

The Pilot's Pension in Belgium: Situation April 2016

Given that the flying staff and more specifically the pilots have different work circumstances than the general public, the general pension system in Belgium doesn't cover their particular needs. This document gives insight on the current situation.

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Index:

1. Introduction.....	3
2. The old system.....	4
3. Transition measures	4
4. Problems encountered now and in the past	4
5. Arguments why pilots should be entitled to a lower pension age	5
5.1. <u>Arguments based on the Belgian Labor Laws</u>	5
5.2. <u>Arguments based on licensing and legislation</u>	8
5.3. <u>Arguments based on scientific research</u>	10
5.3.1. <u>Noise burden</u>	10
5.3.2. <u>Air humidity and quality</u>	11
5.3.3. <u>Air pressure</u>	11
5.3.4. <u>Non ergonomic workplace</u>	11
5.3.5. <u>Unhygienic workplace</u>	11
5.3.6. <u>Stress level</u>	12
5.4. <u>Other health factors and arguments</u>	12
5.4.1. <u>Biorhythm</u>	12
5.4.2. <u>Cosmic radiations</u>	12
5.4.3. <u>Toxic air syndrome</u>	12
5.5. <u>Strong contributor to the Social System</u>	12
6. Conclusion.....	13

The Pilot's Pension

1. Introduction

- Since 9/11, the whole aviation world changed drastically. In Belgium, we experienced the bankruptcy of City Bird, Sabena, Dat, Sobelair, etc. In the aftermath, new companies were founded or rebranded: Thomas Cook Airlines Belgium, Brussels Airlines, VG Airlines, Cargo B, Jetairfly. Some of them survived the very competitive market, others didn't.

All these companies have one common approach to their employees: they try to optimize the workforce in order to minimize the cost. These new companies often do not have any Common Labor Agreements (CLAs) in place. And if they do, they are far less protective than the ones before 9/11. "Optimizing" means that pilots work as close as possible to the legal limits as described by the European Aviation Safety Agency (EASA).

This caused a huge increase in workload in the day-to-day life of the pilots. (1)

- In 2012, the Belgian government ended our special pension scheme. Pilots were the most affected workers amongst the entire Belgian population.
 - Our legal pension age increased by 10 years, from age 55 to age 65 (age 67 in a few years).
 - Our career length was extended by 15 years, from 30 to 45 years.

This is an increase in career length of 50%! (2)

- Furthermore, pilots work in a hostile environment, but must accomplish every day complex tasks that require a high level of performance, without much room for error. These working conditions have a serious impact on our health. This effect is clearly shown in the mortality rate amongst the flying staff.

Flying staff dies earlier than the average population. (3)

To summarize, not only have our working conditions deteriorated (1) and has our career length increased drastically (1), we also have a shorter life expectancy than the general public. (3)

A careful analysis of the current situation and immediate remedial actions must be taken to find a viable solution for the sector.

2. The old system

All figures are based on the index of 2011.

Contributions to the general system are based on the second ceiling limit (6.478,00€). In reality, they will be even higher for a lot of pilots.

<u>From</u>	<u>Till</u>	<u>Reason</u>	<u>% Pilot</u>	<u>% Company</u>	<u>% Total</u>
€ -	Unlimited	General System	7,50%	8,86%	16,36%
€ -	€ 3.239,00	Shorter Career	4,38%	6,12%	10,50%
€ 3.239,00	€ 6.478,00	Higher Pension	14,12%	10,32%	24,44%

€ -	Unlimited	General System	€ 485,85	€ 573,95	€ 1.059,80
€ -	€ 3.239,00	Shorter Career	€ 141,87	€ 198,23	€ 340,10
€ 3.239,00	€ 6.478,00	Higher Pension	€ 457,35	€ 668,53	€ 1.125,88
Total for the special pilot's system			€ 599,22	€ 866,76	€ 1.465,97
Grand Total			€ 1.085,07	€ 1.242,48	€ 2.327,55

Pilots were pensionable at the age of 55 or after a career of 30 years.

As can be seen in the table, there was an extra monthly contribution of around 1.500 € put in the pension system for the special pilot system.

3. Transition measures

Flight Crew Members rights were usually reserved. For every year the pilot paid contributions to the old special pilot's pension system, the higher pension ceilings were taken into account and every year was factored by 1,5 in career length.

4. Problems encountered now and in the past

- In the old system, pilots having reached the legal pension age of 55y could be made redundant with a reduced notice of 6 months. Even worse, some were forced to “take their pension” and were re-hired as (false) “independent” contractor.
- The factoring of years is only taken into account by the ministry of pension. All other departments and ministries only refer to unfactored calendar years. This creates problems for SWT/RCC (Stelsel van werkloosheid met bedrijfstoelag / Le régime de chômage avec complément d'entreprise) and all other career length related rights.
- Mixed careers give some postponed amount in your pension pay-out. When you take your pension based on a mix of pilot years and years worked in the general system, only the

pilots' pension will be paid. For the payment of the full pension, you will need to reach the full pension-age-conditions of the general system as well. This makes it fiscally not interesting and sometimes impossible to take your pension.

- Pilots can lose their licences (Medical or EASA Flight crew licence), being declared unfit to fly, but at the same time remain medically fit to pursue any other profession. This raises problems within the social health service and the ONEM/VDAB. It is obvious that the risk to lose your licence increases with age. Furthermore, in the aftermath of the Germanwings crash, pilots will be screened more thoroughly on mental and physical issues.
- As the Germanwings crash has shown, pilots do not trust their companies and refrain from informing them on health or mental issues. They are afraid of losing their job and they fear the financial instability due to a loss of income caused by a (temporary) suspension from active service.
- As mentioned in the introduction, the increased workload will have to be dealt with during 15 more years due to the abolition of the pilot's special pension system.

5. Arguments why pilots should be entitled to a lower pension age

5.1. Arguments based on the Belgian Labor Laws

- **Arbeidswet van 16 maart 1971.**
http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=1971031602

16 MARS 1971. - Loi sur le travail.

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=1971031602&table_name=loi

Art. 3quater. <Ingevoegd bij W 2006-07-20/39, art. 250; Inwerkingtreding : 07-08-2006> De bepalingen van hoofdstuk III, afdelingen 1 en 2 en 4 tot 7 zijn niet van toepassing op het varend personeel tewerkgesteld aan **werken van vervoer in de lucht**.

De Koning kan, bij een besluit vastgesteld na overleg in de Ministerraad, en volgens de voorwaarden en nadere regelen die Hij bepaalt, de in het eerste lid bedoelde bepalingen geheel of gedeeltelijk van toepassing verklaren op het varend personeel tewerkgesteld aan werken van vervoer in de lucht. De Koning kan eveneens specifieke bepalingen voor deze categorie van werknemers invoeren.

Art. 3quater. <Inséré par L 2006-07-20/39, art. 250; En vigueur : 07-08-2006> Les dispositions du chapitre III, sections 1re et 2 et 4 à 7 ne sont pas applicables au **personnel navigant occupé à des travaux de transport par air**. Le Roi peut, par arrêté délibéré en Conseil des ministres, et dans les conditions et

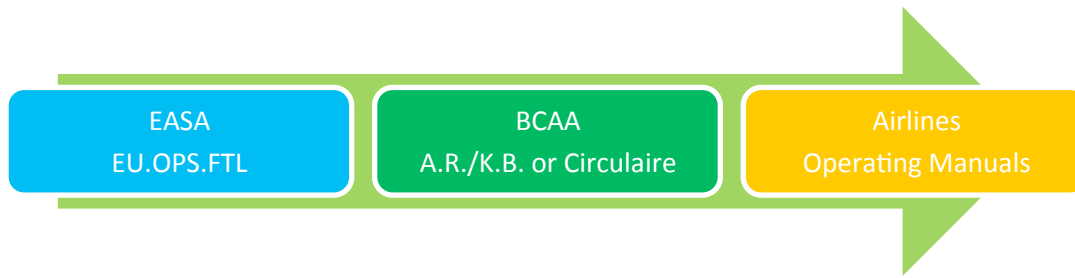
modalités qu'il détermine, rendre les dispositions visées à l'alinéa 1er applicables en tout ou en partie au personnel navigant occupé à des travaux de transport par air. Le Roi peut également introduire des dispositions spécifiques pour cette catégorie de travailleurs.

- Hoofdstuk III, afdeling 1:
Dit zijn de bepalingen voor **Zondagsrust**.
- Hoofdstuk III, afdeling 2:
Dit zijn de bepalingen op **Arbeidsduur, 'Arbeidskorte', overuren, inhaalrust en hun financiële bepalingen**. Zijnde 40 (38) uren per week, 8 uren per dag. De kortste periode mag niet korter zijn dan 3 uur. Bepalingen van 50% en 100% betaalde overuren en inhaalrust.
- Hoofdstuk III, afdeling 4:
Dit zijn de bepalingen op **Nachtarbeid** en het algemeen geldende verbod en de uitzonderingen hierop. Arbeid tussen 20 uur en 6 uur.
- Hoofdstuk III, afdeling 5: **Het naleven van de uurroosters**.
Het is verboden arbeid te laten verrichten buiten de uren vastgelegd in het arbeidsreglement (uurrooster)
- Hoofdstuk III, afdeling 6: **Rusttijden**.
Minstens 11 uur tussen 2 arbeidsprestaties. Rust moet samengevoegd worden met de zondagsrust.
- Hoofdstuk III, afdeling 7: **Pauzes**.
Minstens 15 min pauze per 6 uur werken. Verplicht te nemen.

Conclusion

Since the pilots' day-to-day work is not fully governed nor protected by the general labor law, the general pension system will not be a correct fit neither. If the flying staff would follow the general labor law, this would result in a huge change of working conditions.

Pilots' day-to-day working conditions (duty times and rest times) are drafted by EASA (European Aviation Safety Agency) and then voted by the European Commission. These laws, the EU.OPS.FTL, are then translated in Belgian law and then included in every airliner's OPERATING MANUAL PART A (OM-A), that must be approved by the BCAA (Belgian Civil Aviation Authority).



This results in a completely different work environment and experience for the pilots compared to the general public:

- Weekly rest on Sundays does not exist. Rest on Legal Holidays neither.
- There is no minimum on the hours that can be worked in a day. This can be 1 hour to do a course, followed by a 12-hour rest and then another duty.
- Limits on Flight Duty and Duty do exist, but they are less strict than in the General Labor Law. 14-hour working days, or more, are common. With delays, this can go up to 16 hours. These are the rules for flights with 2 pilots in one cockpit. In case of augmented crew, the duty can be even longer. Pilots can do up to 60 Duty Hours in 7 days.
- The combination of ‘Standby’ or ‘reserve’, followed by a call to do an unplanned duty, can lead to very long days. In the past, we experienced days of 26 hours. At the moment, you can be on Reserve Duty 24hrs a day during 7 consecutive days.
- Overtime is a virtual concept and does not exist in the EU.OPS.FTL.
- The extra rest time or remuneration for overtime, working on a Sunday or Legal Holiday does not exist in EU.OPS.FTL.
- Night Duty has a completely different meaning in the EU.OPS.FTL. The WINDOW OF CARCADIAN LOW (WOCL) is however taken into account. This results in a small limitation on duties between 02:00 and 06:00 in the morning. Working during the nights has no increase in remuneration compared to any other hour of the day.
- Schedules need to be published 14 days in advance, but are not fixed. In general, only the 2 legal ‘weekend days’ are seen as fixed days, but this is not a ‘hard’ law.
- Rest time is sometimes less than 11 hours (away from homebase or during split duties).
- There are NO breaks/pauses. When in the cockpit, pilots must remain seated with their seatbelt fastened. They can only leave the cockpit for “physiological needs”.

This can be for 10 hours or more. Eating and drinking is done while seated. Smoke breaks are illegal.

Since it is impossible to apply the general labor law to pilots, we can only come to the conclusion that the general pension system might not be the best fit. It would be unwise to apply a general pension system to people who have never benefited during their career from the full protection of the complete general labor law.

We, at BeCA, are convinced that these exclusions of the general labor law, which result in less protection for the flying staff, entitle the flying staff to a special pension plan.

5.2.Arguments based on licensing and legislation

- Pilots must be holder of a valid Flight Crew Licence (delivered by their National Aviation Authority) and of a valid Medical Certificate (delivered by an approved aeronautical doctor). Both need to be valid at all times to exercise the pilot profession.

- The Flight Crew Licence:

In order to be qualified and remain qualified, a pilot needs, at regular intervals, to follow courses, to pass tests and keep some documents up to date. The most known requirement is the check ride in the simulator every 6 months. If the pilot doesn't succeed in getting qualified, this might result in a direct termination of the work contract by the employer due to "force majeure/overmacht". A small overview of the required checks and qualifications:

- MNPS, trans-Atlantic qualification - Training and test.
- Line check – Test.
- Dangerous Goods - Training and test.
- All Weather Operations - Training and test.
- Operator Proficiency Check - Training and test.
- Low Visibility Take-Off and Landing Check - Training and test.
- Check by the BCAA on your personal flight log: hours flown in total, using instruments, number of take offs and landings, night hours, etc.
- Safety Management Systems - Training and test.
- Upset Recovery Training - Training and test.
- Line Proficiency Check - Training and test.
- Fire Training - Training and test.
- Ground Airplane Systems - Training and Test.
- First Aid - Training and test.
- Safety and Emergency Procedures - Training and test.
- Crew Resource Management - Training and test.
- Difference Course on Type of Aircraft and Engines - Training and test.
- Security Training - Training and test.
- Evacuation Training - Training and test.
- Wet Drill, Ditching - Training and test.
- Reduced Vertical Separation - Training and test.
- Non-Precision (Management) Approaches - Training and test.
- GPS training - Training and test.

- The Medical Certificate

Pilots need to have a valid medical certificate. When a pilot doesn't meet the medical requirements for the issuance of his/her medical certificate (illness, surgery, fatigue, etc.), the medical certificate is not valid anymore and the pilot must not fly!

The initial medical screening when entering the profession already results in selecting a group of people who are on average healthier than the general public. This might result in healthier statistics during the first part of the career when comparing them with the figures of the general public might appear.

Pilots are screened and tested on the following medical matters at intervals mentioned in the table:

Medical Certificate	EASA			
	Class 1			
INITIAL ISSUE	AeMC			
	Single pilot air transport operations carrying passengers		Other commercial operations	
VALIDITY	Under 40 40 plus	12 months 6 months	Under 60 60 plus	12 months 6 months
ECG	At initial, then Under 30 60 months 30-39 24 months 40-49 12 months 50 plus 6 months or if clinically indicated		At initial, then Under 30 60 months 30-39 24 months 40-59 12 months 60 plus 6 months or if clinically indicated	
AUDIOGRAM	At initial then Under 40 60 months 40 plus 24 months		At initial then Under 40 60 months 40 plus 24 months	
COMPREHENSIVE OPHTHALMOLOGY	At initial, then If +3D to +5D or -3D to -6D: 5 yearly Exceeding -6D: 2 yearly Anisometropia & astigmatism exceeding 3D: 2 yearly			
HAEMOGLOBIN	Every examination			
LIPIDS	At initial, then at age 40			
RESPIRATORY FUNCTION TESTS	At initial (FEV ₁ /FVC), then if clinically indicated			

It is important to note that the medical criteria to get a valid Medical Certificate are totally different from the criteria used by the labor doctor (arbeidsgeneesheer/médecin conseil). This might lead to the situation where a pilot is considered unfit to fly, but at the same time can be declared 100% fit for work by the Health Service.

In extreme cases, the pilot can become unemployed due to their medical condition and be considered 100% fit to work by the Health Services.

- Other legal requirements
 - EASA doesn't allow for 2 pilots of 60 years or more to operate in the same crew. This means even EASA recognizes the detrimental effect of age on the pilot's performance and the increased safety risk.
 - National Aviation Authorities only issue commercial and airline pilots' licences till the age of 65. Afterwards, a pilot may not fly in a commercial function anymore. What can a pilot do between the age of 65 and the future pension age of 67 without a valid licence?
 - A valid international passport without restrictions is required to exercise the profession. This means having a clean criminal record and being eligible to apply for visas for countries around the world.

5.3. Arguments based on scientific research

As basis for these arguments, the following scientific article published in 2007 in the magazine "Documents pour le Médecin du Travail N°111, 3^e Trimestre 2007" by the French Institut National de Recherche et de Sécurité (INRS) was used.

dmt
dossier médico-technique

TC 115

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Activité, charge
de travail et stress
du personnel navigant
des compagnies
aériennes



La situation dans les courts et moyens courriers

Peu d'études ont été réalisées sur la charge de travail et les risques psychosociaux chez le personnel navigant de compagnies aériennes notamment pour les courts et moyens courriers. Ce dossier, construit à partir des résultats d'une étude, fait le point sur le sujet.

5.3.1. Noise burden

On the workplace, the sound level is, during almost the entire flight, between 80dB and 83db, with temporary peaks that go beyond. The exact noise burden depends on the type of aircraft, flight phases, configuration and speed of the aircraft, etc.

It is important to note that, until now, no Belgian airline has implemented correct scientific measures of the noise level on board. If pilots would have a 'normal' workspace, the Health and Safety departments would have already done this as required by law.

This noise burden results in fatigue and a permanent heightened stress level.

5.3.2. Air humidity and quality

The humidity of the air on board an aircraft is a lot lower than at the ground level. This results in dehydration:

- Mucous is formed at a lower rate and reduces the drainage of germs and viruses from the respiratory system. This results in a higher risk of infections and diseases.
- A lesser flexibility of the tympanic membrane (eardrum) that can rupture when suffering from a cold.
- The skin suffers, ages more quickly and repairs itself more slowly.

This effect can be partially countered by drinking a lot of water. However, this increases the number of breaks for "physiological needs". With the implementation of the new "4-eyes in the cockpit" procedure that followed the Germanwings crash, pilots may try to minimize the number of toilet visits.

5.3.3. Air pressure

The exposure to a repeatedly changing air pressure (sea level to 2.500m and back) during a flight, or a series of flights, results in continuous physical discomfort. Combined with the dry air and a cold, this can lead to a ruptured eardrum, with possible permanent ear damage. This is why pilots should not fly with a common cold.

The combination of dry air and the high noise levels result in increased fatigue during a flight.

5.3.4. Non ergonomic workplace

Due to the optimization of the available space in an aircraft, cockpits are not ergonomically designed and pilots need to work in a poorly adapted workspace. Most of the time, they remain seated at the controls. There are very few opportunities to stretch the legs since pilots must remain seated with the seatbelt fastened (sometimes even with the oxygen mask on) and can only leave the cockpit for physiological needs.

5.3.5. Unhygienic workplace

An aircraft is by definition a public space. The work place is shared every day with other crews and passengers. Combined with the above-mentioned lack of space, an aircraft cannot always be cleaned up to standards. The lack of space also results in a less optimal hygienic placing of the toilets, next to the kitchen or the cockpit, leading to more diseases among the flight crews.

5.3.6. Stress level

Due to the nature of the job and the events that happen during a flight, the pilots have a permanent high stress level. This has been proven to have negative effects on the pilots' health.

5.4. Other health factors and arguments

5.4.1. Biorhythm

The biorhythm of pilots is often heavily disturbed. One day you need to get up in the middle of the night, the next day you have a night flight. Changing rosters do not allow for enough recuperation time and create cumulative fatigue.

On top of that, the time-zone crossing is also an attack on the biorhythm.

5.4.2. Cosmic radiations

Pilots are exposed to higher cosmic radiation doses, due to the altitudes at which modern aircraft fly. Therefore airlines must keep records of the exposure to radiations for every individual pilot. Female pilots who are pregnant are immediately relieved from flying duties due to the detrimental effect of radiations on the unborn child.

5.4.3. Toxic air syndrome

Aircrews (and also the passengers) breathe air that is taken from the compressor stage of the engines. Due to design faults or aged engines and seals, this air can be contaminated with pyrolysed oils. These oil fumes have the same effect as small dosed nerve gas. In the short term this can lead to breathing problems, loss of consciousness, impaired judgment, etc. On the long term, these effects can lead to chronic nerve-diseases or even death.

<http://www.ft.com/cms/s/0/3009f22c-0def-11e5-8ce9-00144feabdc0.html#axzz3uQGLDskS>

The researches on this topic are ongoing and regulations on the air quality in aircraft are being drafted.

5.5. Strong contributor to the Social System

Pilots are contributing more than average to the Social System of our society. The nature of their work could easily allow them to work abroad. The Belgian Government would lose a significant amount of contributions. This effect has been duly noticed after 9/11 and the resulting bankruptcies, when a majority of pilots moved abroad.

If the government doesn't act to provide a social safety net for pilots, they will look for solutions on an individual basis and start looking for a job abroad. This will have a detrimental effect on the Belgian Social Security.

It is important to note that before 2012, many pilots who had the opportunity to go work abroad decided to stay in Belgium, because of the better pension system for pilots!

6. Conclusion

The full protection of the General Labor Law does not apply to pilots. Pilots work in a hostile environment which makes them age more rapidly. Their working conditions heavily deteriorated during the past years, while at the same time their career length increased by 50%! Every day, they need to perform their duties above a minimum performance level to guarantee the safety of every flight. Their competence and knowledge are tested at regular intervals.

Thanks to the government and BeCA cooperation, transitional measures were put in place when our special pension was abolished in 2012. This postponed the above-mentioned problems for a while, but this is far from sufficient.

We need to act now to prepare for the future. BeCA knows what the pilot population needs! But we need the help and active involvement of the government, like in the past, to install viable solutions.