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## **GUIDELINES TO TRANSFER OF STAFF**

The EU 96-67 Directive meant a landmark for the opening up of the ground handling business in Europe. It also meant the implementation of a business model based on a continuous reduction of costs in a very competitive market, resulting in the biggest threat that ground handling workers have had to face. Job quality and stability, as much as wages, working hours and pensions schemes have been lowered to unacceptable minimums.

The ETF Ground Staff Committee believes that employment instability is the core of the problem, hence a transfer of staff regulation can be considered as a safeguard for both, workers and enterprises. A transfer of staff agreement allows workers to keep working conditions and wages and therefore provides enterprises with a level playing field when new competitors arrive to the market.

Taking into account that labour costs are fundamental to determine the prices that a service provider can offer to airlines, without a transfer of staff agreement, established handlers will always be in a competitive disadvantage. Staff's seniority and all privileges linked to it are rights never to give up and should as such be part of the framework to be accepted by anyone intending to enter the Ground Handling market.

At present, the last company to enter the market is the cheapest and with the least skilled workforce. Therefore a transfer of staff agreement should be a common target for workers, enterprises and even for National Aviation Authorities, as an experienced and skilled workforce is enormously linked to safety.

The ETF Ground Staff Committee will fight at all levels to achieve a minimum set of rules to be applied everywhere in Europe in order to have a realistic Transfer of Staff legislation. The ETF Ground Staff Committee believes that European co-ordination of national collective bargaining on Transfer of Staff is the best way to start this process. In order to do so and taking into account that the CAS met in December 2007 adopted a resolution recognizing the Spanish Ground Handling's Sectoral Agreement as a milestone in providing minimum standards in the sector, it seems convenient to follow as many as possible of the guidelines listed below:



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## Negotiation with employers

- Make local employers understand that transfer of staff is a warrant to market stability as it avoids “cow-boy” operators to enter into the market with lower labour costs.
- Explain that it levels the playing field for new competitors and hereby avoids that a licence is granted only because the applicants have lower costs in staff wages

## Negotiation with local NAA's

- Explain that transfer of staff:
  - o Brings stability to the sector, and contributes to safety and security by helping to professionalize the sector.
  - o Prevents labour disputes by providing job stability.
  - o Improves service quality because Ground Handling Services Providers will concentrate their efforts on providing excellent services and resourceful management to make a difference because lower labour costs are no longer relevant
  - o Helps to adjust costs, because the Spanish experience shows that providers in Spain have adjusted their costs by 30% through optimizing resources.

In order to establish a common ground, acceptable to all employers, it is therefore necessary to co-ordinate collective bargaining to a point where all local industrial agreements in the sector are at one national level for yearly salary for an equal yearly working time. This makes it easy for enterprises to assume the minimum floor in the national or European agreement.

At the same time, it is necessary to sign collective bargaining agreements with the local enterprises, in order to set a “common ground” that will be the same for the agreement at national level regarding economical levels and working hours. Therefore, those same enterprises will assume the minimum floor set in the national/European agreement.

## What to do when changes of GH services provider take place?

- In case of take over, call for tenders and, generally speaking, when a transfer of activity takes place among handlers, transfer of staff must be compulsory for employers (the transferor and the transferee) and voluntary for employees, bearing in mind that the non-acceptance of the transfer might result in a dismissal.
- Transfer must be applicable to all staff (freight, ramp side and passenger's side).
- National Aviation Authorities must be involved by making compulsory the acceptance of the agreement for any undertaking in case of a call for tenders.
- Both, total and partial transfer must be covered even in self-handling cases:
  - o Transfer due to a total loss of activity: in this case, the number of workers to be transferred must be the totality of workers dedicated to the handling services.



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- Transfer due to a partial loss of activity or in case of self-handling: once determined the average loss of activity, this average would be applied to the total amount of staff dedicated to the handling services, and then transferred to the employer capturing the market.
- Workers must keep the following rights unless the ones in the new company are better: annual revenues, seniority, annual/monthly working hours, professional category and pension schemes.

To summarise the whole position, the text suggested by ETF at the Work Programme of the Ground Handling Working Group in the Social Dialogue is a good principle to follow at any time:

**“As long as a transfer of activity takes place among handlers out of the scope of the Council Directive 2001/23/EC of 12 March 2001, the employees of those undertakings will maintain all the rights and safeguards recognized for workers in the event of transfer of undertakings in that above-mentioned Directive.”**



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