



ASSEMBLY — 36TH SESSION

TECHNICAL COMMISSION

Agenda Item 30: Other safety matters

**PERSONNEL REGULATION AS A TOOL TO SUPPORT SAFETY
AND SECURITY IN AIR TRAFFIC SERVICES**

(Presented by the International Transport Workers' Federation and the
International Federation of Air Traffic Safety Electronics Associations)

EXECUTIVE SUMMARY

The International Transport Workers' Federation (ITF) represents unionised aviation workers around the world and speaks for millions of aviation employees globally. The day-to-day safe and secure operation of air transport worldwide depends on their skills and commitment.

The International Federation of Air Traffic Safety Electronics Associations (IFATSEA) represents more than 20 000 Air Traffic Safety Electronic Professionals worldwide and is committed to a safe, secure and efficient global Air Navigation System.

This paper reviews safety and security regulatory tools and invites the conference to conclude that additional personnel regulatory measures will need to be considered if the quality of air traffic services (ATS) personnel is to be assured in an increasingly flexible, fragmented and deregulated high technology environment.

Action: The Assembly is invited to:

- a) request the Secretariat to launch a study into the experience of restructuring and increasing fragmentation of air traffic services maintenance and operations and to assess the impact on safety and security;
- b) review with a view to strengthening the current licensing requirements for ATCOs, based upon the study results;
- c) develop regulatory requirements for the licensing of ATSEPs who handle safety or security sensitive or critical functions and for the certification of safety critical/related CNS/ATM systems and equipment based upon the study results; and
- d) request the Secretariat to develop proposals for the regulation of working time for ATSEPs and ATCOs

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| <i>Strategic Objectives:</i> | This working paper relates to Strategic Objectives A, B and D. It will further enhance Strategic Objective A and B by developing a better mechanism for professional performance in the field of air traffic services, and complements Strategic Objective D. |
| <i>Financial implications:</i> | The work outlined in this working paper will be undertaken with resources available in the Budget 2008-2010. |
| <i>References:</i> | A35-WP/198 |

1. INTRODUCTION

1.1 Delivering an air traffic services (ATS) system for which the ICAO air traffic management (ATM) operational concept emphasizes the *collaborative integration* that must be at its heart, is becoming increasingly complex and difficult as a consequence of commercialization, deregulation, liberalization and sub-contracting that is affecting many components of the system, and impacting often negatively on human performance. Developments such as SESAR in Europe and the Next Generation in the United States will see the pace of technological change increase rapidly in the next decade.

1.2 The primary regulatory function of States must be the safety of the system not the promotion of shareholder value. There should be no dual mandate, and all performance, operational or commercial considerations should be measured for the impact on safety and security.

1.3 The ITF believes that additional renewed attention needs to be given to the regulatory tools through which these objectives might be advanced in the period of change ahead.

1.4 In the airline sector, safety and security regulation is far more developed than in the ANS domain. In a number of cases, regulation has been specifically developed to address the restructuring our navigation services area affecting airlines. The ITF proposes in this paper some specific means by which the development of ATM requirements could be achieved in regard to maintaining and enhancing the human dimension of safety and security.

2. LICENSING PROVIDERS

2.1 A number of countries have moved towards the licensing/certification of providers of air navigation services. However, there is as yet no common harmonized approach. In recent years, the European Union (EU) has started to establish a set of common requirements for ANS providers. The ITF believes it is time to introduce a set of ICAO regulations to cover the licensing of all air navigation services (ANS) providers including maintenance organizations and suppliers of safety critical parts. These regulations could set minimum safety and training Standards. Such licenses could cover the following elements:

- a) the licensee would be required to provide details of safety systems, testing, proven engineering, and processes that demonstrate that safety and security considerations have the highest priority in its activity;
- b) the licensee must demonstrate to the regulator that it has sufficient experience, proper engineering personnel, quality manufacturing, and the capacity to safely and securely provide highly reliable in-service performance for a specific timeframe;
- c) in the case of maintenance organisations the licensee should demonstrate that they have sufficient personnel with the right qualifications and training to be able to maintain all equipment; and

- d) the licensee should demonstrate to the regulator that they provide their employees with appropriate training to enable them to carry out their functions effectively.

2.2 There should be a clear separation between the regulator and the service provider.

2.3 By demonstrating to the regulator that they have sufficient experience and proper personnel, they will also be able to build and maintain the confidence of users. The regulation would also ensure a harmonized approach to safety thus ensuring that all areas of the world are safe to fly through. This approach would also facilitate the interoperability and flexibility set out in the ATM operating concept and bring the regulation of the ANS field into line with the rest of aviation.

3. LICENSING PERSONNEL

3.1 The second element of the regulatory framework that we believe needs strengthening is in relation to personnel.

3.2 Boose Allen Hamilton in 2001 argued that a harmonized European training scheme and portable personnel licence should be established. This is intended to create a level playing field for all providers. Recently, ECORYS consultancy, in a study for the European Union examining the case for licensing ATSEPs, concluded that the status quo was no longer sustainable.

3.3 Given that the human being is at the centre of the ATS system, it seems to us to be entirely appropriate that safety regulators have a tool at their disposal that will confirm that employees in all safety or security sensitive functions within the system have the necessary competence and current knowledge required to fulfil their functions in a safe and secure manner. This means, in particular, the extension of licensing and certification to ATSEPs. In our view, and going beyond these conclusions of the 35th General Assembly, this is the only way to ensure a consistent approach across a range of new players envisaged by the ICAO ATSEP training manual.

3.4 The well-established means used by States for confirming personnel competence is through the issuing of licenses that are vested in the individual. Licensing of providers and/or training organizations can complement but cannot substitute for a means of assurance of individual competence. This is the reason, for example, why there is a dual process of licensing of aircraft maintenance training organizations, alongside individual personnel licensing for maintenance engineers.

3.5 The development through ICAO of minimum requirements for ATSEP certification and licensing will make a significant contribution to the promotion of a global harmonized safety framework for the ATS system as a whole. It could also provide a ready means of confirming competence of employees while allowing the licensed employees freedom to move between States. We also know that such licensing or certification Standards would permit training to be carried out in a more standard and potentially cost-efficient manner.

4. REGULATION OF PERSONNEL WORKING TIME

4.1 The ITF notes that the ANS community lags behind the rest of the aviation community in regulating this dimension as well. We believe the time is now right for ICAO to introduce a requirement

for work time limitations for ATCO and ATSEP functions. The same commercial pressures that are driving change are also leading to an increased exploitation of human resources within the ATS system. This, too, became more evident since the 35th General Assembly. As personnel costs account for above sixty percent of the cost of ATS provision in most jurisdictions, the profit engine is often steered at increasing employee productivity, increasingly with the risk of fatigue. Poor historic manpower planning and investment mean that in many States there are personnel shortages in critical safety sensitive operational functions, further adding pressure on front-line operational and technical personnel.

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