses with a view to ascertaining the position both in relation to termination of employment on marriage and on reaching a fixed retirement age.

## **Resolution (No. 8) concerning crew health and comfort on-board aircraft**

The Ad Hoc Civil Aviation Meeting,

Recognising that, for flight personnel, an aircraft represents their total working environment during flight time,

Invites the Governing Body of the I.L.O. to ask the Director-General to request I.C.A.O. to continue to give consideration to the working environment of flight personnel on board aircraft in connection with any I.C.A.O. study of related technical; and operational problems which may be undertaken.

## **Resolution (No. 9) concerning effects of technological change in the civil aviation industry**

The Ad Hoc Civil Aviation Meeting,

Recognising the rapid technological progress in the aviation industry, and the adjustments thereby required of personnel, and the difficulties that such personnel may encounter when seeking to utilise their specialised skills and qualifications in other industries, and the high medical standards required of some categories of personnel,

Invites the Governing Body to request the Director-General of the international- labour Office to undertake studies of procedures whereby flight or ground personnel, who by loss of license or by technological developments in the industry have been prevented from performing the work for which they have been engaged, may be provided with alternative employment based upon retraining in accordance with their skills and qualifications, either in the air or on the ground or with financial compensation determined in accordance with the normal negotiating practice in the industry

## 1974: Preparatory meeting

### Conclusions

The Preparatory Meeting for Civil Aviation of the International Labour Organisation,  
Having been convened by the Governing Body of the International Labour Office, and  
Having met at Geneva from 3 to 10 October 1974;

Deeply concerned by the critical economic situation through which civil aviation is passing at the present time;

Conscious of the social repercussions of these difficulties as well as of those due to the speed of technological change in the civil aviation industry;

Considering that the International Labour Organisation should give due attention to the social and labour problems in civil aviation; and

Recalling that other international organisations of the United Nations system, in particular the International Civil Aviation Organisation (ICAO) and the World Health Organisation (WHO), have established links and agreements of collaboration with the International Labour Organisation, which provide the framework for joint action on questions of common interest, a number of which concern civil aviation,

Adopts this tenth day of October 1974 the following conclusions:

1. The Preparatory Meeting recommends the Governing Body of the ILO to convene a tripartite technical meeting of the Industrial Committee type, to which between 25 and 30 countries would be invited.
2. The Preparatory Meeting recommends the Governing Body to determine the agenda of the Tripartite Technical Meeting for Civil Aviation as follows:
  - a. General Report.
  - b. Occupational health and safety in civil aviation.
  - c. Employment security in civil aviation.

It is understood that the report submitted by the Director-General of the ILO on the first item would provide a general picture of the state of the civil aviation industry, considered more particularly from the point of view of social and labour problems; that the second item would also cover the question of working conditions in so far as these affect occupational health and safety; and that the third item would include the questions of training and retraining.

3. The Preparatory Meeting recommends the Governing Body to decide that the urgent problems concerning air traffic controllers should be the subject of a specialised meeting of the same type as a meeting of experts as soon as possible.
4. The Preparatory Meeting has noted that a number of ILO instruments are applicable to civil aviation workers. It has noted in particular that the important instruments regarding the protection of trade union rights, the labour management relations system and the combating of discrimination are not applied in all States Members of the ILO and expresses the view that the standards embodied in these instruments should be effectively applied by all member States.
5. Concerned about the safety of workers in civil aviation, the Preparatory Meeting considers that the Office could usefully be requested to study the social and industrial aspects of aviation security, within the framework of co-operation between the ILO and other international organisations, especially ICAO, which are actively dealing with the other aspects of this whole problem.
6. Similarly, the Preparatory Meeting believes that the Office should be requested to continue its studies on the social aspects of civil liability, giving adequate attention to the case of civil aviation workers.

7. The Preparatory Meeting suggests to the Governing Body that it request the Director-General of the ILO, when carrying out the Office's comprehensive research programme in the field of social policy relating to the activities of multinational enterprises, to include civil aviation among the sectors to be studied with regard to social policy problems in a multinational framework.

## 1977: Tripartite technical meeting

### Conclusions (No. 1) concerning occupational health and safety in civil aviation

The Tripartite Technical Meeting for Civil Aviation,

Having been convened by the Governing Body of the International Labour Office, and

Having met in Geneva from 7 to 15 December 1977,

Having examined the report on occupational health and safety in civil aviation submitted by the International Labour Office,

Noting that the technological developments and the increase in the volume and rhythm of air transport activities over the last decade have left their mark on working conditions and environment in this industry,

Noting that despite the efforts made and the progress achieved in the field of protection of workers' health and improvement of the working environment, certain health and accident risks to personnel continue to accompany these developments,

Considering that the protection of workers' health and the prevention of occupational accidents and diseases represent priority objectives common to employers and workers,

Recalling the conclusions and resolutions concerning occupational health and safety adopted by the Ad Hoc Civil Aviation Meeting held in 1960, and

Recalling the principles and objectives stated in the resolutions on working conditions and environment adopted by the International Labour Conference at its 60th and 61st Sessions (1975 and 1976) and incorporated in the Programme for the Improvement of Working Conditions and Environment (PIACT, 1976),

Adopts this fifteenth day of December 1977 the following conclusions:

1. The protection of workers' health, the prevention of exposure to occupational hazards and the improvement of working conditions and environment should form the object of close and constant collaboration between employers, workers and the public authorities, if such collaboration does not already exist.
2. Measures designed to achieve a safe and healthy working environment for all civil aviation workers should benefit continually from the results of research carried out on the initiative of public authorities or of employers' and workers' organisations.
3. Given the highly technical character of certain occupational activities within civil aviation and the rapidity with which they have evolved, the application of preventive measures and techniques in this industry requires a high level of knowledge and appropriate qualifications on the part of the personnel called upon to perform these activities. It would also appear desirable that universities should contribute to the training of all necessary specialists, particularly in the field of occupational medicine and aviation medicine.
4. Statistics constitute a useful means of analysis in the field of occupational accidents and diseases, permitting the identification of hazards at the workplace, as well as an assessment of the effectiveness of existing corrective measures and, where appropriate of the need to research into new measures. Efforts should be made to ensure that statistical data be made more reliable. To this end, the ILO should continue its action to achieve, at the international level, the harmonisation of statistics on occupational accidents and diseases, which should also cover the specific field of civil aviation.
5. It is the responsibility of the public authorities to draw up legislative and regulatory texts on occupational health and safety, after consultation with employers' and workers' representatives, to control the application of such legislation and to provide for punitive sanctions in the case of infringements. The rapid evolution of techniques in civil aviation activities demands constant updating of standards of protection against

occupational hazards. To this end, the competent public authorities should pay particular attention to this evolution and revise these texts periodically.

6. Working conditions may vary between countries, airline companies or airports, but the nature of certain health and accident hazards is often the same as analogous techniques are generally used. The fundamental preventive measures should therefore be based on the same principles, wherever they are to be applied.
7. The rapid evolution of technology and the use of an increasingly wide range of chemical products in civil aviation require that the personnel should have adequate knowledge of the hazards they face. It is necessary, therefore, to set up effective information systems within the undertaking, as well as at the national and international levels. The international warning system, envisaged in the resolution adopted by the International Labour Conference at its 61st Session in 1976 and incorporated in the International Programme for the Improvement of Working Conditions and Environment (PIACT) could make an important contribution on this subject.
8. Air transport of sick passengers, live animals and all zoo nose-infected animal products, radioactive materials, or dangerous chemical products, may give rise to serious risks for all passengers, ground staff and flying personnel. National legislation based on the international regulations drawn up, notably by ICAO, IATA, WHO, IAEA and the ILO, within their respective fields of competence, should lay down strict rules concerning both the transport of passengers and animals presenting health risks, and the correct packaging and labelling of goods to be carried, and should provide for punitive sanctions in the case of infringements, and in particular false declarations on cargo manifests.
9. The carriage of goods by different means of transport (road, rail, river, sea, air) requires the harmonisation of regulations concerning the packaging, labelling and handling of dangerous products, at the national as well as the international level. The ILO should work towards the achievement of this harmonisation in close collaboration with the other international organisations concerned.
10. Noise, vibration and air pollution are among the hazards to which certain civil aviation personnel, particularly ground staff, are exposed. Effective measures of protection should be undertaken to give effect to national regulations, in accordance with the provisions of the Working Environment (Air Pollution, Noise and Vibration) Convention (No. 148) and Recommendation (No. 156) adopted by the International Labour Conference in 1977.
11. To be most effective, preventive measures should start at the design stage - of aircraft, flight deck layout and working areas for cabin staff, equipment and installations used in civil aviation - as well as at the construction stage of airport buildings, and the planning and layout of all working areas. To this end, ergonomic principles based on the results of recent scientific research in this field, should be more widely introduced. The workers' views on matters affecting their occupational health and safety should be considered among the many factors which have to be taken into account.
12. The manufacturers should pay particular attention to the standardisation of emergency equipment and its location on different types of aircraft, in order to eliminate difficulties arising from the use of a wide range of different equipment
13. The consequences which rapid transmeridian air travel may have on the physical and mental health of flying personnel should be studied further and appropriate measures should be taken to reduce their impact. The principles to be applied should be established in consultation with the representatives of the personnel concerned.
14. Medical supervision of civil aviation personnel, and in particular flying staff, should not only cover the medical control of physical aptitude for work, but should also permit the early identification of potential health problems and their prevention. In addition, personnel should receive the relevant information and advice which will promote health education. The organisation, functions and operation of occupational health services should correspond to the principles laid down in the Occupational Health Services Recommendation, 1959 (No. 112).
15. In view of the importance of the role which workers are called upon to play in the prevention of exposure to occupational hazards in civil aviation, their representatives should be consulted in the formulation and application of occupational health and safety measures, in accordance with national legislation or established practice in different countries. The workers' representatives should, in particular, be able to visit working

areas, in order to ensure that the approved regulations or practical instructions are being applied, and to participate in inquiries on occupational accidents and diseases, in accordance with national legislation or established practice.

- 16.** In case of serious risk to life or limb, the workers must alert their responsible manager and/or the undertaking's safety and health officer. When the time and/or circumstances do not permit this action and an apparent risk exists, the workers should have the right to abstain from, or interrupt their work without sanctions from the employers. The workers must in such cases inform their responsible manager or the undertaking's safety and health officer as soon as possible.
- 17.** In order to ensure that measures designed for the prevention of exposure to occupational hazards be continually updated in the light of the evolution of techniques used in civil aviation, bilateral or, if deemed appropriate by both parties, tripartite consultations should be organised in each country, according to the regulations or collective agreements currently in force, or to be established.
- 18.** Emphasis should also be placed on improving international co-operation in the field of occupational health and safety in civil aviation. To this end, the ILO has been requested to examine the possibility of taking all useful steps towards the development of such co-operation, which might be achieved within the context of its appropriate machinery.



## Conclusions (No. 2) concerning employment security in civil aviation

The Tripartite Technical Meeting for Civil Aviation,

Having been convened by the Governing Body of the International Labour Office, and

Having met in Geneva from 7 to 15 December 1977,

Having examined different factors which affect employment security in civil aviation and the various measures which have been taken on different occasions by governments, employers and workers and their organisations in order to protect workers' employment security when threatened or to mitigate the adverse effects of loss of employment on the workers concerned;

Noting the principles and standards set forth in the Termination of Employment Recommendation, 1963 (No. 119), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Discrimination (Employment and Occupation) Convention and Recommendation, 1958 (Nos. III);

Adopts this fifteenth day of December 1977 the following conclusions:

### **General considerations**

1. Employment security in civil aviation is subject to a number of different factors, including economic factors, such as cyclical and seasonal variations in demand for air transport services, cost inflation, excess capacity, increasing competition and economic problems connected with regulation of route licencing and air fares; technological factors, including changes in equipment and aircraft and increasing computerisation and automation of operations; reorganisation or restructuring of air transport services, including mergers, co-operative arrangements, rationalisation measures and closures; and special licencing and other requirements related to health, skills and other conditions of employment of different categories engaged in the industry.
2. The civil aviation industry has a relatively good record in providing employment security to its personnel. Provision of security of employment to persons employed in the industry should remain an important objective of governments, employers, workers and their organisations.
3. Ensuring employment security in the civil aviation industry depends in large measure on ensuring the economic health and viability of the industry, which depends in part on the health of the economy in general and in part upon the viability of individual undertakings and services within the civil aviation industry.
4. Having regard to the relationship between the economics of the industry and employment security, regulatory authorities should consult with air carriers and the workers' organisations concerned before deciding to grant or withdraw operating licences.
5. Constructive labour-management relations and regular consultation in accordance with collective agreements, national law or current practice, are important to the economic health of the industry and thus also to employment security.

### **Protection against dismissal**

6. Termination of employment of workers employed in civil aviation should not take place unless there is a valid reason for such termination connected with the capacity or conduct of the worker or based on the operational requirements of the undertaking, establishment or service.
7. The protection laid down in the Termination of Employment Recommendation, 1963 (No. 119) should be applied to all workers in civil aviation. In general, this means that a worker who feels that his employment has been unjustifiably terminated should be entitled to appeal against that termination under a grievance procedure within the undertaking, established in accordance with collective agreements, national laws or current practice, and to impartial machinery outside the undertaking empowered to decide on the justification of the termination and to award appropriate remedies where it finds that the termination of employment was unjustified.

### **Protection against or in case of loss of licence**

8. Personnel subject to licencing requirements should be covered by adequate measures, which may be at the employer's expense, designed to prevent loss of licence. This protection should include the availability of appropriate medical services and training facilities to assist the persons concerned in maintaining the required health and skill standards. In the event of loss on medical grounds of a licence which includes medical standards, such measures should also include provision for income protection, such as adequate loss-of-licence insurance and, where applicable, disability insurance and retirement or early retirement pensions, in accordance with collective agreements, national laws or current practice. Opportunities for retraining and redeployment should also be available to workers who lose their licence.

***Protection against discrimination***

9. Women and men should have equality of treatment in accordance with the principles set out in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

***Protection to be afforded in case employment security is threatened for reasons of an economic, technological or organisational character***

10. Workers in civil aviation and their representatives should be informed sufficiently in advance of and consulted on any appropriate proposed change in the structure, general objectives, working methods, equipment or operational plans of an undertaking which is liable to prejudice employment security.
11. Where personnel reductions are foreseen, the employer should inform the workers' representatives and the appropriate public authorities as early as possible and, in accordance with collective agreements, national laws or current practice, consult with such representatives to develop measures which might be taken to avoid or limit collective dismissals or layoffs as well as measures to mitigate the adverse consequences of any personnel reductions on the workers affected.
12. The measures which should be considered with a view to avoiding or limiting collective dismissals or layoffs should include attrition, incentives to voluntary departure or early retirement, internal transfer and training, reduction of overtime and other methods as considered appropriate.
13. Having regard to the difficulty for older workers to find alternative employment if they lose their jobs, such workers should as far as possible be retained in employment until the age of retirement (subject to transfer within the undertaking, where necessary with the appropriate retraining), unless the worker has, in accordance with collective agreements, national laws or current practice, the possibility of retiring on reasonable terms.
14. Where workers have to be dismissed or laid off because of economic or technological reasons or because of reorganisation, the following measures should be considered, in accordance with national laws, regulations and practices, to mitigate the consequences of such action:
  - (a) the selection of workers to be affected should be made in accordance with precise criteria - determined, in advance wherever possible, after consultation with workers' representatives - such as length of service, competence, family situation and age, and taking into account the need for the efficient operation of the undertaking;
  - (b) a reasonable period of notice should be given to the workers to be affected;
  - (c) provision should be made for appropriate compensation for the workers affected, which could include, for example, unemployment insurance or other forms of social security, or severance allowance or other types of separation benefits paid for by the employer, or a combination of benefits, depending upon national laws, or regulations, collective agreements and the personnel policy of the employer;
  - (d) workers whose employment has been terminated owing to a reduction of the workforce should be given priority of re-engagement, to the extent possible, by the employer when he again engages workers; such priority of re-engagement may be limited to a specified period of time;
  - (e) the employer should assist the workers affected to obtain training for alternative employment within the undertaking; the appropriate public authorities should do the same outside the undertaking.
15. Airline companies with activities and personnel employed in countries other than that in which the companies are registered should respect the labour legislation of those countries. In the event of circumstances which

might involve collective dismissals or layoffs, reasonable notice of such dismissals or layoffs should be given to the appropriate government authorities and workers' representatives with a view to mitigating hardships to the personnel affected.

### ***Training***

- 16.** Well-developed systems of training are essential to employment security in the civil aviation industry where technological change and requirements of high levels of skill are such important factors. Appropriate training systems and facilities, following initial training, are of great importance in order to provide the recurrent training required for personnel to maintain their levels of competence, the transitional training necessary to enable them to qualify for work with new equipment, aircraft or procedures and the training required for redeployment within the industry. Availability of training in administrative skills as well as in other skills is relevant for some of these purposes.
- 17.** Employers, workers and their organisations, the appropriate public authorities and educational and training institutions should co-operate in developing the training systems needed to help safeguard employment security in civil aviation as well as promoting full utilisation of these training facilities by the personnel concerned, and in particular older personnel.

### ***International labour standards***

- 18.** The Meeting calls on all member States of the International Labour Organisation to apply in civil aviation the principles embodied in the Discrimination (Employment and Occupation) Convention, 1958 (No. III), the Discrimination (Employment and Occupation) Recommendation, 1958 (No. III) and the Termination of Employment Recommendation, 1963 (No. 119).
- 19.** The problems arising with respect to employment security in civil aviation should be borne in mind in any revision of the Termination of Employment Recommendation, 1963 (No. 119).

## Resolution (No. 3) concerning hijacking

The Tripartite Technical Meeting for Civil Aviation,

Having been convened by the Governing Body of the International Labour Office, and

Having met in Geneva from 7 to 15 December 1977,

Considering that the recent upsurge in incidents of unlawful interference indicates that considerable efforts still have to be made by governments and/or other appropriate authorities to improve security at airports;

Considering that civil aviation remains a particularly vulnerable target for those engaged in the taking of hostages and other acts not only endangering the life and security of the travelling public but also having very serious effects on conditions of work and safety of civil aviation workers;

Considering that it is the duty of States to provide for the safety of nationals and aliens within their jurisdiction;

Considering that acts of terrorism against civil aviation continue to be a menace and that governments of the world should assist and support each other in action against air piracy and terrorism;

Expressing its concern and regret that the Conventions of Tokyo (1963) on Offences and Certain Other Acts Committed on Board Aircraft, of The Hague (1970) for the Suppression of Unlawful Seizure on Aircraft, and of Montreal (1971) for the Suppression of Unlawful Acts against the Safety of Civil Aviation, have not yet been ratified by all States; and

Recognising that efficient security measures at all airports can contribute very substantially to the prevention of further acts of violence against aircraft, passengers and crews.

Adopts, this fifteenth day of December 1977, the following resolution:

The Tripartite Technical Meeting for Civil Aviation invites the Governing Body of the International Labour Office:

(a) to affirm the support of the ILO to the measures already taken by the United Nations and the International Civil Aviation Organisation against air piracy, including the Resolution adopted on 3 November 1977 by the UN General Assembly on the subject and the relevant provisions in the ICAO Manual;

(b) to request the Director-General to follow closely the development of discussions at the international level on every instrument aiming at putting a stop to acts of air piracy, in order to ensure that the ILO could contribute to the social and security aspects of any instrument finally adopted by the international community;

(c) to communicate this resolution to all ILO member States as well as to the UN and ICAO.

## Resolution (No. 4) concerning trade union rights in civil aviation

The Tripartite Technical Meeting for Civil Aviation,

Having been convened by the Governing Body of the International Labour Office, and

Having met in Geneva from 7 to 15 December 1977,

Considering the necessity of ensuring that civil aviation workers fully exercise trade union rights and freedom of association, in accordance with the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Workers\* Representatives Convention, 1971 (No. 135);

Concerned over the fact that in some countries limitations are being imposed on workers in exercising their trade union rights, particularly in the public sector;

Realising that the ILO has performed a great deal of work in the field of trade union rights by adopting relevant Conventions and monitoring their application, in particular through the Committee on Freedom of Association; and

Considering that many States have not ratified Conventions Nos. 87, 98 and 135, Adopts, this fifteenth day of December 1977, the following resolution:

The Tripartite Technical Meeting for Civil Aviation invites the Governing Body of the International Labour Office:

(1) to urge rapid ratification by member States of Conventions Nos. 87, 98 and 135;

(2) further to urge that measures be taken by the international community to ensure that the obligations inherent in those Conventions are fully complied with;

(3) to request the Director-General to take every possible step to ensure their application.

## **Resolution (No. 5) concerning the meeting of experts on problems concerning air traffic controllers**

The Tripartite Technical Meeting for Civil Aviation,

Having been convened by the Governing Body of the International Labour Office, and

Having met in Geneva from 7 to 15 December 1977, Recognising that air traffic control has a direct effect upon the economy of civil aviation and hence on the well-being of all civil aviation workers; and

Noting with satisfaction the decision taken by the Governing Body of the International Labour Office to convene in the 1978-79 biennium a Meeting of Experts on Problems concerning Air Traffic Controllers,

Adopts, this fifteenth day of December 1977, the following resolution:

The Tripartite Technical Meeting for Civil Aviation conveys to the Governing Body of the International Labour Office its earnest hope that, in spite of the present financial difficulties of the International Labour Organisation, the above-mentioned Meeting of Experts will take place as planned during the 1978-79 biennium.

## Resolution (No. 6) concerning future ILO action in civil aviation

The Tripartite Technical Meeting for Civil Aviation,

Having been convened by the Governing Body of the International Labour Office,

Having met in Geneva from 7 to 15 December 1977,

Recalling the decision taken by the Governing Body of the International Labour Office at its 174th Session (March 1969) to reinforce the industrial activities of the ILO and to integrate them into a global ILO Programme of Industrial Activities; and

Considering the evolution of the civil aviation sector during the past years and the fundamental role which it is expected to play in the transport network of all countries,

Adopts, this fifteenth day of December 1977, the following resolution:

The Tripartite Technical Meeting for Civil Aviation invites the Governing Body of the International Labour Office:

(a) Programme of activities in civil aviation

- to adopt all the necessary steps for obtaining from member States economic and statistical information and manpower data in civil aviation;
- to convene future tripartite technical meetings for civil aviation at sufficiently short intervals to ensure continuity;

(b) Agenda of a next tripartite technical meeting for civil aviation

- to convene a tripartite preparatory meeting to propose a suitable agenda, and specifically to advise the Governing Body of the International Labour Office on the desirability of establishing a permanent tripartite machinery for civil aviation;

(c) Meetings of experts

- to make provision for meetings of experts on special subjects which require international consideration;

(d) Research and studies

- to request the Director-General of the ILO to carry out research and studies on the following subjects in civil aviation:
  - (1) Occupational hazards and diseases;
  - (2) Working environment;

(e) Regional meetings

- to convene meetings of experts or tripartite meetings at the regional level;

(f) to allocate the financial resources required for accomplishing the abovementioned programme of activities.

## 1979: Meeting of experts (air traffic controllers)

The experts discussed a wide range of problems concerning air traffic controllers (ATCOs). Recognising that this profession is unique and has certain specific features which have to be taken into account in identifying its problems and finding solutions to them, they have agreed to put forward the following recommendations:

### **Industrial relations**

1. The governments of all 110 member States should be urged to ratify and apply the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Labour Relations (Public Service) Convention, 1978 (No. 151), as their provisions embody principles which should be recognised as applicable to ATCOs.
2. In particular, ATCOs should have the right to establish and join organisations of their own choosing without previous authorisation. These organisations should have the right to draw up their own constitutions and rules, elect their representatives in full freedom, organise their administration and activities and formulate their programmes without interference from public authorities. These organisations should not be dissolved or suspended by administrative authority and should have the right to establish and join federations and confederations. Any such organisation, federation or confederation should have the right to affiliate with international organisations.
3. ATCOs should enjoy adequate protection against acts of anti-union discrimination in respect of their employment. In particular the employment of ATCOs should not be made subject to the condition that they shall not join or that they shall relinquish membership of an ATCO trade union or other representative organisation, and they should be protected against acts calculated to cause their dismissal or otherwise prejudice them by reason of membership of such an organisation or because of participation in the normal activities of such an organisation.
4. These organisations should enjoy complete independence from employers and/or public authorities, and adequate protection against any interference by an employer and/or public authority in their establishment, functioning or administration.
5. ATCOs should participate, through their trade unions and/or other such representative organisations, in the determination of their conditions of employment and service. Furthermore, ATCOs should be consulted in the conception, planning and implementation of technical provisions concerning ATC systems, for example, through the establishment of joint committees of ATCO organisations and ATC authorities. The extent of this participation and consultation should be determined by national law and practice but in all cases they should take place in the early stages of the decision-making process where feasible.
6. Procedures appropriate to national conditions should be established to encourage and promote voluntary negotiation designed to resolve issues related to terms and conditions of employment.
7. Industrial disputes in ATC are due to a variety of causes. In particular there appears to be a correlation between their occurrence and inadequate professional recognition, quality of ATC equipment, a lack of capacity of ATC systems to cope with peak demand of air traffic as well as concern with wages and working conditions. This correlation appears to be more evident in situations where adequate dispute settlement machinery does not exist.
8. The settlement of disputes should be sought as may be appropriate to national conditions, through negotiation between the parties or through independent and impartial machinery, such as mediation, conciliation and arbitration, established in such a manner as to ensure the confidence of the parties involved. Where ATCOs are employed by the government, their civil servant status should not preclude them from having access to the following procedures: in particular, the settlement of disputes arising in connection with the determination of terms and conditions of employment should be sought through negotiation between the parties, or through independent and impartial machinery, such as mediation, conciliation and voluntary arbitration, with a view to making it unnecessary for the organisations representing ATCOs to have recourse to industrial action.



9. The principles relevant to trade union activities which are embodied in the Workers' Representatives Convention, 1971 (No. 135) and the Paid Educational Leave Convention, 1974 (No. 140) should be recognised as applicable to ATCOs.

#### ***Social and labour aspects of the ATC system***

10. The technical aspects of any ATC system have a definite impact on the social and labour problems of ATCOs, and in most cases it is difficult to consider the two groups of issues separately.
11. In all countries research should be carried out with a view to defining the capacity of the ATC system and the ATCO's workload. Such research should take account of the differences among ATC regions, units and even sectors.
12. Although the findings of such national research cannot be directly applied in other countries, an exchange of information would be beneficial to States having similar ATC conditions and systems. The ILO, in collaboration with other International organisations concerned, should collect and disseminate such findings and information.
13. The ILO should call the attention of the International Civil Aviation Organization (ICAO) to the need for establishing international minimum standards concerning the design and maintenance of ATC premises and ground equipment, the type of such equipment and the requirements of the working environment in order to maximize safety. The ILO, as well as the World Health Organisation (WHO) and other international organisations concerned, should participate in the establishment of these standards. This suggestion does not in any way preclude States from establishing national standards which meet their requirements. ATCOs, through their organizations, should participate in the elaboration of such standards.
14. ATCOs should be provided with ATC equipment commensurate with the operational requirements so as to promote an optimum level of safety. ATCOs, through their trade unions and/or other such representative organisations, should also be consulted in the early stages on the design of new ATC premises and the type of new ATC equipment.
15. In areas where civil air traffic, in the normal course of events, predominates, or where civil airspace is clearly defined, a civilian ATC system is preferable to a military one for the controlling of air traffic. Such a system should be a well-defined organisation responsible for managing the technical, social and labour aspects of ATC. The ICAO policy is that one controller should be responsible for any given area of airspace at any given time.
16. In order to guarantee air safety, recourse should not be had to replacement APO staff who do not have the required national or international qualifications.
17. After considerable debate on different types of ATC administration, it is recognised that, regardless of the type of structure which exists, the system should in all cases ensure sound industrial relations and the proper functioning of ATC services.

#### ***Hours of work***

18. ATCOs are directly involved in the safety of civil aviation and have problems which are unique to their profession, and their concern with safety could broadly be compared with that of pilots.
19. Hours of work, length of shifts, duration of uninterrupted work at air traffic control positions and other parameters of work schedules have a direct impact on air safety. It is therefore necessary to establish guidelines for work schedules to reduce fatigue of air traffic controllers.
20. Long working hours and inadequate rest periods for ATCOs are potential threats to the safety of aviation. However, it is very difficult to establish uniform standards for all countries, ATO systems, levels of traffic density and hours of the day. There are no internationally accepted medical criteria in relation to fatigue and working hours, but socio-domestic factors which are important must also be taken into account.
21. Maximum working hours per day, per week and per month with minimum rest periods should be laid down for ATCOs by the governments of all States in consultation with the trade unions and other representative organisations concerned. These should preferably be enforceable by law. For the reasons indicated in the preceding paragraphs, the maximum hours of attendance at the place of work per week by ATCOs should

normally be less than the generally accepted number of hours of attendance per week completed by other workers in civil aviation in the State concerned.

22. Shift lengths which embrace periods of high activity should not normally exceed 8 hours and in other cases should not exceed 10-12 hours.
23. Timetables should be devised in consultation with staff organisations in such a manner that sufficient time is allowed to relieve fatigue, and should allow for short rest periods. The prevalent practice in some countries appears to provide controllers with 30-minute breaks after two hours' duty. Agreement should be reached between ATCO trade unions and/or other such representative organisations and local managements as to which positions the entitlement and frequency of rest periods should apply.
24. Since overtime work is undesirable from the safety as well as from the social points of view, it should be avoided.
25. The ILO should as a matter of urgency undertake a thorough investigation into the impact of fatigue and the effect of stress on ATCOs in collaboration with other international organisations, such as WHO and ICAO, and should set minimum international standards on working hours and rest periods for ATCOs, as has been done for other categories of employees such as pilots.
26. With regard to holidays and days off, the principle of extra leave for ATCOs in view of the particular demands of their profession, either above that of office workers in general or above that of shift workers in particular, has been established in some countries.

#### **Remuneration**

27. Because of the uniqueness of the air traffic control profession, it does not readily lend itself to comparisons with other professions. However, to ensure that the ATCOs' remuneration is commensurate with their responsibilities, it should be noted that one of the professions in which the responsibilities assumed closely resemble that of the ATCO is that of the professional pilot. In fact, in at least one country, the controller's remuneration has been compared and linked to that of airline captain. In many countries ATCOs are compared to other public servants for remuneration purposes due to their employment status which has led to considerable dissatisfaction among ATCOs. In all cases, the trade unions and/or the appropriate organisations concerned should be consulted on the proposed remunerations resulting from these comparisons.
28. In the interest of air safety, when determining remuneration structure and levels, ATC authorities should take into consideration the impact of remuneration on staffing levels and turnover. The relevant principles which are embodied in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) should be recognised as applicable to ATCOs.

#### **Age of retirement and pensions**

29. The principle of an early age of retirement should be recognised for ATCOs in view of the peculiarity of this profession and in the interest of air safety. This early age of retirement should be determined by negotiations at the national level between the employer and ATCO trade unions and/or such other representative organisations.
30. The requirement for retirement at an earlier age than that of other employees should enable ATCOs to receive pension benefits as if service had continued to normal retirement age, the method of assessment of such benefits to be the subject of negotiations between the employer and ATCO trade unions and/or other such representative organisations.

#### **Occupational safety, health and welfare**

31. Close co-operation should be established between ATO authorities in all countries and ATCO trade unions and other representative organisations in improving all aspects of occupational safety, health and welfare.
32. Studies and research on all aspects of the occupational safety, health and welfare of ATCOs, including ergonomics and equipment design, should be carried out in all countries. ATCO trade unions and other representative organisations should be involved in these efforts from the start. These studies should be communicated to the ILO.

33. With regard to safety, control towers and control rooms should be fitted with fire and emergency exits.
34. Studies carried out at the national level indicate that a stress problem exist in ATC. There is still scope for considerable research to identify the causes of stress and its impact on the ATCOs, measure its levels and work out measures for preventing, diagnosing and treating its manifestations as soon as possible.
35. A system of initial and regular follow-up medical examinations specifically for ATCOs is essential in the interest of safety. Such a system should be geared to selection, and be capable of: detecting any medical deficiencies in ATCOs before or during their ab initio training; providing for a thorough and regular monitoring of the ATCO's health throughout his career; detecting any deterioration in his health as early as possible; and preventing such deterioration wherever possible. Such system should include aptitude tests specifically developed for ATC requirements. The ATCO should be entitled to have his medical file forwarded to his own physician at the latter's request. Statistics should be taken and evaluated by each national authority of the medical standards of the ATCO profession, and it would be desirable that these statistical results should be collated by the ILO in co-operation with the VHO and published annually.
36. Adequate recreation, rest, welfare and sanitary facilities should be planned for and available at all ATC units. Rest rooms should be separate from the place of work and the recreation facilities.

### ***Legal liabilities***

37. ATCOs are knowledgeable about the reliability and efficiency of the ATC systems, procedures and equipment that they operate and many improvements to the system originate in the lessons drawn from its failures. Therefore, in every country, it should be considered whether, in the interest of safety, a reporting system on incidents, observations and suggestions could be established, which does not penalise or sanction the ATCO, except in cases of dereliction of duty, disregard for the law and gross negligence, which would be made known by means other than the ATCO reports.
38. In every country, where ATCOs are involved in the investigation of incidents and accidents, they should be entitled to representation from their trade union and/or other such representative organisations to the extent that is legally possible.
39. In the light of recent court decisions in some countries and developments of case law, ATCOs in some countries may be held liable and found guilty either for strictly adhering to ATC rules and regulations or for departing from them in the interest of safety. They are therefore operating in a complex system with respect to their legal liability. Legislative action should be taken whenever necessary to harmonise air navigation and ATC regulations with developments in the law of the land on an ongoing basis.
40. Since no legal system recognises the principle of vicarious criminal liability, and since under several legal systems the ATCO's civil liability may be invoked separately and independently from the vicarious civil liability of his employer, the ATCO may be sued both on criminal and civil grounds independently from his employer. Governments in the legal systems concerned should pass legislation to abolish such independent civil liabilities of ATCOs and provide them with adequate legal protection and counsel in those areas where this does not exist at present.
41. The ILO should call ICAO's attention to the need to safeguard the ATCO's legal interests when ICAO is considering an international Convention on the liability of air traffic control agencies, with a view to ensuring, in particular, that the ATCO will not be individually and independently sued for damages over and above the limits to be stipulated by that Convention.
42. The ILO should collect and disseminate all relevant information on this subject, and undertake a study of the ATCO's legal liabilities and legal position in different countries.

### ***Manpower and career planning***

43. Adequate manpower and career planning activities are vital to the efficiency and safety of air traffic control systems. These programmes should take into account all relevant factors such as seasonal fluctuations, air traffic forecasts in the short and medium term, the capacity of ATC systems, the ATCO's workload and capacity to handle traffic, the number of control positions needed, the level of competence and qualifications of staff and staffing formulas. A closer co-operation between airlines and air traffic control services is desirable in this respect, in order to overcome some of the inherent instability and fluctuations of these factors.

44. The staffing formulas should take into account all the relevant factors such as operating hours of the different working positions; number and length of shifts; hours of work; holidays, annual leave, time off, maternity leave, trade union activity leave and other days off; number of days lost on sick leave; time needed for holding positions other than actual control; time needed for specialised and refresher training courses; ATCO attrition through retirements, medical incapacity and resignations. Although these factors can be forecast with relatively greater accuracy than the ones outlined in the preceding paragraph, their values may change, sometimes abruptly, when new conditions of work are negotiated.

### ***Training and retraining***

45. In the interest of safety, the existing international guidelines for the training of ATCOs should be revised and the ILO should bring this to ICAO's attention.
46. With regard to recruitment, ATCO candidates with no previous aviation experience should be normally recruited between 17 and 25 years of age and their general education should be relevant to civil aviation, and at university entrance level. The basic training programme should provide for three phases before licensing: classroom instruction; exercises with simulators on ATC procedures; and practical experience. Training to private pilot licence standard could be considered where it would usefully contribute to the training process.
47. In order to sustain the required high degree of aviation safety and the high ATC standards and also to keep the ATCO abreast with aviation progress, it is considered essential that ATCOs receive regular refresher courses and benefit from regular familiarisation flights. The frequency of such courses and flights may be agreed upon by the ATCO trade unions and/or other such representative organisations and the respective aviation authorities. In the interest of safety, a system of regular proficiency checking should be established for the ATCOs.
48. Post-licensing training should provide for retraining courses prior to the introduction of new ATCO equipment and procedures. Simulators could be suitable tools for on-the-job training, despite the complex problems their introduction would imply.
49. Both classroom and on-the-job instructors should be carefully selected and given adequate pedagogical training prior to their work. Classroom instructors should generally be selected from among ATCOs engaged in actual ATC work and be provided with opportunities to keep their knowledge up to date. A specific instructor rating, or qualification level, should be established as a distinct category of ATCO to facilitate the ensuring of proper selection of high quality instructors.

### ***Employment security***

50. Throughout his career the ATCO is exposed to the concrete and constant risk of losing his licence on grounds of medical or terminal incapacity, thereby ceasing to be able to exercise his profession and thus losing his livelihood. Since the number of suitable and meaningful posts for re-employing the ATCO within the civil service is rather limited in view of his specialised background, training and experience, employer-sponsored loss of licence insurance schemes and employers pensioned second career programmes should be encouraged for ATCOs in all countries, more particularly where ATC is run by a private company and where re-employment possibilities are thus even more difficult to obtain. If the ATCO is to be reemployed after he has lost his licence, he should be given thorough retraining for his new post.
51. Since ATCOs attain a high level of professional specialisation and remuneration at a relatively young age, the impact on their incomes of loss of licence is much more significant than for other groups of workers. Consequently, the re-training requirements are greater and the difficulties more severe when ATCOs are reassigned to other positions to learn new responsibilities.
52. The Governing Body should consider placing on the agenda of an early session of the International Labour Conference the question of employment and service of air traffic controllers with a view to the adoption of an appropriate international instrument.

## 1990: Meeting of experts (civil aviation)

### ***Explanation:***

The meeting of experts did not adopt an outcome in the form of conclusions or resolutions. The experts did not reach a consensus on the adoption of the conclusions. During the examination of the draft report, several experts requested that changes be introduced for the purpose of clarifying or correcting the text of several paragraphs. The Meeting adopted the draft report unanimously, subject to the changes notified.

Draft conclusions included 22 paragraphs were prepared by the Office and presented to the experts for adoption. These are included in **Appendix 2** for informative purposes.

## 1999: Tripartite symposium (transport)

Note: This meeting informally constitutes the 13th session of the Inland Transport Committee. It was the last time all Transport subsectors were considered in a single meeting. In its conclusions, constituents acknowledge that the difference between subsectors (mainly road, rail and civil aviation) may justify to have future meetings only focused in each of the subsectors

### **Conclusions on future activities of the ILO transport sector, i.e. air, rail and road**

The Symposium on the Social and Labour Consequences of Technological Developments, Deregulation and Privatization of Transport,

Having met in Geneva from 20 to 24 September 1999,

Adopts this twenty-fourth day of September 1999 the following conclusions:

The ILO should:

1. ensure that its work in the transport sector is undertaken in accordance with its four strategic objectives and their related InFocus programmes promote and realize fundamental principles and rights at work; create greater opportunities for women and men to secure decent employment; enhance coverage and effectiveness of social protection for all; strengthen tripartism and social dialogue - and its two cross-cutting themes - development and gender. Particular emphasis should be placed on activities related to social dialogue in the transport sector;
2. hold meetings dealing with the transport sector which should be more focused, dealing either with the transport sector as a whole, or subsector by subsector, depending on the issues to be discussed;
3. promote social dialogue in the transport sector; strengthen the institutions, machinery and processes of social dialogue in the transport sector in the ILO's member States; and strengthen the representation, capacity and services of the parties to social dialogue in the transport sector. Such activity should take place at the regional and national level where appropriate;
4. carry out studies on the impact of change on the industrial relations systems and practices in the transport sector, with particular reference to developing countries, and publish the results;
5. collect and compare examples of evolution and change in the transport sector and describe whether and to what extent social, labour, economic development, environment and productivity improvement factors have been taken into account with a view to identifying and disseminating examples of successful practices and programmes, including an analysis of the employment effects, training, retraining and the impact on fundamental rights at work with the objective of, to the extent possible, promoting employment, productivity and improved working conditions and publish the results;
6. collect, analyse and disseminate data and information on measures relating to new working methods in the different branches of the transport sector, such as flexible, temporary, part-time and contract work, and on any occupational safety and health and environmental effects arising from them and measures taken to address these effects;
7. expand and enhance its cooperation and collaboration with multilateral financial institutions, and with relevant transportation safety agencies and organizations so that, in developing and undertaking their transport-related activities, including the development of policies and standards, the social and labour dimensions of transport are taken fully into account, including the importance of tripartite consultations and continuous social dialogue;
8. noting its standard-setting activity, revise, with a view to improving and modernizing, those standards affecting the transport sector that are considered to be obsolete;
9. assist ILO member States to meet their obligations under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up with a view to having a positive impact on social and labour conditions in the transport sector;

10. devote available resources that will ensure its activities, in assisting its constituents in dealing, with the social and labour effects of change in the transport sector, are undertaken in a sufficient and sustained manner;
11. establish a small standing tripartite strategy forum to oversee its activities in the transport sector;
12. pay specific attention to the impact of change on women transport workers;
13. in conjunction with UNAIDS, develop initiatives to promote best practice in the workplace dimension of HIV/AIDS prevention and protection policies, with particular reference to regions with a high incidence of the disease;
14. undertake studies of the medium- and long-term positive or negative impact of changes in the transport sector, including: an analysis of employment of displaced workers; information exchange on labour-management practices across a range of countries to help developing countries obtain and share economic and other appropriate information on transport; collect and disseminate data concerning employment terms and conditions and other social and labour issues, including comparative data from other industries;
15. position itself as the international centre for expertise and data of interest to the constituents for research into the broad range of labour market issues and policies relating to the transport sector.

When reviewing the delivery of the ILO's sector-specific programmes, the Governing Body should examine how the needs of the transport sector can best be met and make recommendations accordingly.

## 2001: Emergency 9/11 Think Tank

### Chairperson's summary

Government, Employer and Worker experts, as well as independent and industry experts from the civil aviation industry, attended the Think Tank on the Impact of the 11 September Events for Civil Aviation. The Think Tank was called by the DirectorGeneral of the International Labour Office on 29 and 30 October 2001 at ILO headquarters in Geneva, for two days of intense discussions on the impact the crisis was having on the industry. All comments made by the participants will be reflected in the report of the Meeting. In addition, the participants highlighted the following.

### The impact

1. The events of 11 September were unlike any other shock experienced by the industry to date. They have had a unique, unprecedented, devastating and immediate impact on all segments of the industry (airlines, air navigation service providers, airports, maintenance and catering providers, etc.), with unpredictable economic and social consequences. It is expected to take years for the industry to reach the same levels as before 11 September 2001.
2. The crisis drew attention to the important contribution of civil aviation to both national and global economies. According to published data there is a close relation between world economic growth and air traffic growth. Civil aviation provides an essential economic infrastructure for all countries, particularly landlocked, island and other less developed countries and has a public interest dimension. Civil aviation is one of the most highly regulated industries and affords the safest mode of transport. Its product is perishable and airlines have no inventory. Demand for air transport is cyclical and labour accounts for a significant proportion of its total operating costs. Civil aviation provides both direct and indirect employment to a range of related sectors. One operational aircraft provides 150 to 250 direct jobs, and there is one additional indirect job for every direct airline job.
3. The civil aviation industry was already experiencing economic difficulties before the 11 September events. It had been affected by the global economic downturn, first in the United States and then in other parts of the world. The dramatic drop in premium class passengers negatively affected the revenues of airlines. Business class accounts for 25 per cent of air travel traffic, but generates 40 per cent of revenues. The industry downturn has been sharply magnified by the 11 September events. The industry faces two problems: the "fear factor" and the loss of passenger confidence in airlines' ability to remain operational.
4. There is no single aviation industry; thus, it is important to disaggregate and analyse the impacts. The impact is different for different regions of the world and for different segments of the industry. In North America, the United States and Canada have been hit hard, while Mexico was less severely affected. In Europe, long-haul traffic between Europe and the United States and the Middle East has also been affected; Ireland has suffered most owing to its geographical position. The impact on travel within Asia has been less severe. In general, low-cost and/or regional airlines appear to have been less severely affected by the crisis.
5. No official data are available yet, but the information provided by the industry suggests that the impact on business and employment is severe; it will take months before the real employment impact can be ascertained. The air transport industry employs about 4 million persons worldwide, and initial figures indicate that more than 200,000 have lost their jobs or will in the immediate future. Employment is the only flexible component in the industry.
6. The crisis will have an impact on all segments of the industry, on employment and incomes, on technology and investment, and on the restructuring of the industry, including partnerships and global alliances. Developments in the insurance industry – with less coverage and sharply increased premiums – also have a negative effect on civil aviation.

### Strategic responses



7. The present crisis is global and therefore requires a global response. In addressing the crisis, the following operational measures are necessary:
  - a. a review of the economic and regulatory framework for all segments of the industry – civil aviation is still one of the most highly regulated industries – that might prevent flexible solutions to overcome the crisis. The crisis also calls for renewed reflection on the “public interest” function and the regulation of air transport, irrespective of the ownership model;
  - b. focusing on safety culture and the role of human factors to address safety and security issues, because highly trained and well-motivated staff leading to the professionalization of airport security can help to restore passenger confidence; recurrent training and retraining will play a very important role in this respect, including consideration of questions related to competencies, licensing and certification;
  - c. technology and investment, notably in safety, can contribute to the improvement of safety and security and create new work opportunities;
  - d. immediate action by governments, employers and workers is needed to mitigate the job and income losses and retain skills. The employment impact disproportionately affects women and ethnic minorities. The parties can share best practices on innovative responses to the crisis;
  - e. closer collaboration between international organizations to deal in a coherent manner with the mid- and long-term effects of the crisis, respecting the mandates of the various organizations.

#### **Role of social dialogue**

8. The crisis provides an opportunity for the social partners to enhance and promote social dialogue.

#### **Role of governments**

9. Governments – each in their own way and with different views on the future of the industry – have played an important role in addressing the consequences of the 11 September events. They have taken measures such as direct support for the costs of grounding aircraft, loan guarantees, insurance coverage, extension of unemployment and health insurance coverage and grants for retraining.

#### **Role of the social partners**

10. Most social dialogue on the crisis will take place at the company level. The social partners are encouraged to explore new possibilities for information exchange, consultation and collective bargaining. In dealing with the crisis, alternatives to redundancies should be explored, including measures such as job-sharing, recruitment freezes, voluntary retirement, and reduction of or ban on overtime. There are also new opportunities and structures for social dialogue, for example the joint opinions issued by the European Sectoral Dialogue Committee on Civil Aviation.

#### **Role of the ILO**

11. The ILO should:
  - (1) collect information on best practices and innovative and socially responsible ways to respond to the crisis, and disseminate this information to its constituents;
  - (2) undertake studies on:
    - (a) the differential impact at the regional, subregional and intraregional levels (differences in impact between and within regions), on various industry segments and various markets (differences in impact between sectors within civil aviation and between low-cost carriers and national flag carriers, scheduled and unscheduled flights);
    - (b) the differential impact of the crisis on men and women and on minorities;
    - (c) the impact of the crisis on the restructuring of the industry (how business plans have been affected or restructuring plans been modified, and the overall impact on the strategy of companies and/or alliances);
  - (3) consider setting up an ILO global task force on employment and re-employment in the industry;
  - (4) build bridges with relevant international organizations on addressing and managing the crisis;

(5) in its preparations for the January 2002 meeting:

(a) include an analysis of the impact on all segments of the civil aviation industry in the broadest sense;

(b) extend participation to all relevant parties to ensure a comprehensive dialogue. The issues paper to be prepared by the Office for that Meeting could possibly be structured along the following lines:

(i) institutional and legal aspects;

(ii) management practice in the industry;

(iii) social impact.

## 2002: Tripartite meeting on Civil Aviation: Social and Safety Consequences of the Crisis Subsequent to 11 September 2001

### Final Chairperson's summary

#### *General considerations<sup>1</sup>*

1. The Meeting noted that civil aviation makes a very important contribution to the global and to national economies. It also noted the linkage between global economic growth and air traffic development. It was recognized that aviation provides an important infrastructure which is in the public interest, including for island, land-locked, tourism-dependent and least developed countries, as well as for countries covering a large land mass. Any solutions – short, medium or long term – should take account of the unique situation facing these countries.
2. The aviation industry is cash-flow dependent and is characterized by cyclical demand. The airline industry provides a vital national and international service that has on average achieved only marginal profitability in “good years”, even in those countries where the industry has achieved major economies of scale.
3. The sector is a significant source of direct and indirect employment, including in many related sectors (hotels, tourism, travel).
4. The Meeting agreed that the industry was already experiencing weaknesses before 11 September. It was suffering from the global economic slowdown.
5. It was recognized that there is no single aviation market and that there is a need to break down the impact on countries, segments and related sectors. Nevertheless, the crisis affected the air transportation industry in its entirety. It was pointed out that some operators in the sector did have positive results and profits, especially the low-cost airlines.
6. The Meeting noted the work done by other international organizations on aviation-related matters, notably by the International Civil Aviation Organization (ICAO). It recognized the role of ICAO in promoting safety and security in civil aviation. It called for better coordination between the organizations, based on their respective mandates, to avoid duplication of work. The recommendations of the present Meeting should be presented to the competent bodies of ICAO.
7. The Meeting recognized that the existence of a vibrant civil aviation industry is in the public interest. The availability of and access to air transportation can serve as a powerful engine for national economic growth, benefiting the public as a whole whether or not the individual is a consumer of air transportation. Therefore, the interests of public safety and security dictate that governments play an active role in the protection and maintenance of a civil aviation infrastructure. Additionally, it is in the national economic interest to ensure the civil aviation infrastructure provides adequate capacity for growth in the aviation industry.

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<sup>1</sup> A Think Tank on the Impact of the 11 September 2001 Events for Civil Aviation was held from 29 to 30 October 2001. The Chairperson's summary of that meeting contained a number of conclusions which this Meeting has confirmed.

## **Challenges**

### *Stability: How to create greater stability*

- 8.** There was agreement on the need to find solutions to bring the industry back to stability, to restore revenues and profits, protect the knowledge base and continue investments in infrastructure improvement. The long-term stability of the sector is very important both from a regulatory and an economic standpoint.
- 9.** Government intervention and assistance as well as international assistance should, to the extent possible, be encouraged.
- 10.** It is most important now to restore passenger confidence. Increased security and other measures could help to bring the passengers back and make it possible for the industry to rebound soon.

### *Managing the employment impact*

- 11.** The Meeting noted that already before 11 September several airlines had already announced redundancies or had plans in place to manage the envisaged downturn of the industry.
- 12.** The employment effects of the cyclical downturn combined with the 11 September events were significant, resulting in the loss of approximately 400,000 jobs and affecting all segments of the air transportation industry – for instance, airlines, airports, air navigation services, equipment manufacturers, catering companies, parking and car rental facilities.
- 13.** In addition, a number of other measures with regard to human resource policies were taken, such as recruitment freezes, non-renewal of temporary contracts, voluntary early retirements, voluntary or compulsory redundancies, reduced working hours, and pay cuts or pay freezes. Most of these measures are of a temporary nature but may well last until about 2003 or until the industry takes off again.

### *Training and retraining*

- 14.** The need for training and retraining was underlined, both in the interest of the employees and of the enterprises. It is the responsibility of governments, including in the framework of ICAO, to set safety and security training standards. Long-term and continuing labour shortages have been affecting and may continue to affect some of the occupational categories, including cockpit crews, air traffic controllers and licensed engineers.

*Restructuring*

- 15.** The current crisis is a combined result of the structural changes facing the industry, the cyclical pattern and the 11 September events. Intelligent, efficient and sustainable structures require a common understanding.

*Insurance*

- 16.** The Meeting recognized that the effective unavailability of war risk insurance came close to forcing a complete shutdown of the world's aviation system in late September 2001. Only through governmental intervention were a variety of stop-gap measures put into place to offer alternative coverage, while work went forward to find national, regional or international solutions on a permanent basis. Unfortunately, many of the stop-gap measures are due to expire in the coming weeks or months, notwithstanding the fact that work has not been concluded on efforts to find effective permanent substitutes.

*Safety and security*

- 17.** The implementation of harmonized safety and security standards poses a global challenge. Governments, social partners and other stakeholders all have an important role to play in addressing safety and security. However, the development and enforcement of safety regulations are the responsibility of governments in the framework of relevant international institutions.
- 18.** Reinforcing a culture of safety and security throughout the aviation chain, by training and retraining employees, will give passengers a renewed confidence in the industry. This, in turn, will help to stabilize the industry.
- 19.** Security issues and costs have to be managed, with governments meeting appropriate responsibilities to defend the public against the threat of aviation terrorism. However, it must be recognized that the implementation of additional security initiatives will put the civil aviation industry under considerable additional cost pressure. It should be recognized that these initiatives should be adequately resourced.

*Safety and health of aviation workers*

- 20.** Flying personnel are exposed to safety and health hazards particularly as it relates to passenger violence. Flying personnel should be provided with appropriate training to ensure their safety and that appropriate legal protection should be in place to deal with disruptive passengers. This will also require appropriate support from enforcement authorities.

*Social dialogue*

- 21.** Social dialogue is understood to include all types of negotiation, consultation or simply exchange of information among representatives of governments, employers and workers on issues of common interest relating to economic and social policy. It can be either bipartite or tripartite and can take place at all levels – workplace, enterprise, national, regional and international.

22. The selection of the appropriate levels at which social dialogue will take place, the parties involved, their commitment to the process, training to effectively participate in the process, the possible need for regional or national models are essential preconditions for effective and transparent social dialogue.
23. There was agreement that changes in the industry where necessary – stability, restructuring, security and safety – needed to be discussed through a meaningful, transparent, results-oriented and productive social dialogue, reflecting existing and anticipated conditions.

#### *Best practice*

24. The Meeting considered that there was no single model of “best practice” and none was sufficiently adaptable to the circumstances and needs of different countries. Best practices are not static; their workings should be monitored and experiences shared. Best practices in crisis periods were intended to be of a temporary nature, and may not be suitable under normal circumstances. Socially acceptable human resource policies could help to develop long-term, proactive human resource policies, building confidence between management and workers.

#### **Recommendations**

##### *Fundamental principles and rights*

25. Civil aviation workers and employers should enjoy the benefits of fundamental principles and rights at work, in particular the right to freedom of association and to collective bargaining.

##### *Safety and security*

26. Governments, social partners and other stakeholders have an important role to play in addressing safety and security. Governments have responsibility for the safety and security of their citizens and should ensure that appropriate security measures are in place for the aviation industry, and where appropriate, consistent with ICAO standards, recommended practices and guidance material. Furthermore, initiatives like that of ICAO to establish an International Financial Facility for Aviation Safety (IFFAS) can contribute to the improvement of safety in the industry, particularly for developing countries which may not be able to finance the costs of improvements in this field.
27. The important role of aviation workers and employers in providing and implementing safety and security should be recognized. The role of certain categories of workers, for instance, cabin crew and ground staff, including air traffic controllers, could be strengthened through training based on harmonized global standards, taking into account ICAO standards which cover a certain category of workers<sup>2</sup>.

<sup>2</sup>The Workers' group considered that licensing should be the mechanism by which the objectives of this paragraph could be achieved, but no consensus could be reached on its inclusion.

*Occupational health and safety*

- 28.** Where aviation-specific protection does not exist, comprehensive occupational health and safety legislation and regulations should be applicable to all civil aviation employees, including flying personnel.

*Training and retraining*

- 29.** Different possibilities for finding alternative employment opportunities or reskilling should be pursued and measures taken that would allow the conservation of a very highly skilled workforce in the long term. Governments should consider funding long-term training and retraining for all categories of workers, which should be viewed as an investment in the national aviation industry. International cooperation on providing training should be encouraged.
- 30.** Governments should, through the ILO and ICAO, consider establishing minimum global harmonized standards for training of all safety- and security-sensitive aviation occupations, thus promoting enhanced opportunities for continued employment, and the retention of skills within an expanded aviation labour market.

*Differential impact on men and women*

- 31.** All stakeholders need to take appropriate action on any differential impact of the current situation in the industry on men, women and minorities, particularly occupational segregation and contractual differentiation.

*Restructuring*

- 32.** The orderly evolution in air transport services should be ensured within the framework of ICAO and of its principles of sovereignty and reciprocity, so as to facilitate the participation of all nations in the provision and the enjoyment of economic benefits resulting from aviation services.

*Social dialogue*

- 33.** In order to contribute to the development of a resilient aviation industry for the twenty-first century, social dialogue at the workplace, enterprise, national, regional and international levels should be encouraged. European social dialogue on civil aviation provides one such model. However, different circumstances may require different approaches.
- 34.** Social dialogue has helped to find innovative and socially responsible solutions to the crisis but much more needs to be done. Social dialogue should include the provision of information on the situation of the company to all stakeholders. It should be based on good faith and seek to minimize all possible negative social consequences. Cooperation and dialogue between the social partners and with governments is vital to this

end. The government should be an active partner in social dialogue as appropriate. Social dialogue should be an ongoing process.

35. Tripartite aviation consultation forums should be established or strengthened at national and regional levels to ensure the involvement of the social partners in the development of national aviation policy.

#### *Role of governments*

36. Governments should recognize the critical public interest role that civil aviation plays in the overall economy and afford it an appropriate place in national or regional strategic planning.
37. Governments should encourage consultations among the social partners in civil aviation at all levels.
38. In order to promote industrial stability, governments' social policies should ensure the provision of unemployment benefits, health insurance, and training and retraining for furloughed and unemployed workers.
39. Governments could provide support (including funding) for security and insurance costs to avoid labour conditions and job cuts from being the main focus for adjustments. Governments are urged to extend all stop-gap measures to allow sufficient time for the development of permanent solutions to the war-risk insurance problem.
40. Governments should continue to ensure the independence and integrity of national aviation safety regulators.
41. Governments should continue to ensure that their national aviation authorities have the necessary means and resources for the effective oversight and implementation of all components of an increasingly global yet fragmented industry.
42. Governments, acting nationally, and in coordination with ICAO, should consider the establishment of effective legal protection and remedies against violence at work for flying personnel, including a review of jurisdictional issues and establishment of safety requirements and procedures.
43. Governments should ensure that the fundamental workers' rights of aviation employees, including the right to privacy, are protected and respected in cases where such employees are subject to security vetting due to the sensitive nature of their employment.

#### *Best practices*



- 44.** Information on best practices concerning socially acceptable human resource policies should be shared and broadly disseminated. These practices could take the following forms, for example, voluntary early retirement, educational leave and/or voluntary furlough. In times of crisis, the following measures can also be considered, for example, working-time adjustments, the non-transferral of probationary staff to full-time contracts, voluntary redundancy, recruitment freeze and/or forgoing of bonus pay.

***ILO action***

- 45.** The ILO should:

- (a) further investigate the impact of 11 September on civil aviation in developing countries and disseminate the results;
- (b) undertake, jointly with ICAO, an urgent study of the impact on employment and safety practices due to the restructuring of the aviation industry;
- (c) in cooperation with national governments and international organizations, collect data on employment in the industry, disaggregated by gender and minorities, where available, and disseminate the results;
- (d) collect data and undertake aviation-specific occupational safety and health research in the framework of its existing programmes in this domain<sup>3</sup>;
- (e) promote within 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;
- (f) enhance its cooperation and collaboration with aviation safety and economic regulatory bodies, relevant international organizations, including ICAO and the international financial institutions, to promote economic cooperation and the importance of tripartite consultation and continuous social and technical dialogue;
- (g) participate, through a Governing Body delegation, in the preparatory meeting and subsequent ICAO Worldwide Air Transport Conference scheduled to take place in March 2003; and
- (h) establish a small standing tripartite strategy forum for aviation to provide guidance for its activities in this sector.

<sup>3</sup>The Workers' group considered that this research should cover the health impact of changing time zones, the effects of cosmic/ionizing radiation, the impact of aircraft disinfection and pesticide sprays, violence and stress, ergonomic design of check-in stations, fatigue, hours of work and aircraft cabin air quality. No consensus could be reached on its inclusion.

## 2003: Sub-regional workshop for Latin America

San Jose, Costa Rica, 5-7 May 2003

### CONCLUSIONS AND RECOMMENDATIONS

#### Conclusions

##### General considerations

This Workshop, which was held in San Jose, Costa Rica, follows up the Tripartite Meeting on Civil Aviation: Social and Safety Consequences of the Crisis Subsequent to 11 September 2001, which was held in Geneva from 21 to 25 January 2002.

The Workshop was held to give effect to recommendation no. 45(a) of the final Chairperson's summary of the above Meeting.

##### Challenges

1. Latin America is characterized by economic and social conditions such that a state of emergency can be said to exist in the sector.
2. In some countries, the total number of customers has fallen since 11 September 2001, and although that situation has had less impact in Latin America than in some other regions, it could deteriorate as a result of the economic crisis which the countries of Latin America are now experiencing.
3. There was agreement on the need to find solutions to bring the industry back to stability, to restore revenues and profits, protect the knowledge base and continue investments in infrastructure improvement. The long-term stability of the sector is very important both from a regulatory and an economic standpoint.
4. The meeting considered that the air transport industry has a major impact on economic development and social cohesion, given the public interest responsibilities of governments for economic regulation, ensuring sustainability of the infrastructure, mitigating the adverse effects of the crisis on employment, and promoting good practices and social dialogue. Unfortunately, governments in the region are not always sufficiently aware of their role and responsibilities.
5. Currently, the most important task is that of re-establishing stability in the sector by maintaining standards in the civil aviation sector.
6. These challenges have had an adverse effect on the number and quality of jobs in civil aviation in the region, although it is unfortunately not possible to give precise figures.
7. Traditional business models used by airlines are inadequate for the new conditions. For example, the rise of low-cost airlines is a new factor in the industry.
8. The difficulties experienced by the region's airlines include high taxes, airport and aviation service charges and fuel prices.
9. Insurance costs have risen as a result of the events of 11 September 2001.
10. For the same reasons, security costs have increased for airlines, although these costs should be borne by governments.
11. The development of air transport requires an adequate infrastructure, which implies continual investment with a view to meeting future demand, even in times of crisis.
12. There is a continuing requirement for training and retraining, both in the interests of employees and companies. Governments, within the framework of the ICAO and elsewhere, have a responsibility for establishing training standards, including licensing for cabin crew and technical staff.
13. The redundancies that have resulted in some parts of the region from the current emergency in the aviation industry have affected and may continue to affect a number of occupational groups.
14. Reinforcing a culture of safety and security in all segments of the aviation sector, through training activities and other activities aimed at helping employees to acquire new skills, will help to restore passenger confidence in the industry, and this in turn will lead to greater stability.
15. Questions of security and the associated costs require sound management, and governments have to assume appropriate responsibilities.

16. Severe Acute Respiratory Syndrome (SARS) is one of the external factors that may affect the aviation industry. It has direct implications for the occupational safety of workers in the sector, and the necessary measures will therefore have to be based on the recommendations of the relevant public health authorities.

### **Insurance**

17. It was agreed that war and terrorism liability insurance against third parties for all companies should be provided through the ICAO "Global Time" scheme, and governments should be urged to support this ICAO proposal.

### **Social dialogue**

18. Social dialogue is understood to include all types of negotiation, consultation or simply exchange of information among representatives of governments, employers and workers on issues of common interest relating to economic and social policy. It can be either bipartite or tripartite and can take place at all levels – workplace, enterprise, national, regional and international.
19. The selection of the appropriate levels at which social dialogue will take place, the parties involved, their commitment to the process, training to effectively participate in the process, and the possible need for regional or national models, are essential preconditions for effective and transparent social dialogue.
20. There was agreement that changes in the industry where necessary – stability, restructuring, security and safety – needed to be discussed through a meaningful, transparent, results-oriented and productive social dialogue, reflecting existing and anticipated conditions.

### **Best practice**

21. The Meeting considered that there was no single model of "best practice" and none was sufficiently adaptable to the circumstances and needs of different countries. Best practices are not static; their workings should be monitored and experiences shared. Best practices in crisis periods were intended to be of a temporary nature, and may not be suitable under normal circumstances. Socially responsible human resource policies could help to develop long-term, proactive human resource policies, building confidence between management and workers.

## **Recommendations**

### **Fundamental principles and rights**

22. Civil aviation workers and employers should enjoy the benefits of fundamental principles and rights at work, in particular the right to freedom of association and to collective bargaining.

### **Safety and security**

23. Governments, social partners and other stakeholders have an important role to play in addressing safety and security. Governments have responsibility for the safety and security of their citizens and should ensure that appropriate security measures are in place for the aviation industry, and where appropriate, consistent with ICAO standards, recommended practices and guidance material.

### **Restructuring**

24. The orderly evolution in air transport services should be ensured within the framework of ICAO and of its principles of sovereignty and reciprocity, so as to facilitate the participation of all nations in the provision and the enjoyment of economic benefits resulting from aviation services.

### **Social dialogue**

25. In order to contribute to the development of a resilient aviation industry for the twenty-first century, social dialogue at the workplace, enterprise, national, regional and international levels should be encouraged. Social dialogue on civil aviation in Spain and the relevant European standards provide one such model.

Different circumstances may require different approaches. However, broadly similar policies should be implemented among regional bodies such as MERCOSUR, the Andean Community, CARICOM, CACM, and other bodies in Latin America and the Caribbean.

26. Social dialogue has helped to find innovative and socially responsible solutions to the crisis but much more needs to be done. Social dialogue should include the provision of information on the situation of the company to all stakeholders. It should be based on good faith and seek to minimize all possible negative social consequences. Cooperation and dialogue between the social partners and with governments is vital to this end. The government should be an active partner in social dialogue as appropriate. Social dialogue should be an ongoing process. The Workshop welcomes the decision adopted by the ICAO Worldwide Air Transport Conference in March 2003, to take full advantage of social dialogue in the context of the global economic debate.
27. Tripartite aviation consultation forums should be established or strengthened at national and regional levels to ensure the involvement of the social partners in the development of national aviation policy.

### The function of governments

28. Governments should recognize the critical public interest role that civil aviation plays in the overall economy and afford it an appropriate place in national or regional strategic planning.
29. Governments should encourage consultations among the social partners in civil aviation at all levels.
30. Governments in the region should include representatives of workers' and employers' organizations in delegations involved in negotiations on service agreements.
31. As a matter of "best practice", the social policies of governments should provide for unemployment benefits, health insurance, training and further training for unemployed workers. To that end, governments should ensure the implementation of best practices with a view to promoting industrial stability.
32. Governments should cover costs relating to security and should support mutual insurance coverage, thereby preventing financial damage to companies which can adversely affect conditions of work and lead to redundancies. Governments are urged to extend any necessary stop-gap measures in order to allow sufficient time to find permanent solutions to the problem of insurance against war-related risks.
33. Governments should continue to safeguard the independence and integrity of national air safety regulators and promote standardization of the applicable standards by these bodies.
34. Governments should continue to ensure, by making the necessary investments that their national aviation authorities have the necessary means and resources for the effective oversight and implementation of all components of an increasingly global yet fragmented industry.
35. Governments should ensure a clear separation of jurisdictions and functions between civil and military aviation, leaving sufficient room for coordination and cooperation on security issues.
36. Environmental protection in the region's aviation activities must be based on the idea that this is a sustainable activity, maintenance and development of which must not prejudice the interests of future generations. This principle presupposes investment in non-polluting technologies and the involvement in decision-making processes of local communities living in the vicinity of airports.
37. In view of the current precarious financial situation of the air transport sector, it is important to avoid increases in charges by airports and air traffic control service providers, while also noting the necessity for governments to safeguard the capacities of these key infrastructure elements.
38. It is essential that governments ensure that aviation service or product providers do not abuse their monopoly, and apply economic regulatory mechanisms based on the principles of fair payment, cost transparency and equality of treatment for all services, bearing in mind the need to ensure that all those in the value chain are cost-effective in providing their respective services.
39. There is a need to promote local aviation industries and activities in the region, through better regional integration and cooperation.
40. Governments should, in the context of new security regulations, ensure that the fundamental and civil rights of aviation employees are protected.
41. Governments, with the active support of the industry, should gather data, monitor employment and trends in the industry, and produce employment statistics, with a view to assisting social dialogue and planning in the sector.

## Best practice

42. Steps should be taken to ensure the exchange and wide dissemination of information on the use of best practices with regard to socially responsible human resources policies. These practices could include the measures referred to in the national reports presented during this Workshop.

## ILO activities

The ILO should:

43. Monitor the social, labour and economic impact of the current emergency and publish its findings;
44. Develop an active programme to promote tripartite dialogue in the region on specific key areas;
45. Establish active links with the CLAC;
46. Promote and disseminate best practices in the region in the area of social dialogue;
47. Intervene strongly to promote the fundamental rights of workers in the region and the application of the relevant Conventions;
48. Establish links with international financial institutions active in the region with a view to ensuring that the social dimension is integrated into the activities of these institutions;
49. Establish a permanent tripartite committee to monitor the activities of the sector;
50. Actively promote at the regional level the greatest possible participation by workers, employers and governments in these activities.

**NOTE:** A meeting similar to the one referred to in item 2.II above (held in San José) was organised by the ILO to take place in Addis Ababa (for the African Region) in 2004 but it was not implemented because the number of nominated participants was inadequate.

## 2013: Global dialogue forum

### 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.
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.
  
- 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.



## ► Appendix I

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### **Draft resolution concerning subsequent action by the international labour organisation regarding problems of concern to the various categories of personnel in civil aviation, submitted by the workers' group.**

The Ad Hoc Meeting on Civil Aviation of the International Labour Organisation,  
Having been convened by the Governing Body of the International Labour Office, and  
Having met at Geneva from 26 November to December 1956,

Adopts this day of December 1956 the following resolution:

1. The Governing Body of the International Labour Office is invited to continue its work in respect of the social aspects of the problems in the air transport industry and to provide the Office with all necessary resources in that respect.
2. The Governing Body is invited to take into consideration in particular the following problems:
  - (a) establishment of an international code of minimum conditions of employment;
  - (b) crew complement;
  - (c) adequate working and rest facilities in aircraft for all crew members;
  - (d) responsibilities of crew members in respect of civil liability;
  - (e) problem of personnel serving outside their countries of origin with particular reference to sickness and accident coverage;
  - (f) authority and prerogatives of crew members; and
  - (g) study of the occupational diseases.
3. The Governing Body is invited, taking into account the important interest which governments have in the civil aviation industry and their responsibility in the implementation of social measures relating to civil aviation personnel, to consider the possibility of regularly convening tripartite committees, composed of government, employers' and workers' delegates, so that the matters which are the subject of concern may be studied with a view to arriving at conclusions conducive to a solution of these problems.
4. The Governing Body is invited to consider very urgently the possibility of submitting to a committee of experts the specific problem of crew complement.

## Draft resolution on hours of duty of flight personnel, submitted by the workers' group

The Ad Hoc Meeting on Civil Aviation of the International Labour Organisation,  
Having been convened by the Governing Body of the International Labour Office, and  
Having met at Geneva from 26 November to December 1956,  
Adopts this day of December 1956 the following resolution:

### *Desirability of Limiting Hours of Duty and of Establishing Rest Periods*

1. There should be limitations on the flight time, the flight duty time and the total hours of duty of flight personnel engaged in civil aviation
2. Minimum rest periods should be laid down to be taken before a flight, during a flight where intermediate stops are necessary and on the conclusion of a flight or a series of flights.
3. Uninterrupted periods free of all duty should be granted to flight personnel at their home base after a series of flights or a long tour of duty.
4. The limits of hours or minimum rest periods should be such:
  - (a) as to ensure that fatigue does not endanger the flight;
  - (b) as to ensure the total hours of duty of flight personnel, calculated as an average, are no greater than those current in the majority of other occupations in the country concerned; and
  - (c) to ensure that flight personnel may enjoy periods of leisure and social conditions as normal as the circumstances of their occupation permit.
5. It would be desirable to seek to achieve a greater uniformity in standards relating to hours of duty and rest periods of flight personnel with a view to preventing competition between air transport undertakings seeking to take advantage of a lowering of conditions of employment.

### *Methods of Regulation*

6. Where limits of flight time and minimum rest periods are established primarily in the interests of safety, they should be applied through, legislation or regulations having the force of law.
7. The employers' and workers' organisations concerned, or where no such organisations exist, the employers and workers concerned, should be consulted in the preparation of such legislation.
8. In other cases, the limitations should be applied as a result of collective agreements, arbitration awards or national laws and regulations according to the practices customary in respect of any particular matter in the country concerned.

### *Scope*

9. The standards suggested in this resolution should apply to all crew members whose normal duties include assignment aboard aircraft for the purpose of flight, such as pilots, flight engineers, flight navigators, flight radio officers, cabin personnel.
10. The standards suggested in this resolution should apply to international and domestic operations, to scheduled services and non-scheduled air transport for remuneration or hire, and to other aerial activities carried out for reward.

### *Definitions*

*Flight Time*

- 11.** Flight time is the total time from the moment when an aircraft first moves under, its own power for the purpose of taking off until the moment it comes to rest at the end of the flight... Flight time is synonymous, with the term "block -to block" time, "chock to chock" time, or "mooring point to 'mooring point" time.

*Hours of Duty*

- 12.**
- (a) Flight duty time is the time necessary to prepare, execute and terminate administratively a flight or series of flights. Flight duty time should be considered as continuous unless broken by a period adequate to provide at least eight hours' rest.
  - (b) Total hours of duty are the time during which a crew member is at the disposal of the operator or is performing any other function associated with his employment, including those involving the performance of a flight.

*Rest Periods*

- 13.** A rest period, means a period during which the crew member is relieved of all duty associated with the employer. Time spent in the air travelling as a passenger to and from a duty assignment is not considered as part of the rest period.

*Forms of Limitation*

- 14.** Limitations in respect of flight time, flight duty time and total hours of duty should be established on the basis of a consecutive flight duty time, a tour of duty, a month, a quarter, or a year, as appropriate.

*Factors to be taken into Account in Planning Duty Rosters*

- 15.** So far as practicable, duty rosters should be planned in consultation with the representatives of the flight personnel concerned.
- 16.** In planning duty rosters, it is desirable to take factors such as the following into account:
- (a) the probability of operational delays, the duty roster being therefore planned in such a manner that if these delays are not out of the ordinary, it should be possible to comply with the provisions relating to flight time and flight duty time and rest periods without excessive disturbance to scheduled flights and undue inconvenience to passengers;
  - (b) the extent to which the route traverses regions in which difficult flying conditions are likely to be encountered;
  - (c) the proportion of night flying involved;
  - (d) the extent to which the accommodation at lay-overs is such as to permit crews to secure real rest; and
  - (e) the number of landings and take-offs.

*Flight Time and Associated Rest Periods*

- 17.**
- (a) A member of a crew, as required for a particular flight operation, who is not relieved during flight, should not be scheduled for flight time in excess of eight hours during any consecutive 24 hours without a rest period on the ground after such eight hours or any part thereof.
  - (b) If such a crew member is scheduled for flight time in excess of eight hours during any consecutive 24 hours, he should be given an intervening rest period on the ground at or before the termination of eight scheduled hours of flight time.
  - (c) Any rest period should equal at least twice the number of hours flown since the last preceding rest period and in no case should such rest period be less than eight hours.
- 18.** The flight time of a crew member should not exceed 100 hours in any calendar month.

19. The flight time of a crew member should not exceed 255 hours in any calendar quarter.
20. The flight time of a crew member should not exceed 900 hours in any calendar year.
21. In the event that, a flight or series of flights is scheduled in excess of eight continuous hours of flight time, sufficient qualified crew members should be assigned for each crew position so that no crew member should exceed eight hours at his station during the flight time. Any crew member assigned as part of the required crew should serve only in the capacity to which he is assigned for the particular flight.

#### *Flight Duty Time*

22. A crew member who is not relieved during flight should not be scheduled to exceed 11 hours of consecutive flight duty time in any 24-hour period,
23. The flight duty time of a crew member should not be scheduled to exceed 24 hours.

#### *Total Duty Time*

24. The total duty time of a crew member should not exceed 200 hours in any calendar month.

#### *Rest Periods*

25. A rest period should be such as to provide a crew member with at least eight hours' rest.
26. A rest period should be granted prior to undertaking a period of duty included in which is a period of flight duty.
27. A rest period on the ground of at least eight hours, or equal to twice the number of hours flown, should be granted at or before the termination of eight scheduled hours of flight time to a crew member who is not relieved during flight and who is scheduled for flight time in excess of eight hours during any 24 consecutive hours.
28. A rest period normally comprising 24 consecutive hours, but not less than 16 consecutive hours, should be granted to a crew member who is scheduled for flight time in excess of eight hours during one flight duty period.
29. A rest period equal to twice the number of hours flown since the last rest period at home base should be granted to a crew member at the home base on return from, a long tour of duty.
30. Four separate rest periods of at least 48 consecutive hours each should be granted to a crew member at home base during any month. These periods may be aggregated to the extent rendered necessary by long tours of duty.

#### *Rest Facilities on the Aircraft*

31. Adequate seating accommodation should be provided for relief members of the crew. Where the flight time exceeds 12 hours, adequate and comfortable facilities for horizontal rest should be provided.

#### *Extensions of Hours of Duty*

32. Hours of duty and flight time of flight personnel may be extended in the case of search and rescue activities arising out of an accident, and for the purposes of providing relief in cases of distress.
33. When as a result of any authorised exceptions, a crew member has exceeded the prescribed limits of flight time or of flight duty time for a month or a quarter, the crew member should not be authorised to undertake revenue flights until that crew member is again within the prescribed limits referred to in this paragraph.

#### *Prohibition on Undertaking Duties in Excess of the Limits Permitted*

34. Flight personnel should not undertake duties for more than one employer which, in the aggregate, would result in the limitation of hours of duty specified in this resolution being exceeded, and/or in a diminution of the specified rest periods.

#### *Safeguarding Clause*

35. None of the provisions embodied in this resolution should be used to seek the amendment or review of any law, regulation, award, custom or agreement between employers and workers concerned which ensures more favourable conditions to the workers.

*Enforcement*

36. The duty of enforcing any laws or regulations made by governments to implement the provisions of this resolution should rest upon the government of the State in which the employer is registered.
37. Any procedure for enforcement should provide for the following:
- (a) **Scheduled flights:** Flight schedules should be filed with the State of registry in advance of the date they come into operation and it should be required that this; operator filing the schedules certifies that none of the scheduled services, or any part of them, will require flight personnel to exceed the maximum permitted hours of duty and that they are so compiled as to enable the defined periods of rest to be taken.
  - (b) **Non-scheduled flights:** For non-scheduled flights, where it would be impracticable for flight schedules to be filed in advance, it should be required that the captain of the aircraft should incorporate in the detailed flight plan to be filed before departure, particulars of the hours of duty and rest periods of the flight personnel, together 'with a certificate that the flight crew would not be required to exceed the permitted periods of duty and that they would be afforded the required rest periods.
  - (c) **Penalties:** The penalties to be imposed for noncompliance with any laws or regulations should be fixed by governments on a scale sufficiently high to act as a real deterrent in cases of wilful and/ or repeated violations.
  - (d) **Inspection:** Governments should institute a system of supervision to ensure that laws and regulations are being observed.

## **Draft Memorandum concerning, Income Security for Flight Personnel after Retirement or Grounding, submitted by the Workers' Group**

The standards included in this Memorandum are submitted for the guidance of government authorities and of the employers' and of the workers' organisations which may be concerned, in accordance with practices customary in their country, in the provision, whether by national laws and regulations or collective agreements, of income security for flight personnel after retirement or grounding where they are not protected in these contingencies by a general social security scheme, or where it is desirable to supplement the provisions- of the general social security scheme, in order to take account of the special circumstances of the employment of such personnel. The bodies concerned should make every effort to secure the adoption of standards governing the provision of income security for flight personnel after retirement or grounding not less favourable than those herein contained.

Appropriate measures should be taken to provide cash benefits for flight personnel after retirement from flying duties at the normal age of retirement in their-occupation, for flight personnel who have become permanently incapacitated for gainful activity, or who have been grounded as the result of failure to maintain the prescribed medical standards, and for stewardesses who have been grounded at a relatively early age (e.g. before attainment of 40 years) in accordance with the general policy of the undertaking concerned.

It is desirable that in so far as is practicable facilities for retraining and opportunities for suitable alternative employment in the industry or undertaking where they have served should be made available to flight personnel who have been retired or prematurely grounded.

Cash benefits in cases of retirement should preferably take the form of pensions, but in the case of premature grounding there should be a lump-sum payment in addition to a pension.

The cash benefits should be provided through supplementary, or where there is no general social security scheme, special pension schemes for flight personnel, which may appropriately cover a number of the long-term contingencies entailing loss of income.

Where it is not practicable to establish supplementary or special pension schemes for flight personnel, provident funds, based on the principle of compulsory saving, to which both the employer and the employee contribute, might be maintained to provide lump-sum benefits for flight personnel when they cease service in the industry or undertaking in which the fund is based. While a savings scheme that provides lump-sum benefits may be attractive to certain beneficiaries, it does not afford as comprehensive protection for all flight personnel as a pension scheme, which guarantees a regular income throughout the contingency or contingencies covered. It should be noted however that a provident fund provides only limited protection in the long-term contingencies other than retirement, for example, in cases of invalidity, since the amount' in the member's account may be quite small v/hen the contingency occurs.

The lump-sum payments in cases of premature grounding referred to in paragraph 4 might appropriately be provided by means of group insurance against loss of licence to fly whatever the cause. Retirement from flying duties at the normal age of retirement in the occupation concerned.

Under supplementary or special pension schemes for flight personnel, the normal pensionable age should coincide with the normal age of retirement from flying duties for the particular category of personnel concerned.

The qualifying period for a pension at the normal age of retirement should not exceed ten years.

The amount of the retirement pension payable under a special pension scheme or the amount payable under a supplementary scheme, at the age specified in paragraph 8, after 20 years .of service, should be such as to provide a pension income equal to at least 50 per cent, of the average annual remuneration of the beneficiary throughout his career in flying duties, in addition to any pension payable to the beneficiary under a general social security scheme.

The provisions to preserve accrued pension rights (vesting) of supplementary or special schemes for flight personnel after retirement should be sufficiently liberal as not to prejudice the position of members who transfer to some new occupation before they attain the minimum pensionable age. For example, the accrued rights of a member might appropriately be preserved by entitling him, subject to a reasonable qualifying period of service, to a pension deferred to the normal age of retirement, or by the transfer of his actuarial reserve in the scheme he is leaving to the scheme associated with his new employment, where it would be used to purchase back service credits. Where a member leaves a scheme before he is

entitled to a deferred pension he should be entitled to have at least his own contributions returned to him plus accrued interest.

### ***General invalidity***

Special measures may be desirable to provide supplementary or special cash benefits, preferably in the form of pensions, to ensure adequate incomes to flight personnel who are grounded as a result of general invalidity rendering them permanently incapacitated for gainful activity, whether or not the invalidity is due to an employment injury (industrial accident or occupational disease)<sup>1</sup>.

In cases of permanent incapacity not due to an employment injury entitlement to an invalidity cash benefit may be made conditional on the fulfilment of a prescribed qualifying period.

In cases of permanent incapacity (or death) due to an employment injury, entitlement to a cash benefit should not be made conditional on the fulfilment of a qualifying period.

The amount of the pension provided in cases of general invalidity together with any pension payable to the beneficiary under a general social security or employment injury compensation scheme should be such as to ensure him an income bearing a reasonable relationship to his previous remuneration.

### ***Premature grounding***

Where a member of the flight personnel is prematurely grounded as the result of an employment injury but is not incapacitated for gainful activity, in addition to cash benefit, facilities for retraining should be provided for him and he should be ensured suitable ground employment in the industry or undertaking where he has served.

Where a member of the flight personnel is prematurely grounded as the result of failure to maintain the prescribed medical standards it is desirable that, in addition to cash benefits, training facilities and opportunities for suitable alternative employment in the industry or undertaking where he has served should be made available to him.

### ***Grounding of stewardesses***

Undertakings whose policy it is to take stewardesses off flying duties at a relatively early age (e.g. before attainment of 40 years), should take measures to provide women who are thus obliged to give up their occupation as stewardesses with cash compensation, which might appropriately vary in amount with length of service in flying duties, and to provide them with facilities for retraining and with suitable alternative employment.

### ***Organisation of supplementary or special income maintenance schemes for flight personnel***

Supplementary pension schemes for flight personnel should be closely co-ordinated with the general social security scheme.

It is desirable that, special or supplementary protection should be provided for dependants of flight personnel in the case of the death of the breadwinner.

The employers should participate in financing the supplementary or special income security schemes for flight personnel.

Both employees and employers should participate in the administration of the supplementary or special security schemes for flight personnel mentioned in the preceding paragraph.

Appropriate measures should be taken to guarantee the benefits to be paid under the schemes.

It is desirable that appropriate measures should be taken to maintain the real value of the benefits.

### ***Alternative employment***

The measures taken to provide members of the flight personnel who are obliged to cease flying duties at an early or relatively early age with posts on the ground establishment of the industry or undertaking concerned should be planned on a long-term basis. They should be so conceived and applied as to safeguard the rights of employment of ground personnel and to obviate in so far as possible feelings among such personnel that their [Norma] prospects of promotion have thus been impaired. Points of entry into the ground establishment for retired and grounded flight personnel should be pre-determined and, where possible, certain posts on the establishment might be earmarked for such persons.

Where separate special or supplementary income security schemes exist for flight and for ground personnel, arrangements should be made to transfer flight personnel who take up ground employment in the industry or

undertaking on which the schemes are based to the scheme for ground personnel without loss of their acquired rights or rights in the course of acquisition under the scheme for flight personnel to which they belonged.

***Possible revision of the medical standards now being applied to flight personnel***

A further examination of the medical standards now being applied to flight personnel should be made at the international level with a view to determining whether, in the light of the experience acquired and of recent technological advances in civil aviation, it might be desirable to institute changes in medical standards, always having regard to safety in flight.



## **Draft Resolution concerning Action by the International Labour Organisation regarding Conditions of Employment in Civil Aviation, Hours of Work of Flight Personnel and Income Security of Plight Personnel after Retirement or Grounding, submitted by the Employers' Group**

The Ad Hoc Meeting on Civil Aviation of the International Labour Organisation,  
Having been convened by the Governing Body of the International Labour Office, and  
Having met at Geneva from 26 November to December 1956,

Considering that the aims and purposes as expressed in the Constitution and annex thereto of the I.L.O. have already been fulfilled in the civil aviation industry; Considering that in respect of ground personnel in the civil aviation industry social aspects as concern conditions of employment are already dealt with through appropriate consultative machinery and are common to the same and similar occupations in industry generally and are therefore already covered by the existing standards of the I.L.O.;

Considering that in respect of flight personnel in the civil aviation industry salaries, conditions of employment, pensions, etc. have been and are capable of being dealt with through existing efficient consultative machinery, or the laws and regulations of the respective countries;

Considering that in respect of flight personnel the existing salaries, conditions of employment, pensions, etc. stand at a high level and exceed practically all, if not all, those enjoyed by other groups of workers in the world;

Adopts this day of December 1956, the following resolution:

This Meeting, for the aforementioned reasons and those contained in the annexes to this resolution, recommends to the Governing Body of the I.L.O. that there is no need for further action by the I.L.O. in the civil aviation industry.

## ► Appendix II

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### Draft conclusions as submitted by the Office to the 1990 Meeting of Experts

#### ***Structural change and employment***

1. Implications of structural change in the civil aviation industry for airline management and personnel derive from a variety of inter—related factors including domestic and international economic performance, market forces, technological innovation and policy changes. Within the framework of national law and practice, governments, employers, workers and workers' organisations should co—operate to ensure healthy development of the industry and to ensure that the industry's management and labour force are best able to adjust effectively to structural change.
2. Safety is and shall be the primary concern of any adjustment strategies formulated individually or collectively by all parties involved in the civil aviation industry.
3. The ILO should work in conjunction with other specialised agencies, because of, inter alia, the employment implications, to encourage governments to provide infrastructure which is adequate to meet the increasing demand for air transportation.

#### ***Structural change skilled manpower, shortages and training***

4. Governments, employers and workers' organisations should co—operate in facilitating and supporting the development of training, retraining, refresher and upgrading programmes, as well as apprenticeship schemes, in order to ensure the timely and sufficient supply of skilled airline personnel.
5. In developing countries the shortage of skilled personnel is compounded by the fact that skilled airline personnel often accept better—paying jobs in other countries and industries. Because of the high expense involved in acquiring and maintaining sophisticated training equipment such as flight simulators, countries and airlines operating advanced training facilities should be encouraged to share them at reasonable cost with airlines of developing countries for the training of flight deck crew, cabin crew and maintenance personnel.
6. In order to minimise turnover of skilled personnel in the industry and drop—out rates from expensive training programmes, adequate selection and recruitment procedures should be applied to candidates before initial training to ensure they have the right educational background and aptitudes for civil aviation.
7. Within the framework of national law and practice, all parties involved in the civil aviation industry should cooperate in defining and designing training, skill upgrading and retraining requirements and programmes to cope with technological change.
8. As developing countries need the assistance of industrialised countries for new technology, the latter should facilitate the transfer of know—how and expertise, particularly in the field of maintenance technology.

#### ***Structural adjustment, and remuneration, working conditions and occupational safety and health***

9. In order to attract and encourage skilled manpower to remain in the industry, as well as to ensure efficient airline operations, remuneration structures, benefits, working conditions and career prospects should be competitive with similar jobs in other industries.
10. Governments should support research on human factors in civil aviation. Workers and workers' organisations should be informed of any occupational health risks.
11. Continuing attention should be paid to impart adequate training on safety—related subjects in the civil aviation industry. The need for co—ordination and communication between cockpit and cabin crews in cases of emergency should be re—emphasised.

#### ***Structural adjustment and labour—management relations***

12. Sound labour—management relations enable airlines and their personnel to adapt smoothly to structural change while maintaining efficient operations and high staff morale.

13. Governments have an important role to play in encouraging and maintaining sound labour management relations by ensuring that labour legislation is respected and interpreted correctly.
14. Governments can further contribute to smooth industrial relations by ensuring that, in accordance with national law and practice, labour inspectors supply information and advice to airlines and their personnel concerning the relevant legal provisions.

***Action by the ILO***

15. The Governing Body of the ILO should request governments to ensure the full respect for freedom of association in civil aviation in accordance with the Freedom of Association and Protection of the Right to Organise Convention, 1968 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).
16. The ILO should continue to convene ad hoc meetings on civil aviation, including meetings at regional and subregional levels.
17. The ILO should collect and disseminate data concerning employment remuneration, working conditions and other social and labour issues in civil aviation, including comparative data for other industries.
18. In collaboration with ICAO and other competent international agencies, the ILO should provide assistance to developing countries in building up their training and retraining capability for workers and managers of airlines.
19. The ILO, in collaboration with ICAO and WHO, should continue to carry out studies and research in the field of occupational safety and health in civil aviation.
20. The Governing Body of the ILO should request governments to apply fully the application in the civil aviation industry of the principles of non-discrimination embodied in relevant ILO standards.
21. The ILO should carry out studies on labour-management relations in the context of structural change in the civil aviation industry.
22. Upon request from governments, employers' or workers' organisations, the ILO should provide technical advisory services in the field of industrial and labour relations in the civil aviation industry.

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