ATYPICAL FORMS OF AIRCREW EMPLOYMENT IN THE EUROPEAN AVIATION INDUSTRY
WITH A FOCUS ON SELF-EMPLOYMENT

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Objectives of the study

• "Pilot" study of forms of a-typical employment in civil aviation sector
  • Desktop research
  • Comparative research in 11 countries on different aspects of atypical employment (+ interviews)
  • Analysis of data from survey
  • Legal evaluation
  • Recommendations
Survey respondents general data

- Final amount = 6633 respondents
- With 79 different nationalities
Types of airlines

- Network airline: 45%
- Low-fare airline: 22%
- Regional airline: 8%
- Charter airline: 7%
- Cargo airline: 7%
- Other: 6%
- Business aviation: 4%
- Missing: 1%
Airlines worked for Top 25

Total N= 5400
Types of employment

- 79%: I work for the airline via a temporary work agency with which I have an employment contract.
- 5%: I work for the airline directly as a self-employed worker via a cooperation agreement concluded with the airline directly.
- 5%: I have an employment contract with the airline directly.
- 4%: I work for the airline via a company.
- 2%: It is a different relationship.
- 5%: Missing
Direct vs. Atypical

- Direct: 79%
- Atypical: 16%
- Missing: 5%

N=5259
Overview of different types of contracts per type of airline
Age per type of contract – General overview

Fig. 115 Percentage of contracts per age group
Experience per type of airline

Fig. 136 Experience per type of airline
Atypical employment and (bogus) outsourcing in civil aviation

Typical employment relationship between airline and the crew
Atypical employment and (bogus) outsourcing in civil aviation

Introduction of the intermediary
Atypical employment and (bogus) outsourcing in civil aviation

Introduction of temporary work agency and an employment or recruitment agency – pilot self-employed
Atypical employment and (bogus) outsourcing in civil aviation

Subcontracting with different home bases for different crew members
Atypical employment and (bogus) outsourcing in civil aviation

Subcontracting with different home bases for different crew members; some home bases are not located within the EU
UP TO THE FUTURE

Where to fly to?
Segregation of the labour market

• Cabin crew: cost in EU: 100 → cost in Thailand: 65 → cost in China: 35 → …

• Officer at beginning of career
  • Earns a few thousand euro/month – some captains earn a few hundred thousand euro/year
  • More chance atypically employed
Atypical and flexibility (1)

- Atypical is not bogus (self-employed pilot)
- Atypical is an answer to demands for flexibility from (mainly) employers—especially Low Cost Airlines—and (to a much lesser extent) employees
- Real problem: social and fiscal engineering
- Result of social and fiscal engineering: often results in precarious employment and unfair competition
- Social and fiscal engineering: often makes uses of atypical forms of ‘employment’
Atypical and flexibility (2)

- Self-employed pilots possible?
  - Genuinely self-employment is different from bogus-self-employed and different answers are needed for both
  - Bogus SE remains hard to tackle in EU (MS competence)
- Legitimate outsourcing is different from bogus subcontracting chains
- Beware of the bogus employee!! (e.g. cabin crew member from third country with little social protection and in precarious situation)
- Atypical employment can create a higher risk of “dependency” of the pilot towards the ‘client’ (airline). This can limit his/her ability to take independent safety decisions
Looking to reduce costs

• Shopping for social legislation? Playing field level? Playing field = global!

• The search for a unique connecting factor: not an easy task: different domains of law and rules apply
Other issues to address

• Safety issues: atypically employed crew member: higher risk prioritizing economic aspects over safety aspects (but main factor = precariousness)

• Monitoring and enforcement issues: urgent need for multidisciplinary cross-border cooperation and information exchange between competent authorities and inspection services (cave: need for global cooperation and information exchange!) e.g. FTL

• Management culture (abuse of precarious situations, etc.)

• Regulatory framework clearly not adapted to present day business models and practices!

• (global) unfair competition

• FTL
Solutions?

- Enhanced regulation of flight schools and mandatory traineeship?
- Unique connecting factor?
- Enhanced enforcement of FTL and safety regulations
- An integrated (multidisciplinary) approach!
- Common fight of all stakeholders involved!
CONCLUDING REMARK

“We therefore call upon all stakeholders to act upon this clear warning and to not let the detrimental experiences of the maritime sector – resulting in hazardous safety issues, tax issues and sheer social dumping – be repeated in the civil aviation industry. In this respect, it’s minutes passed midnight.”

(Jorens, Gillis, Valcke, & De Coninck, 2015, S. XVII)”
Thank you for your attention

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