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ASSEMBLY — 38TH SESSION

ECONOMIC COMMISSION

Agenda Item 44: Other issues to be considered by the Economic Commission

**LABOUR RIGHTS IN FAST GROWING AIRLINES TO ENSURE SUSTAINABILITY IN A
LEVEL PLAYING FIELD**

(Presented by the International Transport Workers Federation (ITF))

EXECUTIVE SUMMARY

Foreign workers are vital to the success of some fast growing airlines. However, they do not enjoy the basic labour rights, including freedom of association and the right to collective bargaining which they enjoy in their countries of origin and which apply to virtually all the countries whose airlines compete with these carriers. This represents a severe form of unfair competition. The ITF upholds the view that ICAO should engage and cooperate with Member States, industry, international organizations and other stakeholders in advancing the objective of economic development of air transport so there is a need to work in cooperation with the ILO in order to achieve this goal with a proper social dialogue particularly in the countries where aviation is developing faster.

Action: The Assembly is invited to:

- a) call on the governments to establish a legal framework within which a genuine social dialogue, which is essential to improve sustainability and decent and productive work in civil aviation and will contribute to greater industrial harmony, fairness and therefore to stability in the industry can take place; and
- b) create a Working Group in collaboration with the ILO to assist those governments in countries operating major international airlines but which have not yet ratified or applied ILO core labour standards to do so in order to establish a level playing field between airlines in what is now truly a global industry.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective C – <i>Environmental Protection and Sustainable Development of Air Transport.</i>
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<i>References:</i>	A38-WP/71
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¹ Arabic, English and French versions provided by ITF.

1. INTRODUCTION

1.1 With globalization, many airlines employ increasing numbers of expatriate workers. For example, among the thirty biggest airlines in the ranking of the top 200 passenger operations ranked by traffic published by Airline Business, three fast growing airlines in the world (since 2009) employ more than 70,000 pilots, cabin crew and ground staff between them. More than 90 per cent of their employees are migrant workers, who are not nationals of the two countries of origin of the three airlines and who rely on obtaining temporary work visas under a sponsorship program. Although foreign workers are vital to the success of the carriers, they do not enjoy the basic labour rights, including freedom of association and the right to collective bargaining which they enjoy in their countries of origin and which apply to virtually all the countries whose airlines compete with these three fast growing airlines.

2. ICAO ATCONF/6 BACKGROUND

2.1 The last ICAO Worldwide Air Transport Conference (ATConf/6) earlier this year agreed: “The objective of regulatory evolution is to create a favourable environment in which international air transport may develop and flourish in an orderly, efficient, economical and sustainable manner, without compromising safety and security, while respecting social and labour standards;” (art. 2.1 3.1.b) And the ATConf/6 also recommended: “ICAO should work with all parties concerned, undertaking consultation with experts, States, the industry, interested organizations and other stakeholders to build a common understanding and obtain consensus for the development of the long-term vision and related regulatory arrangements;” (art. 2.1 4.c).

2.2 During the ATConf/6 the International Labour Office (ILO) introduced the Points of Consensus of the Global Dialogue Forum on the Effects of the Global Economic Crisis on the Civil Aviation Industry where a wide range of representatives of governments, employers and workers agreed: “Social dialogue is an essential element to improve sustainability, and decent and productive work in civil aviation and may contribute to greater industrial harmony and therefore to stability in the industry. In some countries, social dialogue in civil aviation has been linked to better economic results. Restructuring is common in the industry and is more successful when conducted through social dialogue. Some countries, often with the encouragement of the government, have a long tradition of social dialogue in civil aviation, while in some other countries there is an absence of the basic rights at work as stipulated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, and, therefore, social dialogue is non-existent. In other countries, social dialogue needs to improve, creating benefits for all stakeholders.”(http://www.ilo.org/sector/Resources/recommendations-conclusions-of-sectoral-meetings/WCMS_206464/lang--en/index.htm)

2.3 By the end of the meeting, the ILO Forum recommended that: “The ILO and the tripartite constituents will continue to promote decent and productive work on a level playing field in civil aviation through effective promotion, implementation and use of all relevant ILO standards, instruments, declarations, codes of practice and tools.”

2.4 In the preparation for this 38th Assembly the Council of ICAO has proposed in WP/71 that in the next triennium the “Future work” of ICAO “... will engage and cooperate with Member States, industry, international organizations and other stakeholders in advancing the objective of economic development of air transport. It will foster collaboration with other international organizations to address emerging issues of common interest in the air transport field. (art. 4.4).

3. LACK OF LABOUR RIGHTS

3.1 Although certain countries are full members of the International Labour Organization (ILO), they have not yet ratified Conventions 87 or 98 related to freedom of association and the effective recognition of the right to collective bargaining.

3.2 In addition to exclusion from the right to participate in independent trade unions, there are many examples of workers of these airlines being deprived of basic labour rights. A standard hiring contract of thousands of female workers in one of these airlines, for example, reads: “You are required to obtain prior permission from the company, in case you wish to change your marital status and get married” and also: “The employee shall notify the employer in case of pregnancy from the date of her knowledge of its occurrence. The employer shall have the right to terminate the contract of employment from the date of notification of the pregnancy. Failure of employee to notify the employer or the concealment of the occurrence shall be considered a breach of contract.”

4. CONCLUSIONS

- a) the ATConf/6 agreed on the need to create a favourable environment in which air transport may develop and flourish in an orderly, efficient, economical and sustainable manner while respecting social and labour standards;
- b) fast growing airlines rely on migrant workers for their operation. Some of their countries of origin, although having assured the ILO that they are taking steps to enable the ratification of ILO Conventions 87 and 98 continue to apply laws that deny those workers the right to participate in independent trade union organisations; and
- c) The future work of ICAO will engage and cooperate with Member States, industry, international organizations and other stakeholders in advancing the objective of economic development of air transport so there is a need to work in cooperation with the ILO in order to achieve this goal with a proper social dialogue particularly in the countries where aviation is developing faster.