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Position Paper

Social dumping in European civil aviation: structural consequences and the need for a coordinated regulatory response

The European Union, in its pursuit of an integrated and competitive internal market, has radically transformed the structure of its civil aviation industry. Deregulation, liberalisation, and market expansion have undeniably contributed to greater connectivity, lower fares, and a more dynamic network of air transport services across Member States. Yet, this liberalisation has also given rise to profound social tensions, particularly regarding the conditions of employment of cabin crew. Among these challenges, **social dumping** has emerged as one of the most critical and complex issues, threatening not only the working conditions and conditions of employment of cabin crew but also the integrity of the European social model.

At its core, social dumping refers to the practice whereby companies deliberately exploit differences in labour laws, social protection systems, and tax regimes within the EU in order to reduce operational costs. In the aviation sector, this phenomenon takes on particularly insidious forms. Airlines often base their employment strategies on the principle of **regulatory arbitrage**, employing crew members under the jurisdiction of countries with more lenient labour legislation, even when these cabin crews are permanently based and operating from other Member States. This not only deprives cabin crews of the rights and protections afforded by their country of effective employment but also creates an uneven playing field among air carriers that abide by different regulatory standards.

The **fragmentation of employment practices** is central to this dynamic. Many airlines have adopted models of employment that favour atypical forms of employment—such as bogus self-employment, temporary work agencies and intermediaries. These forms of atypical employment, while legally permissible under certain national frameworks, are more and more often being used in aviation to circumvent obligations related to job security, paid leave, sick pay, maternity leave, pension contributions, and union representation. The result is a class of mobile workers who are structurally precarious, despite operating in one of the most safety-critical environments in the economy.

Perhaps even more concerning is the rise of **ACMI (Aircraft, Crew, Maintenance, and Insurance)** or wet leasing arrangements, which enable airlines to outsource not only equipment but also entire crews from foreign operators. While this practice may serve legitimate purposes—such as responding to seasonal demand or covering short-term fleet shortages—it is frequently abused as a means to bypass national collective labour agreements, social and labour standards and requirements. Cabin crews employed by wet lease providers are often paid less, receive inferior social protection, and work under less favourable conditions than their counterparts directly employed by national carriers, even though they perform identical tasks on the same routes. This de facto segmentation of the labour market exacerbates inequalities and erodes solidarity within the profession.

Furthermore, **ACMI operations must be regulated more transparently**: airlines making regular or prolonged use of wet lease providers should be required to publish information about the duration, frequency, and scope of their ACMI contracts, and regulatory authorities must have the power to assess and restrict their use if they lead to unfair labour conditions ensuring that all crew members operating from a given Member State are subject to its national labour and social legislation. This principle is not only a matter of justice but also of public safety: a fragmented and demotivated workforce cannot guarantee the high standards that European aviation is known for.



Moreover, the legal ambiguity surrounding the notion of the “**habitual place of work**” in aviation further complicates enforcement. Unlike in other sectors, the workplace of a cabin crew member is not geographically fixed. EU Regulation 3922/91 and Regulation (EU) No 965/2012 do refer to the concept of "home base," yet this designation is insufficiently harmonised across Member States and lacks clear legal consequences in matters of labour law and social security. As a result, companies are able to exploit this legal vacuum, arguing that employment contracts should be governed by the laws of the country where it is signed, rather than where the cabin crew actually lives and works. Such interpretations not only contravene the spirit of European labour and social law but also undermine the very principle of **equal pay for equal work in the same place (!)**.

To confront these challenges, a coherent and ambitious response is required at multiple levels. The European Union must begin by acknowledging the **aircraft as a legitimate and legally recognised place of work**, thereby allowing for the application of national labour and social law based on the actual operational base. This would provide clarity for cabin crews, employers, and national authorities, and would help prevent further abuses of jurisdictional discrepancies.

In parallel, a re-evaluation of **atypical forms of employment in aviation** is necessary. While flexibility is an operational necessity in air transport, it must not come at the expense of social rights. The growing use of self-employed cabin crew—who often depend on a single employer and cannot refuse assignments—bears all the hallmarks of disguised employment and should be addressed as such under EU law. Similarly, fixed-term contracts should not be used to cover permanent needs, and agency work should be strictly limited in duration and scope.

Finally, the role of **enforcement mechanisms** cannot be overstated. National labour inspectorates must be empowered and resourced to conduct inspections in aviation hubs, and their efforts should be coordinated through the **European Labour Authority (ELA)** which still needs an even stronger mandate to cover civil aviation to ensure consistency and information-sharing across borders. In cases of deliberate social dumping, sanctions must be applied proportionally and decisively to deter future infractions.

This legal and ethical fragmentation of the European aviation workforce reveals a deeper crisis: that of a Union which has liberalised its skies but failed to harmonise its social obligations. The absence of clear and enforceable rules concerning the definition of the workplace in aviation—the aircraft as a place of work, the definition of the "operational base," and the habitual place of work—creates loopholes that are skillfully exploited by certain operators. The consequences are not only borne by the cabin crews themselves, who face degraded working conditions, but also by compliant airlines who struggle to compete on a level playing field, and ultimately by passengers whose safety and trust are at stake.

In conclusion, social dumping is not a by-product of European integration; it is a symptom of its incomplete and uneven implementation. If the European Union aspires to be more than a market—if it seeks to be a community bound by shared values and social cohesion—then it must ensure that its skies are not only open, but also fair. The future of aviation depends not only on innovation and economic efficiency, but on the ability to protect those who make flying possible: its cabin crews. Cabin crew across Europe deserve stable contracts, decent wages, and legal certainty—not only for their own dignity, but for the safety and trust of millions of passengers.

**EurECCA represents, protects and develops the rights
and needs of all cabin crew 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 cabin crew 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 23,000 cabin crew accounting for 60% of all organized cabin crew in Europe. EurECCA has no political connections. EurECCA's work is around Cabin Crew working conditions, wages, social protection and health and safety at work.