

(Reservation: the proposed language for an article on Labour is only valid if Ownership & Control provisions are maintained, Principle Place of Business is clearly defined and regulatory convergence on safety/security, fair competition, etc. is properly addressed).

### **Article on Labour Protections**

The Parties recognize the importance of ensuring that liberalisation does not come at the professionalism or expense of [safety critical] airline workers.

1. The opportunities created by the Agreement shall foster the development of a sound and viable civil aviation system, in line with the United Nations commitments to respect all internationally recognized human rights and fundamental freedoms, including those defined in the wording of the core ILO conventions.
2. The opportunities created by the Agreement shall not be used to undermine labour standards or the labour-related rights and principles contained in any signatory State's respective laws or practices.
3. The opportunities created by the Agreement shall promote the ability of safety critical airline workers to exercise their independent professional safety role. Any activity taken under the Agreement that undermines or diminishes this role shall not take place under the Agreement.
4. Parties shall implement their Social and Labour responsibilities under their own rules and under the wording of the ILO core Conventions in such a way as to ensure that:
  - a. The labour and social security law applicable to aviation workers as well as the law determining judicial competence in case of labour disputes is clearly defined in advance;
  - b. Without prejudice to labour laws applicable to workers, trans-national collective labour agreements between recognized unions and the management of the airline or the group of airlines are recognized by the parties;
  - c. Aircraft that fly the flag of any third State do not receive more favourable treatment than aircraft that fly the flag of that of any State that has ratified the core ILO Conventions;
  - d. Complaint procedures are available to Employee Representative Organisations;
  - e. Supervision is made of conditions on aircraft entering a party's territory;
  - f. Effective control over their aircraft is maintained by the state where aircrafts are registered;
  - g. Airport state, Worker or Employee Organisation inspections of aircraft operating under this Agreement verify compliance prior to operation.
5. If any Workers' Organization or Employer Organization of the airlines workers affected, or signatory State believes paragraph (1), (2), (3) or (4) has been breached, they shall have access to arbitration of the unresolved aspects of the case using the process specified in Article yy.

### **Note.**

**This is an ideal position. It is not expected that it would survive in this form and with all points in the process of getting a Member State to propose it. It would be subject to negotiation, and adaptation by IFALPA as circumstances change at ICAO. It is however what IFALPA would aim for in a perfect world.**