

# ATYPICAL FORMS OF AIRCREW EMPLOYMENT IN THE EUROPEAN AVIATION INDUSTRY

WITH A FOCUS ON SELF-EMPLOYMENT

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IRIS – Ghent University

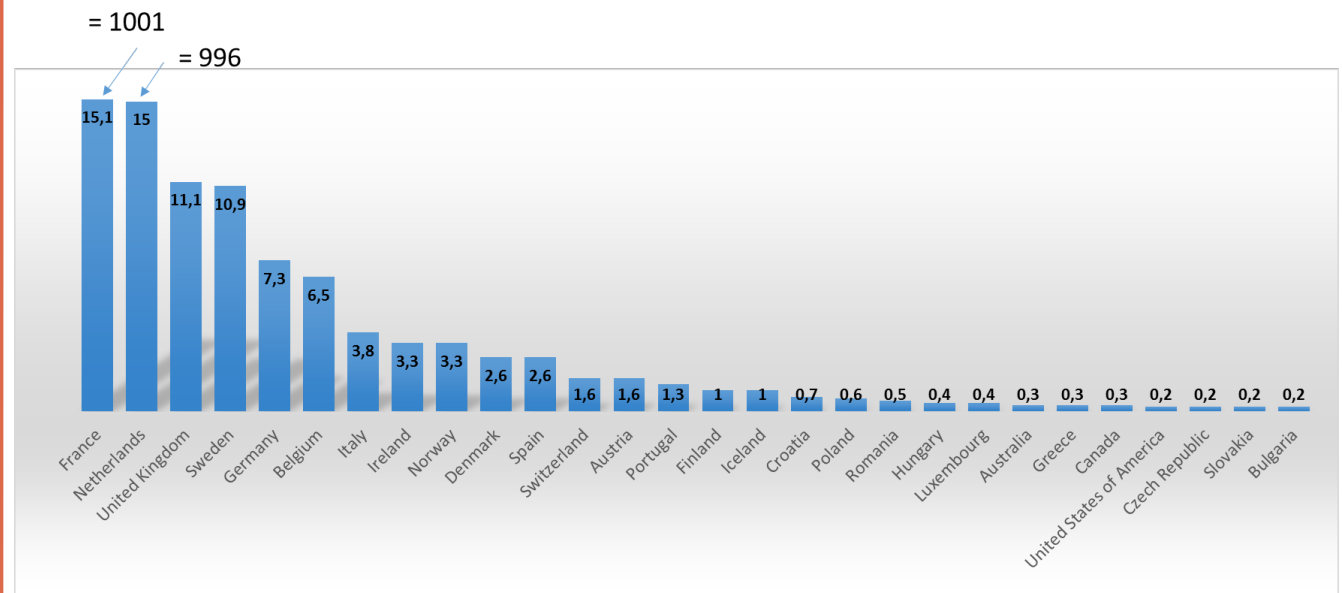
Yves Jorens, Dirk Gillis, Lien Valcke, Anneline Devolder

# Objectives of the study

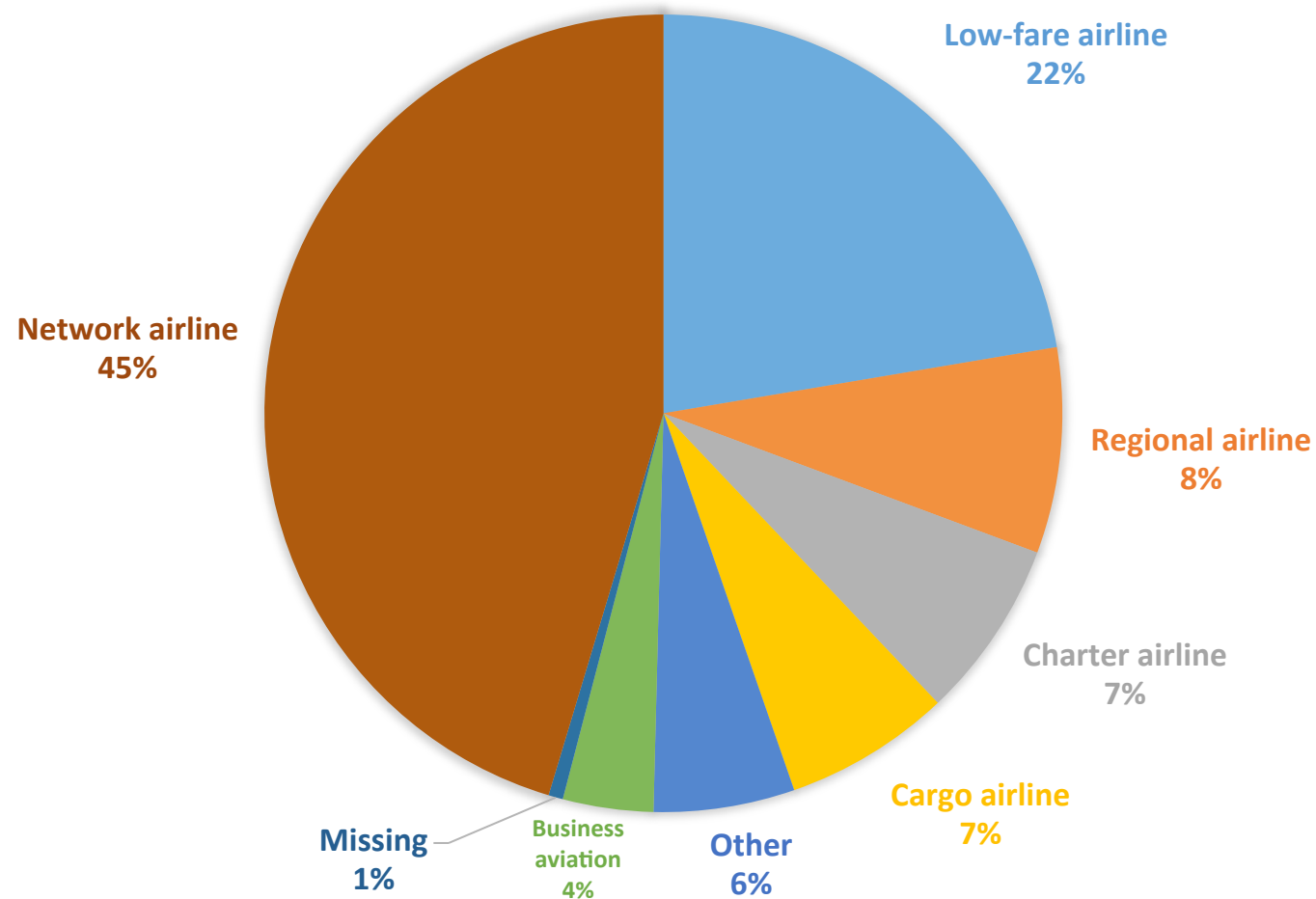
- "Pilot" study of forms of atypical employment in civil aviation sector
  - Desktop research
  - Comparative research in 11 countries on different aspects of atypical employment (+ interviews)
  - Analysis of data from survey
  - Legal evaluation
  - Recommendations

# Survey-respondents-general data

- Final amount = 6633 respondents
- With 79 different nationalities

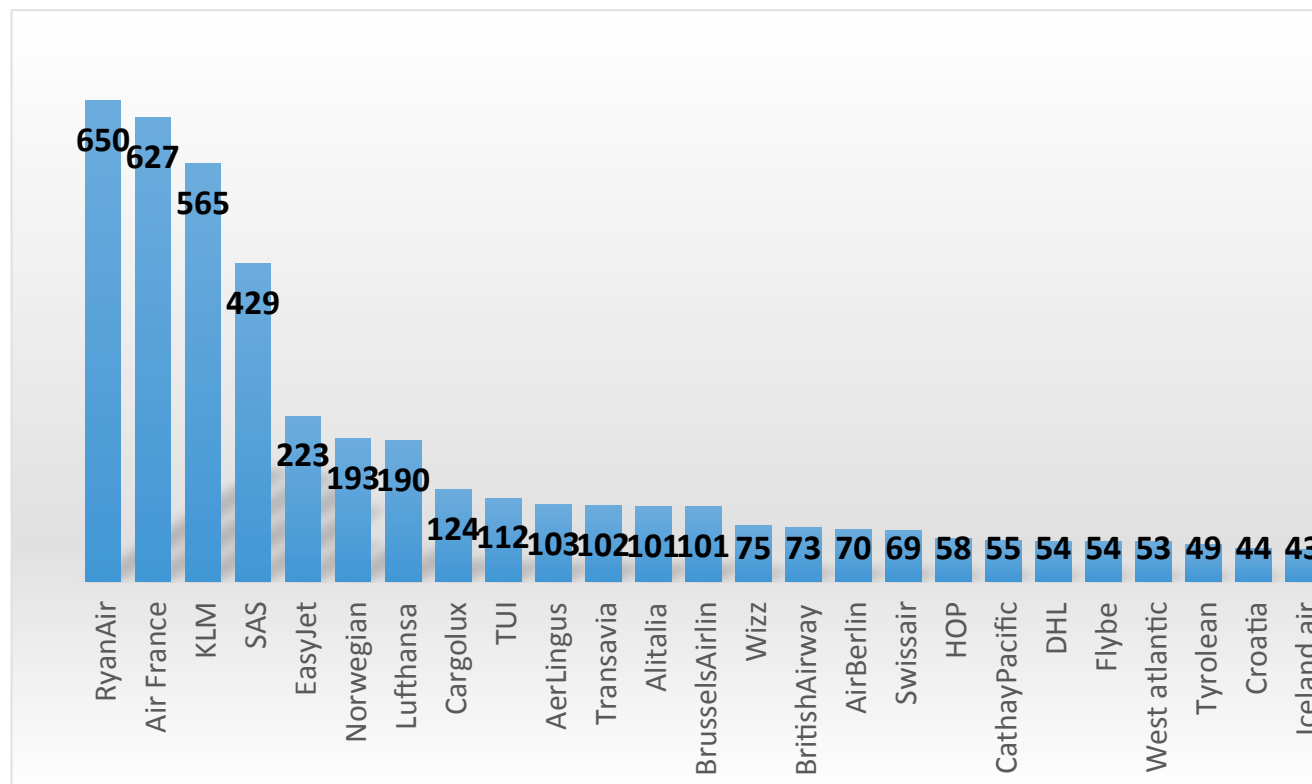


# Types of airlines

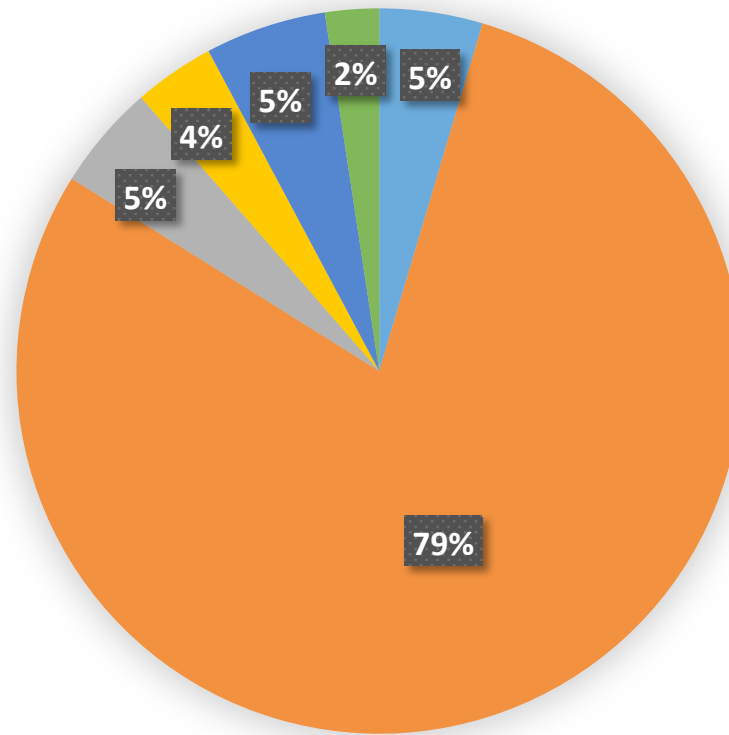


# Airlines worked for Top 25

Total N= 5400

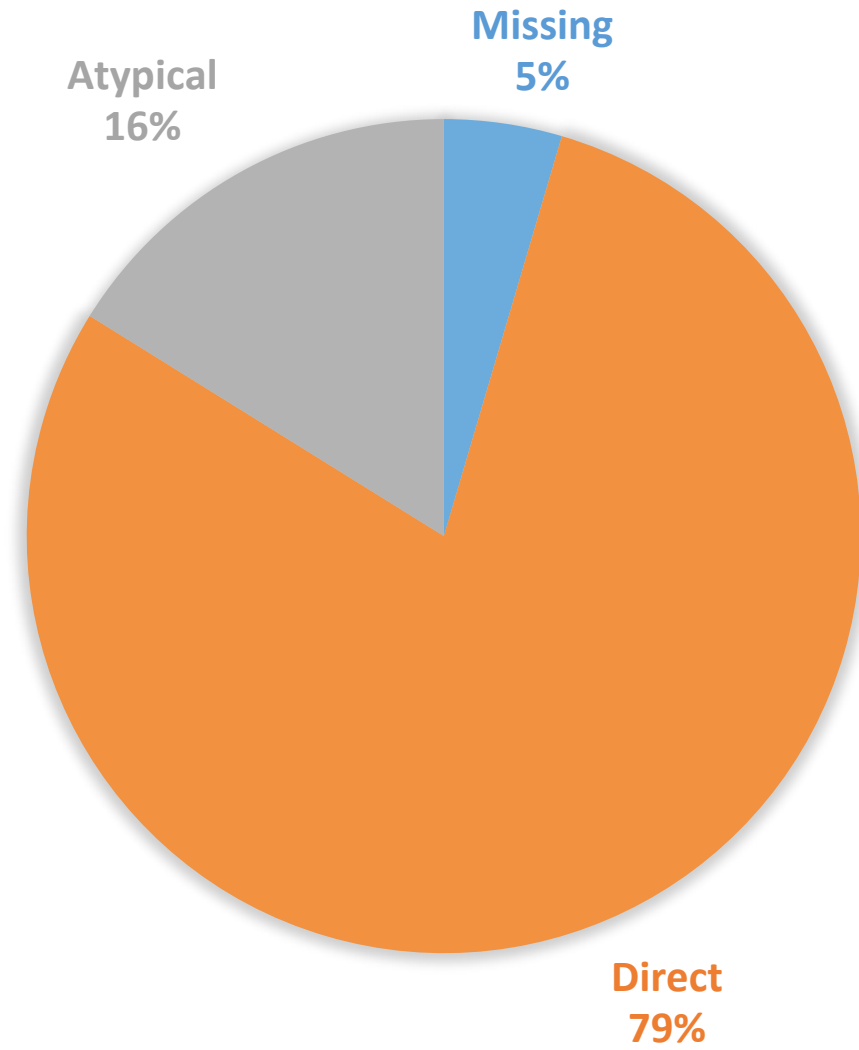


# Types of employment



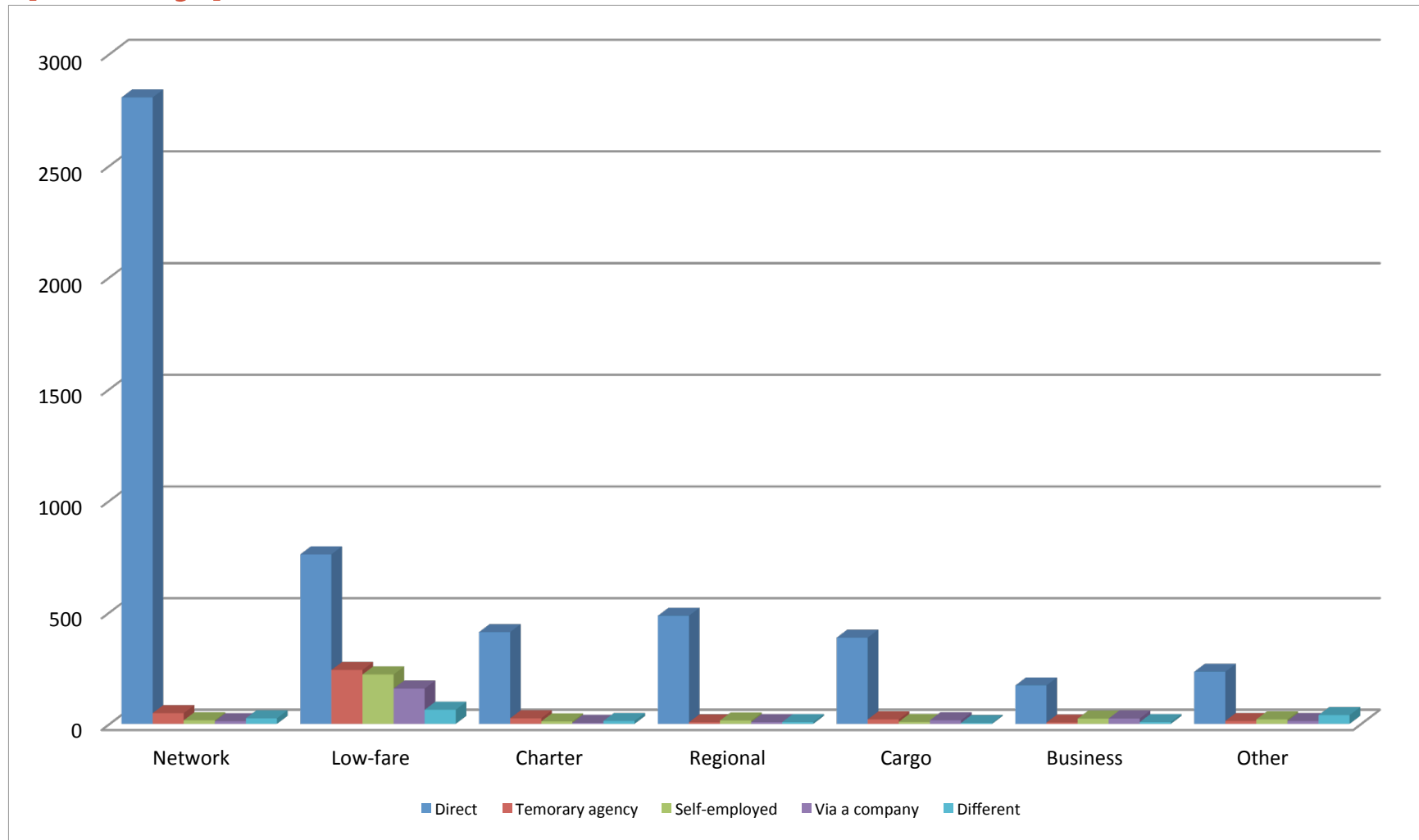
- Missing
- I have an employment contract with the airline directly
- I work for the airline as a self-employed worker via a cooperation agreement concluded with the airline directly
- I work for the airline via a company
- I work for the airline via a temporary work agency with which I have an employment contract
- It is a different relationship

## Direct vs. Atypical



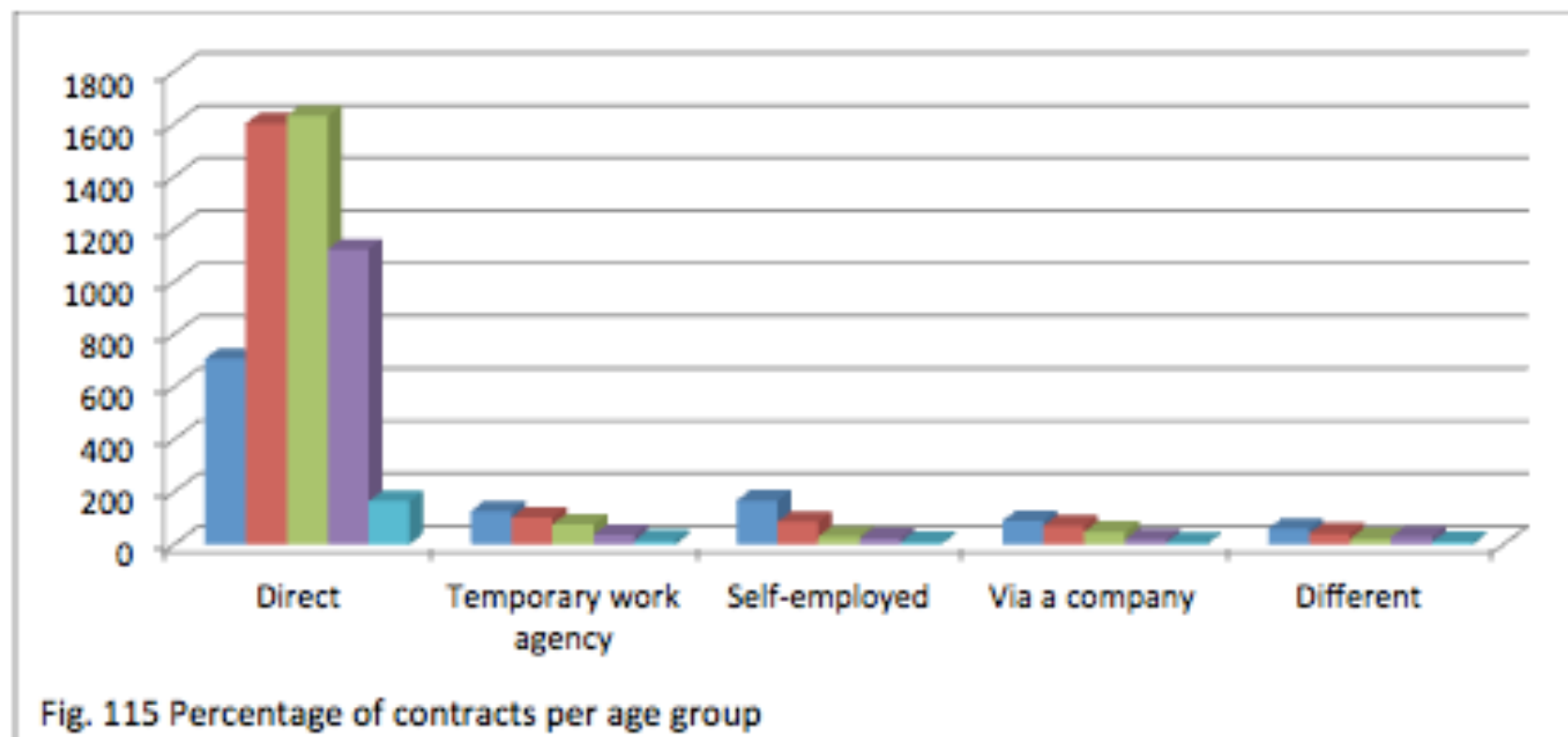
N=5259

# Overview of different types of contracts per type of airline

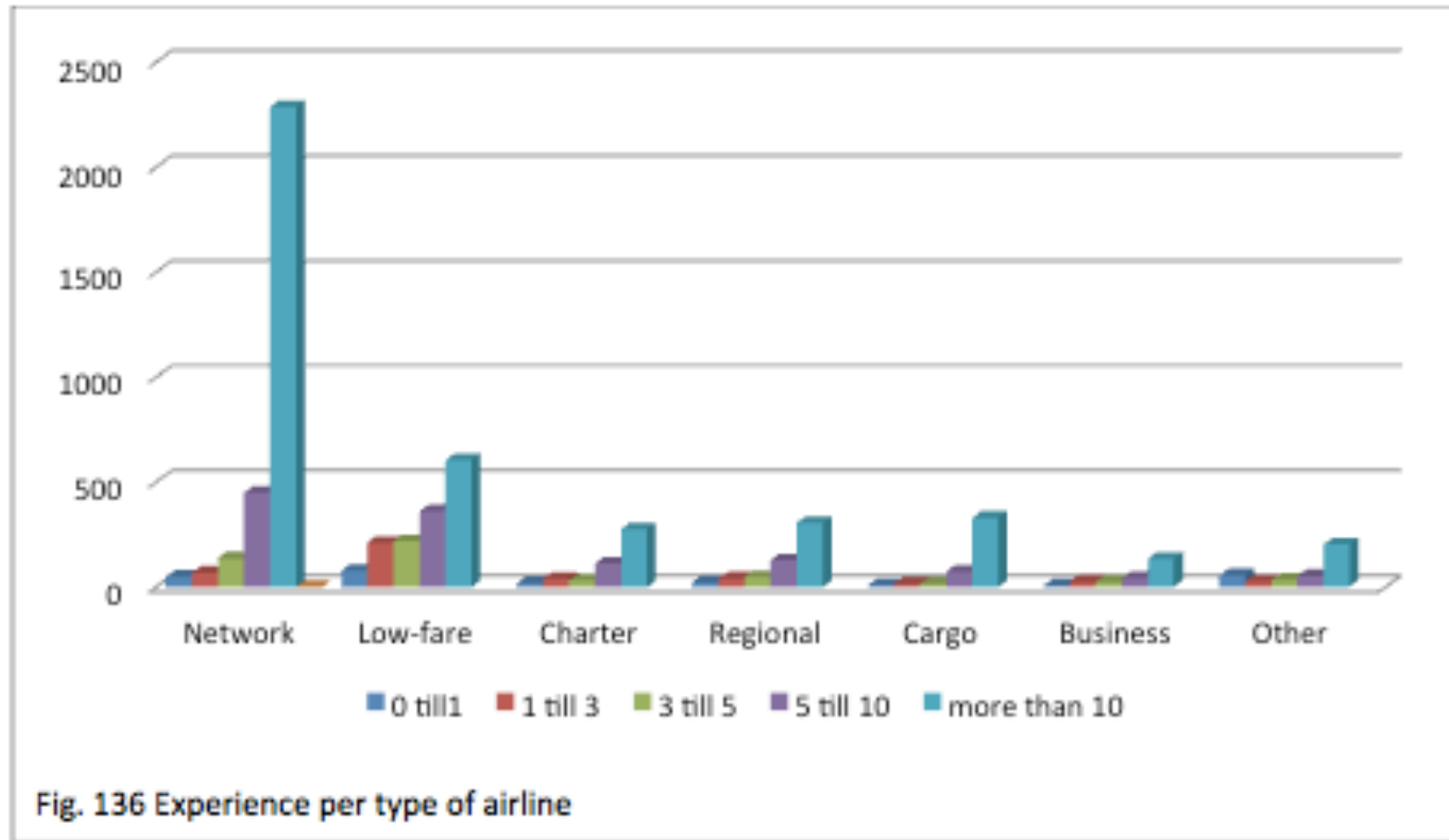




# Age per type of contract – General overview

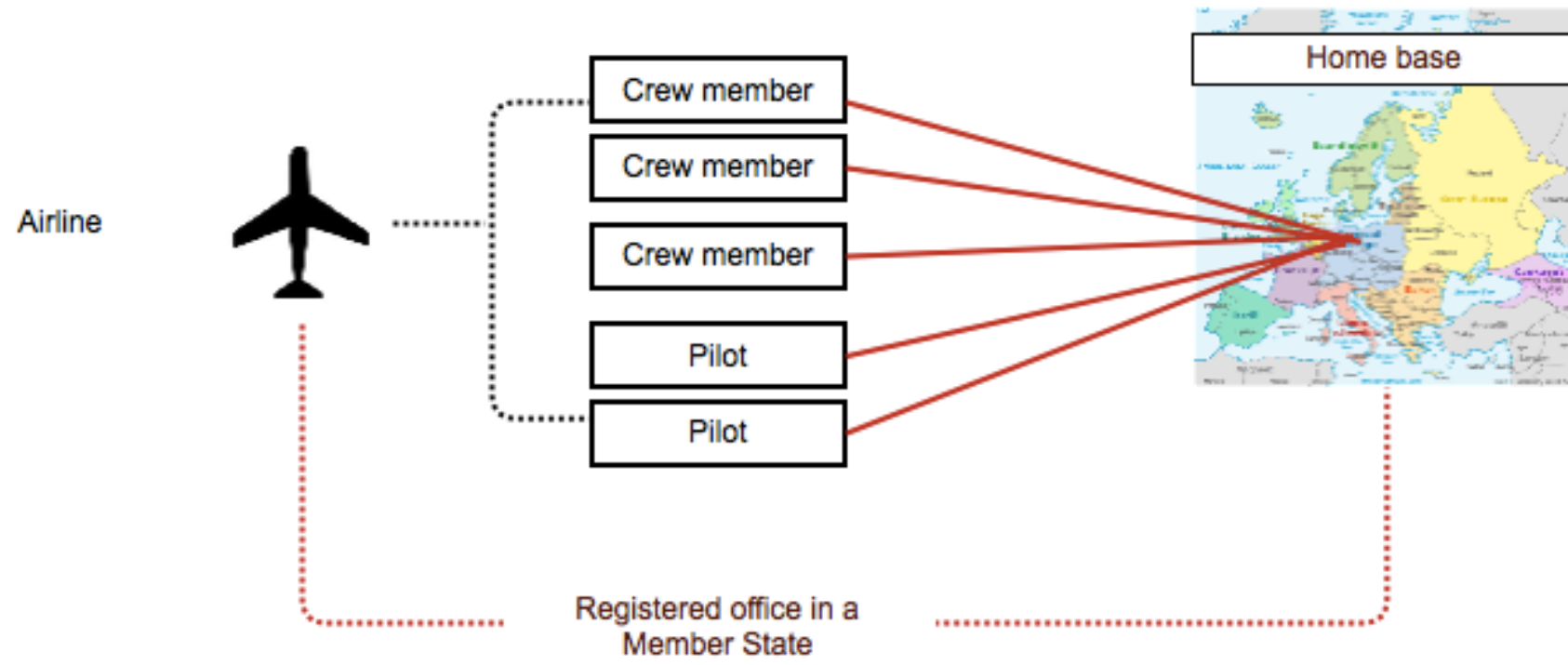


# Experience per type of airline



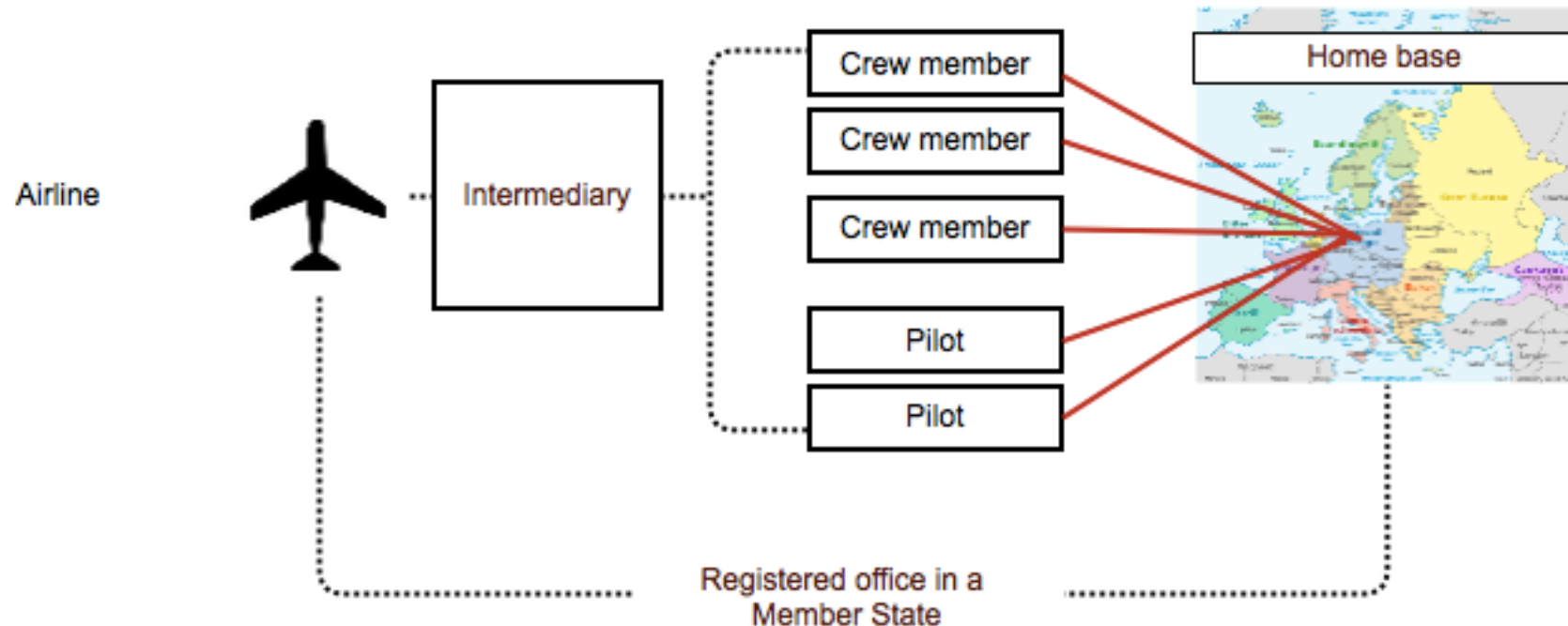
# Atypical employment and (bogus) outsourcing in civil aviation

Typical employment relationship between airline and the crew



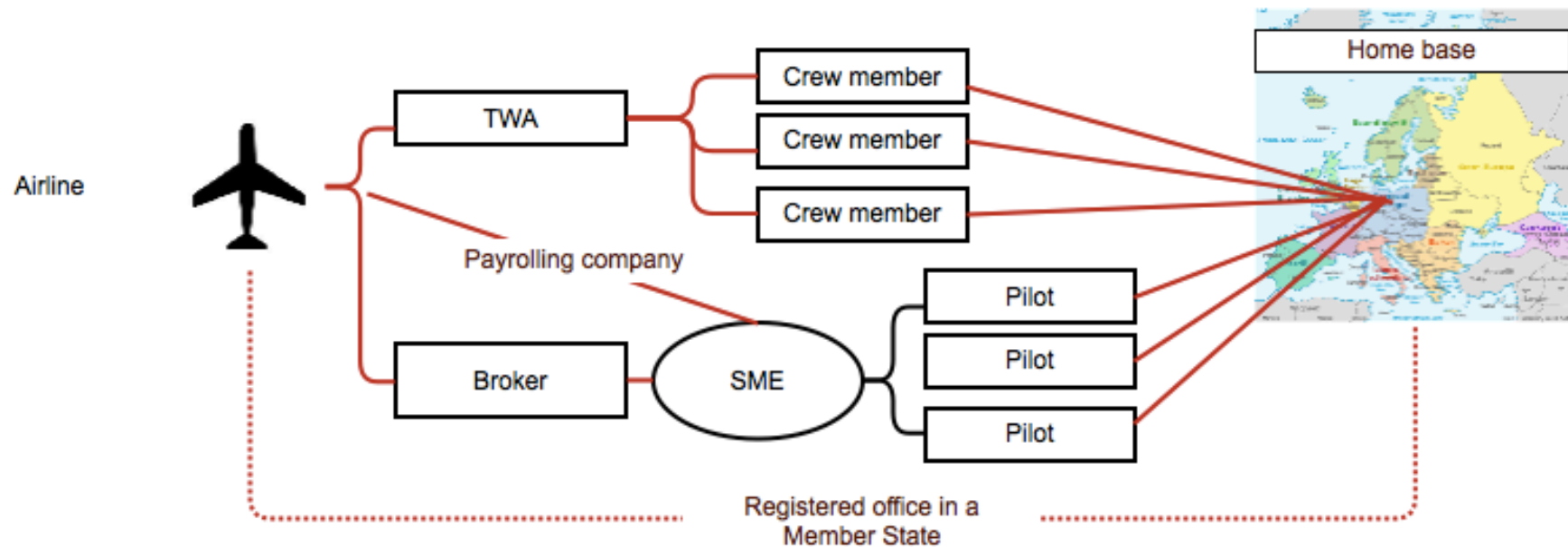
# Atypical employment and (bogus) outsourcing in civil aviation

## Introduction of the intermediary



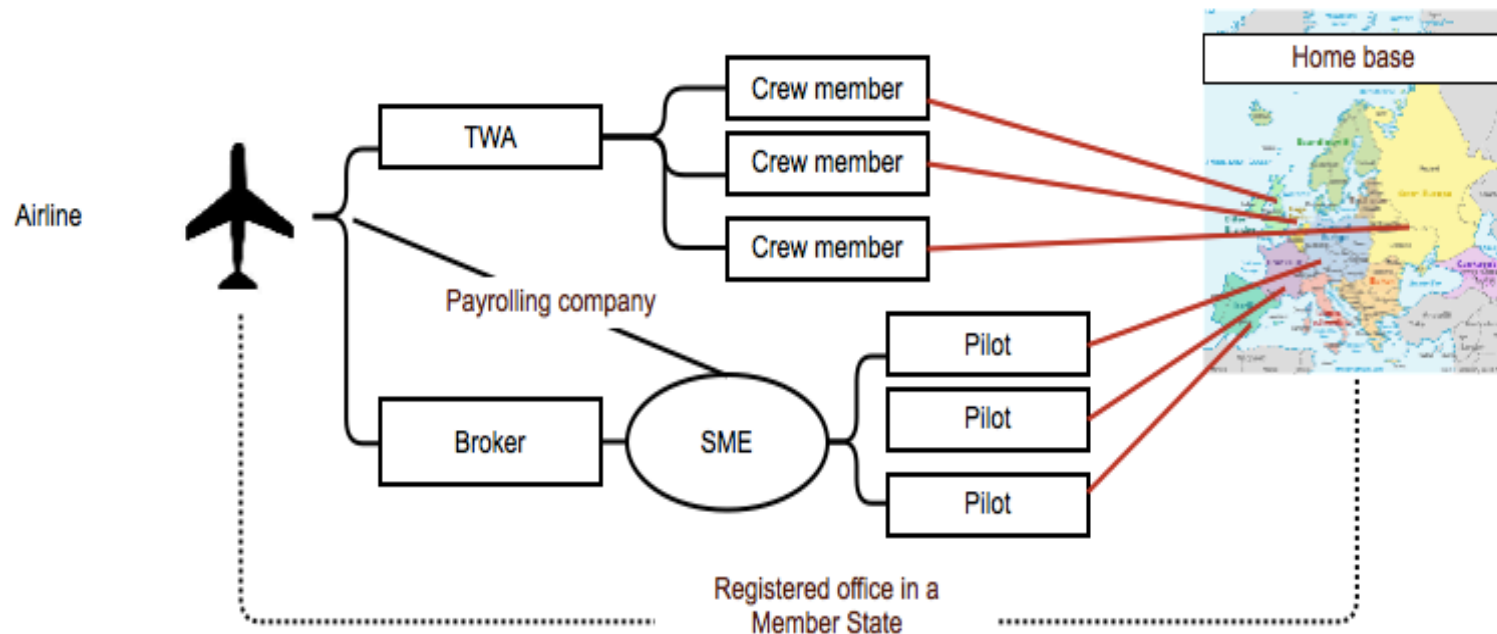
# Atypical employment and (bogus) outsourcing in civil aviation

Introduction of temporary work agency and an employment or recruitment agency – pilot self-employed



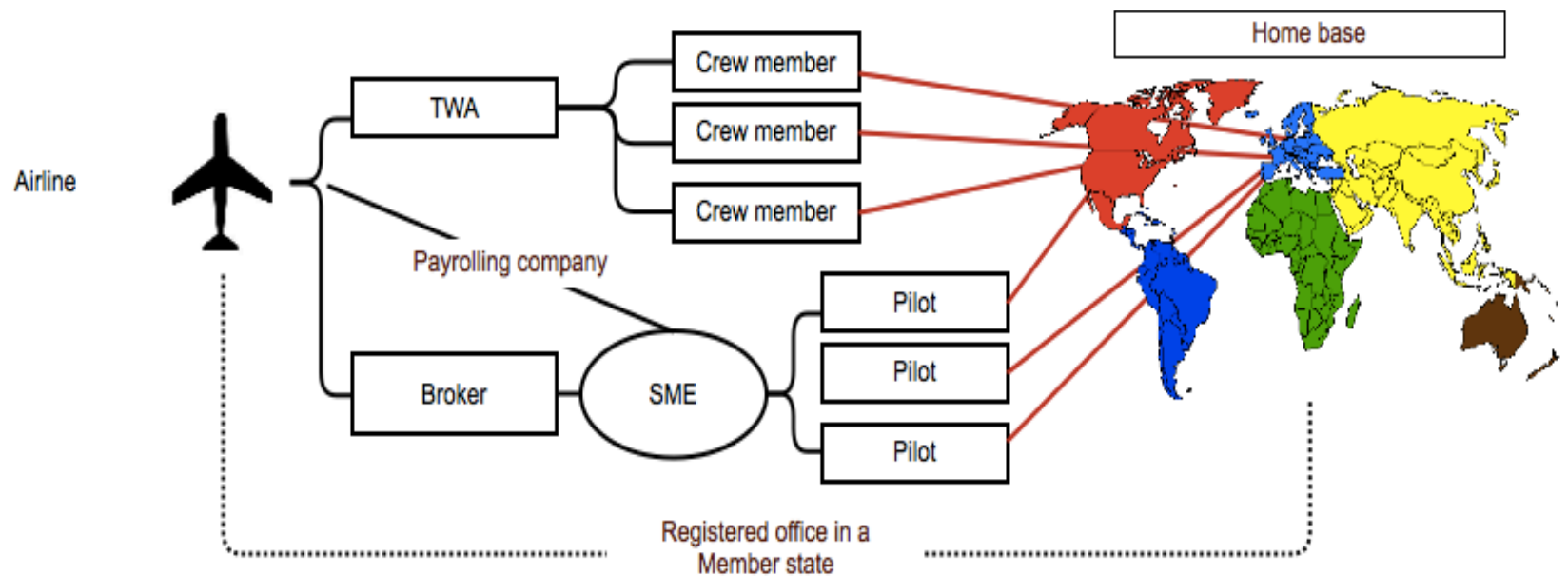
# Atypical employment and (bogus) outsourcing in civil aviation

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

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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 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

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*“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

For any questions you can contact:

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