

# Unite the Union's Response to the Department for Transport Aviation Safety Regulatory Framework Targeted Stakeholder Consultation



## 1. Introduction

- 1.1. This submission is made by Unite, the UK's largest trade union with over one million members across all sectors of the economy, including manufacturing, financial services, transport, food, agriculture, construction, energy, utilities, information technology, service industries, health, local government and the not-for-profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.
- 1.2. Of particular interest to this consultation Unite represents over a quarter of a million members in all forms of transport over 65,000 of which are in the civil aviation industry and another 66,000 are in the aerospace industry, making Unite the biggest player in this area.
- 1.3. Unite is seriously concerned over the lack of knowledge and expertise at the CAA and the lack of oversight and compliance of current legislation. In this response Unite will focus on issues which the union has highlighted but where no action has been taken and on occasions been informed that the hard and fast safety rules are guidance.
- 1.4. Unite feels that experts who are stakeholders within this safety organisation should be involved representing front line workers, the people that do the job. Also ensuring regulations are applied as they were designed, to protect the public and workers.
- 1.5. It is noted that the list of technical partners with whom this consultation has been raised does not include the trade union movement who it would appear are according to the CAA technical partners, this is stated to be the case in a response received from them and they state that the UK CAA do not consider socio economic factors can have safety implications. The Civil Aviation Act 1982 is the CAA's legal cornerstone that sets out the legal framework. under **section 4 (1) "It shall be the duty of the CAA to perform the functions conferred on it otherwise than by this section in the manner which it considers is best calculated (b)to further the reasonable interests of users of air transport services"**. It could be argued that the employees of airlines are users of air transport services for their employment and as such, the representatives of these workers the trade unions, should be considered to be technical partners as our members know these regulations and are obliged to highlight to the CAA anything that they believe is being incorrectly applied which could place the aircraft and the safety of its passengers at risk.
- 1.6. Unite would argue that the CAA are failing at times to apply the legislation. The CAA need to perform the required tasks expected of them and apply the legislation, oversight and compliance, to protect the safety of workers and general public from harm and ensure a level playing field.

## 2. Key examples of CAA Failures

- 2.1. Ryanair registered 15 aircraft on a UK Aeronautical operational control (AOC) (RUK operation), therefore paying money to the UK finances. Ryanair made a statement to the UK CAA that when new aircraft arrived these would be put on a UK AOC adding more money to finances. In the meantime, as it didn't have enough aircraft to fulfil all of its UK route obligations Ryanair would need to lease aircraft from its Ryanair Designated Activity Company (DAC – its Republic of Ireland operation) working to Republic of Ireland regulations (EASA) but from a UK base. Under the European Union Regulations<sup>1</sup> and subsequently UK Regulation, there are strict time limits for leasing aircraft under the legislation: -
- (i) *7 months renewable once for a further 7 months if there is exceptional need.*
  - (ii) *provides that the wet lease<sup>2</sup> is only for a season which in the aviation industry is at most 6 months.*
  - (iii) *demonstrates that the leasing is necessary to overcome an or a series of operational difficulties and that the operator needs to demonstrate that it is not possible or reasonable to lease aircraft registered within the U.K. in which case the approval shall be of limited duration strictly necessary for overcoming the difficulties only.*
- 2.2. After about 3 years of leasing aircraft from DAC, Ryanair has decided no new aircraft will come to the UK, but they want to carry on leasing the DAC aircraft into the UK for its routine operations, this is clearly a breach of the UK and European legislation. Indeed, even on the CAA website the wrong unlawful information is on display to suggest that there is no strict time limit.
- 2.3. An issue arose recently when a RUK aircraft was flying from Morocco diverted into Portugal due to a disruptive passenger incident. There were then further issues with the operation of the aircraft. Ryanair wanted to use a DAC aircraft to bring the passengers back to Manchester, however. The UK CAA refused and said it had to be operated by a RUK aircraft and as such Ryanair should have standby RUK aircraft in the UK to carry out the task. The flight was cancelled and the passengers had to night stop, at Ryanair's expense. Ryanair may now take legal action to challenge the CAA's ruling<sup>3</sup> and seek to recover the costs associated with overnighing the passengers and the additional airport fees etc. but in the process may open the issue to demonstrate that the CAA have been complicit in this breach of regulation.

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<sup>1</sup> [EU Regulation 1008/2008 which became Chapter II Article 13 of the Regulation \(EC\) No 1008/2008 of the European Parliament and Council](#) which under 13 § 3(b) is subject to strict time limits.

<sup>2</sup> There are three types of leasing: -

- wet leasing = an aircraft is where the aircraft supplied with pilots and cabin crew,
- dry leasing = an aircraft supplied without pilots and cabin crew, &
- damp leasing = an aircraft supplied with pilots but without cabin crew

The damp leasing is the most legally challenging as it means that the pilot may be working under different legislation to the cabin crew and therefore different FTL's. If the aircraft is leased from outside the UK it would not be contributing to the fees paid to the CAA that apply to UK registered aircraft and in many cases the aircraft would be maintained under non-UK licenced engineers following non-UK maintenance guidelines which may be very similar but not necessarily identical.

<sup>3</sup> News article <https://travelweekly.co.uk/news/ryanair-uk-threatens-cao-with-legal-action-after-unnecessary-flight-delay>

- 2.4. Ryanair by leasing the aircraft into the UK Operation for such a duration may have avoided paying the fees into the CAA. Under The Civil Aviation Act 1982 section 4 §(4) the CAA ***“may have regard to any matter in respect of which a duty is imposed by subsection (1) above if it is a matter to which the Competitions and Markets Authority could have regard when performing that function”***. Clearly the avoidance of fees for one company gives them a competitive advantage over others trying to establish a route. And yet the CAA have repeatedly ignored Unite who have raised this with them.
- 2.5. Under section 5 of The Civil Aviation Act 1982 the CAA has a duty to ***“in exercising any aerodrome licensing [F2 or certification] function in relation to any aerodrome to which this section applies, to have regard to the need to minimise so far as reasonably practicable—***  
***(a) any adverse effects on the environment, and***  
***(b) any disturbance to the public,***  
***from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation”***.
- 2.6. By implementing this provision, the CAA then had to give consideration to the safety of the general public as well as the workers on the ground, loading and unloading the cargo, luggage, catering, water, wastewater removal and fuel for the airlines and the crew on the aircraft.
- 2.7. In 2012 the World Health Organization's International Agency for Research on Cancer (IARC)<sup>4</sup> raised the classification of Diesel Engine Exhaust Emissions from Group 2A (probably a source of cancer) to Group 1 (carcinogenic). However, to our knowledge the CAA has yet to ban the operation of diesel-powered equipment or vehicles on or around aerodromes, despite there now being multiple options for alternative propulsion and power generation or power sources that do not increase the cancer risk of the public or the workers on the airport. Unite has reports of ground staff who have survived and those who have not been so fortunate as to survive working in an area such as the luggage hold of a narrowbody aircraft or loading bags where their eyes are streaming from the exhaust fumes from diesel equipment.
- 2.8. Additionally, it has been known since the 1950's that the lubrication oil inside a jet engine can escape as a heated vapour into the air supply, bleed from the engine's compression stage, before it is taken into the cabin. In the days when smoking was allowed the air supply in commercial aircraft was supplemented with compressed “fresh” air from cylinders, however, once smoking was banned the air is now solely reliant on supplies from the engine. Except that is on the Boeing 787 Dreamliner where the air is compressed using a separate geared compressor in the engine bays. The oil in a Jet engine must withstand some very high temperatures and hence is a synthetic oil containing organophosphates. Organophosphates were banned from all situations where they would otherwise come into contact with humans, due their effect on the nervous system, except that is in aviation. They are so dangerous that they are no longer used in combat situations legally, yet they have been found in record levels in cabin crew and pilot members bloodstreams.
- 2.9. Cabin Crew and Pilots work in an environment where they are exposed to higher-than-normal levels of cosmic radiation. The level is several times more than a nuclear power station worker would receive over the same period. Consequently, they are, under UK and EU rules, limited to so many flying hours in any 12-month period.

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<sup>4</sup> [See the HSE on this subject area](#)

### 3. Specific responses to the consultation

- 3.1. In the Executive Summary the consultation states:-  
**1.1.2 – The UK's current aviation safety legislation is complex and may not be offering the best regulatory environment for established aviation, innovation and growth.**
- 3.2. Unite would stress that this is not a complicated framework. The aviation industry does not wish to take the time to adhere to regulations and want an environment which does not have any measures to stand in the way of their ambition. Unite believes that changing the regulations to be performance based will make it more complicated for businesses, the regulator and employees to working in and understanding where the limits of safety are in what is supposed to be a heavily safety regulated sector. Training, expertise, good oversight and compliance are a requirement to ensure the best regulatory environment, something that is currently lacking.
- 3.3. The Executive Summary goes on to state **1.1.3 The Government is also aiming to reduce regulatory administration costs on industry by 25% by the end of this parliament.** The methodology then used suggests performance-based regulation.
- 3.4. Performance based regulation reduces regulatory burden equates to a situation where the aviation industry is left to regulate themselves. Unite believes that there must be prescriptive legislation in aviation, to ensure a level playing field. Current legislation is already being breached as illustrated earlier, with consequences which could end in the loss of life not just in the air but also on the ground. Unite therefore believe to move to a situation that allows the aviation industry to regulate themselves is suicidal. Looking currently at other global regulators they are increasing costs for the aviation industry, why does the UK believe it can decrease costs, surely this could lead to the potential of unsafe practises, lack of oversight and compliance within the industry.
- 3.5. Despite the dangers this has been frequently demonstrated by The EU battles not just with Ryanair but with many others. Examples include: -
- Operating flights with less than the minimum amount of fuel, meaning they did not have enough for a diversion and all too often had to declare an emergency<sup>5</sup>.
  - Flights which routinely have fewer than the Minimum Crew Operations (MCO) for cabin crew, which could compromise a safe evacuation in an emergency<sup>6</sup>.
  - Single pilot operations (SiPO) especially given the increased potential of AI<sup>7</sup>

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<sup>5</sup> In 2012 <https://www.eurocockpit.eu/news/mayday-mayday-wins-over-ryanair-defamation-allegations>

<sup>6</sup> The minimum number of cabin crew is partly determined by the number of floor level exits [ICAO Annex 6—Operation of Aircraft, Part I]. Accord to ICAO one cabin crew member should be assigned per floor-level exit as a means to mitigate the risk associated with unsupervised exits during emergency evacuations. However, the number of crew members can be varied by altering the number of exits by having a plug inserted to block off a door, which also gives the aircraft greater seating capacity.

Additionally, if not enough cabin crew members turn up to ensure enough to give the crew in flight rest the pilot can make a determination after consulting with other crew members, to potentially extending the flight duty period or reduce rest periods, but only if deemed safe. While the decision is meant to be down to the captain the airlines have been known to exert pressure on them.

<sup>7</sup> **extended Minimum Crew Operations (eMCO) and Single Pilot Operations (SiPO)** – are currently being prepared for implementation in the near and mid-term future and raise great concern. It is crucial that all the safety risks stemming from both concepts are fully analysed, understood, and solved before any change to the standards is considered.

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- Stretching the maximum flight time limitations by repeatedly using the captain's prerogative (commanders discretion) to extend the flying hours of crew both in the cockpit and the passenger cabin, despite this being designed to be used in emergencies only.
- 3.6. The third bullet in 1.1.3 states ***Supports established aviation activities by enabling interoperability and international harmonisation***
- 3.7. Unite believes interoperability is part of GO (Group Operations) it isn't a standalone item. To enable GO would require the use of EASA regulations or other international organisations as opposed to a higher UK standard. The problem then is determining which rule set would take precedence in the GO. This could have a social impact on UK aviation workers, workers from outside the UK brought in to do UK jobs as there would be confusion on working hours, what is and is not permissible and confusion can lead to safety issues. Also, where would the principle place of business be registered?
- 3.8. Unite is confused by the choice to look to reduce administration costs on the industry by 25% when the likes of EASA is increasing the administration cost burden on the aviation industry. Unite is therefore heavily concerned that in a battle to reduce administration costs, vital safety protocols are missed especially if more administration costs are added by Europe.
- 3.9. An example of "*administration costs*" could include the duty to become more transparent on carbon and non-carbon emissions from aircraft and the need to offset these emissions by purchasing carbon credits from the UK ETS, ICAO CORSIA scheme and from the EU ETS or by paying for CO<sub>2</sub> extraction from seawater or from the air for either mineralisation or sequestration.
- 3.10. The UK CAA is currently struggling with staff shortages, lack of knowledge and expertise as it has had to find staff to fill posts vacated and devolved to Europe when the UK was part of the EU. Since Brexit compliance and oversight duties have fallen back on the CAA and in doing so, an issue has been revealed which needs a resolution beforehand. To do otherwise invites the airlines to mark their own work. Given the size of the financial costs of operating an airline, without proper oversight, corners will be cut and safety compromised.
- 3.11. The Executive Summary goes on to state **1.1.4 Remove detailed technical regulations from secondary legislation, and to give the Civil Aviation Authority (CAA) new powers to write legally binding rules**
- 3.12. As stated, currently the CAA do not have the staff levels with the required skills, or expertise to carry out this proposal. As is being shown by the exclusion of trade unions, the CAA do not recognise or include all relevant stakeholders within their technical work. Social partners (Unions) should be recognised as a stakeholder within the system they are not recognised or even consulted when technical expertise is required. IF the CAA is allowed to write legally binding rules, Unite believes all stakeholders must be legally included, not just consulted. If the workforce of the industry is not properly consulted, then regulation will not be fit for purpose and protect aviation safety.
- 3.13. Unite believes there needs to be a formal process/structure within the CAA that allows all stakeholders to be at the table and fully involved in writing legally binding rules.
- 3.14. At **2.1.1** of the consultation sets out the Objectives of the consultation.

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- 3.15. Unite believe this is currently not proactively maintained but reactively maintained meaning that rather than being proactive in the maintenance of safety, to put all considerations behind ensuring the safe operation of flights, the actions only appear to occur if a situation arises that requires a resolution.
- 3.16. At **2.1.3 “A critical aspect of a strong regulatory system is the appropriate allocation of rulemaking resources and expertise, leading to a robust ruleset developed by subject matter experts for an expert regulated industry”**.
- 3.17. Subject matter experts are those that do the job, currently staff representatives, unions are not considered subject matter experts by the CAA. Yet they come with a free wealth of knowledge and expertise.
- 3.18. At **2.1.6 - Keeping the costs associated with regulatory compliance as low as possible by allowing regulated persons and entities to benefit from rapid implementation of developments in aviation**.
- 3.19. Unite agrees that this is desirable, but such actions should not be taken at the cost of safety.
- 3.20. At **Providing appropriate enforcement mechanisms consistent with the current approach to maintain compliance with the requirements of the framework, while reflecting the UK's adoption of a Just Culture in aviation**.
- 3.21. As stated previously due to our years under the wing of EASA and BREXIT the CAA are currently lacking in the oversight, compliance and capability department and at times do not even know what is guidance material, and what is the law. Therefore, giving the CAA more legal powers when they do not even know what the foundation legislation means is concerning.
- 3.22. A just culture doesn't exist in a number of aviation businesses operating out of the UK and we often discover members working in a developing fear culture.
- 3.23. At **3.2.3 Talks** about the current **Prescriptive Regulation** situation.
- 3.24. Unite believes that there is a need for a set of rules to be developed which are not just guidance but hard limits and prescriptive directions for the employer, the employee and competent authority. Without this it is hard to know where the line should be drawn. Given the past actions of the industry to push the limits and even break them, Unite would not be comfortable with rules that introduce flexibility.
- 3.25. Unite would question the way that Article 76 is described in paragraph 3.3.5 as it is suggesting that Article 76 gives the CAA the rights to draft secondary legislation as a matter of routine practice when that power resides with the Secretary of State.
- 3.26. Further at 3.3.7 it states *“In addition, the CAA publishes a significant amount of non-legislative material, including means of compliance and guidance. Under the assimilated EU regime, this material is known as Acceptable Means of Compliance (“AMC”), Guidance Material (“GM”) and Certification Specifications (“CS”). AMC are non-binding standards that establish a presumption of compliance with the legislation and are means by which the requirements in the applicable retained EU legislation can be met. However, regulated entities may show compliance by other means. GM is non-binding explanatory and interpretation material on how to achieve the requirements in the applicable*



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*assimilated legislation. CSs are non-binding technical standards that may be used to meet the requirements of the applicable assimilated law"*

- 3.27. As can be seen from the original legislation<sup>8,9</sup> above is not our understanding of the legislation as drafted. We are advised that the AMC must be followed unless you have applied for an Alternative Means of Compliance (AltMoC) which has been approved by a competent authority like the CAA. The CS under Flight Time Legislation (FTL<sup>8</sup>) is binding as stated in the FTL regulation.
- 3.28. At Paragraph 4.1.2 under the heading "**Do the minimum**" the consultation suggests the first option for amendments to the current regime.
- 3.29. Unite would suggest that on this point the UK should stay aligned with the EU and their member states given most passenger flights from the majority of UK airports are to destinations in the EU<sup>10</sup>. Additionally, a considerable number of UK registered airline businesses are EU based. Therefore, the option to do the absolute minimum to deviate from EU law legislation would maintain a scheme as close as possible to EU markets and hence keeping differences to the minimum.
- 3.30. At 4.1.11 under the heading "**Restructure the regulatory process**" it states that "*Under this model, primary legislation would be needed to delegate technical rulemaking powers to the CAA as the expert regulator*".
- 3.31. Unite contends that the CAA is a long way from being an expert regulator for reasons already highlighted.
- 3.32. Para 4.1.11 goes on to state "**An enforcement toolkit designed around the new rulebook would be required, which would include criminal sanctions where appropriate**". Unite is convinced that given the dangers that can be caused by confusion at altitude, that criminal sanctions would need to be the ultimate deterrent for errant and unscrupulous employers.
- 3.33. Unite feels that if the CAA is to remain as the regulator, it needs to involve the entire effected stakeholder community and that includes the DfT, if needs be in reaching its options. The correct structure and application should include all relevant stakeholders in discussions.
- 3.34. At 4.1.14 the consultation paper states "**The CAA would be empowered to create mandatory requirements which are proportionate and flexible to the needs of the UK industry. This would provide certainty to regulated entities and ensure that where something needs to be mandatory for safety or other reasons it can be made clear, and flexibility can be afforded by providing means of compliance or guidance where it is more proportionate to do so**".

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<sup>8</sup> If the original Article 76 is examined especially [Article 76\(4\) of \(EU\) 2018/1139](#)

<sup>9</sup> In the UK flight time limitations for pilots and cabin crew are primarily governed by <https://www.legislation.gov.uk/eur/2014/83/article/2> and enforced by the CAA. You will note from the legislation the wording is very specific stating that legislation **shall** apply from the 17<sup>th</sup> February 2017 on giving every member state the option to apply the legislation from 18 February 2016 or wait up to a year before applying it.

<sup>10</sup> The exception being Aberdeen (mainly helicopter flights to oil/gas rigs and to the highlands and islands of Scotland) and Heathrow (where the majority of flights are to US destinations).

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- 3.35. Unite feels the word flexibility is used excessively in this option and would question to what degree will there be flexibility? Who will be involved in the decision making on the flexibility when required and what will be the criteria for this flexibility? Given some of the decisions coming out from the CAA, Unite would question their impartiality on behalf of the government.
- 3.36. Previously during the UK membership of the EU, for deviation (flexibility) in FTL CS a group of relevant stakeholder experts meet and discuss the submission, agree a pathway forward and make their recommendations or refuse the deviation submission. Unite would like to see this continue with the involvement of all expert Stakeholders Unite, would equally wish to see this specificity applied to any AMC or AltMoC requiring a more flexible option. Any flexibility should always meet the same if not better level of safety and be under continual assessment.
- 3.37. At paragraph 4.2.1 under the heading **Accountability**, it talks about the need for both accountability and transparency. Then at paragraph 4.2.3 the consultation paper states: -
- “The CAA already consults on proposals it intends to make to the Secretary of State and on changes to AMC, GM and CS. Any new system must continue to consult industry on changes and ensure appropriate liaison and engagement with the DfT on strategic policy considerations at an early stage. When considering accountability requirements which might be appropriate for the CAA if rulemaking powers were delegated, the DfT would expect there to be no reduction in existing engagement and transparency both with the Department and with stakeholders”.***
- 3.38. The CAA does not consult with social partners (staff representatives) technically for involvement in rule making, CS, AMC, GM. Unite believes that the CAA has to be open and transparent with stakeholders, involving all relevant stakeholders in their consultation processes. Similarly, they should be held accountable if something goes wrong under their watch should they not enforce the law. A formal process needs to be established, and regulations established that dictates the involvement of all stakeholders who would and would not be involved in discussions with the safety of the aircraft, its passengers, crew and the safety of the public under flight paths given priority.
- 3.39. At 4.3 the consultation addresses the topic of enforcement
- 3.40. Unite agrees with the conclusion on enforcement powers and the requirement for justified punishments that are appropriate for breaches of regulations.
- 3.41. At 5.1 the consultation discusses sectoral comparators.
- 3.42. Unite feels that the comparison, with the Financial Conduct Authority (FCA) is appropriate given the sums of money floating about in this industry and the scale of the temptation. The aviation industry is a far more complex, especially in its international dealings requiring precise wording to avoid miss translation, with safety as its keystone. Given that no bank or financial institution is normally operating at 30,000 feet above the ground travelling at almost 1,185 kph<sup>11</sup> (depending on the direction of the wind) carrying up to 853<sup>12</sup> passengers and crew weighing in at over 575 tonnes. Therefore, if the safety procedures are not followed, the incident very quickly becomes headline news around the world.

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<sup>11</sup> Approximately 736.32 miles an hour.

<sup>12</sup> Maximum carrying capacity of an A380 passenger aircraft with all standard class seating.



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- 3.43. Unite believes that the summary as set out in paragraph 6 is ultimately correct in describing the current situation, in that the power resides in Westminster and delegated out to the Secretary of state then the DfT with the CAA overseeing implementation. Unite feels that the consultation as drafted is suggesting reversing this situation to allow the CAA to pass legislation and ignore it if it so wishes which Unite believes is unacceptable as it would upset the sovereignty of parliament and transform them into judge jury and executioner.
- 3.44. In addition United has always had concerns over the potential conflict of interest the CAA has as both economic and safety regulator, as well as with the funding basis of the organisation. If as a result of these proposed changes the CAA becomes its own regulator and is in effect marking its own homework, these conflicts of interest have a material impact on safety and regulation. Unite also believes that position to be untenable. There needs to be clear oversight of the CAA's role and finances which should reside in Westminster and delegated out to the Secretary of state then the DfT.

#### **4. Consultation Questions**

- 4.1. Unite notes that the consultation itself can normally only be completed online using an online survey which caused issues in the construction and authorisation of responses difficult given that the questions were not available in a written format beforehand, so that parties could discuss the response and agree a position for the organisation they represent. Once the questions covering who is responding are dealt with, there are general questions open to all and questions only open to those with licences.
- 4.2. Fortunately, by contacting the DfT a written copy of the survey was made available which we attach to this consultation below.

## 5. Conclusion

- 5.1. Unite currently believe the CAA is not as effective as it should be as they do not have the confidence in their understanding of the legislation. During the UK's membership of the EU, those with the specific knowledge and expertise left as there was no need to duplicate the work of EASA. The CAA were able to work closely with EASA and fellow member state competent authorities able to share knowledge and expertise. Since the UK ~~we~~ left the European Union the expertise, knowledge and competence of the CAA has been lacking which aviation employers have been able to take advantage of with non-compliance of legislation in some areas.
- 5.2. Unite has concerns that with the CAA funding coming from those they have to oversee, that this is a conflict of interest. If regulatory power is given to the CAA and the stakeholders involved currently (aviation employers) then this could be self-regulating, the issues of the recent past with the FAA and Boeing<sup>13,14</sup> come to mind.

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29<sup>th</sup> July 2025

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<sup>13</sup> [See the issue of the Guardian on the quality control issues](#)

<sup>14</sup> [Congress investigation into the relationship between the FAA and Boeing allowing them to mark their own homework and the failures that resulted particularly with the 737 Max and 787 Dreamliner](#)

# Reform to the system of aviation safety and airspace regulation

## Introduction

The UK's current safety aviation framework is largely written into detailed legislation in the form of statutory instruments. This is the case for detailed technical standards originating in expert international bodies, such as International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs) or developed by technical subject matter experts.

The Department for Transport (DfT) is exploring the possibility of amendments to the UK's aviation regulatory functions and framework to ensure that it:

1. Is a robust, future-proof regulatory environment which is compliant with international obligations.
2. Maintains ongoing high standards of safety.

For this purpose we have supplied the [Aviation Safety Regulatory Framework Targeted Stakeholder Consultation \[opens in a new window\]](#) document which should be read before answering this survey.

One proposed change, as detailed in section 4 of the document, would be to delegate technical rulemaking powers to the CAA as the expert regulator. In this proposed change, the DfT would retain strategic policy-making powers and would be responsible to Parliament for the oversight of the use of any such delegated powers by the CAA.

We are now seeking views from all stakeholders, who are regulated by aviation safety regulations, on how they are impacted by the current regulatory framework and for their views on the proposed changes. Only one response will be accepted per organisation, if multiple responses are received only the response from the respondent who is most senior will be used.

This survey will be open for 5 weeks. The closing date is 25 July 2025.

## Accessibility statement

Read our [accessibility statement for SmartSurvey forms \[opens in a new window\]](#).

## Confidentiality and data protection

The Department for Transport (DfT) is carrying out this survey on exploring the possibility of amendments to the UK's aviation regulatory functions and framework to ensure that it is robust and maintains ongoing high standards of safety.

View our [DfT online form and survey privacy notice \[opens in a new window\]](#) for more information on how your personal data is processed in relation to this survey.

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In addition we are asking for:

- persons responding on behalf of their organisation for their job title and what best describes their role within that organisation
- individuals if you hold any aviation authorisations from the Civil Aviation Authority or non-UK bodies and the types of authorisations held

Do not include personal information in your responses unless specifically requested.

## Previous response

This survey is being advertised in different places and you might have heard about it from various sources.

1. Have you completed this survey previously?

☐ Yes (Finish survey)

☒ No

## Responding

If you are answering on behalf of your organisation, treat questions directed at 'you' as directed at your organisation.

### 2. Are you responding on behalf of an organisation?

☒

Yes

☐

No (Go to 'Individual authorisations')

## Organisational details

3. What is the name of your organisation?

Unite the Union

4. What is your job title within your organisation?

National Officer

5. What best describes your work role within your organisation?

- ☐ Flight operations
- ☐ Maintenance, repair and overhaul
- ☐ Aerospace manufacturing and engineering
- ☐ Airport operations
- ☐ Logistics and cargo
- ☐ Safety, regulation and compliance
- ☐ Training and education
- ☒ Management, business, and support
- ☐ Other:



## Organisation details

### 6. Which type of organisation do you work for?

- ☐ Aircraft operator (ACMI)
- ☐ Aircraft operator (cargo)
- ☐ Aircraft operator (corporate)
- ☐ Aircraft operator (scheduled passenger)
- ☐ Aircraft operator (utility)
- ☐ Helicopter emergency medical service (HEMS)
- ☐ National police air service (NPAS)
- ☐ National aviation authority
- ☐ Search and rescue
- ☐ Aircraft owner
- ☐ Certified aerodrome operator
- ☐ Declared aerodrome operator
- ☐ Handling (de-icing provider)
- ☐ Handling (fuel)
- ☐ Handling (third party handler)
- ☐ Design and production
- ☐ Maintenance
- ☐ Continuing airworthiness management
- ☐ Combined airworthiness

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- ☐ Training
- ☐ Air traffic control provider
- ☐ Air traffic management provider
- ☐ Air navigation services provider
- ☐ Industry representative organisation
- ☒ Trade union
- ☐ Drone (remotely piloted aircraft systems) operator
- ☐ Uncrewed aircraft system operator
- ☐ Recognised assessment entity
- ☐ Qualified entity
- ☐ Another type of organisation:

**7. Roughly how many people work for your organisation in total?**

- ☐ 1 to 9 employees
- ☐ 10 to 49 employees
- ☐ 50 to 250 employees
- ☒ Above 250 employees:

There are over 130,000 members in aerospace and civil aviation plus more in customs and excise, passport control and other government department roles. Unite also represent workers in the supply chain, producing everything from food, water, electricity to the fuel that the aircraft and ground vehicles consume. In all Unite has over 1 million members across the whole economy plus over 1,000 officers and staff.

## Your organisation's authorisations

We are asking about any authorisations your organisation may have been given by:

- the UK CAA
- any body outside the UK that regulation aviation

For the purposes of this survey an authorisation will be any certificates, approvals or licences supplied by:

- the UK CAA
- any other national aviation authority, for example the Federal Aviation Administration
- any international aviation regulator, for example, European Aviation Safety Agency

8. Does your organisation hold any authorisations from the UK Civil Aviation Authority?

- ☐ Yes
- ☒ No (Go to 'Non-UK authorisations')
- ☐ Don't know (Go to 'Non-UK authorisations')

## Your organisation's authorisations

### 9. What authorisations does your organisation have?

- ☐ Certificate of Airworthiness (CofA)
- ☐ Permit to Fly
- ☐ Airworthiness Review Certificate (ARC)
- ☐ Maintenance Organisation Approvals (Part-145)
- ☐ Continuing Airworthiness Management Organisation (CAMO) Approvals
- ☐ Design Organisation Approval (DOA)
- ☐ Alternative Procedures to Design Organisation Approval (ADOA)
- ☐ Production Organisation Approval (POA)
- ☐ Combined Airworthiness Organisation - Part-CAO
- ☐ Air Operator Certificate (AOC)
- ☐ Special Approvals (Part SPA for example Extended-range Twin-engine Operations Performance Standards or Reduced Vertical Separation Minimum)
- ☐ Approved Training Organisation (ATO)
- ☐ Declared Training Organisation (DTO)
- ☐ Declared Specialised Operations (Part-SPO)
- ☐ Declared Non-Commercial Operations with Complex Motor-Powered Aircraft (Part-NCC)
- ☐ Dangerous Goods Approved operators
- ☐ Dangerous Goods Approved Training Organisations
- ☐ GA Specialised Operations (Part-SPO)
- ☐ Ex-Military (Permit to Fly) approvals

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- ☐ Parachuting approval (depending on type of operations)
- ☐ Declared Balloon operator
- ☐ Air Navigation Service Provider (ANSP) Certification
- ☐ Aerodrome Certification
- ☐ Instrument Flight Procedure Design Approval
- ☐ Aerodrome Licence
- ☐ ATC training colleges approval
- ☐ Operational Authorisation (under UK Pre-Defined Risk Assessment or General Visual Line of Sight Certificate)
- ☐ Remote Pilot Competency Certificates
- ☒ Other:

n/a

[Now go to 'Non-UK authorisations']

## Individual authorisations

We are asking about any authorisations you may have been given by:

- the UK CAA
- any body outside the UK that regulation aviation

For the purposes of this survey an authorisation will be any certificates, approvals or licences supplied by:

- the UK CAA
- any other national aviation authority, for example the Federal Aviation Administration
- any international aviation regulator, for example, European Aviation Safety Agency

10. Do you hold any authorisations from the UK Civil Aviation Authority?

- ☐ Yes
- ☒ No (Go to 'Non-UK authorisations')
- ☐ Don't know (Go to 'Non-UK authorisations')

## Individual authorisations

### 11. Which authorisations do you have?

- ☐ Private Pilot Licence (PPL)
- ☐ Commercial Pilot Licence (CPL)
- ☐ Airline Transport Pilot Licence (ATPL)
- ☐ Light Aircraft Pilot Licence (LAPL)
- ☐ Multi-crew Pilot Licence (MPL)
- ☐ Flight Engineer Licence
- ☐ Air Traffic Controller Licence
- ☐ Aircraft Maintenance Licence (Part-66)
- ☐ Flight Instructor Ratings
- ☐ Flight Examiner Authorisations
- ☐ Aeromedical Examiners
- ☐ Medical certificates
- ☒ Other:

n/a



## Non-UK authorisations

12. Do you hold any authorisations from other international aviation regulators outside the UK?

- ☐ Yes
- ☒ No (Go to 'The current system of regulating aviation safety')
- ☐ Don't know (Go to 'The current system of regulating aviation safety')

## Non-UK authorisations

13. Please list your type of authorisations including the issuing body.

n/a

## The current system of regulating aviation safety

We are now asking about the system of regulating aviation safety. This includes all regulations that are relevant to the safe operation of aircraft and the safe use and oversight of airspace.

When questioned about 'aviation safety regulation' we are asking for this to include airspace regulations that are relevant to the safe use and oversight of airspace as well as aviation safety regulations themselves.

14. How important, if at all, are the following characteristics for an effective system of aviation safety regulation?

	Not important at all	Not very important	Neither important nor unimportant	Very important	Vital	Don't know
Clarity as to what the regulatory obligations are	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clarity on how regulations should be complied with	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Simplicity of format, structure and language of regulations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ability to amend regulations quickly to respond to different drivers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communications around new regulatory obligations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regulations being easy to find	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Regulatory guidance being easy to find	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	Not important at all	Not very important	Neither important nor unimportant	Very important	Vital	Don't know
Helpfulness of regulatory guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Having opportunities to engage with proposals for change before they are made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For 'other' please state what these issues are:

Consistency. The CAA should not have the ability to change the law but if there is the flexibility to provide an alternative means of compliance then they need to take a reasoned, consistent and defensible decision where they can show to any party that the decision was not taken without justification.

What the CAA should not be doing is ignoring legislation and its prescribed limits to the scope. For example Article 13 of Regulation (EC) No 1008/2008<sup>15</sup> sets strict time limits for leasing aircraft which under the legislation is:-

- (i) 7 months renewable once for a further 7 months if there is exceptional need.
- (ii) provides that the wet lease is only for a season which in the aviation industry is at most 6 months.
- (iii) demonstrates that the leasing is necessary to overcome an or a series of operational difficulties and that the operator needs to demonstrate that it is not possible or reasonable to lease aircraft registered within the U.K. in which case the approval shall be of limited duration strictly necessary for overcoming the difficulties only.

After about 3 years of leasing aircraft from DAC (the Irish Republic registered Ryanair operation), to fill a shortage of aircraft based in the UK, Ryanair has decided no new aircraft will come to the UK, but instead they want to carry on leasing the DAC aircraft into the UK for its routine operations. Clearly this is a breach of the UK and European legislation as the CAA and Ryanair are applying the legislation in such a way which could if taken to the extreme allow all aircraft to be leased into the UK removing financial income into the UK system.

<sup>15</sup> [Link to the legislation](#)

The Civil Aviation Act 1982 section 4 §(4)<sup>16</sup> states that the CAA “may have regard to any matter in respect of which a duty is imposed by subsection (1) above if it is a matter to which the Competitions and Markets Authority could have regard when performing that function”. Clearly the avoidance of fees for UK registered aircraft and income tax revenue from employment for one company gives them a competitive advantage over others trying to establish or maintain a route. And yet the CAA have repeatedly ignored Unite who have raised this with them.

15. What in your view, if any, are the 3 most important characteristics of an effective system of aviation safety regulation?

- ☒ Clarity as to what the regulatory obligations are
- ☒ Clarity on how regulations should be complied with
- ☐ Simplicity of format, structure and language of regulations
- ☐ Ability to amend regulations quickly to respond to different drivers
- ☐ Communications around new regulatory obligations
- ☐ Regulations being easy to find
- ☐ Regulatory guidance being easy to find
- ☐ Helpfulness of regulatory guidance
- ☐ Having opportunities to engage with proposals for change before they are made
- ☒ Other issues

Please expand on your answers.

The legislation should be followed to the letter of the law and not used as a guide.

Under section 5 of The Civil Aviation Act 1982<sup>17</sup> the CAA has a duty to “in exercising any aerodrome licensing [F2 or certification] function in relation to any aerodrome to which this section applies, to have regard to the need to minimise so far as reasonably practicable—

(a) any adverse effects on the environment, and

(b) any disturbance to the public,

<sup>16</sup> [The legislation can be found here](#)

<sup>17</sup> [Link to the legislation](#)

- from noise, vibration, atmospheric pollution or any other cause attributable to the use of aircraft for the purpose of civil aviation”.

By implementing this provision the CAA then had to give consideration to the safety of the general public as well as the workers on the ground, loading and unloading the cargo, luggage, catering, water, wastewater removal and fuel for the airlines and the crew on the aircraft.

In 2012 the World Health Organization's (WHO) International Agency for Research on Cancer (IARC) raised the classification of Diesel Engine Exhaust Emissions from Group 2A (probably a source of cancer) to Group 1 (carcinogenic)<sup>18</sup>. However, to our knowledge the CAA has yet to ban the operation of diesel-powered equipment or vehicles on or around aerodromes, despite there now being multiple options for alternative propulsion and power generation or power sources that do not increase the cancer risk of the public or the workers on the airport. Unite has reports of ground staff who have survived and those who have not been so fortunate as to survive working in an area such as the luggage hold of a narrowbody aircraft or loading bags where their eyes are streaming from the exhaust fumes from diesel equipment. Of course, electrification would also have major environmental benefits too.

Testing carried out at Heathrow airport in 2019 of the atmosphere, clearly showed a second peak in a particulate distribution graph which by comparing the particulate sizes with those measured on the Marylebone Road in central London flagged particulates particles an order of magnitude smaller in diameter than those from diesel engines. These particulates could only have come from the jet engines. When it comes to particulates, the golden rule is the smaller the more reactive given the relative size of the available surface area. As some of these particulates are small enough to enter the blood stream by absorption through the skin the only way to reduce contamination is to reduce the level of exposure or reduce the volume of particulates produced by the engines. By moving to untainted Sustainable Aviation Fuel (SAF), the level of jet aircraft engine particulate emissions can be reduced to almost zero. However, in order to comply with the specs for aircraft fuel the SAF has to have chemicals added so that it mirrors the chemical properties of existing fuels. There are chemicals that can be added to SAF (and even JetA1 fuels that have had all the aromatic hydrocarbons removed) which comply with the licence, but they are far more expensive. The question is what price do you put on a human life? The CAA has the power to require that aromatic hydrocarbons are removed from aviation fuels but to date this has not happened.

For clouds to form they either require a condensation nucleus around which the cloud develops or a disturbance in the pressure which forces the water vapour together. Therefore, by removing the particulates from the exhaust of aircraft you also reduce the potential for condensation trails behind aircraft turning into additional cloud cover. As additional nighttime cloud cover, born from the passage of aircraft has been shown to prevent the heat of the day radiating into space, combatting particulate levels are also a major issue in the battle against climate change.

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<sup>18</sup> [Link to HSE guidelines](#)

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The WHO has set some guidance for outside air quality which Unite doubts the CAA has looked at<sup>19</sup>

Therefore, given the provisions of section 5, the CAA has the power to order all airports to phase out the use of diesel and indeed fossil fuels and order investigations into alternative fuels, that comply with international standards yet are less polluting and damaging to the environment. However, they have done nothing.

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<sup>19</sup> [WHO Guidelines on external air quality](#)



## Current regulatory system

16. What, if anything, do you value about the current regulatory system?

- ☒ Format and numbering of regulatory provisions appearance of rules
- ☒ Alignment with ICAO annexes
- ☒ Department for Transport having oversight of the regulation making programme
- ☒ Other:

It is now well established as a known set of fixed rules to follow.

## The current regulatory framework and potential amendments

In the current aviation safety regulatory system, the regulations sit across 2 separate legal pillars.

Before the EU took over responsibility for aviation safety in the UK, safety laws were set out in the [Civil Aviation Act 1982 \[opens in a new window\]](#) and [The Air Navigation Orders \(ANO\) \[opens in a new window\]](#).

Over time, the EU created detailed aviation safety and airspace regulations, including the [UK Basic Regulation \[opens in a new window\]](#) and a range of supporting rules, many based on international ICAO standards. These laws applied directly to the UK and covered areas such as airspace management and flight rules, but not everything. For example smaller airfields or certain aircraft were excluded. As a consequence UK laws, like the ANO and [British Civil Airworthiness Requirements \(BCARs\) \[opens in a new window\]](#), were still needed.

This created a complex two-part legal system.

After Brexit, the UK kept the EU rules bringing them into domestic law. This resulted in a consolidated but still complex framework made up of UK versions of the EU regulations alongside with the existing UK laws - requiring knowledge of both areas to fully understand UK aviation safety rules.

Greater information is in section 3 of the [Aviation Safety Regulatory Framework Targeted Stakeholder Consultation documentation \[opens in a new window\]](#).

17. Does the structure of the regulatory framework described impact on your understanding of your regulatory requirements?

- ☒ Yes
- ☐ No (Go to 'Structural impact on compliance')
- ☐ Don't know (Go to 'Structural impact on compliance')

## Structural impact on understanding

### 18. How does the structure of the regulatory framework impact on your understanding of your regulatory requirements?

Unite covers members who will be employed across the civil aviation industry from small grass strips to Heathrow and everything in between. Unite membership includes everyone from air traffic control and pilots to management and on every rung of the food chain, within the industry.

Unite also represents members manufacturing the instruments, engines and other components on both civilian and military applications, to those individuals working on the construction and eventual delivery of satellites into orbit.

Consequently, within this scope there will always be someone impacted by variations in the regulatory framework.

## Structural impact on compliance

19. Does the structure of the regulatory framework described impact on your compliance with regulations?

- ☒ Yes
- ☐ No (Go to 'Current regulatory framework')
- ☐ Don't know (Go to 'Current regulatory framework')

## Structural impact on compliance: reasoning

20. How does the structure of the regulatory framework impact on your compliance with regulations?

Compliance is an issue that frequently occurs when dealing with Cabin Crew and Flight Crew (pilots) for FTL (flight time limitations).

Similarly, this is also an issue which impacts our members in aircraft engineering.

## Current regulatory framework

21. Do you think anything needs to be changed in the current aviation safety regulatory framework to enable the aviation industry to grow in the UK?

- ☐ Yes
- ☒ No (Go to 'Change regulatory framework: innovation')
- ☐ Don't know (Go to 'Change regulatory framework: innovation')

## Change regulatory framework: growth

22. What do you think needs to be changed and why?

Nothing

There needs to be oversight and compliance of the current system, training and guidance

23. How do you think this would enable the aviation industry to grow?

n/a



## Change regulatory framework: innovation

24. Do you think anything needs to be changed in the way that aviation safety is regulated to enable the aviation industry to innovate in the UK?

- ☒ Yes
- ☐ No (Go to 'Current system of aviation safety regulation')
- ☐ Don't know (Go to 'Current system of aviation safety regulation')

## Change regulatory framework: innovation reasoning

25. What do you think would need to be changed in the way that aviation safety is regulated to enable the aviation industry to innovate?

Enforcement and compliance of existing legislation by the CAA which will require training and expertise.

26. How would this enable the aviation industry to innovate?

It will continue to provide a level playing field removing any competitive advantages

## Current system of aviation safety regulation

27. How much do you agree or disagree with each the following statements about the current system of aviation safety regulation?

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
I understand my regulatory obligations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I understand how the process of updating aviation safety regulations currently works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Regulatory obligations are easy to find	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regulatory guidance is easy to find	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The structure of the regulations is easy to understand	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The regulatory framework is responsive to change	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The regulatory framework is robust	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The process by which new regulations are made is transparent	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
Communications from the Civil Aviation Authority (CAA) around new regulatory obligations are clear	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Communications from the Department for Transport (DfT) around now regulatory obligations are clear	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enforcement mechanisms are effective	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Enforcement mechanisms are fair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**28. What, if any, specific challenges do you face in relation to any of the elements previously listed?**

I understand my regulatory obligations	n/a
I understand how the process of updating aviation safety regulations currently works	n/a
Regulatory obligations are easy to find	The regulations are easy to find if you know where to look. Googling the regulations for example can bring up the CAA's incorrect interpretations rather than the actual legislation

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Regulatory guidance is easy to find	There is precious little by the way of guidance on some regulations, if any while there is guidance in other areas. But some of the guidance material is incorrect.
The structure of the regulations is easy to understand	The structure is the foundation of the needed knowledge base to understand the legislation. However, as with so many industries there are simply too many unexplained acronyms that the guides to assist the laymen can look complicated.
The regulatory framework is responsive to change	Provided that any change is made in harmony with other nations that we have agreements to fly into and they are not contentious, then the regulations can be responsive.
The regulatory framework is robust	The framework has been in place for decades so has withstood the tests of time.
The process by which new regulations are made is transparent	The new primary regulation and legislation needs to overcome their passage from committee stages, through both houses of parliament and into law. Contentious legislation may take more time of course. Secondary legislation is passed by ministers or other bodies under powers granted by a specific Act of Parliament within the intended scope of their remit. These secondary instruments can be scrutinized by Parliament through various procedures, most commonly the affirmative and negative resolutions.
Communications from the CAA around new regulatory obligations are clear	Due to their use of undefined acronyms (which may or may not be in common usage within the community) the communications from the CAA can be very opaque.
Communications from the DfT around new regulatory obligations are clear	Communications from the DfT tend to be very clearly defined.
Enforcement mechanisms are effective	Due to the lack of knowledge and expertise on compliance by the regulator current enforcement mechanisms are not effective.

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Enforcement mechanisms are fair

Due to what Unite believe is a conflict of interest that the CAA is financed by those it oversees enforcement by the CAA could be seen as too compliant with those it oversees.

The CAA are supposed to be acting for the consumer to ensure the safety of all in the industry and that rules are enforced. At times the CAA see the enforcement as a difficult subject or conversation with those they oversee.

We recognise that after new regulations are made, significant effort may be required to implement them.

This might include understanding and identifying what changes are required, updating operating manuals and practices, recruiting or training staff, changing internal processes and updating or acquiring software.

29. To the best of your ability, please estimate the financial cost (in pounds) last year in relation to:

reviewing ongoing compliance with new UK regulations

Unite cannot provide this data as it is often carried out by members, researchers, individuals with the specialist knowledge and the occasional in-house solicitor or barrister.

understanding ongoing compliance with new UK regulations

Unite cannot provide this data as it is often carried out by members, researchers, individuals with the specialist knowledge and the occasional in-house solicitor or barrister.

ensuring ongoing compliance with new UK regulations

Unite cannot provide this data as it is often carried out by members, researchers, individuals with the specialist knowledge and the occasional in-house solicitor or barrister.

Updates to aviation safety legislation are made to:

- incorporate [ICAO standards and recommended practices \[opens in a new window\]](#) into UK law
- address new safety concerns
- ensure interoperability
- update [Rules of the Air \[opens in a new window\]](#)
- implement global or regional strategies

30. How would you describe the current pace of change to aviation safety regulations?

☐ Inadequate

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- ☒ Neither inadequate nor adequate (Go to 'European Union')
- ☐ Adequate (Go to 'European Union')
- ☐ Don't know (Go to 'European Union')

## Negative pace of change impacts

31. How would you describe the inadequate pace of change impact on your:

	Negative	Neither negative nor positive	Positive	No impact	Don't know
costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
time	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
compliance to regulations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

32. Are there any other impacts the inadequate pace of change is having on you?

☒ Yes

☐ No (Go to 'European Union')

☐ Don't know (Go to 'European Union')



## Negative pace of change: greater impacts

33. What are the other impacts that the inadequate pace of change is having on you?

Members are ill or losing their lives due to the slow pace to enforce air quality standards on aircraft and on the ground at airports.

## European Union

When the UK was a member of the EU, updates to ICAO SARPs were adopted into EU law and therefore into UK law by way of directly effective amendments to the EU regulations.

Since leaving the EU, the majority of updates to UK domestic law to implement SARPs and make other necessary changes to the aviation safety and airspace regulatory framework are made by the Secretary of State for Transport and are subject to parliamentary scrutiny.

34. Since leaving the EU what has been your experience with regards to the:

	Negative	Neither negative nor positive	Positive	No impact	Don't know
timeliness of regulation of regarding UK aviation safety and airspace has been:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
communications around new regulation of regarding UK aviation safety and airspace has been:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
quality of regulation regarding UK aviation safety and airspace has been:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please expand further on your answers.

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On Brexit, the CAA was suddenly being tasked with filling posts, with individuals with specialist knowledge and expertise as an individual entity. There was no longer the ability to use the knowledge and expertise of EASA and other member state competent authorities. The CAA has had to pick up the pieces utilising advice from the parties which it was meant to be regulating.

As a result, Unite believes that the CAA is far less effectual in enforcing the law, and, on occasion, Unite and other unions, have had to point this out.

**35. What, if any, is the impact of not having harmonised procedures with other International Civil Aviation Organisation signatories on safety?**

- ☐ Positive
- ☐ Neither positive nor negative (Go to 'Trade')
- ☒ Negative
- ☐ No impact (Go to 'Trade')
- ☐ Don't know (Go to 'Trade')

## Impact reasoning

The previous question asked you about your opinion on the impact of not having harmonised procedures with other International Civil Aviation Organization signatories on safety.

### 36. Please explain your answer.

The UK legislation has far stricter legislation to other nations like the United States Federal Aviation Authority (FAA) as has been shown by the far more lacks attitude to safety. While aircraft certification and safety checks are very stringent here in the UK, they have not been so within the FAA leading to significant loss of life on Boeing aircraft and their grounding while they sorted out the issue<sup>20,21</sup>.

Similarly, Cabin Crew in the United States can work onboard aircraft while pregnant and the number of hours flown by pilots is only limited to 100 hours a month and 1000 in any calendar year but there are no such flying hours limits for cabin crew, but it does require airlines to introduce and implement Fatigue Risk Management Systems.

Pilots and Cabin crew in the UK & European nation are limited to 100 hours in any 28 consecutive days, 900 hours in a calendar year, and 1000 hours in any 12 consecutive calendar months and notice is taken of the individual crew members internal clock which is impacted depending on the East/West direction of travel on medium and long-haul flights requiring an overnight stop.

This means that it is more expensive to operate flights within and from the UK than it is to do the same in the United States of America. As crew are more frequently required to have an overnight stop while US rival airlines can almost work the cabin crew until they are too fatigued to carry out their vital on-board safety functions.

Unite would not advocate moving to a less onerous system simply to reduce costs as this will have a major impact on passenger safety.

**Therefore, harmonising with the FAA or a nation with even more relaxed rules would be a very negative thing to do as it invites a relaxed attitude to aviation safety, inviting accidents to happen.**

But if the airline trade is predominantly with European destinations, then the ability to hire a crew member from an EU nation who is certified on the aircraft type would mean they are reasonably familiar with the rules, makes their transition to CAA qualification far simpler and cheaper than employing someone from a nation unfamiliar with the basic legislation.

**Maintaining the harmonisation of rules and licencing with the EU would be a positive step.**

<sup>20</sup> [See the issue of the Guardian on the quality control issues](#)

<sup>21</sup> [Congress investigation into the relationship between the FAA and Boeing allowing them to mark their own homework and the failures that resulted particularly with the 737 Max and 787 Dreamliner](#)

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**Unite would strongly suggest that there are more positives and a level playing field gained by maintaining the harmonisation with the EASA regulations than departing from them.**

Given the entire populous of the aviation sector has done things one way for many years and achieved a high level of safety, means that change will inevitably add costs and safety implications as it will require all those involved to become familiar with the new rules and if they reduce safety standards there will inevitably be the potential of accidents and incidents.

## Trade

37. What, if any, is the impact of not having harmonised procedures with other International Civil Aviation Organization signatories on trade?

- ☐ Positive
- ☒ Neither positive nor negative (Go to 'Reforming the regulatory framework')
- ☐ Negative
- ☐ No impact (Go to 'Reforming the regulatory framework')
- ☐ Don't know (Go to 'Reforming the regulatory framework')

## Impact reasoning

The previous question asked you about your opinion on the impact of not having harmonised procedures with other International Civil Aviation Organization signatories on trade.

### 38. Please explain your answer.

It depends on the nature of the ICAO procedures. If the procedures are more relaxed on safety, then **not harmonising and maintaining a higher safety standard is a good thing** as the last thing you would wish to carry as cargo is one which cause issues or emergency diversions during the flight.

IF the nature of the ICAO procedures is on something like carbon trading, then you have the potential for there to be a consistent application of charges for the damage done to the environment and every party can trade on an even footing with a known overhead. **In that instance harmonising is a positive step for the airline.**

Clearly it depends on which aspect of the legislation is to be reduced to ICAO standards.

However, as stated earlier, as the entire populous of the aviation sector has done things one way for many years, means that change will inevitably add costs and safety implications as it will require all those involved to become familiar with the new rules and if they reduce safety standards there will inevitably be the potential of accidents and incidents.

## Reforming the regulatory framework

We would like to understand the impact on your ongoing compliance costs if we were to simplify the structure of the regulatory framework. The simplification would be completed in a way that does not change the content of the regulations but consolidates existing requirements into a unified legal pillar.

39. In your view how would reforming the regulatory framework to consolidate existing requirements into a unified legal pillar impact your regulatory compliance costs?

- ☒ It would increase regulatory compliance costs
- ☐ It would have no impact on regulatory compliance cost
- ☐ It would decrease regulatory compliance costs
- ☐ I don't know the effect, if any (For organisations go to 'Transitional impact' and for individuals 'Delegation of rulemaking power to the CAA')



## Reforming the regulatory framework reasoning

The previous question asked how reforming the regulatory framework to consolidate existing requirements into a unified legal pillar would impact on your regulatory compliance costs.

### 40. Provide any comments on your answer.

As stated, any reform would add significant costs to the regulatory framework as the entire populous impacted by the changes undergo retraining, changes to computer systems, changes to ways of working.

The full financial impact would depend on the nature of the change.

[Now for organisations go to 'Transitional impact' and for individuals 'Delegation of rulemaking power to the CAA']

## Transitional impact

Simplifying the structure of the regulatory framework into a single legal framework may entail updating manuals, processes, and training staff.

### 41. What is your estimate of the total:

cost to your organisation (in pounds) to transition

Unite has no foundation from which to base the estimated cost as it very much depends on the nature of the transition and its scope.

The cost could run into millions as it may require legal clarification in court, or it may only require a notice highlighted in an e-mail and possibly a notice for a notice board.

time (in staff hours) it would take for your organisation to transition

Again, such estimates can only be made once the scale of the changes are understood.

### 42. Would the transition of simplifying the structure of the regulatory framework impact on your organisation?

☒

Yes

☐

No (Go to 'Delegation of rulemaking power to the CAA')

☐

Don't know (Go to 'Delegation of rulemaking power to the CAA')

## Transitional impact reasoning

43. How would the transition of simplifying the structure of the regulatory framework impact on your organisation?

Any change to the aviation regulations impacts at least one of our members somewhere given the number of members in Unite and the wide scope of their activities within the aviation industry.

When it comes to numbers, Unite has more members than are employed at any company within the industry and yet we are often left forgotten when carrying out discussions with impacted parties.

## Delegation of rulemaking power to the CAA

In the UK, most aviation safety and airspace requirements are established through legislation made by the Secretary of State (under the UK Basic Regulation) or His Majesty in Council (in Air Navigation Orders) and laid before Parliament.

The CAA is heavily involved in the policy development process however it does not have the power to make legislation and so has limited power to establish binding legal requirements.

We are now asking whether you think the CAA should have greater power to establish binding legal technical requirements for the purpose of regulating aviation safety.

This means that DfT would not approve all updates to technical requirements but would retain strategic oversight of aviation safety policy.

44. Do you think that it would be appropriate to give the CAA power to independently:

	International Civil Aviation Organization (ICAO) standards	ICAO recommended practices	Air Accident Investigation Branch recommendations	changes to address emerging risks to aviation safety
make regulatory requirements to implement:	No	No	No	No
amend regulatory requirements to implement:	No	No	No	No

Please provide any further comments on your answers.

Unite has lost faith in the competency of the CAA to carry out its current task without providing it with additional powers and duties to make changes. Unite believe currently the CAA doesn't have the competence, knowledge, expertise or staffing levels to take on this power.

## Growth in the UK aviation industry

In the attached document, one of the suggested proposals entails delegating technical aviation safety rulemaking power to the CAA to be updated in a form of tertiary legislation.

45. To what extent do you agree or disagree that reforming the aviation safety regulatory framework in this way would help the aviation industry in the UK to grow?

- ☐ Strongly agree
- ☐ Agree
- ☐ Neither agree nor disagree (Go to 'Safety policy rulemaking programme engagement')
- ☐ Disagree
- ☒ Strongly disagree
- ☐ Don't know (Go to 'Safety policy rulemaking programme engagement')

## Statement reasoning

The previous question asked to what extent you agree or disagree that reforming the aviation safety regulatory framework would help the aviation industry to grow.

### 46. Please provide any further comments on your answer.

As stated, Unite has lost faith in the competency of the CAA to carry out its current task. Giving the CAA the power to effect changes in legislation is inherently dangerous and could have safety consequences.

Regulators need to be detached and not funded by those they oversee. This is a conflict of interest.

Unite is firmly of the belief that relaxing the rules will lead safety consequences.

## Safety policy rulemaking programme engagement

47. Are you aware of how regulated industry is currently able to get involved in the safety policy rulemaking programme?

- ☒ Yes
- ☐ No (Go to 'Final comments')
- ☐ Don't know (Go to 'Final comments')

## Safety policy rulemaking programme: industry involvement

48. In your view should regulated industry be more involved in the safety policy rulemaking programme than it currently is?

- ☐ Yes
- ☒ No
- ☐ Don't know



## Safety policy rulemaking programme: involvement

49. How should regulated industry be more involved in the safety policy rulemaking and airspace regulations rulemaking programmes?

Unite is of the belief that the industry has become too involved in setting safety policy, rulemaking and airspace regulation rulemaking programmes.

The CAA is meant to be independent, but it has been too influenced by the voices of commercial aviation than those who wish to protect the staff and the traveling public.

## Final comments

### 50. Is there anything else you would like to tell us?

Unite currently believe the CAA is not as effective as it should be as they do not have the confidence in their understanding of the legislation. During the UK's membership of the EU, those with the specific knowledge and expertise left as there was no need to duplicate the work of EASA. The CAA were able to work closely with EASA and fellow member state competent authorities able to share knowledge and expertise. Since the UK ~~we~~ left the European Union the expertise, knowledge and competence of the CAA has been lacking which aviation employers have been able to take advantage of with non-compliance of legislation in some areas.

Unite has concerns that with the CAA funding coming from those they have to oversee, that this is a conflict of interest. If regulatory power is given to the CAA and the stakeholders involved currently (aviation employers) then this could be self-regulating, and the recent issues with the FAA and Boeing come to mind<sup>22,23</sup>.

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<sup>22</sup> [See the issue of the Guardian on the quality control issues](#)

<sup>23</sup> [Congress investigation into the relationship between the FAA and Boeing allowing them to mark their own homework and the failures that resulted particularly with the 737 Max and 787 Dreamliner](#)

## Contact

We are asking for your email in order to potentially clarify any of your answers given.

If you have any questions before submitting your return we can be contacted at [avsafindustryengagement@dft.gov.uk](mailto:avsafindustryengagement@dft.gov.uk)

51. Enter your email address.