



Brexit:
Unite
demands
protections
for you

Brexit  **Check** 

Civil Air Transport

Brexit: Unite demands protections for you



The referendum result on 23rd June sent shock waves throughout the UK, the whole political class sit up and take notice.

Unite recognises that millions of working people, including many of our members voted to exit the EU. The question now is on whose terms will Brexit happen?

We must unite to make sure that Brexit happens on our terms – protecting jobs and retaining vital workers' rights while outlining our vision for Post-Brexit Britain.

The same out-of-touch Tory government which called the referendum now has no plan for dealing with the result. That negligence has led to uncertainty which threatens all sectors of our economy – from manufacturing, to transport and finance.

As the financial crisis proved, in Tory Britain it is working people who are always forced to pay the price in times of uncertainty. A Tory vision of Brexit would see further austerity and attacks on our working rights, while racism and division would be allowed to run unchecked in our communities. Brexit must not be used as an excuse to cut jobs, move work out of the UK or attack workers' rights.

We cannot sit back and accept Brexit on the Tories' terms.

Unite is demanding a new industrial strategy, a plan

which includes all our sectors, with decent jobs, fair pay and strong working rights at its heart.

Such a strategy must use every tool at the government's disposal including: plugging the skills gap by supporting apprenticeships; use of the public sector procurement to support manufacturing; removing barriers to reshoring jobs; and direct support for our strategic industries such as steel and energy.

This should culminate in new infrastructure projects to create jobs and grow our economy. Such a strategy would make sure Britain retains the best of the EU, while putting trade union values at the centre of Post-Brexit Britain.

“Nobody knows how long the Brexit negotiations will take or what the outcome will be. One thing is certain. Unite will defend our members. Together we will campaign to protect jobs, pay and conditions.”

Len McCluskey, Unite General Secretary





We Won't Pay for 'Brexit': Exiting the EU must not result in a renewed attack on our jobs, rights and communities.



Access to the Single European Sky: Without access to the Single European Aviation Area there is a question over whether flights will be possible to the remaining members of the EU and the 44 nations with agreements with the EU.



Access to the Single Market: Tariff-free access to the Single Market is vital to defend jobs. Such access will allow us to retain the best of the EU, while committing to a much needed industrial strategy.



A Seat at the Table for Workers: The collective voice of millions of working people must be central to the negotiations.



An Ambitious Industrial Strategy: The only way to mitigate the impact of Brexit is with an ambitious industrial strategy, using all options at the government's disposal to secure the future of UK aviation.



Continued Membership of EASA: The UK should retain membership of the European Aviation Safety Agency (EASA) and mutually beneficial agreements.

Brexit



The Impact of Brexit at Work



The government has signalled that the UK is to leave the European Union in March 2019, but that doesn't mean Brexit won't have an immediate impact in our workplaces.

Already several large companies ranging from British Airways to Ryanair, have made statements about future investment decisions which may threaten jobs.

Unite is demanding that the government end the uncertainty by stating that guaranteed tariff-free access to the Single Market and single European aviation area will be a red line in the coming negotiations.

Similarly, Unite is demanding that all workers' rights, health and safety standards and consultation rights which are underpinned by EU law are retained in UK law when Brexit takes effect.

There is no doubt that employers may look to take advantage of the uncertainty, using Brexit as to cut investment or undermine our rights.

Employers may move their air operator's certificate (AOC) and claim that the laws of the new host nation apply. If workers are based in the UK then UK law determining pay and working conditions must still apply. The relocation of the AOC will also affect the funding of the Civil Aviation Authority, the regulators under which airlines operate.



If you sit on a European Works Councils or Social Dialogue project you cannot be excluded while the UK remains a member of the EU.



Employers cannot opt out of EU legal rulings, such as the ruling protecting holiday pay, which remain in effect.



Employers cannot claim that legislation such as the Working Time Directive, the Agency Worker Directive or the Legislation that provides for rest for pilots and cabin crew.

Brexit Check of your workplace

Unite has launched a new 'Brexit Check' website to monitor the impact of Brexit and provide resources you need.

Let us know what impact is having in your workplace. Contact :- brexitcheck@unitetheunion.org or visit www.brexitcheck.org



A Time to Unite: Fighting Racism with Solidarity

It is a guiding principle of our movement that an injury to one is an injury to all. That means Unite is committed to opposing any incidence of racism, prejudice or sectarian division in the workplace.

The EU referendum was divisive. Opinions were strongly held, debate was heated and some of the deep divisions in our society were exposed.

Right-wing politicians and their allies in the media did all they could to sow distrust and exploit these divisions for their own ends. No matter which way you voted, the priority now is to unite.

As Britain prepares to withdraw from the European Union, the resulting uncertainty may once again give way to fear.

It is a priority of our union not only to defend our members' jobs, but to defend their safety. Unite will continue to defend EU nationals and other migrant workers who live and work in the UK. We support their right to remain.

It is our role, as workplace representatives and shop stewards, to take the lead and make sure that solidarity triumphs over division.

Defending Your Workplace: Make Your Voice Heard

Our strength as a trade union comes from our organisation in the workplace. It is vital that we use this strength to protect our members from the possible impact of Brexit.



You have the right to disclosure. Demand that your employer shares information about their planned response to Brexit, including plans for future investment.



If you have pay talks or other negotiations planned demand that your employer publicly pledges to retain all working rights, terms and conditions, including access to European Works Councils.



Can you organise a branch or workplace meeting to discuss the impact of Brexit at work and how to organise our response?

In aviation industry, the following issues need to be addressed after Brexit:



How to square the circle with respect to the legal rights to fly to nations to Europe and others further afield;



What safety measures the UK will need to adhere to post March 2019 given all current measures are EU based.

Brexit and Your Sector



Civil Air Transport

The UK Civil Aviation and the Aerospace industries are currently leading players within the European Union. It is for this reason that the UK has been so influential in steering European Aviation legislation and guidelines.

Unlike other sectors, there is no Post-Brexit safety net of legislation to fall back on when defining the future relationship with Europe. Civil Aviation in particular could face a cliff edge post-March 2019 if no agreements are reached in the following areas:

- To fly between nations an airline requires the nation's clearance to enter their airspace and over fly their territory. Airlines also need a second agreement to provide air services to the associated airports. The UK currently has air services relationships with 155 countries. 111 of those relationships (such as those with our partners in the Middle East and Asia) are through traditional, bilateral Air Services Agreements. The remaining 44 relationships come through the UK's membership of the EU (i.e. the other 27 EU Member States and 17 third countries currently covered by EU-negotiated agreements).

Prior to the commencement of these 44 EU based relationships, the UK had separate bilateral agreements which were replaced by an all-encompassing EU agreement that not only allowed airlines to fly to and from European airports but also between European destinations carrying passengers and freight.

At present, there is only a legal argument to suggest that once the EU-UK agreement ends in March 2019 all the bilateral arrangements become resurrected.

These agreements include the European Common Aviation Area agreement (ECAA) and the Euro-Mediterranean Aviation Agreement (EMAA) which cover nations like Iceland, Jordan, Israel, Switzerland, Turkey and Greenland.

On the 1st March 2018, tickets go on sale for flights that will depart in March 2019. If there is no certainty with these 44 nations that these flights will operate the danger is a significant loss of market for UK airlines, with a potential impact on UK aviation jobs.

- The rules and regulations that govern aviation safety in Europe are heavily influenced by pre-existing legislation in the UK. A committee of the European Union, known as the European Aviation Safety Agency (EASA) co-ordinates the actions of the Member States' aviation regulators. The UK currently has a seat at the table at these meetings, passing on our members' views on everything from Flight Time limitations to Engineering licencing and, it is envisaged, the actions of ground handlers. Potentially this will end in March 2019.

The UK's Civil Aviation Authority (CAA) has already indicated that it wishes to simply implement EASA decisions, in the hope that this will aid the UK's efforts to regain access to the European market. This would end any democratic control or inference by UK workers on EASA decisions.

- Under current EU rules, an EU registered airline needs to have a minimum of 50% of its shares owned by EU citizens and organisations. This means that ownership decision making remains with EU citizens and the actions of the airline



should benefit citizens, workers and EU Governments.

Almost all UK registered airlines have a share ownership structure where the majority of the shares are held by UK based companies or individuals.

In addition if airlines follow the lead of EasyJet and relocates part or all of its entire business to take advantage of an alternative European flag, the CAA's funding, which predominantly comes from the airlines, will dry up. Should this happen the CAA would be forced to restructure its funding.

- If a deal on visa free access cannot be agreed, then not only will every visitor to the UK need to apply for a visa several months in advance but the same barrier will exist for EU nationals.

This obstacle to free movement could isolate UK businesses and make future trading relations and co-operation between the economies of the UK and Europe difficult. Delays at customs, health screenings and passport control post-Brexit would be a major obstacle and delay to the movement of goods between nations.

- A Department for Transport spokesperson said: "Our aviation industry is the largest in Europe, and both we and the EU benefit from the connectivity it provides. That's why we are pursuing liberal access to European aviation markets – including all the benefits that brings for consumers."

However, the EU's chief negotiator has made it clear that if there is no agreement in place, they will stop all flights. This has led the UK's main airport operators to stress that the worst-case scenario would see 8 million fewer passengers in 2019.

Other forecasts suggest uncertainty over flights could lead to 2.3 million, or 11.5%, fewer air passenger bookings before March 2019 for travel on UK-EU routes. Such a loss of passenger and cargo revenue across the sector would be catastrophic for jobs, terms and conditions.

The future of Civil Air Transport must be based on decent pay, guaranteed rights and a strong voice at work. Access to European and other destinations further afield must be retained along with the continued safety governance of EASA. This is why Brexit on our terms is so important

***Oliver Richardson,
National Officer,
Civil Air Transport Sector***

Civil Air Transport

Unite believes that the UK should:-

- Retain governance of EASA
- Retain sections of the BASA (Bilateral Air Safety Agreement)
- Ensure continued membership of Eurocontrol (the single European Air Traffic Control agreement)
- Ensure the Aerospace industry retains membership and compliance with CEN (European Committee for Standardisation)
- Ensure the CAA's safety enforcement function and funding is separated to protect against airlines moving operations from the UK to new host countries (their AOC.)
- Have a new and separate civil aviation regulatory body, which sets the relevant rules and governs their enforcement independent of the airlines.
- Have full airline freedoms with the EU to allow a seamless Brexit transition.
- Enshrine all existing EU bi/multi-lateral aviation agreements into UK law (ECAA, ECAA)
- Enshrine all existing EU ownership and control regulations into UK law for all EU and UK airlines, this prevents control over aviation in the UK falling into the hands of other nations.
- Ensure all current legislation defining the 'principle place of business' is retained.
- Retain all existing antitrust immunities
- Retain co-operation and a common approach to security and intelligence gathering in the form of membership of ECAC (European civil aviation conference).
- Ensure that all UK and EU citizens to continue to have free movement and Visa free access to each other's nations.

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