



**SECTORAL DIALOGUE
COMMITTEE**

Minutes of the plenary meeting

**15 October 2021
09:30 – 13:00**

The meeting was organised with videoconference (Interactio) due to the situation created by the COVID-19 pandemic. Several participants had issues with their connection.

The chair, Charles-André Quesnel (ETF Air Traffic Controller in Paris Center and member of USAC-CGT National Board) representing the workers' side, introduced the meeting. He stressed the importance of having in presence meetings to resume the social dialogue and allow the social partners to meet.

1. Adoption of the agenda and minutes of the last plenary meeting

The draft agenda was adopted with an AOB point on the election of the new chairs according to the rotation system (see draft background document attached).

Minutes of the plenary meeting on 22 October 2020 were adopted¹.

2. Impact of COVID 19 on Social Partners

Donal Handley, Chief of Staff, Director General's Office EUROCONTROL provided a general up-date on the impact of the COVID-19 pandemic on the civil aviation sector.



EUROCONTROL -
Sectoral Dialogue 1!

The social partners were positive regarding the overall trends which show an increased number of passengers. However, ACI and ATCEUC stressed the diverse impact of the COVID in the aviation sectors. Airports and Groundhandlers have seen a stronger decline in terms of revenues as the activity (e.g. number of flights) had not decreased at the same level than the number of passengers and associated costs remain.

3. Update on EU aviation initiatives

DG MOVE (aviation policy) presented the new study on the impact of the COVID by the Steer contractor, to be delivered by the end of the summer 2022. The study will analyse the developments on the aviation market, the impact after the COVID-19 crisis and the impact of the European Green Deal targets– e.g. the Fit for 55 initiative- on the aviation industry.

Questionnaires will be addressed to the social partners amongst other stakeholders in the coming weeks. DG MOVE also explained that the evaluation of the groundhandling Directive was put on hold also to take into account of the impact of the pandemic and the results of this study.

DG MOVE also updated on the state of play of the revision of the Air regulation 1008/2008 to be adopted on Q4 2022. To take into consideration the pandemic, a new inception impact assessment will be published for feedback by the stakeholders. A new impact assessment support study will also be launched beginning of 2022.

ECA, followed by ATCEUC, ETF, ACI and ACP stressed that the results of the COVID study will come too late for the preparation of the revision of the 1008/2008. They called for a rapid adoption of the revision of 1008/2008. They asked to address the situation as regards the application of EU law to the crew. A4D on its side raised the need to ensure good quality of the study.

The need to consider specificities of each subsector was underlined.

ACP pointed out that as STEER will be using the EUROCONTROL Covid-19 impact assessment as a base for their study, the EUROCONTROL approach, being based on flight movements, does not fully reflect the real impact. Occupancy factors and other market conditions are also important elements to look at in order to assess the real economic impact on all players in the industry.

ETF reminded that the many workers who had to leave the groundhandling sector are not reintegrating their jobs. The COVID (notably the lack of harmonisation of measures) has created additional difficulties, worsening the situation in terms of working conditions.

ACI asked to the Unions to provide data and figures to assess the social impact and respond appropriately. ETF stated that they have done this twice during the pandemic; however, statistical data regarding number of workers having left the sector are difficult to collect, notably because of the precarious employment contracts for the groundhandling workers which make it very difficult to trace their situation. They added that employers have also not been able to get accurate data of their own workers due to this precariousness.

4. Up-date on relevant employment initiatives Sub-group on social matters related to aircrew

DG EMPL introduced the state of play regarding the transposition of the Directive on Transparent and predictable working conditions 2019/1152.

The directive adopted in June 2019 has to be transposed by end of July 2022. The Commission created an expert group with MS representatives and cross border social partners as observers

was created by to help MS to prepare the transposition in national legislations. A report of the group was published last summer². The experts exchanged views on all of the provisions of the Directive with two main issues receiving a lot of attention: the personal scope of application (the Directive refers to the national concept of worker with consideration to the case law of the CJEU) and the possibility for Member States to permit social partners to vary the material rights by means of collective agreements provided that the overall protection of workers is maintained.

There was no question by the social partners.

5. Subgroup on social matters related to aircrews' under the Expert group on the Aviation Internal Market.

DG MOVE (Aviation Safety) reported on the last results of the expert group which endorsed the document on self-employment at its last meeting (the one on oversight was already adopted).

Following a question by ETF, DG MOVE confirmed that the joint work related to these topics could continue, notably on the recommendations drawn in the documents.

The work of the expert group will continue in 2022, with two new topics: work through intermediaries (rapporteur BE) and pay-to-fly (rapporteur PT).

6. EASA report on implementation of Article 89 of the Basic Regulation

EASA presented the preparation of the draft report foreseen under the Article 89 of the EASA Basic Regulation (see slides). EASA had sent the report for consultation to the stakeholders.



6 - Art.89 Review
2021.pdf

ETF, ECA and ATCEUC indicated that in their view, the content of the report does not respond to the Art. 89, which stipulates that it should address the interdependencies between civil aviation safety and socio-economic factors. They regretted that the report only accounts for the actions by EASA but does not analyse the rulemaking impact on safety and socio-economic factors, an example being the ATCOs licencing plans. Trade Unions also did not agree about the lack of evidences and the conclusion that there is no correlation between the type of employment and the safety issues. They consider that this approach underestimates notably the weakness of the reporting culture (e.g. due to fear factor). The EASA process for reporting (including the website) should be made more user-friendly and improved. In addition, they indicated that Court cases regarding ATCOs fired and arrested should be analysed as evidences. ATCEUC also regretted a lack of action by EASA to address issues like the deployment of Turkish ATCOs without valid endorsements in Tirana in clear violation of Regulation 2015/340. The Trade Unions indicated that they are ready to engage on specific actions with EASA.

² <https://ec.europa.eu/social/main.jsp?langId=en&catId=82&furtherNews=yes&newsId=10060>

A4D on its side confirmed that the EASA reporting should be data driven.

EASA confirmed that, in line with Art. 89, the report is providing a record of the actions taken by the Agency. The report is focusing on impact of social economic factor on safety, looking at systemic level and correlations– notably based on the report rate by the airlines. EASA acknowledged that it would not mean that there is no social issues at all. However, specific issues should first be addressed at the level of the Airlines. EASA recognised that issues with reporting during the COVID crisis were identified; those issues would be addressed.

EASA offered to continue the work with the social partners, also on future discussions regarding next EASA actions in terms of social economic factors.

7. Future collaboration with EASA

CANSO reported on recent work between ASPReT (the ATM Social. Partners Regulatory Taskforce under the ATM working group) and EASA on the social impact assessment methodology. ASPReT would continue its cooperation notably on social aspects of rulemaking plans, on remote towers and ATCO licencing. In addition, ASPReT would continue to work on the SES human dimension roadmap. The opportunity to improve the EASA report on Art. 89 was also pointed out.

EASA agreed that the work with ASPReT is very interesting, as well about the topics identified for further cooperation.

ETF underlined the good experience with ASPReT that could be a model for improving social dialogue within the other social dialogue subgroups.

8. State of implementation of the Social Dialogue Project

ETF reported on the project steering committee on 14/10. Looking at what social partners have achieved, in overall, last year, social partners have agreed on joint texts to address the effects of the crisis. However, the implementation of the social dialogue project (VS-2020-0049) was delayed because of the COVID crisis.

This relaunch of the project's activities should address the concern with collective social partners' engagements, as currently consensus are difficult to achieve amongst the 10 organisations involved in the SSDC. The social dialogue project should help to address these issues.

Social partners have discussed possible amendments to the project's work programme for the last implementing year (until January 2023). Based on inputs by each organisation, joint priorities for the 3 subgroups (to be confirmed) were suggested: to continue the work around violence at work, to address the social sustainability of the aviation sector and to organise a conference for the relaunch of the social dialogue in aviation.

Further discussions between social partners should aim to agree on projects' activities and to prepare an amendment to the project.

9. SSDC Work Programme 2021-2022

Social partners have reconducted their work programme 2021-2022 without change.



SSDC Civil aviation
work programme DF

In addition, ECA proposed to share the conclusions of their project on impact of GDPR on collective rights with the other partners. This was supported by ETF. ECA will share the results of their study to decide whether to deal with this topic in the framework of the SSDC.

10. AOB

- Update on the aviation representativeness study

DG EMPL indicated that the delivery of the representativeness study launched in 2019 is further delayed. This is mainly due to the difficulties faced by EUROFOUND to capture the specificities of the aviation sector and the many organisations involved. The first draft report received by DG EMPL does not describe appropriately the characteristics of Aircrew, ATM and GH industrial relations. The analysis at national level, in particular for the airlines and the ATM service providers, missed the fact that they are “direct” employers organisations, not represented at national level through national employers organisations, as well as the cross border nature of some employers.

EUROFOUND has recently contacted the organisations member of the SSDC to collect information. DG EMPL asked the organisations to reply to these requests and invited the organisations to clarify their situation with EUROFOUND through interviews.

Following a question, DG EMPL clarified that the aim of the representativeness study is to assess the representativeness of the organisations involved in the European sectoral social dialogue committee. Their relative representativeness legitimises their right to be consulted, their role and effective participation in the European sectoral social dialogue and their capacity to conduct social dialogue, notably to negotiate agreements. The EUROFOUND study provides the analysis allowing the SSDC (or the Commission in case of social partners’ agreements) to take decision regarding the Committee.

- Election of the new chairs according to the rotation system

The chair reminded that his mandate will end in 2022. It would be to the employers organisations to propose a new Chairperson for the overall management of the committee for the two next years.

A draft background document was circulated to provide an overview of the rotation system (see attached).

ECA reminded that for the good functioning of the SSDC a chair should be designed as soon as possible in 2022. ECA proposed James Phillips who was nominated as vice Chair representing employees.

The new Chair representing employers will be nominated via emails.

– **Meetings planning for 2022**

Wednesday	02-03-2022	Aviation - Groundhandling
Tuesday	26-04-2022	Aviation - ATM
Friday	03-06-2022	Aviation - Air crew
Thursday	20-10-2022	Aviation -Plenary

To conclude the chair thanked the participants for the good meeting.