L.N. 306 of 2003

EMPLOYMENT AND INDUSTRIAL RELATIONS ACT (ACT NO. XXII OF 2002)

Organisation of Working Time (Civil Aviation) Regulations, 2003

IN exercise of the powers conferred by article 6 of the Employment and Industrial Relations Act 2002, the Deputy Prime Minister and Minister for Social Policy, has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the Organisation of Working Time (Civil Aviation) Regulations, 2003.

These regulations shall come into force on such date as the Minister responsible for employment and industrial relations may, by order or orders, direct and different dates may be fixed in respect of different provisions or purposes of these regulations.

Purpose and scope of regulations.

2. (1) These regulations shall implement Council Directive 2000/79/EC of 27th November 2000 concerning the European Agreement on the organisation of working time of mobile staff in civil aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA).

(2) These regulations shall apply to the organisation of working time of crew members.

(3) The provisions in these regulations shall be construed as minimum requirements that must be complied with, without prejudice to the introduction and implementation of provisions in collective agreements which are more favourable to the general level of protection and conditions of work of crew members.

Interpretation.

3. (1) In these regulations unless the context otherwise requires:

"the Act" shall mean the Employment and Industrial Relations Act, 2002;

"block flying time" shall mean the time between an aircraft first moving from its parking place for the purpose of taking off

until it comes to rest on the designated parking position and until all engines are stopped;

"crew members" shall mean crew members on board a civil aircraft, employed by an undertaking established in Malta;

"working time" shall mean any period during which the worker is working, at the employer's disposal and carrying out his activity or duties.

(2) Subject to the provisions of sub-regulation (1) of this regulation, terms and expressions used in these regulations shall, unless the context otherwise requires, have the meaning assigned to them in the Act.

Annual leave.

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4. The provisions of regulation 8 of the Organisation of Working Time Regulations, shall be considered to be part of these regulations and shall apply to crew members.

Health assessment and transfer of crew members to day work.

5. (1) Without prejudice to more detailed obligations relating to health surveillance of crew members which may be required under other legislation, it shall be the duty of an employer, to take the necessary measures to ensure that a crew member undergoes a suitable health assessment to determine the crew member's health status in order to ascertain fitness for the proposed work, prior to assigning work to such a crew member:

Provided that an employer shall repeat the health assessment after a reasonable length of time has elapsed since a previous assessment or whenever there has been a change in the working environment or in the health status of the worker.

(2) No person shall disclose the results of a health assessment made for the purposes of this regulation to any person other than the worker to whom it relates, unless –

(a) the worker has given his consent in writing to the disclosure, or

(b) the disclosure is confined to a statement that the assessment shows the worker to be fit or unfit as the case may be prior to undertaking an assignment, or to continue to undertake an assignment.

(3) An employer shall, whenever possible, transfer a crew member to day work to which he is suited, which shall not necessarily

be on board a civil aircraft, when an employer has been informed by his medical advisers that a crew member employed by the employer is suffering from health problems which are connected with the performance of night work by the crew member.

(4) The employer shall not levy or permit to be levied on any worker any charge in respect of anything done pursuant to any measure required by these regulations.

Records and provision of information.

6. It shall be the duty of an employer to keep sufficient records on specific working patterns of crew members to show that there is suitable compliance with the provisions of these regulations and to furnish the Director, whenever so requested, with any information related to such work which may be considered necessary.

Maximum annual working time.

7. It shall be the duty of the employer to ensure that the maximum annual working time, including some elements of standby for duty assignment, shall not exceed 2000 hours, within which, the block flying time shall be limited to 900 hours:

Provided that the maximum annual working time shall be spread as evenly as practicable throughout the year.

Days free of all duty and standby.

8. Without prejudice to the provisions of regulation 4 hereof, crew members shall be given days free of all duty and standby, which shall be notified in advance, as follows:

(a) at least seven days in each calendar month, which may include any rest periods; and

(b) at least 96 days in each calendar year, which may include any rest periods.

Offences.

9. Any person who contravenes or fails to comply with the provisions of any of these regulations shall be guilty of an offence against the Act in terms of article 45 of the Act and shall be liable, on conviction, to a fine (*multa*) of not less than two hundred liri (Lm200) and not more than one thousand liri (Lm1,000).

Repeals less favourable provisions.

10. These regulations supersede any less favourable relevant provisions in any regulations, orders or other subsidiary legislation made under or kept in force under the Act, and any such relevant provisions are hereby being revoked.