



Guidelines for Consultation arrangements for Functional Airspace Blocks

17.07.2007

Preamble

1. It is agreed that it is the responsibility of the ANSP to plan, organise and manage the company.
2. It is recognised that consultation in the decision making process involving Social Partners is central to the development of Functional Airspace Blocks (FABs). The Establishment of FABs involving change is more likely to be accepted by employees if they are involved in arriving at agreed decisions. Employee commitment to change is best achieved through involvement where employees know what the FAB is attempting to achieve and how decisions are influenced by them.
3. The establishment of a long term-reliable and stable relationship will enable consultation to take place in an atmosphere of trust. To this end the parties will therefore make every effort to implement best practice arrangements to ensure continuity and to maintain their representative status.
4. This understanding of best practice on consultation arrangements must be read in conjunction with the CANSO/ETF Report by the Social Dialogue on ATM Work Groups on the Implications of FABs. These cover “Common Understanding”, “Institutional Roles”, “Consultation” and “Just Culture”.

Process

1. It is accepted that the early involvement of employee representatives in the decision making process is vital. To this end management should seek and take account of the views of employees in the decision making process on a FAB. ANSPs and their respective employee representatives should agree consultative arrangements that provide for involvement at such a stage that influence on the decision making process is secured.
2. An ethos of early/timely consultation thereby avoiding difficulties at a later stage of establishing a FAB is accepted by Social Partners. There should be an ethos of “no surprises” as the FAB arrangements evolve. It is also agreed that ANSPs and employee representatives should foster a culture of information sharing and joint problem solving.

Consultation

1. It is recognised that all issues regarding the formation of a FAB could be open for discussion in the appropriate forum. However both parties recognise that many issues are subject to consultation/negotiation within other ANSP fora e.g. terms and conditions of employment. It is also recognised that in some circumstances other European laws will apply.

2. It is acknowledged that where the views of employees are accepted they should be recognised. Where the views of the employees are not accepted the reasons for rejection should be set out by the ANSP.
3. It is accepted that currently applied decision making and consultation practices where appropriate are adjusted to reflect the specific issues of individual FAB projects. The “bottom up” approach as defined in the Palermo Conference statement is implemented.
4. At the beginning of the consultation process the parties will wish to consider how to protect the process from strikes, lockouts or other action designed to bring pressure to bear on either party.
5. Where the implementation of a FAB leads to change in the roles and/or locations of workers in more than one country, Social Partners will wish to consider how to handle the resulting social impact, particularly as it affects jobs and terms and conditions of all workers involved. Subject to applicable National and European legal requirements, and in the spirit of the Directive 94/45EC of 22 September 1994 on the establishment of a European Works Council, Social Partners will wish to consider:
 - The setting up of trans-national consultation body to involve all Social Partners directly concerned with the FAB
 - The use of existing National consultation frameworks
 - Social Partners involved in the FAB may agree other arrangements
6. Whilst every effort should be made towards greater convergence of consultation arrangements, in line with the “bottom up” it is recognised that “one size does not fit all” and that flexibility to reflect different cultures and legal regulations needs to be accommodated.

Resources

1. It is accepted that employee representatives will be given the opportunity to acquire the skills and support services needed to engage in the consultative process. Employee representatives are allowed paid leave to attend consultation meetings.
2. It is also recognised that ANSPs must allow sufficient time for the FAB consultation process to be completed in a satisfactory manner.