REVISED TOOLBOX FOR SUCCESSFUL SOCIAL DIALOGUE IN AIR TRAFFIC MANAGEMENT

CANSO EUROPE

ATCEUC
Air Traffic Controllers European Unions Coordination

ETF

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FOREWORD

We are pleased to present to you this Toolbox for Successful Social Dialogue which is a joint effort of the European Social Partners in Air Traffic Management – ATCEUC, CANSO and ETF. The aim of the toolbox is to increase the quality of social dialogue and reduce the risk of conflicts. The document was formally adopted at the Social Dialogue ATM Working Group meeting on 5 November 2015 and an update was approved on 26 April 2022.

We believe that an effective social dialogue is essential in order to engage staff and their representatives in the implementation of the Single European Sky. For this reason, we have embarked on a long and challenging journey which started in November 2011 with the successful Venice conference on the role of the EU Social Dialogue in the SES implementation. We continued by conducting an extensive survey addressed both to trade unions and air navigations service providers (ANSPs) to identify and collect a list of best practices that facilitate an effective social dialogue. Based on the input provided by the respondents and subsequent discussions, we came up with the following set of tools.

In 2017, a joint project supported by DG EMPL (European Commission) allowed the European Social Partners in ATM to promote the Toolbox and train staff and management of ANSPs on its content in all functional airspace blocks (FABs). After the COVID outbreak, it has been updated with an annex addressing crisis management.

The document should be used as a toolbox in the true sense of the word. As aviation professionals, we are used to follow routine procedures, but this text is different – it is not a checklist. You can pick and choose any item from the text and adapt it to your local working environment, as long as you subscribe to the main spirit: partnership, cooperation, respect and mutual trust. Any feedback, positive and negative, regarding a particular situation or the content in general is welcome and can be shared with the ATM Social Partners by email: sd-toolbox@googlegroups.com.

We do hope that you will find our work useful and together we can make a difference.

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Main spirit of the toolbox

Partnership and cooperation are key to achieving the effective management of relations between employer and trade unions. The objective of such a partnership is a shared vision, which carefully balances both the success of the company and the good treatment of its employees.

It is essential to bear in mind that the workforce is part of the solution, not part of the problem. As stated by a manager, "a good understanding with its employees makes a company more successful". A trade union representative added: "No matter how many measures or procedures you create for trustworthy social dialogue, you will fail if the two parties do not understand or respect each other. In order to address the insecurity, fear or possible misconception by employees, the management needs to explain what future they see for the company, how they intend to get there and what it means for their employees".

Background

In November 2011, the European Social Partners (ESP) in Air Traffic management – ATCEUC, CANSO and ETF - with the support of the EC - organised a conference on "*The role of the European Social Dialogue in the implementation of the Single European Sky*". At this conference, it was agreed to identify conditions and tools required to establish a successful social dialogue with a view to improve the quality of industrial relations and reduce the risk of conflict.

In terms of methodology, the social partners agreed to conduct a data gathering exercise focused on:
- information, consultation & negotiation,
- Respecting of agreements and the breakdown of social dialogue in cases of disagreement between the social partners.

These had been recognised as being key in a spirit of transparency and openness.

Questionnaire

A questionnaire was circulated to both trade unions and ANSPs. The intention was to use the responses given as a star to the preparation of a list of practices that facilitate an effective social dialogue.
The outcome of this questionnaire has indeed been the identification of a number of areas where some form of tool or advice could be beneficial towards improving Social Dialogue.

The questionnaire highlights that in countries with a solid jointly agreed social dialogue procedure, there are hardly any or no conflicts (strikes, court cases, etc).

Outcome

The ESP subsequently agreed that the development of a "*social dialogue toolbox*" would best meet these identified needs. The aim of the toolbox is to provide the social partners with a number of tools, which they could use and which may help them improve social dialogue in their local specific environment. It represents best practice and therefore it is recommended that consideration be given to using these processes. Furthermore, these best practices may be adapted to suit local arrangements and regulatory requirements. As the name suggests, they should be seen as an aid to improve social dialogue. However, it is clear that the existing national and European legislation together with the collective agreements would prevail.

Outcome

1. Code of practice

Introduction

It is highly recommended that any agreements on procedures agreed between company management and workers' representatives are formalised in a written document, such as code of practice, and signed by both parties. This document supporting the management of industrial relations can be either formal (including trade union recognition and formal arrangements for representatives) or informal (agreement on how to conduct industrial relations on a day-to-day basis). Agreements can be further classed as either "local" or "national" depending on the scope of the topic being discussed. Both sides need to buy into the concept and be fully supportive of it. The partnership commits the employers to involve and engage trade union representatives at the earliest possible opportunity in order to enable them to participate in the decision-making process.

Level/scope of discussion within the remit of the ANSP

The disagreement should be addressed at the level, and where appropriate the location, at which the disagreement has arisen. The relevant procedural route will depend on the level of disagreement that has occurred:

Local disputes - Every effort will be made to resolve disagreements at a local level by local management and staff representatives. Where such a disagreement cannot be resolved then the matter may be referred to central / national senior management and appropriate trade union.

Central disputes - Issues relevant to national discussion or matters referred from failure to resolve local disagreements may be referred to the National Trade Union Side and central senior management for advice, participation and resolution. Where the disagreement remains unresolved, and has exhausted the Company's dispute resolution procedure the disagreement *may be referred for external resolution to the appropriate State's industrial* relations machinery.

Key principles for a Procedural Agreement document

The following key principles are a suggestion for just a few components of an effective partnership between the social partners. As a minimum, the document should contain the following:

a) Recognition and representation
   The trade unions represent individual employee members as well as groups of employees collectively. The management is mandated to ensure continued success of the business and to provide a safe and sustainable work environment.

b) Values
   The partnership shall be based on respect, honesty, trust, openness and leadership to encourage a meaningful contribution from all. The values are supported by jointly developed behavioural principles that describe good and bad practices from both a management and Trade Union perspective.

c) Expectations
Each party shall engage in a professional working relationship, respecting each other and the policies binding to that organisation. Examples to achieve this could include

1) Open and honest information sharing
2) Listening to each other's concerns
3) Respecting agreements reached

d) Information Sharing
The sharing of relevant information between the parties in a timely manner can assist both sides in gaining an increased understanding of issues and avoid a dispute arising.

e) Consultation
The consultation is a process by which management and the trade unions jointly examine and discuss issues of mutual concern which affect or could affect employees.

f) Negotiation
The discussion should aim to reach decisions to be agreed by both parties. They will endeavour to find a method to maintain dialogue throughout the negotiation process.

g) Problem Solving behaviour and dispute resolution attitude
A joint approach should be taken which enables employers and the trade union representatives to work together in order to identify problems and find joint solutions. Every effort will be made to jointly resolve disagreements.

h) Learning and development
An agreed joint training schedule for Managers and trade unions Representatives should be put in place to ensure continuing success.

i) Need for traceability
Document all outcomes from the development of this process.

j) Common understanding of outcomes to procedures to reduce risks of conflict
Ensure common understanding of the outcomes expected from the procedure, and what the fallback will be should the outcomes not be achieved.

k) Protection and facilities for trade unions
Staff representatives shall enjoy effective protection when acting as workers' representatives. The ANSP shall provide them the necessary resources (including the reimbursement of travel, accommodation and subsistence costs when they are required to attend meetings by management), facilities, training and paid time off to enable them to professionally undertake their trade union and industrial relations

duties. Efforts will be made by both parties to organise and plan TU representatives release effectively[1].

l) <u>Other issues</u>
In addition to these principles, management and workers' representatives may agree on possible areas of concern, on dispute resolution procedures, on communication inside and outside of the company, on the composition of the committee(s), on minimum service requirements, etc.

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[1] Please see an example of Protection & Facilities for trade unions in Annex II

2. Behaviour of the social partners

Introduction

Behaviour is key for good communication and therefore dialogue. Ideally, a process to build, maintain and nurture mutual trust, thereby enhancing better behaviour and a more conducive atmosphere for a fruitful cooperation should be developed and adhered to. Prior to entering into a dialogue certain ground rules should be set and agreed. In order to achieve this, both parties could, for example, participate in workshops, either preferably together or separately, in which strategies to create the right behaviour (mutual trust and respect) are recognised and developed. The message conveyed should be the same for both the employers and the employees.

Process

When challenging issues are to be faced, working together and agreeing an appropriate way forward is fundamental to an efficient partnership. It is essential that all parties at all levels be fully committed to both the spirit and process of working together.

The partnership must recognise and respect the rights, rules and responsibilities of the trade unions. The partnership must also recognise management's responsibility to the success of the Company.

In order for the partnership to be effective, there is sometimes a need for the timely sharing of information. Whilst this should be done on an informal basis as much as possible, on occasion a more formal approach could be required.

The process should be reviewed regularly to ensure the partnership is working effectively for all parties.

Key Principles of behaviour

To assist further, here are some key principles detailing 'good' behaviour that should be exhibited by both management and trade unions to enhance mutual trust and understanding:

- both sides value each others' contribution and work together
- whilst it is recognised that the employer has the responsibility to manage the direction of the company, the employer also recognises the legitimacy and value of trade unions
- both parties endeavour to give out consistent agreed messages whenever possible
- both sides recognise the nominated delegates as representing their organisation and are empowered as such. Decisions that are made by nominated delegates are considered to be presented and defended before their respective organisation without prejudice to their final decision
- both sides accept that disagreements may still occur despite good relationships, but understand and can use the formal industrial relations process

- both sides see the time spent as a long-term investment and take ownership of the agreements; they are prepared to brief both union membership and the management
- both sides encourage and are available for informal discussions
- values such as respect, trust, understanding, openness, listening, loyalty, honesty, cooperation, partnership and non-discrimination are paramount to improve the quality of the social dialogue.

3. Communication between the social partners

Introduction

Communication is key for the success of a business and is a fundamental contributor to fruitful social dialogue. The message of a communication should be prepared in advance by both parties and as much as possible should be shared, with particular reference to the aims and goals, the types of dialogue as well as the outcomes expected.

Examples for methods of communication between the social partners

m) Open Meeting

It is easier to communicate your passion and how you feel via open meetings. In this kind of forum, your audience will not only hear what you are saying, they will also see and feel it. This approach still remains one of the best approaches to communicating effectively. Open Meetings could for example involve management holding regular briefings with staff representatives and if available internal TV would allow information sharing on aviation industry developments generally.

n) One-on-One

It is known that sometimes, social partners understand each other better when they talk on a one-on-one basis.

o) Use of Presentations

Some people grasp messages easily when pictures and sounds are involved. Using presentations to communicate will give your audience the opportunity to refer back to it if they aren't clear about certain aspects.

p) Internal Publications

The internal Intranet could be used for the posting of information videos from management and staff representatives. The use of staff newsletters or email briefings could be used for less sensitive messages to be conveyed. There is no substitute though for good employer/employee face-to-face negotiations (sitting down in the same room and having a frank and constructive discussion).

q) Meetings Structure

Consider the use of sub committees that could handle the dialogue for a specific corporate area. These sub committees answer to one overall committee. The overall committee handles both top-level social dialogue and disputes from the sub committees. The main goal is to establish a positive cooperation between employer and employee representatives through dialogue and trust as they meet to exchange views.

4. Information, Consultation and Trade Union Participation

Introduction

Taking into account the current developments in European Air Traffic management, it is obvious that the future will bring many challenging issues. In order to have good results, the ANSP's will need to balance efficiency and social dialogue with workers' representatives. There must be a shared vision of company success and workers welfare between the companies and their employees. This will also contribute to the overall aim of improving safety.

Based on the intensity of workers' involvement, the following three categories can be defined:
- Information (transmission of data by the employer to the employee representatives in order to enable them to acquaint themselves with the subject matter and examine it)
- Consultation (exchange of views and establishing of dialogue between the employee representatives and the employer)
- Participation (genuine involvement of employee' representatives in the decision making process)

Tools

Social partners seem to be more satisfied and results improve when they work on the basis of mutual agreements instead of imposed legal provisions.

A fluid interaction between employers and employee representatives, with the corresponding flow of information (in both directions) followed by exchanges of views, is fundamental to achieve a good working environment. A climate of trust, honesty and openness is crucial so that both parties can achieve common goals that will, in the end, benefit everyone ('win-win' situation).

a) Information
   This is the first step in preparing good communications, consultation and the involvement of employee representatives. This helps employees feel part of their company and become involved in it.

b) Consultation
   This must be seen as a two way process involving technical, operational, managerial, social and organisational matters at different ANSP levels (from local to central). There should also be a mechanism to evaluate the status of the consultation and the implementation of the possible agreements. Specific committees may be created to deal with specific issues, such as SMS, human resources, national and/or European regulation, investment and delivery of new technologies, airspace design, etc. These committees should have a regular agenda of meetings to which other ad-hoc topics might be added as required. Some decisions need to be taken with regard to the business. This is recognised by the trade unions. However, in order to prevent escalation, should these decisions impact in any significant manner on employees,

they should be made known to the trade unions so as to discuss options and lend clarity to communications.

c) Trade union participation
Becoming involved at the planning stage, trade unions are more likely to identify the reasons for taking a particular action, help find practical solutions, and comply with the end result. Building consensus and/or agreed achievements reduces the risk of conflict.

The following best practices can help to achieve the common goals:

a) Scope and transparency
A working method must be agreed by management and employee representatives at the beginning of the process. It must as a minimum address the following questions:
- What is being considered?
- How will the process run?
- What is the timeline?
- How will a final decision be made?

At the end of the process, the final decision has to be disclosed along with justification explaining why input from the employee's representatives has (or has not) been taken into account.

b) Sensitive information
Both sides accept the need to protect sensitive commercial or contractual information.

5. Internal Committees for dispute resolution

Introduction

It has been shown that proper information and involvement of staff in the company's goals is crucial to reduce risks of conflicts. Cooperation, together with solid structural social dialogue practices, including informal dialogue, help in running the business smoothly and promote industrial peace. However, sometimes agreement is difficult to achieve. In this sense, the survey shows best practice to deal with the dispute, which can be summarised in two parts:
- *Internal committees* (regular for general matters and ad hoc for specific issues)
- *External mediation* (See Chapter 6)

Tools for the establishment of internal processes

It is highly recommended that these procedures be put into writing, e.g. as part of a code of practice (see chapter 1). They should establish the roles of each party and how they handle disagreements from a respectful and trustworthy point of view. It is important notably to have:

a) <u>Bi-lateral discussions to address the areas that require changes</u>
- Regular calendar of meetings plus ad-hoc ones if needed
- Both for general and individual matters
- The employer can't implement a decision while discussions are taking place

b) <u>Agreements in writing to avoid misinterpretation or misunderstanding</u>
- Communication procedure of the agreement for the employees and the rest of the company

c) <u>The possibility to review the agreement after a certain time to check whether it is proven satisfactory for all parties</u>

Internal Committee for dispute resolution
- Composition: number of members for each side.
- Establishment of the issues that are to be discussed.
- Clear objectives to optimize time and resources.
- Timescale (including time needed for consultation).
- Protocol for production of papers.

6. External Mediation

Introduction

There are occasions when employers and employee representatives reach an impasse in negotiations that cannot be resolved between them. External mediation is a tool to help manage and resolve conflict by using independent and impartial facilitation for the dispute in question. External mediation does not undermine the respective parties' principles or position, but is designed to help bring about a meaningful dialogue and to aid the respective parties in resolving their differences.

External Mediation

External Mediation can be provided by an independent (or public) organisation staffed by trained facilitators, expert at managing dispute resolution. These facilitators can provide training, and mediation services to help the parties involved in the dispute reach their own resolution.

The aim is to attempt to aid employers and employees to reach a mutually acceptable resolution to the dispute in question. The mediator does not judge who is right or wrong. The use of external mediation is usually, although not exclusively, used when all existing processes to resolve the dispute have been exhausted.

External mediation can take several forms depending on the procedures of the employer and union and how they jointly agree the process should work.

Conciliation operates on the principle that there is a desire to reach an agreement, provided that a satisfactory outcome (to all parties involved) can be reached. This process can take many forms, by using independent conciliators to ask questions, clarify positions or principles, and engaging with the parties in dispute both individually and collectively. The concept attempts to find strategies to allow both parties to examine the issues behind the dispute in different ways, and make potential solutions that one of the parties might not be comfortable with proposing themselves. The mediator will attempt to find any common ground and use this as a basis for moving forward.

It is always preferable that issues can be resolved through the use of bilateral dialogue which includes the use of conciliation and mediation. However, and in order to bring finality and closure to issues in dispute, both parties may jointly agree to request that the external mediator issue a recommendation which could be accepted by both parties.

The mediation service can be brought in to assist at any stage, but can normally be categorised as follows:

- Written into procedures already agreed between the employer and union
- Result from a direct request on a specific dispute from either the employer or union

All the mediation services are provided respecting strict confidentiality arrangements and no information is published unless agreed by management and employees representatives.

ANNEX I. Overview of related EU legislation

Introduction

Due to different legal traditions and history, the labour law systems are different from one EU member state to another. This creates challenges especially in terms of the implementation of the single market. The free flow of goods, services, capital and workers needs to be accompanied by labour law rules, to make sure that countries and businesses compete fairly on the strength of their products - not by lowering labour law standards.

EU vs. national labour law

Employment and social affairs are at the core of EU values. As mentioned in the preamble of the Treaty on the Functioning of the EU (TFEU, previously known as Treaty of Rome until its last amendment in the Lisbon in 2009), the EU aims to promote social progress and improve the living and working conditions of the people of Europe. According to Article 4(2)(b) of the TFEU, the Union and its member states share the competence for social policy. Article 153(1) of the TFEU further states that: the Union shall support and complement the activities of the Member States in the following fields:

(a) Improvement in particular of the working environment to protect workers' health and safety;
(b) Working conditions;
(c) Social security and social protection of workers;
(d) Protection of workers where their employment contract is terminated;
(e) The information and consultation of workers;
(f) Representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;
(g) Conditions of employment for third-country nationals legally residing in Union territory;
(h) The integration of persons excluded from the labour market, without prejudice to Article 166;
(i) Equality between men and women with regard to labour market opportunities and treatment at work;
(j) The combating of social exclusion;
(k) The modernisation of social protection systems without prejudice to point (c).

It is important to stress that according to Article 153(5), the competence of the European Union excludes pay, the right of association, the right to strike and the right to impose lock-outs. These areas are the exclusive competence of member states.

In practical terms, the EU complements policy initiatives taken by individual EU countries by adopting directives setting minimum working & employment conditions and informing & consulting workers. Individual EU countries are free to provide higher levels of protection if they so wish.

Workers' participation

a) <u>Introduction</u>
Workers' right to information and consultation within the undertaking is a fundamental right in Europe laid down in Article 27 of the Charter of Fundamental Rights of the EU which is annexed to the Treaty of Lisbon and therefore is part of the *acquis communautaire*. It serves two purposes: implementing social rights as to strengthen democracy in the working environment, as well as supporting companies, states and the European Union in their efforts to combine economic competitiveness with social progress. These are the aims of the so-called European social model. The participation of workers has some features that are common for all EU member states, while some others that are individual from one member state to another.

b) <u>Common EU rules</u>
The general features include European Works Councils[2] and European Companies[3]. The minimum standards on information and consultation set by the Directive 2002/14/EC[4] include some main principles:

Article 4
Practical arrangements for information and consultation
[…]
2. Information and consultation shall cover:
   (a) Information on the recent and probable development of the undertaking's or the establishment's activities and economic situation;
   (b) Information and consultation on the situation, structure and probable development of employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment;
   (c) Information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations, including those covered by the Community provisions referred to in Article 9(1).
3. Information shall be given at such time, in such fashion and with such content as are appropriate to enable, in particular, employees' representatives to conduct an adequate study and, where necessary, prepare for consultation.
4. Consultation shall take place:
   (a) While ensuring that the timing, method and content thereof are appropriate;
   (b) At the relevant level of management and representation, depending on the subject under discussion;
   (c) On the basis of information supplied by the employer in accordance with Article 2(f) and of the opinion which the employees' representatives are entitled to formulate;

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[2] Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees
[3] Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE)
[4] Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community

(d) In such a way as to enable employees' representatives to meet the employer and obtain a response, and the reasons for that response, to any opinion they might formulate;

(e) With a view to reaching an agreement on decisions within the scope of the employer's powers referred to in paragraph 2(c).

There are also several directives containing provisions providing the workforce with information and consultation rights in specific circumstances, such as transfers of undertakings[5], insolvency[6] and collective redundancies[7]. Numerous further directives have been adopted dealing with workers' involvement rights in the field of health and safety.

c) Individual rules in member states

The features individual to member states stem from the respective industrial relations' tradition. In some member states, trade unions are the only representative of workers (single channel representation), while in others trade union co-exist with works councils (dual channel representation). The majority of EU member states also make provision for workers' representation at the company board level; however, this is limited to public companies in some countries. Another prominent example of strong employees' involvement is the so-called "co-determination" (*Mitbestimmung*) in the German-speaking countries; it means that certain management decisions can be vetoed by the works council. The European Trade Union institute (ETUI) has created a database on provisions in the individual EU member states; it is available at http://www.worker-participation.eu/. Furthermore, ETUI researchers have developed the European Participation Index (EPI) summarizing both formal rights and the extent of participation on three levels: in the board, at the establishment level and through collective bargaining.

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[5] Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses

[6] Council Directive of 20 October 1980 on the protection of employees in the event of the insolvency of their employer (80/987/EEC)

[7] Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies

ANNEX II. An example of Protection & Facilities for trade unions

Introduction

Staff representatives shall enjoy effective protection when carrying out their role. The following provides an example of a framework agreement on paid time provided for trade union duties and activities. These are guidelines and national legislation prevails.

Time Provided for Trade Union Representation and Activities

The Employer and the Trade Union recognise that the industrial relations functions are important duties. In order to carry out their role effectively representatives appointed by the TU may be allowed paid time to carry out their duties including:

a) Collective Negotiations e.g. terms and conditions of employment, dispute resolution, joint consultation, communication, attendance at official meetings with management, health & safety legislation
b) Individual Representation on matters relating to discipline and grievance
c) National and International Forum e.g. Social Dialogue, Government departments, Competent Authority etc.
d) Day to day trade union activity e.g. training, trade union meetings

Efforts will be made by both parties to organise and plan trade union representatives release effectively when considering any release requests. All requests should be made in a timely manner.

Travel (and related) Expenses

Travel, accommodation and subsistence costs shall be reimbursed to appointed trade union representatives for meetings that they are required to attend by management.

Trade Union Facilities

The employer should provide adequate facilities to enable elected staff representatives to carry out their functions promptly, efficiently and effectively.

ANNEX III – Managing crises through dialogue

A. What is different in times of crisis

The emergence of the coronavirus and the related pandemic that spread worldwide from 2020 onwards, as well as other global crises such as the volcanic ash etc., made it clear for the European ATM Social Partners that something was missing from this Social Dialogue Toolbox: how to manage a crisis. In particular, the Covid-19 pandemic had a significant impact on social elements.

> *Definition: A crisis for the purpose of this document is an unexpected event or chain of events impacting and preventing normal aviation operations (locally or globally), endangering them, or creating substantial difficulties to run as planned and/or forecast for a significant period of time.*

It brings to the fore a need to be adaptable, reactive, and resilient to the events as they occur.

B. The six phases of dialogue and action in a crisis

0. **Preparation** for a possible crisis stemming from previous lessons learned and likely scenarios
1. Immediate **reaction** to the crisis
2. Structural **management** of the ongoing crisis
3. **Recovery preparation**
4. **Recovery phase**
5. **Lessons learned** from the crisis to prepare for the next one

These phases will follow one another. However, there may be a return to a previous phase (e.g. in times of a pandemic, the restricting and easing of aviation travel) depending on how the crisis is managed at global / national levels. Therefore, there may be a need to re-adapt to the situation, despite best planning efforts.

C. The key to good dialogue - all phases

During all six phases, it is important to communicate and maintain dialogue effectively and transparently regarding the situation as it evolves.

It is also important to have and maintain structured dialogue which, amongst other elements, is inclusive, regular and which includes short updates on what has happened and what is happening, keeping the information flowing both top-down and bottom-up and at a pace that reflects the speed of developments.

Agendas and meetings should be set by both sides to provide these regular updates. A consideration for the level of formalities of meetings should be given. What should also be noted is that a good communication process is based upon well-established dialogue prior to the crisis so that the reaction time is quick and effective.

There should be a common vision of the scope and impact of the situation, as well as the consequences of the crisis whereby engagement is actively provided from both sides (employers and staff). Evidence for any remedial proposals should also be openly shared.

Time is of the essence, so it should be acknowledged that this dialogue needs to be short and to the point.

D. Resilience through psychological safety - phase 1

In this paragraph, we are addressing the immediate response to a crisis, but it has the impact to be an issue worth addressing through subsequent phases.

Maintaining the levels of safety throughout the crisis must be a priority to all stakeholders, and that cannot be achieved if staff feel stressed or uninformed by their supporting structure. Therefore, there is a need to ensure 'psychological safety' through good social management of staff. In times where some 'personal and/or professional bearings' can be lost, it is imperative to ensure the stability of the workforce through uncertainty. This ensures that safety is maintained given that psychological safety is an important contributor to safety in operations and overall.

This is easier to achieve when mutual trust amongst social partners exists before the crisis occurs, and when crisis preparation has already been discussed.

E. Agility through effective decision-making delegation - phases 1 & 2

As the nature of the crisis is rarely known in advance, plans made to get ready to deal with crises never fully match the type of crisis faced, so all stakeholders must be ready to adapt to the situation.

Decision making at the lowest possible level ensures the relevant flexibility to adapt to the new and possibly very volatile circumstances. Ideally, management higher up the chain oversees operational decision making, but trusts the lower levels to make the right short-term decisions as they are "on the ground" (e.g. unit management or supervisors deciding how many ATCOs to bring in to work), in

line with HRO principles8. This should be supplemented with crisis management plans that are already in existence and have been discussed with the social partners, within the context of the company's social dialogue framework. It would usually be easier to deal with a crisis with a simplified decision-making process that allows quick operational decisions.

Usually at this early stage, employment should not be affected. Any resultant extraordinary and temporary decisions proposed regarding working conditions should be taken in consultation with staff representatives. Introducing time limitations to these transitional measures should also be considered to facilitate acceptance.

F. Interface with other levels of social dialogue - phase 2

During the second phase of the crisis where a certain stability is achieved, time can be taken to evaluate the actions taken in phase 1 with a view to seeing what further measures can support the system, with lesson learning gained from this evaluation. It is also an opportunity to assess the continuous validity of pre-existing plans.

It may also prove useful to look at measures applied in similar situations in other units/ANSPs/countries.

The following should be considered:

- Open the information sharing and best practices more generally.
- Mutual support between horizontal entities can be considered in this phase and should be investigated.
- Make use of social dialogue at country and EU level
- Quick and adaptive dialogue set-up needs to happen at unit level and also at ANSP level.

G. Preparing for the recovery - phase 3

During this last phase of the crisis, it is expected that the cause for the crisis itself is becoming less of a factor in the ongoing (and potentially already improving) situation. Preparations should now be made for the return to normal or 'new normal' operations, taking into consideration the actions introduced to tackle the crisis.

Plans made before the crisis should be reconsidered with caution as the initial situation may prove different to the outlook. The results of the assessments made during phase 2 and lessons learned in the crisis should be shared and discussed amongst social partners.

Depending on the magnitude of the change of the setting, a round of negotiations on longer-term adaptations to the crisis and its aftermath may be useful. Such adaptations may be introduced through a stepwise approach to achieve sustainability from environmental / financial / social / safety points of view.

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8 HRO - High reliability organisation principles state that there is a deference of decision making to the lowest level where the expertise lie. For more, see https://en.wikipedia.org/wiki/High_reliability_organization

H. Entering the recovery phase and end of crisis mode - phases 4, 5 & 0

After the crisis, it is important to build on the successes for social dialogue born out of the crisis management phase. There should be an assessment of the social consequences of the decisions made and steps taken towards a balanced approach that maintains, restores and/or achieves a trustful relationship amongst social partners.

In any case, it is of tremendous importance to implement the lessons learned and achieve a better relationship for the smoothest operations and ensure that the conditions are met for a safe return of operations in the short, medium, and long term.

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