

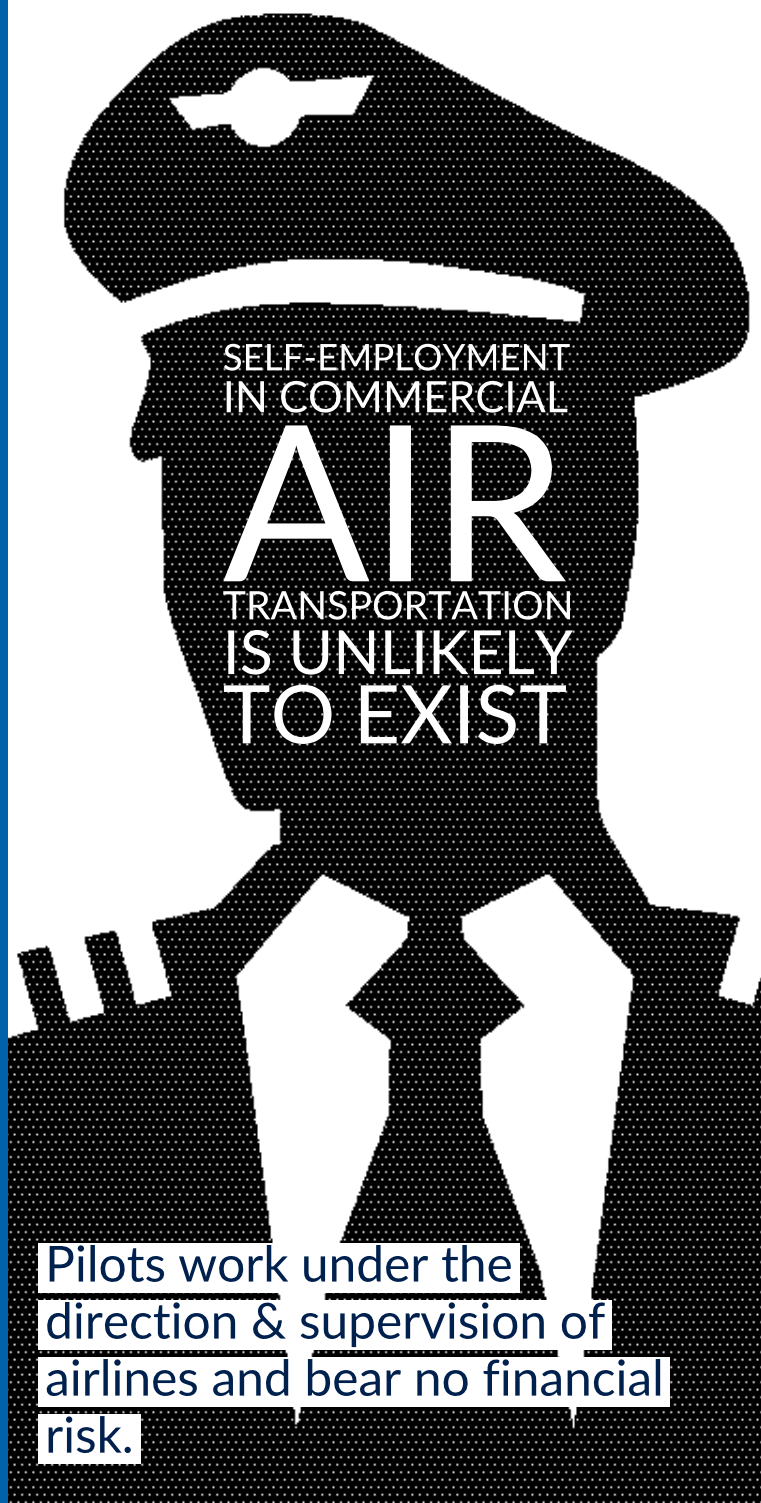
BOGUS SELF-EMPLOYMENT

IMPACTS SOCIAL PROTECTION AND SAFETY.

Bogus self-employment is preventing the good functioning of the European aviation market.



Authorities have difficulties to fight bogus self-employment in aviation, face with complex social engineering where several jurisdictions might be involved.



Pilots work under the direction & supervision of airlines and bear no financial risk.

AIRLINE PILOT = REGULATED PROFESSION WHICH EXCLUDES SELF-EMPLOYMENT

CONCERNS

THE INTERNAL MARKET DISRUPTION

Bogus self-employment gives an unfair competitive advantage to the carriers using this type of employment over socially compliant carriers.

FUNDAMENTAL RIGHTS ARE DENIED

Bogus self-employment prevents the correct application of national and European social related legislation.

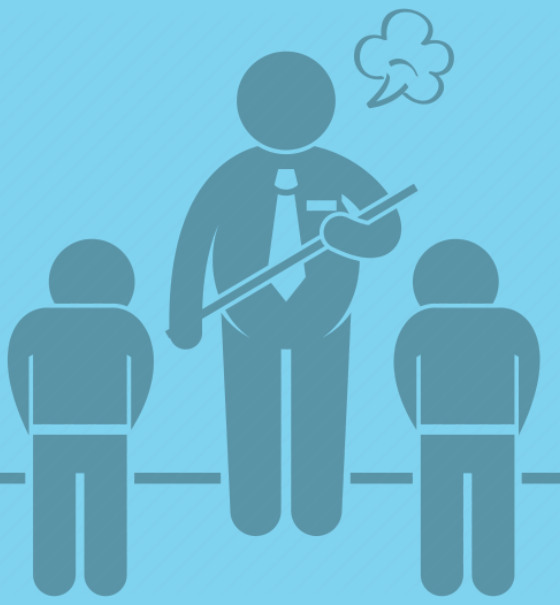
LIABILITY

Self-employed pilot is responsible for the damages to persons and property?



SAFETY

Self-employed pilot could be not in a position to fully exercise the professional judgment.



TIME

ACTION IS NEEDED NOW! The practice is growing and the lack of action over 10 years has given operators using it a feeling of impunity and damaged fair competition in aviation irreparably.



MORE INFORMATION AND DOCUMENTATION: VIEWS ON (BOGUS) SELF-EMPLOYMENT IN AVIATION



WHY PILOTS OF COMMERCIAL AIRLINES CANNOT BE SELF-EMPLOYED:

Flying passengers, mail and/or cargo for remuneration requires the 'undertaking' to hold an operating license. (Regulation 1008/2008, art.3)

SAFETY MANAGEMENT LAWS REQUIRE CONTINUOUS SUPERVISION OF FLIGHTS AND OPERATIONS. (ORO.AOC.135 & AMC1ORO.GEN.200(A)(6))

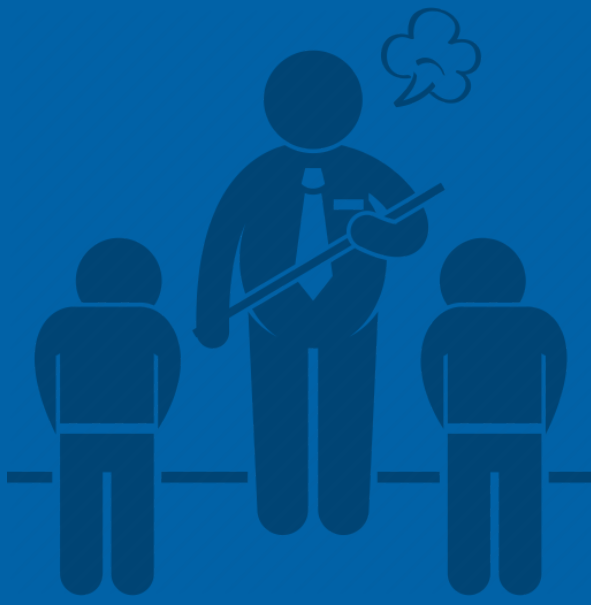


Pilots should do a training whenever they change operator e.g. conversion course or a type or class rating. Having 2 flying jobs at the same time is not possible. (ORO.FC.120)

DEPENDENCE (NO-INDEPENDENCE)

Time, place and content of work defined by company

No real substitution (only amongst colleagues in same AOC)



IT IS NOT BECAUSE A PILOT AGREES TO WORK AS A SELF-EMPLOYED THAT HE/SHE IS SELF-EMPLOYED

THE WILL OF THE PARTIES

NO COMMERCIAL RISK



Self-employed pilots don't advertise their services to attract more clients. They are not seeking clients, they are seeking jobs.

They don't invest in equipment (type of aircraft, flight planning software, manuals...)