



Guidelines for Consultation arrangements for Functional Airspace Blocks

21 June 2012

Preamble

1. It is agreed that it is the responsibility of the ANSP management 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. Social Partners understand *information* and *consultation* as referred to in Directive 2009/38/EC 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 (Recast)¹:

"information means transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it; information shall be given at such time, in such fashion and with such content as are appropriate to enable employees' representatives to undertake an in-depth assessment of the possible impact and, where appropriate, prepare for consultations..."

"consultation means the establishment of dialogue and exchange of views between employees' representatives and central management or any more appropriate level of management, at such time, in such fashion and with such content as enables employees' representatives to express an opinion on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which may be taken into account..."

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32009L0038:EN:NOT>



Process

1. It is accepted that the early/timely 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 sides of the industry 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. Both sides of the industry recognise the importance to develop a Joint Statement/Charter on the consultation process at FAB level (e.g. participation, working arrangements, time plan, objectives of each of the social partners involved).
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 FAB management.
3. It is accepted that currently applied decision making and consultation practices where appropriate are adjusted to reflect the process needs 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 ensure an effective social dialogue, which is the only way to reduce the risk of conflicting situations.



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 address 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 2009/38/EC, 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. The EU Social Dialogue ATM Working Group will discuss any barriers regarding the facilities to the participation of Trade Unions for the consultation arrangements at FAB level and to see what solutions could be put in place.
2. It is also recognised that ANSPs must allow sufficient time for the FAB consultation process to be completed in a satisfactory manner.