



Brussels, 15/10/2024

## **EurECCA Manifesto 2024-2029 – Management Summary**

*With this Manifesto the European Cabin Crew Association (EurECCA) sets out their political focus areas for the upcoming years to address the most urgent issues for cabin crews in Europe.*

EurECCA, based in Brussels since 2014, is an international non-profit association. We represent cabin crews' unions from European Union member states, accession, and bordering states, collectively representing cabin crews in Europe. Our mission is to represent, protect, and advance the rights and needs of cabin crews across Europe.

Our vision aligns with the principles of a unified, peaceful, and prosperous European Union that values social aspects and solidarity. We collaborate with various associations in the field of civil aviation and social issues, grounded in principles such as independence, respect, mutual recognition, and equality. EurECCA operates as a democratic, politically independent association exclusively for cabin crew, emphasizing democratic principles, solidarity, and consensus. Our affiliate unions are recognized as social partners in their respective countries, enabling them to engage in negotiations and sign collective labor agreements with their employers. They also address professional, technical, and social matters within their respective countries.

On the European stage, EurECCA plays an active role in the political and technical rule-making process, engaging with the EU Council, Commission, and Parliament on cabin crews matters. We aim to enhance safety on board and promote fair working conditions, contributing with a proactive approach by shaping legislation based on real-life experiences.

EurECCA as a well-known European partner and expert on cabin crews' topics is a meaningful stakeholder due to our knowledge, experience, and presence we bring to the table. We would deliver useful input from the cabin crews' perspective for the important groups at EASA, ELA and the Civil Aviation Sectoral Social Dialogue Committee.

### **Management Summary:**

As EurECCA, we want to highlight certain areas where we see the need for actions to be taken. Currently the European legal framework for aircrews still has loopholes and rooms for improvement. We would like to focus on the following points that have a direct impact on cabin crews in terms of social and safety aspects. Thanks to the different and very productive meetings we had with the European Commission, we could identify some important points that must be improved.

Therefore, we want to emphasize the urgency of improving legislation concerning the posting of workers within the aviation industry. This issue has a high degree of complexity; however, that complexity cannot be a pretext for legislative stagnation. Inaction would leave open loopholes ripe for legislation shopping and risks the erosion of working and salary conditions now and in the future. Consequently, it is of utmost importance to bring clarity to the applicable law, including the consistent use of the habitual place of work, "operational base/home base", and a legally binding definition of an

employment relationship. In this regard, EurECCA advocates for the introduction of a Directive specifically designed for aircrews, akin to the one inaugurated for road transport in 2020. Such a Directive will be instrumental in formulating a “lex specialis” that caters to the distinct needs of aircrews.

Additionally, we also want to highlight the dire necessity of revising Regulation (EC) No 1008/2008, given its significant correlation with provisions such as wet-leasing or a legally binding definition of an operational base, and the posting rules. We ask the European Commission to place the revision of Regulation (EC) No 1008/2008 high on its agenda.

Separately, we invite the social partners involved in the Sectoral Social Dialogue Committee on Civil Aviation to consider a revision of Council Directive 2000/79/EC, which pertains to the organization of working time for aircrews in civil aviation. The social aspects of working time must not be solely dictated by Flight Time Limitations (FTL; implementing Commission Regulation (EU) No 83/2014), as these are only focused on aviation safety, as previously noted in point 89 of the last ILO Report for the Technical Meeting on a Green, Sustainable and Inclusive Economic Recovery for the Civil Aviation Sector.

In 2018, the European Parliament and the Council voted to assign the European Aviation Safety Agency (EASA) to “address socioeconomic risks to aviation safety” as established in Article 89 of EASA’s new Basic Regulation (EU) 2018/1139 and mandate EASA to provide a report every three years on the “actions and measures undertaken” to address the “interdependencies” between civil aviation safety and socioeconomic factors.

This mandate also requires EASA to take specific action, to identify, analyse, and mitigate socio-economic safety hazards in particular those directly linked with the new business models and aircrews’ atypical forms of employment such as “bogus” self-employment, fixed-term work, work via temporary work agencies/broker agencies, zero-hour contracts and pay-to-fly schemes. Despite the precise mandate assigned to EASA, EurECCA encourages the agency with the participation of all cabin crews’ associations to adopt appropriate strategies or actions to give its new mandate a meaningful life.

EurECCA considers that the lack of safety reports is directly linked with the atypical forms of employment as some cabin crews may be afraid to file a fatigue report or declare “unfit to fly” or any other safety relevant human “perception” by the simple risk to be sacked. EurECCA requests an immediate development by EASA of some priorities tools such as Confidential Safety Reporting (CSR) to identify and investigate safety issues, particularly those relating to airline’s business models using working contracts as atypical forms of employment. As a matter of fact, low-cost carriers’ safety reportings are lower than legacy carriers due to the risks of negative consequences of cabin crews contractual labour relationship and such operational safety decision report occurrences for fatigue, sickness, over hours, etc. will hardly be filed.

EurECCA is convinced that these differences in safety reporting levels between legacy carriers and low-cost carriers is directly linked with the atypical form of employment and the ways they are collected and published. EurECCA asks EASA to fulfill its Art. 89 mandate by taking concrete action and put it up to its priority list. In connection to this we ask the European Commission to amend the Regulation (EU) No 376/2014 adding cabin crew to the list of natural persons who are obliged to report occurrences according to official reporting systems such as ECCAIRS. Only if all relevant groups, including cabin crews, are in the reporting systems, the collection and analysis of data will be robust enough to improve safety, technological developments, and amendments in the current civil aviation legal framework.

In addition, EurECCA wants to highlight the link to Council Directive 89/391/EEC on health and safety at work that is currently not applicable for in-flight workplaces. The current Occupational Health and Safety (OH&S) framework Directive aims to cover all workplaces but leaves room for individual Directives that cater to specific workplace environments. However, the framework Directive does not address the particular needs of cabin crews, who operate in a distinctive environment but its article 16 outlines the procedure for adopting individual Directives based on the proposal from the European Commission. These individual Directives serve to amend the general scope of the framework Directive

by addressing more stringent and/or specific provisions in various areas such as workplaces, work equipment, personal protective equipment, handling of heavy loads, and temporary or mobile work sites.

EurECCA therefore calls upon the European Commission to issue a proposal for an individual Directive under Article 16 of the framework Directive on health and safety at work (Council Directive 89/391/EEC), specifically tailored to the needs of cabin crews and the unique environment in which they work. Ensure that the proposed Directive gives substance to clause 5 and clause 6 of Council Directive 2000/79/EC, providing adequate protection and prevention services for the safety and health of mobile staff in civil aviation.

Engage relevant stakeholders, including cabin crews' representatives, in the development of the proposed Directive to ensure it accurately addresses the needs and challenges faced by the sector. Establish a robust monitoring and enforcement mechanism for the proposed Directive, enabling appropriate authorities to effectively oversee and address OH&S incidents and accidents occurring in the airplane environment and track the recurrent illness, such as cancer, sleep and metabolic disorders, mental and psychic health as well as cognitive performances, relevant to cabin crews to establish a list of work-related diseases.

The use of temporary working agencies or intermediaries for aircrews highlights real dysfunctions in the application of the various European regulations legal framework on the applicable law, the legal jurisdiction competency, the coordination of social security systems and the posting of workers Directive 96/71/EC amended by Directive (EU) 2018/957. Recent developments in the aviation sector such as an increase in competition have had an impact on the aircrews' workforce, through the development of atypical forms of employment. These atypical forms of aircrews' employment were an exception not so long ago and is now quickly spreading across all sections of the aviation industry. Some airlines have implemented practices (such as hiring cabin crew through intermediaries or as self-employed or so-called "pay-to-fly" employees) which have an impact on the working and employment conditions of cabin crew and can give rise to legal uncertainty. Assumption of direct employment is a must for aircrews as we all know that a self-employed scheme is not possible in civil aviation.

The employment of cabin crews by temporary working agencies mainly used by low-cost airlines seems to be one of the ideal tools to circumvent the European regulations in force thanks to various possible interpretations under the pretext of a lack of clarification and control and a lack of harmonization on such topic and definition between the different Member States. For example, the use of employment through intermediaries sometimes makes it difficult for aircrew to identify their employer and establish the applicable law. The lack of control at the European level allows some Temporary Working Agencies to use self-employed or "bogus" self-employed cabin crews which do not fall under the posting rules and escape the scope of employment law in general. This could easily be addressed if national civil aviation authorities and labour inspectorates intensified their activities and cooperated both nationally and transnationally. EurECCA asks for enforcement agencies at the national level (e.g., labour inspectorates, the courts, tax and civil aviation authorities), the cross-border co-operation between the Member State where an airline registers its principal place of business and the Member States where the same airline operates multiple ("home") bases for aircrews as well as pan-European agencies such as the European Commission, Eurojust, Europol and the European Labour Authority (ELA) together with the social partners involvement at the National and European levels. Greater clarification in the enforcement of these rules to complex situations will improve legal certainty for aircrews and employers in the sector. It will also improve the implementation of EU and National rules by National authorities and courts.

In conclusion, we assert that all the aspects mentioned – posting of workers, wet-leasing, working through temporary working agencies or intermediaries, "bogus" self-employment, incorrect use of Flight Time Limitations as a social tool, OH&S framework Directive, amendment of Regulation (EU) No 376/2014, revision of Regulation (EC) No 1008/2008, applicable law, social security, and working time

– should be discussed collectively to establish a resilient social framework for European aircrews. A decisive stance must be adopted to remedy loopholes and gaps in European legislation to protect the rights of aircrews and maintain fair competition within Europe. The stakes are high – without action, we risk the application of the maritime model in the aviation sector, a shift that could destabilize the European market. EurECCA asks all relevant stakeholders to join us in facilitating these urgent revisions to ensure fair and sustainable conditions for those who are integral to the success of European aviation.

**EurECCA represents, protects and develops the rights and needs of all cabin crews  
all over Europe**

**Flying Together - Protecting Each Other**

About EurECCA: established in Brussels in 2014, the European Cabin Crew Association, EurECCA, represents, protects, and develops the rights and needs of all cabin crews all over Europe. It is composed of cabin crew unions from European Union Member States as well as accession and bordering states and represents some 33,000 cabin crews accounting for 70% of all organized cabin crew in Europe. EurECCA has no political connections. EurECCA's work is around Cabin Crews aviation safety standards and requirements, working conditions, social protection and health and safety at work.

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