Aviation White Paper March 2023

Submission of the Flights Attendants' Association of Australia

Organisation: Flight Attendants' Association of Australia

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1.0 INTRODUCTION

1.1 The Flight Attendants' Association Australia (FAAA) has represented cabin crew since 1956 and currently represents around 6000 cabin crew. The FAAA represents crew employed by international, domestic, and regional carriers domiciled and holding Air Operator's Certificates in Australia (AOC, the Airlines). Our members work for airlines that provide essential travel services to every corner of Australia and the world.

1.2 Our role at the FAAA is to advocate for members on all matters such as conditions of employment, Work Health & Safety, legislation, and other regulations affecting the industry. Members and the FAAA welcome the opportunity to inform a number of the themes identified within the terms of reference.

1.3 The cabin crew/flight attendant occupation[1] is female dominated (74%). This is 26 percentage points above the all jobs average of 48%. The occupation is slightly younger (median age 38) than all industries average (median age 40) [2]

1.4 For the year ending December 2022 there were 50.2 million RPT (regular public transport) passengers, an increase of 113.1 per cent on the year ending December 2021 and a decrease of 18.2 per cent on the year ending December 2019. There were 558.1 million aircraft trips in Australia in the year ending December 2022, a 51.8% increase from the year ending December 2021. [3] On each of these passenger trips there was a minimum of 1 cabin crew member[4]. The essential role of cabin crew is safety. Cabin crew's safety role includes:

- Conducting safety briefings
- Ensuring cabin is safe for takeoff, doors locked, cabin prepared.
- Cabin preparation and safe for landing
- Supervising, instructing, /detaining difficult/dangerous passengers.
- Attending medical emergency.
- Attending flight emergency.
- Managing turbulence
- Fighting fires
- Defending the flight deck with any means possible
- Evacuating craft in 90 seconds.

[1] ANZCO Code 451711

[2] https://labourmarketinsights.gov.au/occupation-profile/flight-attendants?occupationCode=451711#outlook

[3] https://www.bitre.gov.au/statistics/aviation/domestic

[4] Current CASA regulations provide for 1 cabin crew per 50 passenger seats

- Active participation in responding to Australian emergencies such as the Covid repatriation flights, maintaining a minimum network, flood evacuations, natural disasters (Cyclone Tracy evacuation) and terrorist events (Bali).
- Continual learning and review of updated safety procedures, cabin crew operating standards and airline policy and procedures

1.5 All these responsibilities can and do occur inflight. Cabin crew are the first responders to inflight medical emergencies. Training is not only theoretical as illustrated with cabin crew as first responders and then assisting in the medical emergency on the 2018 QF1 London to Sydney flight, tragically ending with the passenger's death[5]. The footage of the Qantas cabin crew member controlling passengers with her commanding yet calm *"Brace, Stay Down, Brace, Stay Down"* as the 2021 flight into Brisbane prepared for an emergency landing identifies one aspect of the essential safety role crew play[6]. Cabin crews are essential to flight safety. Why then is their safety and wellbeing unsupported by CASA regulated fatigue and duty limits? Cabin crews are largely left to 'bargain' for their fatigue provisions or rely on outdated Award[7] provisions which have not been adapted to meet the current nature of work. Cabin crew also play a service role in ensuring passenger comfort and maximizing the passenger experience. Increasingly airlines are intensifying the service aspects of the role with a corresponding negative impact on work intensification in fatigue. This is a future trend as airlines plough all opportunities to maximise return.

1.6 The future of flight is one of longer flight duration (the ULH nonstop New York/Sydney, Sydney/London). The issue of managing cabin crew fatigue is evidenced by a lack of regulation, inadequate application of airline FRMS standards, work intensification, downward pressure on wages, loss of critical industry skill and experience, casualisation and outsourcing. The airlines run a monopoly on the supply of labour through the opportunity provided by Covid to make redundant broadly only those crew on the best terms and conditions, dictating terms to labour hire companies and/or owning the labour hire company they use to provide cabin crew (Refer Attachment 1). Millions of taxpayer dollars flew to the airlines during Covid with no mutual obligation for the airlines to ensure the retention of Australian based jobs. Post Covid the cabin crew industry has experienced further offshoring of cabin

[5] Qantas in Adelaide emergency landing: Female passenger dies on flight to Sydney | news.com.au — Australia's leading news site

[6] For example, Findings from the investigation into an emergency evacuation of a Boeing 747-400 series aircraft at Sydney Airport in 2003 , ATSB 2001, Qantaslink Brisbane-Newcastle flight passengers told to prepare for emergency landing | news.com.au — Australia's leading news site

[7] MA000047: Aircraft Cabin crew Award 2020 (fwo.gov.au)

crew work and the stalling of career progression as long term experienced and skilled crew are passed over for senior roles which go to offshore or labour hire workers who are cheaper, and generally less skilled/experienced.

1.7 Many of the themes raised in the White paper have been canvassed in earlier reviews. For example, the March 2022 Senate Rural and Regional Affairs and Transport References Committee's report *'The future of Australia's aviation sector, in the context of COVID-19 and conditions post pandemic'* [8]. The FAAA adopts our submissions and evidence to that enquiry and encourages the current review to adopt the report and its 9 recommendations in developing the policy response for the industry to 2050. (refer Attachment 2)

1.8 Regulation to protect cabin crew from fatigue is long overdue. Australia is lacking in soundly based fatigue rules compared to the rest of the world. It's time for action.

2.0 EXECUTIVE SUMMARY

2.1 The FAAA is the dominant industrial association for cabin crew. Fatigue remains a major concern for the FAAA and our members. Fatigue diminishes safety and has a severe negative impact on the wellbeing of cabin crew. Domestic and International crew suffer ongoing fatigue. Research identifies cabin crew report sleep levels well below recommended levels. International crew report an average 4.9 hours sleep on working days (refer Section 5 herein). Fatigue has many causes many of which will be ameliorated through Airlines being required to implement CASA regulated standards.

2.2 Government reports recommend[9] (refer Attachment 4) the creation of regulated fatigue rules for cabin crew. CASA responded by informing the Government that the review of CASA's proposed fatigue rule for cabin crew, draft *Civil Aviation Order 48.2 Instrument 2014*. regulation know as 48.2 was on hold 'pending a complete review of fatigue management rules for flight crew'[10]. The FAAA met with CASA in December 2019, 2.5 years following the above statement and were advised that 48.2 was on hold pending an internal restructure of CASA. The FAAA corresponded with CASA in March 2023 (refer Attachment 5) to be advised that *'activation of the cabin crew fatigue project is under active consideration but no decision has been made on whether to proceed at this time.'* A decade has passed since the original 48.2was put out for industry consultation. Crew

[8] The future of Australia's aviation sector, in the context of COVID-19 and conditions post pandemic – Parliament of Australia (aph.gov.au)

[9] Australian Government response to the House of representatives Standing Committee on Infrastructure and Communications report: *Finding the right balance: cabin crew ratios on Australian Aircraft*; March 2017

[10] Ibid, recommendation 5, p.8

remain exhausted. The conclusion could be drawn that CASA is more responsive to the Airlines' rejection of 48.2 and the potential cost impact than the fact of cabin crew safety.

2.3 The Airlines' self-regulation through fatigue risk management systems (FRMS) has proved ineffective in supporting crew manage fatigue. Cumbersome and inappropriate reporting and fatigue measurement systems (refer Section 6), no paid fatigue leave, work intensification, unpaid work, and training (refer section 9), casualization (section 9), inability to access leave (section 5) all support CASA regulated fatigue rules. Fatigue rules for cabin crew cannot be left to the Airlines and enterprise bargaining agreements relying on relative bargaining power.

2.4 Company based training, casualisation, targeted redundancies, work intensity, inflexible rostering systems and the Airline's restrictive *Flexible Workplace Agreement*[11] practices continue to have a negative and disproportionate impact on women in the industry. Experienced crew are leaving the industry creating a skills gap. Parents struggle to achieve the work/life balance enabling them to remain in the industry. (Section 9).

3.0 RECOMMENDATIONS

3.1 Australian aviation safety will be bolstered by developing implementing, regulating and most importantly, oversighting, fatigue rules for cabin crew. Such rules should cover airline fatigue management systems to ensure proper and consistent approaches to the identification, reporting and responses to fatigue events, regulation of duty lengths, rest requirements and facilities for cabin crew to mitigate against and cover fatigue situations.

3.2 The FAAA adopts the recommendations of the Senate Standing Committee for inclusion in the White Paper. The Recommendations from this senate report included:

> 'Following the release of the International Civil Aviation Organization (ICAO) fatigue guidelines, the Civil Aviation Safety Authority (CASA) should expedite necessary changes and/or additions to the regulations governing flight and cabin crew fatigue risk management as a priority, and
>
> In the event that the International Civil Aviation Organization (ICAO) fatigue guidelines do not extend to cabin crew duty limits and fatigue risk management

[11] Available under s.65 of the Fair Work Act 2009 (CTH)

more broadly, the Government should amend the Civil Aviation Act 1998 to include cabin crew fatigue risk management under the Civil Aviation Safety Authority's (CASA) regulatory oversight.'

3.3 The FAAA calls for CASA to be resourced sufficiently to ensure that's Civil Aviation Order 48.2 for cabin crew fatigue is implemented.

3.4 The FAAA recommends that the white paper explore the issue of training being recognised as service.

3.5 The FAAA recommends the white paper consider the issue of cabin crew training and award pay rates.

3.6 The FAAA recommends that the white paper consider that the aviation industry maintain a skilled ready to fly workforce during situations like Covid, particularly when airlines received millions of dollars in Government support.

3.7 The FAAA recommends that the white paper include the recommendations regarding casualisation and outsourcing from *The future of Australia's aviation sector, in the context of COVID-19 and conditions post pandemic 2022* inquiry contained at Attachment 2 herein.

3.8 FAAA recommends that the white paper consider issues of gender equity and rostering. Airlines should be obliged to cater to the needs of this significant segment of its workforce more actively. Gender equity is a filter for all regulation and by adopting this approach the future skill requirements of the industry are more likely to be met and the cabin crew role that is founded in a sexist and misogynistic history, becomes more equitable and fair.

4.0 FATIGUE

4.1 Regulating fatigue for cabin crew

"A psychological state of reduced mental or physical performance capability resulting from sleep loss or extended wakefulness, circadian phase, or workload (mental and/or physical activity) that can impair a crew member's alertness and ability to safely operate an aircraft or perform safety related duties." (ICAO definition from Operators FRMS implementation guide 2011).

4.1.1 The science of sleep has advanced significantly over the most recent decade, with findings showing that the quality of sleep is vital to good health, dependant on the overall length of the time spent asleep, the time of day in which a person obtains sleep (where one is in their body clock cycle) and the environment in which a person sleeps.

People cannot 'bank' sleep for a later time, and importantly, people can only rest to improve wakefulness.

4.1.2 Brain waves change during sleep, starting and ending critical repairs to the brain and body, sending outgrowth hormone and re-energising the person. These brain wave changes, and sleep overall, are critical for mediation, memory, alertness, concentration, cognition, visualisation, relaxation and creativity. In the article 'Fatigue and sleep in airline cabin crew: A scoping review published in February 2023, found that many health problems are associated with shift work that goes with the cabin crew role and elevated risks for cardiovascular diseases, diabetes, obesity, sleep disorders, cancers, and poorer mental health[12]. In addition, this review also stated that extensive research has been conducted into pilots, but those findings cannot be readily applied to cabin crew, owing mainly to job requirements and the fact that cabin crew have a much more physical workload than that of pilots. Further, a 2005 finding by the United States Congress identified a need to address unique issues around cabin crew fatigue, and their findings through the National Aeronautics and Space Administration (NASA) Ames Research Centre's Fatigue Countermeasure Group, found that:

a. Most American cabin crew have operated whilst feeling fatigued and believe it is a common practice whilst the crew believe it is an unsafe practice.

b. 71%[13] of American cabin crew believe their fatigue affected their safety related performance, and

c. Past research that studied both pilots and cabin crew has found nearly 82% of participants have operated flights under the duress of fatigue whilst less than 27% felt comfortable enough to file a fatigue report.[14]

4.1.3 Outside of minimum Award hours of work provisions the hours limitations are set by enterprise bargaining. There is yet no equivalent to the CASA 48.1 standard developed for regulating flight fatigue standards for flight crew (pilots). This incongruity is

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[12] Wen,Ccy et al, Fatigue and Sleep in Airline Cabin crew: A scoping review *in Int. J. Environ, Res. Public health, 2023, 20,2652* https:// doi.org/10.3390/ijerph20032652

[13] Avers, K.B.; King, S.J.; Nesthus, T.E.; Banks, J. *Flight Attendant Fatigue, Part I: National Duty, Rest, and Fatigue Survey*; Federal Aviation Administration City: Washington, DC, USA, 2009.

[14] Efthymiou, M.; Whiston, S.; O'Connell, J.F.; Brown, G.D. Flight Crew Evaluation of the Flight Time Limitations Regulation. *Case Stud. Transp. Policy* **2021**, *9*, 280–290.

highlighted by the below report made by a pilot to the Australian Transport Safety Bureau (ATSB).

> 'The concern was reported by a captain who was concerned that the cabin crew were not given the opportunity to stand down due to fatigue after a flight was diverted.
>
> The reporter advised that they were the captain of a flight which had to divert to Adelaide due to bad weather. The flight then continued to Melbourne and the flight crew were stood down due to flight and duty limitations. The cabin crew however, were told they would be continuing with the aircraft, which required them to fly over 9.5 hours with a duty time of 15 hours. While acknowledging that crew members always have the option of reporting 'unfit for duty' due to fatigue, there appeared to be no consideration given to the possibility of fatigue being an issue in this case with such a long extended multi-sector duty.
>
> The operator's management seem to have forgotten that cabin crew are an essential part of the crew for safety purposes and if an emergency had occurred during the latter part of this flight, it is doubtful that the cabin crew would have been able to respond in an appropriate manner to ensure that the passengers safety.
>
> **Reporter comment**: It is evident that this is a common practice at [operator] and is something that needs to be urgently addressed, both from a safety concern and for duty of care to staff involved in the airline's day to day operations.
>
> **Regulator's response**
>
> CASA has reviewed the REPCON and notes that there are currently no Australian civil aviation regulations governing duty times and rest requirements for cabin crew. The operator's cabin crew duty limitations are set contractually. While it is reasonable to expect an increased likelihood of fatigue when a multi-sector duty is extended, there was insufficient information to assess the operational safety risks associated with the reported fatigue. For example, factors such as time of day, number of sectors, total duty time, recent sleep history, crew complement, availability of on-board rest will have a bearing on the degree of influence and significance of fatigue on work performance.**' Refer ATSB AR201700010** 02/02/2017.

4.1.4 CASA as regulator repeatedly responds to ATSB reports concerning cabin crew with the acknowledgement that '*CASA has reviewed the REPCON and notes that there are currently no Australian civil aviation regulations governing duty times and rest*

requirements for cabin crew. The operator's cabin crew duty limitations are set contractually'.[15]

CASA requires the resources and direction to develop the required regulations and to ensure the Airlines are accountable to their crew and the flying public regarding the regulations.

4.1.5 Cabin crew are aviation's first responders. They must be vigilant to the possibility of security threats, perform first-aid and manage medical emergencies, fight possible fires and dangerous goods events like exploding phone or lithium batteries and evacuate the aircraft in the event of an emergency. The FAA (the USA, Federal Aviation Administration) in its report[16] on flight attendant's fatigue in 2007, identified the very same points highlighted above. Fatigue has been identified as a significant contributing factor in many accidents injuries and death in a wide range of situations. There is a clear implication that fatigued and tired people are less likely to perform adequately and safely.

4.1.6 The most critical stages of flight are landing and take-off where evacuations become necessary. CAO statistics[17] show that' 90% of all aircraft accidents take place during take-off and landing, so this is a time when cabin crew are extremely vigilant. The cabin crew will be concentrating on the '30-second review' drill which is part of their safety and emergency procedures. This involves assessing the cabin for anything irregular or unusual, assessing the passengers in case of needing an able-bodied passenger to help with evacuation, and checking outside conditions through the window in case of fire, water, bad weather conditions, and unusual aircraft behavior'. Cabin crew must be ready to evacuate the aircraft immediately, at any given moment. Pre-take-off cabin crew are required to ARM aircraft doors at the beginning of a flight and DISARM doors at the end of a flight. These critical actions alone require crew to be free from fatigue, alert and capable of conducting an emergency evacuation using escape slides. It is easy to fail to apportion appropriate significance to these discrete safety functions like arming or disarming a door or adhering to standard operating procedures but in the event of an emergency the impact of fatigue has the potential to impact how these functions are carried out and the potential impact on equivalent levels of safety. Fatigue can significantly impact less discreet or more overt safety related duties like an evacuation. ATSB's research highlights the effect of cabin crew safety briefings finding

[15] For example refer ATSB matter numbers AR201800045 Cabin crew fatigue, AR201800024 Cabin crew Fatigue, AR201700007 Cabin crew Fatigue, AR201700078 cabin crew Fatigue,

[16] FAA DOT/FAA/AM-07/21; *Flight Attendant Fatigue,* Reports Prepared by: Mary M. Connors,Heike K. Rentmeister-Bryant, Charles A. DeRoshia; NASA Ames Research Center, Moffett Field, CA 94035,July 2007,Final.

[17] Evacuation: How Cabin crew Get It Done In Record Time (simpleflying.com)

that '*The results showed that an active safety briefing had significant advantages over a passive safety briefing, and that the visibility of the cabin crew influenced passenger perceptions of evacuation effectiveness'*[18].The contribution of fatigue on active as opposed to passive briefing is axiomatic.

4.1.7 If a flight attendant were fatigued and fell asleep on their jump seat during landing, and the aircraft lands without incident the potential risks may be limited. However, if an emergency arose that required the cabin crew member to take overt and immediate action such as an evacuation, the safety implications for the whole aircraft, passengers and crew would be significant. Given the FAAA receives many reports of crew falling asleep in such situations it is clear to us that the current fatigue measures in place are inadequate. Cabin crew fatigue standards from a regulatory perspective need to be promulgated to ensure the safety of airline operations.

4.1.8 In an environment where there is a lack of regulation, airlines are free to develop fatigue programs that on the surface appear that they are taking fatigue seriously by adopting their own FRMP (Fatigue management program). However, they are free to make "commercial" decisions that override fatigue recommendations and take the risk based on often spurious biomathematics that do not take into consideration a range of important issues. Illustrating this concern is the CASA response to an ATSB report[19] concerning multiple reports of fatigue:

> **'Regulator's response**
>
> There are several statements that suggest that the reporting of fatigue has been discouraged. The responses indicate a lack of clear communication and feedback by [Operator] to the cabin crew. While the responses by [Operator] indicates best practice, there is a "gap" that exists or existed between the Fatigue panel and the crew.
>
> There are a couple of statements that indicate a lack of response to raised fatigue issues.

[18] ATSB RESEARCH AND ANALYSIS REPORT **,**Aviation Safety Research Grant – B2004/0239
Final Evacuation Commands for Optimal Passenger Management, 2006

[19] AR201800060 Concern was cabin safety- multiple reports Cabin crew fatigue operating the [Location 1 - Location 2] pairing.

As in the previous comment, for all their efforts and consideration [Operator] is somehow not conveying their ongoing monitoring and responses in a manner that was clear to staff.

Several comments indicate that the rest period allotted is insufficient.'

AR201800060

4.2 History of regulation for Cabin Crew - CAO 48.2

4.2.1 In 2012, CASA wrote to those in the aviation industry inviting them to participate in a Cabin crew Working group (the group) around the proposal to develop regulation for Cabin crew to mirror the Fatigue Risk Management Protocols being developed for Pilots under what was to become CAO 48.1. The FAAA responded and Steven Reed the then President of the FAAA was nominated by the Flight Attendant's Association of Australia (FAAA) to represent it at such forums. Steven Reed was at that time a full time Customer Service Manager (CSM) (Cabin crew) with Qantas Airways limited and had flown for Qantas for 24 years as cabin crew whilst holding various positions with the FAAA including Safety roles, Work Health and Safety, and was an elected Health and Safety Representative at Qantas during that period.

4.2.2 The first meeting of the group was on 21 June 2013 where the FAAA was advised that John McCormick, the director of Aviation Safety on behalf of CASA was in the process of making a draft instrument under sub regulation 215 (2) of the Civil Aviation Regulations 1988 and paragraph 28BA (1) (b) and subjection 98 (4A) of the Civil Aviation Act 1988.The representatives of CASA present invited the participants (who were from across aviation including Qantas, Rex, Virgin, Jetstar and the FAAA) to discuss a proposal to introduce a CAO 48.1 for Cabin crew Fatigue management. The standards development project concerning fatigue management was proposed to be conducted in two phases. The first phase of the project was to review the standards for and develop new standards for flight crew fatigue management. The second phase was developing standards for cabin crew fatigue management.

4.2.3 The first phase of the project for Flight Crew (pilots) was ongoing when CASA in 2012 called for nominations for the working group whose task was to develop standards for cabin crew fatigue management. There was an expectation of a meeting in October 2012, however, the first meeting didn't take place until June 2013.The participants were provided with a draft NPRN (Notice of proposed rulemaking) for the proposed CAO 48.2 under the name of John McCormick. The issues raised at the Working Group

and the progress of deliberations and ultimate shelving of the project are contained at ATTACHMENT '3' herein. The summary of Airline responses indicates an overarching concern for the impact of the safety proposal on the bottom line.

4.2.4 The FAAA contacted CASA on several occasions to follow up the proposed CAO 48.2 for Cabin crew Fatigue Management. On 10 December 2019 the FAAA wrote to CASA, requesting to be updated at a subsequent meeting, on the CASA recommendation that fatigue surveys to establish base line fatigue for, amongst others, cabin crew would be undertaken, and to be updated on the likelihood of 48.2 coming online. (Refer Attachment 4). At the December 2019 meeting between CASA reps and the FAAA were advised that the NRPM was on hold pending an internal restructure and reorganisation of CASA. The FAAA followed up these outstanding issues with CASA in March 2023[20] and was advised that:

> "1. The surveys have been delayed by COVID 19 disruption. Surveys conducted in such unusual circumstances would be unlikely to return data useful to inform CASA of the fatigue state in the industry of each operational group.
> Planning for a flight crew member survey is underway.
>
> 2. For the reason mentioned above, the surveys referred to in the summary of consultation have not been conducted and no additional data is available.
>
> 3. Activation of the cabin crew fatigue project is under active consideration, but no decision has been made on whether to proceed at this time." CASA representative, 14 March, 2023, refer Attachment '5'

4.2.5 There has been at best a low priority given to cabin crew fatigue, by CASA. At worst it could be posited that the financial concerns of airlines to their profits and shareholders have taken precedence over the impact of fatigue on cabin crew and potentially, the flying public. The need to regulate however has not abated. Crew are not machines and their experiences with fatigue are real and captured in research and survey material.

4.2.6 The impact of fatigue on cabin crew's safety function has been identified by transport regulators over the world and responded to with appropriate and enforceable

instruments. Research and the articulated experience of cabin crew support the introduction of a regulatory fatigue framework for Australian crew.

5.0 EVIDENCE OF CABIN CREW FATIGUE.

5.1 Cabin crew fatigue has not received adequate attention with aviation researchers focussing on pilot fatigue.[21] The available research and survey work within Australia identifies fatigue as a significant issue for cabin crew. The FRMS systems look good on paper however are not fit for purpose.

5.2 The FAAA participated in a survey being conducted by Karyn Beyne, former cabin crew manager member of 21 years and former WHS lecturer at South Australian TAFE . Ms Beyne continues at the TAFE in a different capacity at South Australian Police. The survey was of QANTAS domestic and international cabin crew undertaken in the first half 2016. The 688 respondents in total were drawn from QAL (30%), QCCA, (11%), Jetconnect (2%), QAL Short Haul (43%), QD (11%), MAM 4%)[22]. A large majority of respondents knew when to report fatigue (85%) however a substantial majority (61%) reported they did not feel comfortable reporting fatigue for reasons including:

a. Letting other crew down,

b. Negative response from management,

c. Distrust of management- management suggest malingering, fear of repercussion, intimidation by managers, negative impact on career, not taken seriously by management, being performance managed after calling fatigue.

d. Better to go sick as comes out of personal leave anyway, reporting cumbersome and onerous, don't know how to report, must justify being fatigued, too complicated to report, process for reporting fatigue very involved and discourages crew from reporting when already fatigued.

5.3 Many of the 2016 respondents identified that the fatigue reporting system (INTELEX) was cumbersome and discouraged reporting. The FAAA distributed a survey to its members in 2019 with 1,404 responses received from QAL (35%), QCCA (14%), World fleet (35%), QAL Short Haul (12%), QD (2%),(MAM(2%). In response to the question *'Have you used the Intelex system to report fatigue?'*, 67% of respondents answered 'No'. In response to the

[21] Van den Berg, M et al *Fatigue Risk Management for Cabin crew,* Industrial Health, 2020, 58,2-14
[22] Rounding up above .5

question *'Were you trained to use Intelex?*' 96% of respondents responded 'No'. In answer to the *question 'Have you felt fatigued in the last 12 months*', 93% responded 'Yes'.

5.4 The absence of regulation enables the continuing disconnect between crew fatigue and fatiguing rosters. The FRMS systems are unfit for purpose and insufficiently applied. Cabin crew sleep is well below the optimum. 7-9 hours identified for adults as necessary to maintain optimum functioning and health. The Van den Berg research[23] identified average sleep for cabin crew as 6.3 hours on non-working days, 5.7 hours on working days and 4.9 hours for international crew on working days. Additional research[24] has also identified crew sleep deficit with the average sleep duration for cabin crew reported on workdays as 4.6 h, significantly lower than on days off, average 7.2 h, and significantly lower than perceived sleep needs 8.1**.[25].** These levels of accumulating sleep deficit are dangerous to both individual wellbeing and flight safety.

5.5 The ATSB is the repository of reports concerning cabin crew fatigue and refers reports to the regulator. Transparency ends here. Take the below report concerning an airlines FRMS system which was referred by the ATSB to the regulator (CASA) with no further action or outcome publically recorded by either ATSB or CASA. Regulation is required to ensure cabin crew are afforded fit for purpose protection and their concerns with fatigue management supported by a protective regulatory framework.

> 'AR201900030, 07/05/2019
>
> **Concern summary**
>
> The concern related to the operator's reporting requirements and follow-up process for cabin crew members reporting fatigue.
>
> Regulator to follow up
>
> **Reporter's deidentified concern**
>
> The reporter has expressed a safety concern regarding [Operator] discouraging cabin crew reporting fatigue. The reporter advises that the process for cabin crew to report fatigue is different to the requirements of flight crew. Cabin crew

[23] Ibid, p.2
[24] Perrin.S.L, Beyne, K et al, *Timing of Australian flight attendant food and beverage while crewing: a preliminary investigation*, Industrial Health 2019, **57**, 547–553.
[25] Ibid

are required to complete a detailed fatigue questionnaire following reporting fatigue, that flight crew who report fatigue are not required to do.

The reporter states that the perception of providing answers to the comprehensive checklist is to enable [Operator] to attempt to attribute fatigue to factors outside of the control of the airline. The reporter states that if the questionnaire was best practice for assessing, monitoring and analysing fatigue, flight crew should also be completing the questionnaire. The reporter has questioned what [Operator's] process is for analysing cabin crew fatigue reports and if it differs to the process for analysing flight crew fatigue reports. The reporter further states that when cabin crew report fatigue, they receive a welfare call from a cabin base manager. The reporter states that the tone of these phone calls, and the subsequent meeting to complete the fatigue questionnaire, are perceived to be disciplinary and intimidating rather than a concern for the member's welfare.

The reporter further advises that on occasion, transport home arranged by [Operator] following cabin crew reporting fatigue is delayed or does not arrive at all. Not only does this increase the symptoms of fatigue, but it is also perceived as another tactic to discourage fatigue reporting.

The reporter stated that 12-hour shifts are regularly extended out to 15-hour shifts due to flight delays, and cabin crew are returning to their home at 2330 at night experiencing headaches, dizziness and dehydration, and needing to awake at 0530 to complete the same schedule.' **ATSB**, **AR201900030**

5.6 The responses of FAAA members contributing to this submission support the academic research into fatigue:

'I would love to make note of the fact that so many of my colleagues have had to leave the job because the company does not offer part time hours for return-to-work parents nor do they offer work flexibility. All crew are completely fatigued and overworked there is no work life balance. I am currently on a "low part time" contract and FWA and I am still being fostered 98 planned duty hours plus available days which take me up to about 125-130 a month.'**(Team Jetstar, Witness 7)**

'This is an airline that bluntly refuses to install the most basic horizontal cabin crew rest facility on it's fleet of some twenty-eight (28) A330 aircraft, leaving cabin crew to sit in passenger seats, curtained with the flimsiest of material, constantly being knocked by passing passengers and disturbed by immediately

adjacent flushing toilets. When Qantas pushed the issue of flying further on this aircraft and my union refused to accept the inadequate arrangements, Qantas simply outsourced the flying to it's New Zealand based crew who are not covered by our EBA'.

In the last EBA Qantas stripped all crew of 5 U.R.T.I. days (yes, upper respiratory tract infection leave days whilst we were in the middle of a global COVID-19 pandemic, which, as we all know, would most definitely be consider to be an upper respiratory tract infection to say the least). Cabin crew now have 10 days in their first year of flying and 16 days every subsequent year to use as *personal leave*, which also includes reporting **fatigued**. This job has to be the single most fatiguing job in the world, yet if a Qantas crew member reports fatigued, their sick leave is docked two (2) days. Then I have to complete a report detailing the ins and outs, so to be honest, it's easier to say I have a head cold and be done with it as either way the days are deducted from my personal leave bank**.'(QAL, Witness 10)**

'In addition to longer hours, workload in general has increased due to increased capacity on a/c (a safety issue in itself), higher pax to f/a ratio (50:1 instead of 36:1) and airlines adding more and more tasks to the f/a role e.g. onboard sales, mandatory report writing, cleaning a/c, onboard headcounts etc. All this increased workload is carried out under increasing time pressures as airlines insist crew work to a Precision Timing Schedule (PTS)'**(Team Jetstar, Witness 11)**

'The next hurdle will be the impending *"Project Sunrise"* whereby Qantas intends to fly, non-stop, from Sydney to New York; a staggering flight time of some nineteen-plus (19+) hours. Imagine if there's a ninety (90) minute delay leaving Sydney, the aircraft has to hold for thirty (30) minutes upon arrival into New York, and then because of traffic congestion, it takes the crew two (2) hours of more to reach the hotel. Add on the time *before* departure from Sydney, and we are easily looking at a working day that could easily be in excess of thirty (30) hours!'(**QAL Witness 10)**

Difficulty in Accessing Leave

5.7 Stand down of all Qantas International Cabin crew took effect from 00.01 30th March, 2020. During the stand down period, Cabin crew were given options to take Annual Leave or Long Service leave in the short term if required to assist with an income boost however Job Keeper was also made available. From recall day in December 2022, availability of Leave

was restricted for Sydney and Melbourne bases due to operational requirements however Brisbane crew remained on Stand down.

5.8 Once all crew were back operational and the demand for flying increased, access to Annual Leave or Long Service leave was difficult to obtain. The "bulk leave" process made available to crew has positions available for approximately 50% of the work force. For some bases and categories, QAL employees were notified of only one or two leave slots sometimes 3 weeks apart. For QCCA employees, no slots were published and it was at the discretion of Qantas if and when leave slots were awarded.

5.9 Many crew voiced their disappointment at not being able to obtain leave when applied for. The response from the airline when asked by the Planning and Scheduling Committee was that the workers had requested leave at peak times such as School Holidays or European Summer hence limited availability. The fact that we had over 1000 crew exit the business via a Voluntary Redundancy Program during the pandemic was also a key factor as recruitment and training had not taken place by this stage.

5.10 On Monday 27 February the airline opened its bulk annual leave bidding for the period 19 June 2023 – 16 June 2024. Results are to be published at 1700 AEST Wednesday 12 April 2023.This is the first full allocation process since restart of the airline. Cabin crew are still unable to secure Long Service Leave at this stage regardless of State requirements for such leave. Cabin crew are able to wait list for leave however it is not necessarily considered until closer to the planning window for that bid period (28-day roster). Rarely is any leave approved.

5.11 The fact of cabin crew fatigue is exacerbated by the difficulty in securing annual and/or long service leave. The QANTAS decision to use Covid as an opportunity to *'rightsize the group's workforce and fleet…to deliver ongoing cost savings, 6,000 fewer jobs'*[26] means 20% less staff, work intensification for the remaining and an increase in unpaid working hours.

> 'For example, I know now I need two weeks off in the middle of October 7 months away. I have tried to secure LSL - received a 'no' response and to check slots available each month. A/L slots are not released until the end of April. As far as I am concerned this is not good enough and is instilling a great deal of anxiety in me. I should not have to wait and hope I can get MY owed leave

[26] Alan Joyce, *Message from Alan- next 100 recovery Plan*

allocated when I am providing the Business with 7 months' notice. **(QAL, Witness 6)**

Using my own experience as an example. I was based in SYD as a CSM up until December 2021, now based in MEL. Since mid-2020, I have applied for 6 separate allotments of LSL and have been rejected six times. I understand that coming out of COVID and the return to normal flying levels initially had difficulties with crew testing positive and having to isolate for 7days. Applied for 2025 but not approved-'waitlisted' (**QD, Witness 14)**

6.0 INADEQUACIES OF SAFE-FASTE AND CURRENT FRMS

6.1 Fatigue Risk Management Systems ("FRMS") are a method for Air Operator Certificate Holders (AOC, or the Airlines) to apply a flexible approach to fatigue management, given the unique safety implications that fatigue has on airline operations. It is regarded as a "scientifically based, data driven means of continually monitoring and managing fatigue related aviation safety risks". [27] FRMS requirements are also listed in CAO 48.1 and require approval from the Civil Aviation Safety Authority ("CASA").

6.2 FRMS Committees are usually advisory only and there is at best an opportunity to raise issues or examples. It is a matter for the airline management to accept or reject the concerns/issues raised. The point of regulation is not to impede an airline's ability to be commercially viable by creating a rule set that unduly restrict flight or cabin crew from operating when it is safe to do so; but to create a legislative framework that provides for the highest standards of operational safety and ensuring the rules are in place to provide the adoption of a real safety culture around fatigue rather than one in name only.

6.3 You cannot bank the benefits of a sleep for a period of sleep loss. Therefore, sleep deprivation can lead to fatigue which destabilises emotions, reaction time and mental health. Long term impacts of a lack of regulation around fatigue for cabin crew are not just overt safety implications in a day of operations but in the development of depression, anxiety, PTSD and in worse case scenarios serious mental health conditions and suicide. Cabin crew often resort to the use of sleeping pills and supplements to help manage their fatigue and this leads to other consequences that a regulated system of fatigue like CAO 48.2 would go a long way to address.

[27] https://www.casa.gov.au/operations-safety-and-travel/safety-advice/fatigue-management/fatigue-risk-management-systems-explained

6.4 Sleep is a non-negotiable biological necessity for everyone. But not everyone has other people's lives in their hands if they have not had sufficient sleep. And those that do shoulder such responsibility need to have rules that can be policed to ensure safety for those they are responsible for. The absence of rules creates the absurdity where fatigue safety reports are made to the ATSB who has little authority to act as the regulator CA. Joseph Heller would have a good laugh at this Catch 22.

SAFTE-FAST.

6.5 The Airlines FRMS protocols adopt a programme known as SAFTE-FAST as the predominant tool to build non-fatiguing rosters for cabin crew. Cabin crew reporting fatigue will have their rosters assessed using the SAFTE FAST bio-mathematical model. There are significant problems associated with SAFTE-FAST, particularly as it relates to cabin crew, including:

a. The programme was built for pilots and does not recognise that different work routines on the aircraft will deliver differential fatigue outcomes between pilots and crew. Crew are on their feet for most of any flight performing safety functions and responding to a myriad of service and passenger demands. Crew often miss breaks and no horizontal sleep spaces provided. Sleep opportunities are limited to spare passenger seats or curtained off seats located near the toilets with noise from queuing passengers and interruptions from passengers opening the curtain and requesting assistance reducing sleep opportunities.
b. Pilots have regulated rest periods and appropriate, for example, designated horizontal rest spaces. Crew have the break and rest periods designated by their industrial instruments. The same industrial instruments also provide for breaks not to be taken and for crew to operate outside of the industrial instrument.
c. SAFTE-FAST does not factor in any individual circumstances for cabin crew e.g., is the crew member returning from illness.
d. SAFTE-FAST considers only that 'sleep opportunities' were available and not whether sleep was able to be achieved. For example, was the plane delayed from its take off or arrival? Was the duty extended? Was crew transport provided? Was the crew member able to get to sleep in either the home or away port?
e. SAFTE-FAST does not consider that 'sleep opportunities' will be disrupted by life. Was a child sick during the night? Was study required? Did crew have insomnia? Disturbed circadian rhythms?

f. SAFTE-FAST look at fatigue commencing from when crew commence operating duty, not from when they first woke. For example, an available span may commence at 4a.m. where crew must be ready to be called out. The call-out for operating duty however may not occur until 2.00pm. SAFE-FAST will only review fatigue from the 2:00pm duty commencement not from the available span.

g. SAFTE-FAST looks at the duration of the duty, hours of wakefulness and does not consider the type of aircraft flown. Crew report that shorter flights can be more fatiguing than longer flights. Due to the times of departure of flights some shorter flights provide less opportunity for recovery sleep . An example is Singapore to Australia trips which sign on early afternoon and fly through the night landing in the early hours of the morning. because of the time zones there may be little opportunity to have a 'nap' or sleep before you start the duty and so the period of wakefulness can be longer. On shorter flights there is also less opportunity for a sleep on the duty as the shorter the flight time the less break time the crew will have .

6.6 Operators acknowledge problems with the SAFTE-FAST method whilst continuing its use. Refer for example operator (Airline) comment regarding biomathematical models as reported by the ATSB.

> 'There are significant limitations to all fatigue algorithms or bio mathematical models. For example, SAFE populates the model with expected sleep, which may not reflect the actual experience of crew operating particular patterns.' *AR201800060*

The FRMS embedded reporting fatigue process often acts as a disincentive to report fatigue. Crew are given the opposing messages of being responsible to manage and report fatigue whilst at the same time receiving mixed messages about reporting fatigue and being lumbered with clunky and demanding reporting requirements. Refer section 5 above.

Inadequacies of CFIP

6.7 As part of the fatigue risk management processes and systems, airlines in Australia often have fatigue steering committees, or crew fatigue identification panels ("CFIP") for cabin crew, with the scope to identify, track and eliminate causes of fatigue for cabin crew. Whilst these are effective at identifying causes of fatigue, lack of legislation provides no clear guidance to both the AOC holder and the crew member on methodology to eliminate the cases completely. Whilst the *Aircraft Cabin crew Modern Award 2020*, and various enterprise bargaining agreements ("EBAs") may provide contractual obligations to

employers, the lack of civil aviation orders for cabin crew remain as one of the main challenges that Australian cabin crew face.

6.8 The CFIP at Qantas uses the biomathematical SAFTE-FAST programme to predict *group* fatigue levels, rather than on an individual basis and is not a substitute for risk assessment for the reasons articulated above. Additionally, the CFIP panel, comprising of workforce planners, cabin crew, fatigue experts, cabin crew managers, schedulers, and day-to-day operations personnel, provide evidence reviewed scheduling practices. It should also be noted that the positions for cabin crew on this panel are not elected by the workers in the same manner that a Health and Safety Representative it, instead they are selected by the airline via a application process and there is no clear understanding on what qualities or skills the successful applicants have. Yet when HSR who are experienced in WHS legislation and risk assessment and risk management apply they have been consistently rejected. Most of the work undertaken at CFIP is retrospective with data gathered from fatigue reports, submitted by cabin crew. These reports question the crewmember on past sleep, how they feel using the *Samn Perelli* score (A value given to how one feels, with 1 being wide awake and fully fresh to 7 being totally exhausted and unable to function) and contributing factors. These reports are voluntary and not required to be provided, unless the crew member has not begun or completed a duty. Previous engagement surveys and anecdotal reports are referred to above and establish cabin crew members are not comfortable filling these reports as they are cumbersome, ask for a lot of data, are seen as jeopardising career prospects, and come out of the personal leave pool, which may or may not require a doctor's certificate as verification of their fitness to return to work. Cabin crew often manage fatigue by identifying as sick rather than fatigued, as calling in sick is a better option to filling in a fatigue report and it still is sick leave regardless.

7.0 INTERNATIONAL STANDARDS - REGULATION OF FLIGHT ATTENDANT FATIGUE.

7.1 Cabin crew are assigned to perform duties in the interests of the safety of passengers on board aircraft engaged in public transport operation. The Federal Aviation Administration (FAA) have recognised cabin crews' role as in-flight primary responders who need to be vigilant to "the possibility to security threats, perform first aid, fight a possible fire and evacuate the aircraft in the event of an emergency landing or accident". Cabin crew also play a pivotal role in communication between the cabin and flight deck regarding conditions inside and outside the aircraft during emergency situations.

7.2 Fatigue among flight attendants is a growing concern especially with changing flying patterns and planned extended duties with longer range flying planned, i.e. Sydney/New York/Sydney and Sydney/London/Sydney. It can have serious consequences for both the safety of passengers and crew members. To address this issue, several international organizations have developed guidelines and regulations to manage flight attendants' fatigue.

7.3 The International Civil Aviation Organization (ICAO) has established guidelines for flight attendant fatigue management that are used by many countries. The guidelines include recommendations for scheduling, rest periods, and duty limits to ensure that flight attendants have adequate time to rest and recover between flights.

7.4 In addition to ICAO, the International Air Transport Association (IATA) has also developed guidelines and best practices for managing flight attendant fatigue. These guidelines include recommendations for scheduling, rest periods, and training programs to help flight attendants manage their fatigue and perform their duties safely and effectively.

7.5 Several countries, including the United States, have also established regulations to manage flight attendant fatigue. In the United States, the Federal Aviation Administration (FAA) has established specific duty time and rest requirements for flight attendants. These requirements vary based on the type of flight, the number of flight attendants on board, and the time of day. Overall, the regulation of flight attendant fatigue is a complex issue that requires collaboration between unions, airlines, regulators, and industry organizations. By following established guidelines and regulations, we can help to ensure that flight attendants are well-rested and able to perform their duties safely and effectively.

7.6 Countries having established regulations to manage flight attendant fatigue, include:

a. United States - The Federal Aviation Administration (FAA) has established specific duty time and rest requirements for flight attendants.
b. Canada - Transport Canada has established regulations that set out rest requirements and maximum duty times for flight attendants.
c. European Union - The European Aviation Safety Agency (EASA) has established regulations that set out requirements for flight attendant duty time and rest.

d. United Arab Emirates - The General Civil Aviation Authority (GCAA) has established regulations that set out rest requirements and maximum duty times for flight attendants.
e. Japan - The Civil Aviation Bureau of Japan has established regulations that set out rest requirements and maximum duty times for flight attendants.

7.7 Many other countries also have their own regulations or follow guidelines established by international organizations such as the International Civil Aviation Organization (ICAO) or the International Air Transport Association (IATA). Fatigue is firmly established as a contributing factor for accidents, injuries and death in a wide range of settings. Fatigued cabin crew are less likely to perform and act safely. The International Civil Aviation Organisation has established standards and appropriate practices for the management of fatigue for flight and cabin crew members.

7.8 As identified above, regulating to protect cabin crew fatigue has stalled in Australia since 2014 and we are significantly behind the rest of the world concerning this aspect of aviation safety. Simultaneously, Australian airlines have been seeking to extend cabin crew's sector and duty lengths while reducing rest requirements and onboard rest facilities. With this context, the FAAA believes it is vital for the safety of Australian aviation that fatigue rules for cabin crew are developed, implemented and most importantly, regulated. Such rules should cover airline fatigue management systems to ensure proper and consistent approaches to the identification, reporting and responses to fatigue events, regulation of duty lengths, rest requirements and facilities for cabin crew to mitigate against and cover fatigue situations.

7.9 Senate Standing Committee Report: Rural Affairs and Transport References Committee report on Pilot training and airline safety. In 2010 a Senate committee inquiring into Pilot training and airline safety and Consideration of the Transport Safety Investigation Amendment (Incident Reports) Bill 2010 considered Cabin crew fatigue and heard from the airlines' regulators and airline crew. Chapter 4 of the above-named report considered fatigue, issues relating to cabin crew, and cost pressures impacting on the Australian aviation industry. In relation to cabin crew, one airline captain is quoted as saying in the report:

> 'Cabin managers have told me the duties they are rostered for often consist of a series of early morning starts followed by late starts and back of clock operations which usually results in elevated levels of fatigue. Cabin managers have told me that on occasions they have felt momentarily disorientated in the cabin and have

forgotten how to disarm an aircraft door ... Cabin managers also say that if they take sick leave then they are questioned by their manager.'

The captain then continued:

'Another recommendation I would like to make is that cabin crew duty hours be regulated by CASA regulations in the same way that flight crew duty hours are regulated. At the moment, some cabin crew are on an EBA and they have restrictions on the hours they can work; and then I think there are another two tiers of employment contracts that cabin crew are working to—all on the same aircraft—and they do not have the same restrictions on duty hours, which are hours spent in an aeroplane. They can operate for, I think, up to 16 hours, whereas the EBA cabin crew can only operate for up to 12. It seems to me that those duty hours are regulated only through the EBA process. I think cabin crew duty hours should be regulated through CASA because, at the end of the day, even though the passengers' lives are in our hands as flight crew, if for whatever reason the aircraft is on the ground and needs to be evacuated, their lives are then in the hands of the cabin crew.'

7.10 Further, the Australian International Pilots Association ("AIPA") observe that cabin crew fulfil important safety functions on commercial flight operations. "Cabin crew are part of the aircraft management team. More so now than ever prior to the enforced separation of the cockpit security door, cabin crew have to deal with many issues without the physical support of the flight crew. AIPA believes that it is axiomatic that proper fatigue management of cabin crew must be prescribed in legislation."

7.11 Recommendations from this senate report included:

'Following the release of the International Civil Aviation Organization (ICAO) fatigue guidelines, the Civil Aviation Safety Authority (CASA) should expedite necessary changes and/or additions to the regulations governing flight and cabin crew fatigue risk management as a priority.

In the event that the International Civil Aviation Organization (ICAO) fatigue guidelines do not extend to cabin crew duty limits and fatigue risk management more broadly, the Government should amend the Civil Aviation Act 1998 to include cabin crew fatigue risk management under the Civil Aviation Safety Authority's (CASA) regulatory oversight.'

7.12 The FAAA adopts these recommendations for inclusion in the White Paper.

8.0 CONCLUSION ON FATIGUE

8.1 The causes of cabin crew fatigue are multi-dimensional and include shift work, duty rosters, inability to sleep during sleep opportunities, insomnia, unscheduled delays lengthening shifts and an inability to 'catch up' on sleep loss, unpaid and unrecognised duty, inability to access leave.

8.2 CASA regulates fatigue for flight crew pilots by way of Civil Aviation Order 48.1. Regulatory standards need to be established for cabin crew. CASA undertook to expand this regulation for cabin crew and began the consultation process, but regulation was never completed and implemented. The FAAA calls for this process to be completed to ensure that there is proper regulation covering fatigue for flight attendants. CASA should finalise the process to ensure that draft Civil Aviation Order 48.2 for cabin crew fatigue is implemented.

9.0 SKILL AND FUTURE INDUSTRY WORKFORCE SKILLS AND TRAINING

9.1 Future industry workforce skills and training requirements-UNPAID TRAINING

9.1.1 One of the objectives of the white paper is to examine and address skills shortages across the aviation sector and competition amongst airlines. Timely, given that the Qantas group - Australia's largest airline group of companies - announced in March 2023 that it expects to create over 8,500 new jobs in the sector during the next ten years. Given the arduous training requirements required of many positions in the industry – even outside the flight deck – training is a costly investment, however the return on investment in Australia has awarded our country one of the world's highest aviation safety records. From an external perspective, the role of a flight attendant can be seen as a very entry level role, however training is intensively delivered over 4-8 weeks, depending on aircraft endorsements and service training. Following initial training, the requirement to maintain currency is ongoing throughout cabin crew's career.

9.1.2 One of the barriers to entry to the workforce in the cabin crew industry has been the practice of withholding an employment contract until the cabin crew member has completed training.

This has several implications:

- With no employment contract, untrained cabin crew are not seen as employees and may not be given protections that employees have, such as access to workers compensation schemes if injured whilst undertaking training, often on live aircraft at major Australian airports. During Covid the labour hire firm Altara did not recognise as service the training period of their casual crew. This impacted crew who failed to qualify for job keeper as casuals with 12 months' employment. Had the training period been recognised crew would have received support enabling them to remain attached to the industry.
- No minimum wage (or any wage at all) paid, effectively breaching the Fair Work Act 2020 (Cth) National Employment Standards.
- The training is delivered from the carrier directly, without any Registered Training Organisation (RTO) accreditation - meaning that the training school is not recognised, and the qualification is not portable
- The operating procedures and service requirements are different at each carrier, meaning that if a flight attendant leaves one airline to join another, may be required to complete a whole new 4–8-week unpaid course again.

9.1.3 One major Australian regional carrier outsources the recruitment and supply of flight attendants, potentially to reduce recruitment costs. Upon the successful completion of the unpaid training to become a flight attendant, the outsourcing company pays the newly minted flight attendant with a $1,200 'bonus' for completing the training program and then is awarded an employment contract on the modern award conditions. This is similar to the post-Covid employed outsourced cabin crew at Qantas through *Altara Resourcing* and has been standard practice at Jetstar for approximately a decade. The Northern Territory based carrier, *Airnorth*, does not offer this bonus after completing training and effectively reduces the earning capacity of workers in this vital industry for the top end. Airnorth Crew are employed under the Award.

9.1.4 The FAAA recommends that the white paper explore the issue of training being recognised as service.

9.1.5 Other Unpaid Training: In addition to the initial training period crew are required to maintain currency of their emergency training undergoing testing twice per year. Training to prepare for testing is unpaid. Crew are also required to prepare for duty in unpaid time including:

a. Cabin Standing Orders
b. Service Briefs

c. Operational Management Program (OMP - lists restrictions by port regarding Covid)
d. Port Briefs
e. Emails
f. CIS for any adhoc information

9.1.6 FAAA members identified unpaid training and duty as a contributor to fatigue and job dissatisfaction:

> *All previous conditions on the EBA 10 have been lost and we are now working in our own time chasing up uniform appointments, reading emails in days off to stay up to date on service and safety changes, spending time applying for visas, passports , chasing up allowance discrepancies and superannuation issues - all in our own time and never paid for time spent doing this* **(QF Witness 3)**
>
> *Increase of online training in own time with no duty credits to RP* **(Virgin, Witness 9)**
>
> *The day in the life of a Qantas long haul flight attendant includes an enormous amount of unpaid work; from collecting my uniform and cleaning in my own time; reading company emails and being up to date of policy and procedural changes in my own time; applying for passports and travel visas in my own time; getting vaccinations in my own time. Even getting to sign on and briefing, navigating passport control and security checks is done in my own time! The freebees continue on the return sector, with crew briefings given on crew transport from the hotel, again more unpaid work* **(QF, witness 10)**
>
> *Crew are having to undertake work related duties in their own time e.g., checking latest company notices and directives and report writing if necessary.* **(TJ, Witness 11)**

9.1.7 To keep their position, cabin crew are required to maintain currency with both industry and company protocols. Company policy and procedures go to hundreds of pages with crew expected to operate within the policy and procedures or face disciplinary procedures.
The FAAA recommends that the white paper review the incidence of unpaid training in the industry in relation to skills training.

9.2 Paid Training

9.2.1 In addition to the unpaid training and duty performed cabin crew are paid to undertake a variety of training modules to maintain currency. Training is undertaken via methods ranging from online to classroom style. Required currency modules for an international cabin crew member include:

a. How We Work in the Qantas Group
b. Understanding Workplace Mental, Health and Wellbeing
c. Intelex Introduction
d. Manual Handling at Qantas
e. Group Management System
f. Standard (GMS) Introduction
g. Risk Assessment at Qantas Program
h. WHS Committee Essentials
i. Injury and Mental Health response
j. WHS Legislation Essentials
k. Manual Handling Tips
l. Becoming an Upstander
m. Fatigue Management Introduction
n. Manual Handling for International
o. Cabin crew Program
p. Manual Handling Practical Assessment for International Cabin crew
q. DAMP Awareness for Employees
r. Our Standards of Conduct
s. De-Escalating Customer Behaviour for Frontline Employees
t. ACAA Customers with Disabilities
u. Manual Handling for International Cabin crew Program
v. Privacy Awareness
w. Safety and Security Awareness

9.2.2 This is a significant amount of work on top of flying duty. It is a significant amount of required skill and training which remains unreflected in the pay rate. The rate for a cabin crew member under the Award is $24.28ph with cabin supervisors on narrow body craft receiving $28.33 and cabin managers $33.08. When compared to rates in other awards, for example the *Fast-Food Industry Award 2022*[28] adult entry rate of $23.38ph, it is clear

[28] https://www.fairwork.gov.au/find-help-for/fast-food-restaurants-cafes/fast-food-industry

that the Award rates for cabin crew are inconsistent with the level of required paid and unpaid training, skill and responsibility.

9.2.3 The FAAA recommends the white paper consider the issue of cabin crew training and award pay rates.

9.3 Impact of Covid

9.3.1 The term *brain drain* is well known in Australia parlance. It refers to the loss of talented individuals relocating to overseas jobs and locations because Australia cannot utilise their talents, Australia doesn't have the industry requiring their talents, or Australia cannot afford to keep their talent in the country.

9.3.2 The other business issue is off shoring, where companies outsource business functions to other countries usually because the cost of labour is lower, inability to find local workers willing to perform duties for the wages demanded by Australian Companies, the platform or system is outdated and there is no willing workforce in Australia.

9.3.3 The COVID-19 pandemic brought these two phenomena to light. Australia saw many supply chain issues due to closed borders preventing the flow of people, goods and services to meet internal; demands. When it was time to start up, we saw companies with resourcing issues. Job Keeper served its purpose, to a degree, however there were significant lag issues as the aviation industry tooled up.

9.3.4 During the shutdown of aviation, border closures and all cabin crew being stood down, the FAAA repeatedly requested that the airlines continue to keep crew trained in their emergency procedures so that when the crisis was over crew could immediately start back up. QANTAS refused with a subsequent skill gap and training lag when flying resumed.

9.3.5 Additionally, there were approximately 1500 long haul and 500 short haul crew who took Voluntary Redundancies during the period of shut down. QANTAS limited its redundancy offer to only those crew employed under EBAs with the better conditions which resulted in redundancy only being offered to the longest serving and most experienced crew. It was always evident that these roles would need to be replaced. QANTAS took the opportunity provided by Covid to remove its better remunerated workforce. QANTAS is now contacting those crew, asking them to come back to work on the lower conditions provided by their fully owned subsidiaries, QCCA and QD.

9.3.6 At the time redundancies were occurring the FAAA was very concerned that at the loss of so much experience without the industry. Post Covid crew are being replaced at great speed. The training centres are full, and Qantas is training crew in Abu Dhabi and London as well as Australia as the training pipeline is stretched to breaking. This creates concerns over truncated and rushed training for cabin crew operating as first responder

safety professionals. The competency of new recruits and the quality of training becomes concerning when crew are churned out as they are currently with the higher than usual training attrition rate supporting the FAAA's concerns.

9.3.7 The extreme worker shortage that followed the start-up of the Australia economy was and is exacerbated by the lack of skilled workers. Full employment is one thing, but Aviation requires skilled workers who are trained in emergency procedures specific for the airline they work for. The safety of passengers and crew is dependent on this workforce of trained cabin crew being actively engaged in the workforce.

9.3.8 The FAAA recommends that the white paper consider that the aviation industry maintain a skilled ready to fly workforce during situations like Covid, particularly when airlines received millions of dollars in Government support. The FAAA also refers to our submission and supplementary submission [29] to the Senate's *'The future of Australia's aviation sector, in the context of COVID-19 and conditions post pandemic'* inquiry and adopts our submissions and recommendation to that inquiry.

9.4 Casualisation and outsourcing.

9.4.1 Aviation has experienced a proliferation of labour hire companies such as Altara Resources and Maurice Alexander Management (MAM), providing casual workforce to the likes of Qantas, Jetstar and National Jet. QANTAS has created fully owned subsidiaries, in effect becoming a labour hire agency to the main entity. (Refer Attachment 1)

9.4.2 On the one hand we are concerned about the true independence of these labour hire firms. The understanding is that a casual can choose to accept work when it is offered. However, FAAA have observed the aviation industry's causal workforce is made to request leave from employment, subject to the granting of leave slots from the client airline. Casual workers are also being asked to provide medical certificates to seek personal leave and casual workers being 'counselled' for not accepting shifts.

29 https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Rural_and_Regional_Affairs_and_Transport/CovidAviation/Submissions

9.4.3 One labour hire firm does not pay a training wage, so employees are essentially volunteers during the training phase and they may be offered employment after successful completion of training. Once offered employment casuals are warned from applying directly to the client airline for any vacancies in their first 12 months. There is an implication that the application may be rejected by the client airline. This labour hire firm can hardly claim they are protecting their investment in training.

9.4.4 A current live dispute for FAAA members is the lack of a penalty for loss of a paid meal break. See attachment '1' for a summary of the provisions applying to the various contracts. The impact is that the crew are often not able to achieve a meal break due to conditions and staffing on board Directly engaged crew and some labour hires are entitled to a break which if not achieved, incurs a penalty. Award paid crew are not entitled to a meal break with the award only requiring that "the employer will make every endeavour to ensure that a cabin crew member has a 20-minute paid meal break at least 5 hours after sign on…" (cl. A 3.6 of the award) not only does this impact fatigue, but there is no penalty attached to not receiving a break. Each flight is likely to have a multiple of contracts working side by side on significantly different wages and conditions.

9.4.5 Jetstar uses crew from Thailand and Indonesia to reduce the need for an Australian workforce. This is not a Covid effect but a business strategy to drive down wages which was happening well before the pandemic. When the inevitable start up post Covid began, Jetstar could not access their oversea based crew because of border restrictions and the lack of Australian based crew. Outsourcing created a large skill gap and longer start up process for Jetstar. The outsourcing of jobs dampens both wages and career expectations for Australian based crew. It acts as a disincentive to remain in the industry.

> We have crew working the same job, with many different pay levels. We have outside labour hire companies who make massive profits whilst the crew they employ are on minimum wages. It should be same job same pay but this has been eroded which causes disharmony in the workplace **(QF Witness 3)**
>
> Also finally how does a huge company receive all the funds from the Government during Covid - make redundant their full-time workers and then re employ workers from a labour hire company to do exactly the same job at a lot lesser rate **(QF Witness 3)**

> Denpasar crew are just about to be promoted to CSM and they have flown less than 3 years, but I have done 12 and have worked hard and value my management skills but will more than likely NEVER be offered the career progression of full time International CSM **(Jetstar Witness 5**)
>
> On board any given Qantas flight there could easily be as much as seven (7) different wage scales, all ostensibly doing the same job - most certainly being all trained to the same exacting emergency procedure standards **(QF, Witness 10)**

9.4.6 Casualisation and outsourcing is being used by the airlines to drive down wages with the effect that industry skills and experience are also being diminished as well as industry retention. Australia needs to be building this skilled workforce for the long term, to ensure a sustainable Aviation industry, our vast brown land is not getting smaller.

9.4.7 The FAAA recommends that the white paper include the recommendations regarding casualisation and outsourcing from *The future of Australia's aviation sector, in the context of COVID-19 and conditions post pandemic 2022* inquiry contained at Attachment 2 herein.

9.5 Industry and Women

9.5.1 The cabin crew industry is firmly gender segregated with women making up 75% of the industry. Despite of, or because of, the industry remains inflexible to their needs. Historically in Australia, the role of flight attendants was completely gendered. It was a role available only to women. The majority of the work in the aircraft cabin was performed by male flight stewards. The flight stewards would perform the service functions on board an aircraft while the flight attendant's role was more akin to a hostess.

9.5.2 Until the mid-twentieth century, airlines across many countries had stringent policies prohibiting female flight attendants from getting married or having children. There were also strict policies on the height and weight of attendants, as attractiveness was one of the most important qualities of a good flight attendant. The policies furthered the goal of only employing young and traditionally attractive women.

9.5.3 In Australia, the aviation industry's approach to the marriage and motherhood of female flight attendants was inconsistent. Some airlines had explicit policies that required female employees to resign upon getting married or pregnant. For example, until the

late 1960s, the public service's "marriage bar" required female flight attendants to resign once they got married or pregnant. The impact of these restrictions on female flight attendants was significant. The policies not only denied women equal employment opportunities but also perpetuated gender stereotypes that women's primary role was to be a wife and mother. These policies also put undue pressure on female employees to choose between their careers and family life, which was not choice male employees were required to make.

9.5.4 Thankfully, the overtly sexist policies no longer exist. However, legacies of these policies remain in the industry, with unique benefits in agreements and awards such as hose and grooming allowances, and policies that strictly regulate physical qualities such as hairstyle and lipstick shades. Further, significant bars to women's continued employment post marriage and birth remain. However, these bars are now more subtle and indirect.

9.5.5 An international flight attendant may be required to be away from their home base for weeks at a time. While a domestic flight attendant can be required to be away from home base for up to six days at a time. Flight attendants are required to work at all hours of the day, and on all days of the year. Flight attendants are rostered to work by incredibly complex computer systems, which balance coverage throughout the flight networks. These systems are quite simply not built to allow the sort of restrictions that facilitate a parent's carer responsibilities, such as allowing flight attendants to finish in time for school pickups or have consistent days of work to organise childcare.

9.5.6 The rostering systems are expensive, cumbersome, often quite dated, and incredibly unique, with very few people trained in programming any required adjustments or updates. Any changes to rostering systems that benefit flight attendants usually must be bargained for in enterprise agreement negotiations. Negotiators are quoted costs in the hundreds of thousands if any changes are suggested, and these costs are asked to be offset elsewhere in agreements through higher productivity. Thus, the systems often remain as 'one size fits all' style programs. This inflexibility is of great detriment to people with specific needs, that would be easily catered for in an office style, 9 – 5 type job.

9.5.7 As such, flight attendants who request flexible working arrangements under the Fair Work Act are often given solutions that simply reduce the amount of work a flight attendant must complete, rather than suit specific circumstances. Flight attendants who request different flexibilities are often met with the response "*maybe this job just isn't for you*." Otherwise, standard requests such as, only working mornings, not being able to work specific days, are often difficult to satisfy. Traditionally, many women have transferred from international to domestic operations when starting a family, if they don't leave the industry completely.

9.5.8 The net result is an industry that is dominated by women but remains unconcerned with their needs. Through inflexible rostering practices rather than overt sexist policies, mothers and married women are continually forced out of the industry, and the airlines' original goals of only employing young, attractive, and available women is maintained. This is a brain drain which future flying demand cannot afford to ignore.

> *We need more flexibility offered and stated in our EBA for parents and main care givers of children.*
> *I know we are told by management "this is the job you signed up for" however many of us joined 10-20 years ago when our lives were different & prior to children.*
> *I am a single parent with full time custody. I love my job HOWEVER as a parent I feel I am not offered flexibility in the workplace. Virgin offers us flexibility with "part time" with no airport or available days. There is NO offer for this to be full time therefore I am forced to work part time only putting me in financial difficulties which has been the case since returning to work 9 years ago after the birth & maternity leave for my twins*.
>
> **(Virgin, Witness 12)**

9.5.9 QANTAS recently replaced international cabin crew's 56-day roster with a 28-day roster span. This is a dramatic change to how the international crew are rostered causing significant stress and anxiety to cabin crew The FAAA conducted a survey of the change in roster span. Crew are indicating that the change in rostering is making their work / life balance difficult, 86% percent have said their relationships are suffering as a result of the unpredictability and instability of 28 day rosters , 57.1 % are unable to fulfil their caring responsibilities , 94.1 % are unable to make medical appointments more than a month in advance, and 90.5% believe their overall health has suffered. Stress, anxiety and depression are resulting from the short roster periods, the constant need to bid for work, and having have rosters disrupted has increased this anxiety. We believe this should be considered a workplace injury and characterised as a psychosocial injury.

9.5.10 FAAA have tried to work with the company on managing the issue however have been told that 56-day rosters are gone as the Company requires flexibility in planning their network and yet the network planning is mainly around domestic flying and aircraft shared with domestic and international operations namely the 330. Cabin crew's flexibility and work/life balance needs are ignored.

9.5.11 FAAA recommends that the white paper consider issues of gender equity and rostering. Airlines should be obliged to cater to the needs of this significant segment of its workforce more actively. Rostering systems should be required to be built to give

women the options that would cater for requests that would be considered basic in any office environment. By doing this, the role that is founded in a sexist and misogynistic history, would truly be equitable and fair.

10.0 CONCLUSION

The FAAA has established the case for our issues to be included in the white paper. Specifically, we have established that establishing appropriate fatigue rules is both overdue and necessary. The FAAA looks forward to the committees deliberation and participating in further consultations and the creation of fit for purpose industry regulation and policies.

ATTACHMENT 1

QANTAS CORPORATE STRUCTURE and THE IMPACT ON CONDITIONS FOR CABIN CREW

ATTACHMENT 2

The future of Australia's aviation sector, in the context of COVID-19 and conditions post pandemic.

List of Recommendations

Recommendation 1

4.100

The committee recommends that the Australian Government adopts Recommendations 16 and 17 from the Senate Select Committee on Job Security's *Third interim report: labour hire and contracting:*

Recommendation 16

The committee recognises the merit of an independent body with the power to make and enforce binding standards on aviation supply chain participants, including airports and their central role. Those standards include 'same job, same pay' for outsourced and labour hire workers performing functions directly connected to aviation operations, job security protections, and fair procurement standards. The committee recommends the Australian Government consults with industry participants, including unions, employers, and other stakeholders on the development of this body.

Recommendation 17

The committee recommends the Australian Government imposes obligations upon companies in receipt of future public bailouts, which prioritise job security and guarantee that companies cannot follow Qantas' lead and exploit **emergencies to engage in illegal workforce restructuring.**

Recommendation 2

4.109

The committee recommends that the Australian Government urgently works with industry, unions professional associations, and aviation sector experts, to prepare a comprehensive white paper on the future of the aviation sector post-pandemic, including aviation workforce issues such as:

the ongoing impacts of job insecurity, wage decline and the erosion of safe work conditions on the aviation workforce, in the context of the pandemic and the sector's recovery;

measures to lift wages, conditions and standards at airlines and airports around Australia, including aviation workers performing the same job are entitled to the same pay, and holding airlines and others at the top of aviation supply chains responsible for standards throughout the chain;

options for lifting workforce supply to support the projected growth in aviation activity; and

approaches to ensuring that workforce growth results in the creation of a sustainable, highly-skilled and secure workforce for the long-term.

Outcomes from the white paper process should inform a national plan for investing in aviation sector workforce retention, training and capacity building to ensure sustainability over the medium and long-term.

Recommendation 3

5.98

The committee recommends that the Australian Government consults and communicates closely with industry, professional associations and trade unions in the design and delivery of future aviation support measures.

Recommendation 4

5.104

The committee recommends that any future crisis support provided by the Australian Government to the aviation sector be conditional upon recipient entities retaining skills and capacity in the sector. Initiatives designed to retain capacity should specify that workers must be retained, that their pay and conditions should not be reduced, and should set out the amount that workers should be paid under the assistance.

Recommendation 5

5.108

To committee recommends that to assist with enforcing these conditions and expectations associated with future crisis support payments, and in recognition of aviation's critical contribution to national security, supply chains and sovereignty, that the Australian Government considers acquiring an equity stake in support recipients as part of the support agreement.

Recommendation 6

5.114

The committee recommends that the Australian Government provides ongoing and targeted assistance to support the retention, training, certification and recertification of aviation workers throughout the recovery period.

Recommendation 7

5.115

The committee recommends that the Australian Government, in consultation with unions, professional associations, airlines, labour hire companies and training providers:

identifies the long-term training needs for the aviation sector;

examines where future pressures lie;

develops a program of skills development targeted at the aviation sector; and

develops initiatives to ensure the industry remains internationally competitive in retaining key staff and attracting new entrants to the workforce.

Recommendation 8

5.116

The committee recommends that the Australian Government urgently considers the skills needed across the sector, and the best means of retaining those skilled workers, including developing a scheme that provides financial support directly to pilots, engineers and other highly skilled, in-demand aviation professionals to assist in maintaining their accreditation and training requirements.

Recommendation 9

6.100

The committee recommends the Australian Government leverages its procurement processes and spending within the aviation sector to protect and lift standards, promote fair wages, conditions and job security, and ensure the effective operation of an aviation industry in the national interest.

ATTACHMENT 3

Summary of CA 48.2 Working Group

The Working Group meeting of 21 June 2013 identified many issues, summarised below:

- How strict would the requirements be to closely align to the prescriptive limitations for pilots.
- Could Cabin crew and Pilots operate under the same FRMS if 48.2 was introduced.
- Would flight time be relevant for Cabin crew FRMS in the same way as pilots stick time?
- What impact would forms of leave be on FRMS hours
- What impact would trip-swapping between Cabin crew have on FRMS?
- How would an operator take into consideration workload of Cabin crew from an FRMS perspective.
- Operators indicated that they would like CASA to consider previous FCM FRMS trials when considering trial CCM Trials
- Concerns around the timeline for possible implementation and the impact on operators
- Consideration needs to be given to the workload intensity issues for Cabin crew resulting in differing levels of fatigue.
- What if Cabin crew were carried as extra crew (service only) would they be subject to FRMS
- How would an operator demonstrate that they have adhered to scientific principles.
- Some aircraft manufacturers don't make seats that would recline sufficiently to meet the requirements of the NRPM.
- Will CASA supply the working group with any science-based principles that were used to develop the draft NPRN.
- Impact of an airport standby on FRMS and would ICAO (International Civil Aviation Organisation) guidance be used.
- If airlines are required to maintain records for 10 years, in what format and when would the ten years start.

The above are just a sample of the issues raised by the working group in submissions that CASA would respond to in time. The participants were written to on 28 April 2014 by Ian Banks – Manager Safety Management Systems and Human Factors making the following points.

- It was not reasonable to claim that CASA were not willing to listen to requests for alternative limits or different approaches to managing particular fatigue risk when a reasoned case that is presented with some convincing evidence is not provided.

- CASA is cognisant of the need to eliminate any unnecessary impact on industry and are requesting working group representatives begin to present detailed costing associated with any concerns around what are considered unnecessary cost impacts.

- A regulatory impact survey was sent out and working group members were invited to provide input if it was felt that the survey was not suited to the task and needed amendment.

- Responses were requested by Monday 19 May 2014.

1. From the points above, the FAAA formed a view that perhaps a level of push back from the airline operators had reached CASA about the impact of introducing regulated Fatigue rules for Cabin crew. When examining the responses of the Airlines it is easy to see why CASA felt it necessary to respond. Below are extracts from some of the airline's responses:

- 'There does appear to be potential for significant impact on operators as a result of the complexity and impracticality'.
- 'Concerns around unintended consequences.
- 'Significant financial impact'
- 'a case for demonstrable safety improvements does not appear to have been conclusively made'.
- 'Minimum rest provisions may compromise flights where government has provided subsidy".
- 'Rules around acclimatisation will add complexity and cost to our business'.
- ''there needs to be consideration that the rules would impose on both large and small operators in the domestic environment'.
- 'The cumulative duty time limitations outlined in Appendix 2 clause 12.1 inhibit our ability to construct rosters with higher density operational periods while ensuring adequate rest days'.
- 'We do not believe that the proposed document should progress to NPRM without further industry consultation'.
- 'It is worth noting on the basis that it was not discussed at the working group that with 70% of the Australian travelling public leaving Australia on foreign carrier's, how will CASA ensure that the risks to the travelling public that CASA are seeking to regulate in these provisions are also mitigated to an equivalent standard by foreign carriers'
- 'Whilst the limitations closely reflect the flight crew limitations, aligning the cabin crew to these same limitations reduced productivity and restricts the ability to compete in the medium and long haul arena, and imposes regulations above and beyond those foreign carriers would be subject to.'

- 'The crew rest provision does not exist on current aircraft and would incur significant retrofitting costs to redesign and there would be a requirement to release saleable real estate to accommodate'.

2. Following the receipt of the information above from Airlines (we have included only a very small sample of the feedback) and other material and discussions, CASA wrote to the working group on 9 October 2014 and thanked the group for their contributions so far on the regulatory survey, CAO 48.2 and the CAAP.

In that correspondence, Ian Banks from CASA stated:

"I would like to assure you that while the current draft of the proposed 48.2 was based on (available) fatigue science as it related to people generally and not role, job or task specific, CASA is aware that in many circumstances, the same level of fatigue in cabin crew and flight crew does not equate to the same impact on safety. That being said, when cabin crew are required to be on active duty where must be a level of assurance that those crew members are awake and sufficiently alert to perform all safety related duties".

3. Following a further meeting of the working group on 17 November 2014, Ian Banks from CASA wrote to the working group thanking them for open and honest input and outlined the following summary of CASA action items:

- Review of the Enterprise Agreements/Modern Award for comparison of Flight time/Duty Time limitations
- Review of IATA (international Air Transport Association) information on aircraft types and crew rest availability.
- Review wording of impediment as it applies to adequate sustenance for Cabin crew.
- Review of acclimatisation in the 2-3 hours bracket with the aim of simplifying the regulation.
- Forward a copy of the regulations proposed limits for class four (4) crew rest facility (economy seat)

4. There has been no further action on the 48.2 working group since 17 November 2014. On 29 June 2016 the Qantas International Head of Cabin crew advised the FAAA that CASA had "shelved" the proposed CAO 48.2 Indefinitely.

ATTACHMENT 4

From: Sally Taylor <sally@faaa.net>
Sent: Tuesday, 10 December 2019 6:05 PM
To: Crawford, Graeme <Graeme.Crawford@casa.gov.au>; Woonton, Susie <Susie.Woonton@casa.gov.au>; Teri O'Toole <teri@faaa.net>; Michele Gallop <michelegallop@hotmail.com>
Subject: FAAA meeting with CASA

Dear Graeme,
Looking forward to meeting with you and Craig on Thursday. Representing the FAAA will be Teri O'Toole, International Secretary, Michele Gallop, cabin crew and FAAA member, whom you have already met and myself. I understand you are interested in hearing of our concerns regarding Ultra Long Range operations and genuine safety concerns. Our concerns regarding ULR are incorporated within our broader concerns regarding cabin crew duty hours and fatigue.

The issue of regulating cabin crew duty hours, patterns, rest periods and on board facilities remains outstanding. During our meeting we wish to:

Introduce ourselves and Identify all CASA forums, working groups, consultative mechanisms and opportunities for the FAAA to represent members, particularly regarding the development of appropriate duty regulations for cabin crew;

Identify the problems our members face in reporting fatigue. The success of a regulatory system driven by either prescriptive standards or regulation through a FRMS, requires operators to walk the walk as well as talk the talk in developing a supportive 'reporting' culture. The development of appropriate standards is informed through the analysis of reports identifying the patterns, breaks, rest opportunities and duty linked to fatigue. The FAAA will share survey data identifying that the under reporting of fatigue is at level compromising the integrity of FRM systems.

We would appreciate an update on the proposed surveys identified in the **September 2018** CASA Response to the Independent Review . **Action 25.1** CASA will commission regular third part surveys of industry to establish a baseline of fatigue rules and identify further continuous improvement opportunities. The survey approach will seek to capture multiple parts of the aviation industry to inform future regulation development including flight crew, **cabin crew**, maintenance personnel and air traffic controllers. (p.25). https://www.casa.gov.au/sites/default/files/modernising-australia-fatigue-rules-casa-response-to-independent-review-recommendations.pdf;

Discuss opportunities for CASA to include the monitoring of cabin crew in fatigue surveys: refer **August 2019** CASA Summary of Consultations. Project SOC 18110s Project OS 02/03. Note page 10 CASA intends to conduct fatigue surveys prior to 2020 transition date and then every 2 years. Research will focus on long duties (10-13 hours) at the most favourable time of day, long duties (8-10 hours) at less favourable times of day, duties of 3 or more sectors, augmented crew operation including ULH and disruptive

schedules. https://consultation.casa.gov.au/regulatory-program/cd-1811os/results/fatiguerules-summaryofconsultation.pdf; and

Be updated on the '2nd Phase', currently on hold, of fatigue management regulation for cabin crew including the March 2014 draft *NPRM Fatigue Management for Cabin crew Members* : refer March 2017 Australian Government Response to Standing Committee- Finding the Right balance: Cabin crew Ratios on Australian Aircraft . Note Response to recommendation 5 re establishment of cabin crew flight and duty times consistent with ICAOSARPS https://www.infrastructure.gov.au/aviation/publications/files/Att-A-Cabin-Crew-Ratios.pdf

Yours sincerely

Sally

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ATTACHMENT 5

CASA Email of 14 March 2023

OFFICIAL

Dear Ms Taylor

I refer to your request below for information related to CASA's work to develop standards for the management of cabin crew fatigue.

I hope that the following points in response to your questions below are of assistance in finalising your submission to the White Paper process:

1. The surveys have been delayed by COVID 19 disruption. Surveys conducted in such unusual circumstances would be unlikely to return data useful to inform CASA of the fatigue state in the industry of each operational group.
   Planning for a flight crew member survey is underway.

2. For the reason mentioned above, the surveys referred to in the summary of consultation have not been conducted and no additional data is available.

3. Activation of the cabin crew fatigue project is under active consideration but no decision has been made on whether to proceed at this time.

Kind regards

Paul

Paul Hibberd (Mr, he/him/his)

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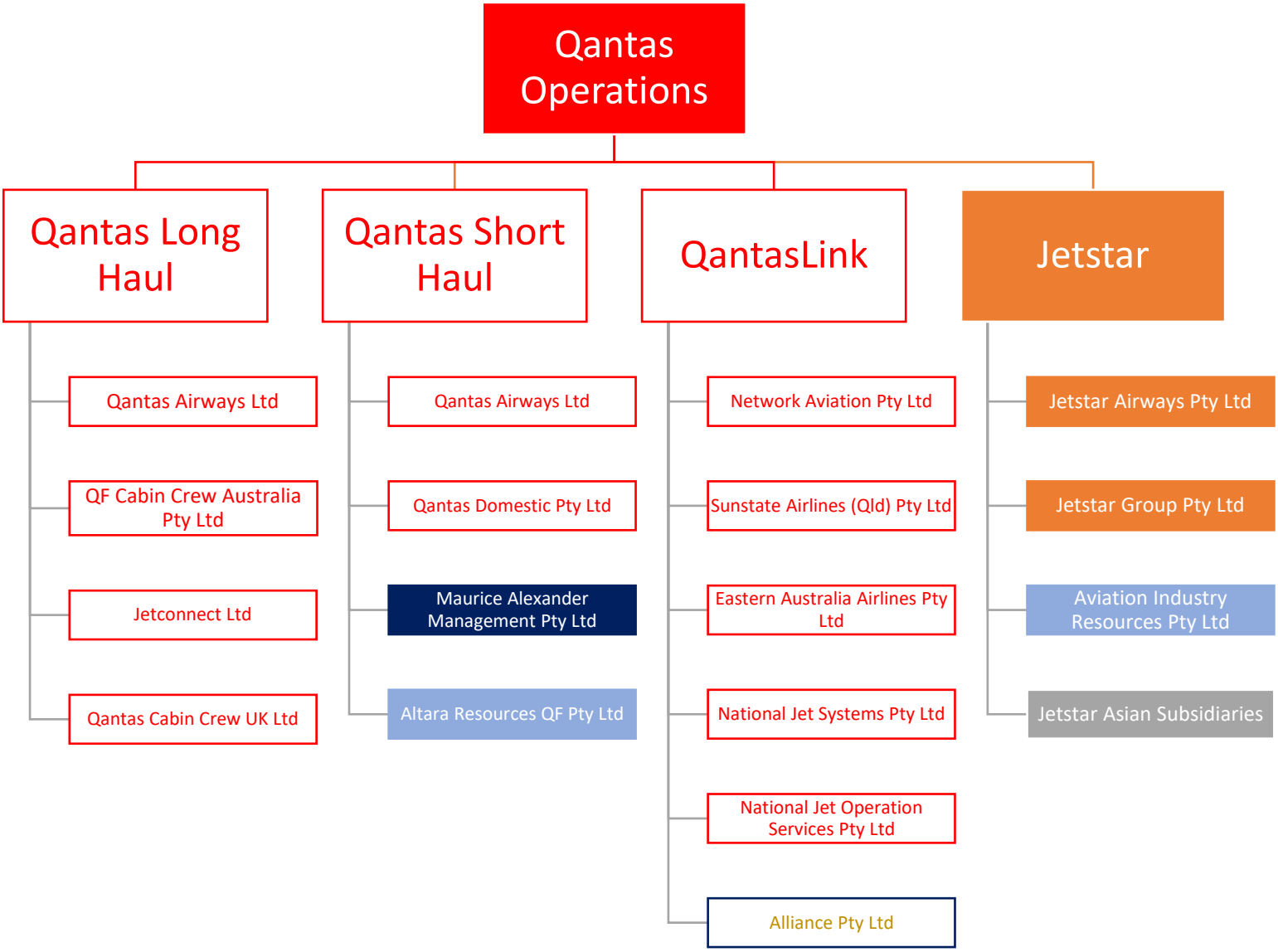
CASA acknowledges the traditional custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their Elders both past, present and emerging

Qantas's corporate structure and the impact on conditions of Cabin Crew

Contents

Qantas Structure



Qantas Long Haul Operations

Qantas's long haul operations is work completed on widebody aircraft (two isles) on predominantly international routes. The long haul fleet is made up of Airbus A380s and A330s. and Boeing B787s. This work on these aircraft is completed by employees of:

- Qantas Airways Limited (**QAL**);
- QF Cabin Crew Australia Pty Ltd (**QCCA**);
- Jetconnect Ltd; and
- Qantas Cabin Crew (UK) Limited (**QCCUK**).

QAL is the parent company while QCCA, Jetconnect and QCCUK are subsidiaries based in Australia, New Zealand, and England respectively.

QCCA was established in 2007 when Qantas management decided they needed significant cost savings and productivity from Cabin Crew to operate on the A380 aircraft they had recently purchased. Qantas asserted that it required a new workforce for the A380. Qantas indicated that they wanted this new workforce to fly the new A380 aircraft but not on the conditions under the then applicable enterprise agreement.

An enterprise agreement was then voted up and approved, which covered both QAL and QCCA crew, however the terms applicable to QAL employees were much more favourable from both a pay and workload perspective.

Then, in 2021 while international crew were stood down remove the favourable conditions of the legacy crew on the QAL contract to the QCCA contract. This meant an increase of hours from 193 to 240, a reduced hourly rate, no seniority for the purpose of bidding for work, or work positions, reduced sick leave entitlements, reduced conditions around positioning flights, overtime, duty limits, rest periods etc.

The proposed EA was rejected by 97% of crew. Qantas followed the unsuccessful vote with an application to terminate the operational EA. If successful, crew would have been relegated to the modern award and its vastly inferior conditions. Crew would have been earning approximately 80 cents more than a fast food worker. In an effort to avoid the termination of the EA the FAAA engaged in conciliation with Qantas, and had the deal which had been rejected by crew, put back on the table. With the FAAA's support, this deal was made with 85% of crew now voting yes.

The FAAA was hamstrung in resisting this outcome. The very limited international network at the time meat there was no opportunity for crew to take meaningful PIA. Additionally, QAL crew were offered redundancy during the pandemic, not QCCA crew, meaning QCCA crew were now in the majority and their conditions were not changing to the same extent.

The end result is that legacy conditions have been decimated and lowered the benchmarks on rest, wages and conditions for Australian Cabin crew.

Additionally, Jetconnect and QCCUK pose ongoing threats to the work and conditions of domestic based crew. For example, when domestic based crew have insisted on maintaining the protections in their EAs, such as crew rest on aircraft, Qantas have used offshore crew who aren't entitled to the same crew rest, to complete such work.

Qantas Short Haul Operations

Qantas domestic operations began with Qantas Airways Limited direct host employee Cabin Crew (QAL SH). These continued to be employed by Qantas SH EBA9.

Qantas began JetConnect NZ in 2002, a wholly owned subsidiary to recruit Cabin Crew from NZ and work on the Trans-Tasman routes, which will displace Qantas Short Crew operating on the Trans-Tasman routes.

In 2003, Qantas procured labour hire casual Cabin Crew from a start-up Maurice Alexander Management Pty Ltd (MAM). These cabin crew are currently employed under the *Flight Attendants Association of Australia National Division / Casual Flight Attendants Enterprise agreement 2015* (MAM 2015). Initially this agreement began with a single contract Category "A", over the years this grew to include Category "B", "C" and then "D".

These Cabin Crew are employed as casuals, but crew conditions are subject to the client airline, Qantas Airways Limited, for example, should casual crew request a leave of absence, they will only be granted a leave according to the Qantas approval and dependant on the available leave slots. This is quite perverse and the antithesis to casual employment.

In 2008, Qantas ceased hiring cabin crew directly and created a subsidiary called Qantas Domestic Pty Ltd (QD). All new recruits were employed in QD under the *Qantas Domestic Pty Ltd Cabin Crew Workplace Agreement 2015 – Qantas Domestic*. The QD agreement has fallen under the safety net 3 times in the past 3 years, requiring their wage to be increased to match the modern award.

In 2022, Qantas claimed the COVID Pandemic necessitated the introduction of a second casual workforce from another labour hire company, known as Altara Resource QF Pty Ltd (ALTARA) as they considered the MAM workforce too expensive. ALTARA Cabin Crew casuals are employed under the *Aircraft Cabin Crew Modern Award 2020*.

Interestingly, ALTARA Cabin Crew casuals are currently being advised they cannot apply for externally for role directly with QD within 12 of starting at ALTARA. Were they to be successful in recruitment with QD, ALTARA claim they will not be released from their current casual role and their application will be rejected by Qantas Domestic. All this happens despite ALTARA being a separate labour hire company from QD.

Qantas continued by procuring casual cabin crew from ALTARA, ostensibly to place competitive pressure on MAM. As a consequence MAM reacted by introducing a "Category E" in their New Enterprise Agreement, which is a clone of the *Aircraft Cabin Crew Modern Award 2020*.

MAM has set up a modern award entry "Category E" for new recruits. This Category "E" Matter in MAM's new EA is currently in dispute before the FWC.

Qantas have told MAM that if they do not include a modern award entry point (Category E Contract) in the new EA, that Qantas will allow them to continue nor have new groups trained under their current 'Category D' contract , below is an extract from the FWC matter where Maurice Alexander states the following under cross examination

> *THE DEPUTY PRESIDENT: Mr Alexander, am I understanding your evidence to be that Qantas is not making available training school places because of the terms of your current EBA?---Correct.*
>
> *Yes, all right, go on.*

MR MASSY: Thank you, your Honour.

All right. But they had not said to you, 'In the event that the agreement was not approved, no further recruiting schools would be made available to you'?---Yes, they have. There's no further schools available to me unless I can get this E contract up. They've made that very, very clear.

This was in the meeting in November - - -?---Right through. If I can't get this agreement up, Qantas are not - their cost structure, they're overpaying - they're overpaying on their QALs, every part of their establishment they're overpaying, compared to the other airlines in the business. They have to become cost effective for their own long-term survival. Those costs will increase over the next 10 years, unless they do something now. The management know that, so they've got to be cost effective and they're not going to allow Virgin and other people to operate and have MAM crew paying some over the odds contracts. So, no, it's a question of survival for Qantas, as I see it, from their point of view.

Short Haul Comparison of Benefits

Short Haul	QAL SH	Qantas Domestic	Qantas Altara	MAM	JetConnect NZ
Entity	Parent Company	Wholly Owned Sub	Labour Hire	Labour Hire	Wholly Owned Sub
Work Pattern	Permanent	Permanent	Casual	Casual	Permanent
Agreement	FLIGHT ATTENDANTS'ASSOCIATION OF AUSTRALIA -SHORT HAUL DIVISION (QANTAS AIRWAYS LIMITED) ENTERPRISE AGREEMENT 9	QANTAS DOMESTIC PTY LIMITED CABIN CREW WORKPLACE AGREEMENT 2015_QANTAS DOMESTIC	Aircraft Cabin Crew Modern Award 2020	FLIGHT ATTENDANTS' ASSOCIATION OF AUSTRALIA NATIONAL DIVISION / CASUAL FLIGHT ATTENDANTS ENTERPRISE AGREEMENT 2015	JetConnect Short Haul Cabin Crew Collective Agreement 05 Nov 2021 – 04 Nov 2024
Duty Hours	114 per 28 days 128 per month	144 per 28 days	144 per 28 days	EA refers to "As per Client Airline."	160 per 28 days
Hourly Rate	$35.14	$24.28	$30.35 ($24.28+25% casual loading)	$35.27 (inc. casual loading)	$22.54 NZD $21.21 AUD
Overtime	>8.5hrs/shift: $52.71 >10hr/shift: $70.28	>8.5hr/shift: $35.54/hr >10hrs/shift: $46.79/hr >140/roster: $40.52/hr	>144hr per roster: $30.35/hr	>8.5hr/shift: $15.63/hr >10hr/shift: $31.26/hr	>140hr/28days: $21.21/hr AUD >160hr/28 Days: $31.815/hr