

Some major battles were won by Ryanair pilots and cabin crew in the 2018 transnational strike, including trade union recognition and the application of national labour law, but the war is far from over. Now focused on a full economic recovery following the shock of the Covid-19 pandemic, the company is still playing hardball in industrial relations. And with the ascent of rival airline Wizz Air, labour standards risk sinking to even lower levels in Europe's 'low-cost' aviation industry.

While aviation takes off again, labour standards remain low

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The warmer seasons have arrived, Covid restrictions have loosened... Now seems the perfect moment for the odd weekend jaunt or two to a beautiful European city. At least that's what Europe's top airlines are banking on, and none more so than what are termed 'low-cost carriers' – those airlines that dominate the market when it comes to cheap, short, intra-European flights: EasyJet, Vueling, Wizz Air, and of course, Ryanair. CEO Michael O'Leary has been quoted as expecting a 'strong recovery'. But if we cast our minds back a few years, O'Leary and Ryanair were in the news for very different reasons: the company's very controversial working practices. In what Hans Elsen, secretary for the aviation sector at the Belgian Confederation of Christian Trade Unions (ACV), calls the 'great summer of 2018', Ryanair cabin crew and pilots in Belgium,

Italy, Portugal, Spain, the Netherlands and Germany went on strike in a coordinated transnational action. The issues were numerous, but the crux of the matter lay in the airline's insistence on hiring workers on Irish contracts, meaning that they were subject to Irish minimum wages and employment jurisdiction rather than those of the countries where they were based, which were often more favourable. By spring 2019, says Elsen, almost all of these countries had a collective labour agreement (CLA) in place for both pilots and cabin crew, applying the labour law of the worker's base country. It was an unprecedented victory in a notoriously anti-union company.

From high hopes to a hard landing

But what have been the long-term effects of these seismic changes in a company whose CEO once claimed 'hell would freeze over' before he would recognise unions? Has Ryanair transformed into a beacon of social dialogue? According to the ACV's Elsen, not so much. While some of the big things may have been won, Elsen says that they are now in constant struggles with the

company over the finer legal details regarding employment rights, which can nevertheless have a big impact on a worker's life. 'What is systematic in Ryanair's behaviour is that they keep on saying that the internal regulations of Ryanair are above the law.' He gives one example: despite it being illegal under Belgian law to sanction a worker due to illness-related absence, Ryanair continues to call up workers for disciplinary hearings after 10 days of sick leave, to give them a 'warning'. 'So they accept it on paper that local law be implemented,' explains Elsen. 'But in fact, they don't do it. They just check in every country, not if something is legal or illegal, but rather: "what is the sanction if we are not implementing that part of the law?"'

Cabin crew member and ACV representative Joao Simoes, who is based at Brussels Zaventem airport, confirms Elsen's assessment of the post-2018 losses and gains. 'The biggest victory we got was better job protection. But nothing ever runs smoothly, and even less so with Ryanair. They always want to find a loophole. They want to *discuss* the rules of the game, not play by them.' Many issues are still to be resolved in the renegotiations of the current CLA for the

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Belgium-based cabin crew, ranging from the setting of the minimum basic salary to the crew's right to drinking water onboard: if a crew member runs out of water during a flight, the only option other than going thirsty is to buy a bottle from Ryanair, at a cost of three euros. Just taking a bottle 'would result in a disciplinary hearing,' says Simoes. 'It would be considered stealing.'

The onset of the coronavirus crisis in early 2020 did not help matters. 'It had a huge impact because suddenly there were no more flights,' says Elsen. 'We were in a weak position, because there were too many pilots, too many cabin crew. It was impossible to do [social] elections. I wouldn't say they took back what they gave us in 2018, but they threatened pilots and cabin crew in every country with collective dismissal unless they accepted to give up 15-20% of their salary.' While other companies did actually fire people, Elsen still believes Ryanair has acted in bad faith: 'They sent out communications saying they would be the first to recover from the crisis, because they don't have inter-continental flights, and that they were sitting on four billion euros, so they didn't have a problem to survive.' The salaries of aircrew staff were also covered by temporary unemployment payments from the state.

'The say they want to help us, but they're restoring pay to 2018 levels,' says Ryanair pilot Sam¹, who is based in Belgium. 'They're displaying the same underhanded tactics they always have.' Sam also has first-hand

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experience of the company's tough sick leave policy, once getting called in to head office to be told that he needed 'to take better care' of himself, and that others were sick far less often. 'That kind of attitude permeates throughout the entire company. Management are not there to help you. It's about exercising control. It's a fear culture. Pilots begin to believe that what they do is easy and only worth what they're paid.'

The real cost of cutting costs

Ryanair was a pioneer of the low-cost air travel model in Europe back in the early 1990s, taking its cue from Southwest Airlines in the US, which in the 1970s was the first airline to establish extremely cheap ticket fares. Ryanair's growth to become Europe's largest airline was partly facilitated by the deregulation of the EU air services market; the adoption of the Third Aviation Liberalisation Package in 1992 removed

any remaining commercial restrictions for European airlines operating in the EU, such as the setting of fares and access to intra-EU routes. But in a company whose survival depends on streamlining all operating and overhead costs to maintain its token low prices and stay on top in a competitive market, labour does not escape the squeeze.

Union organisations have been increasingly concerned over the past decades by the various employment practices and working conditions of low-cost carriers – not just in the companies themselves but, crucially, also regarding the impact they have on the entire sector. 'We call it the 'race to the bottom' effect,' says Eoin Coates, head of aviation at the European Transport Workers' Federation (ETF). 'What happens is that the unfair competition elements kick in. A good example is in Ireland, where [national carrier] Aer Lingus was forced to completely change its type of operation, its work contracts, everything, to try and reduce its costs to be competitive with Ryanair. And

↳ Europe's airlines are banking on a strong post-Covid recovery this summer.
Photo: © Sadak Souici



1. The name has been changed due to the pilot's wish to remain anonymous.



↳ **Low labour standards in low-cost carriers drag down conditions in the entire sector.**
Photo: © Sadak Souici

that happened everywhere. So rather than force the conditions in the likes of Ryanair up, we have seen airlines drag their conditions down to be more competitive.’

Aircrew staff already have a litany of health and safety issues to deal with in any airline: the fatigue that can be caused by a non-stop series of short-haul flights in one day, air quality in the cabin, the dangers of cosmic radiation², unruly or dissatisfied passengers, and the struggles of living away from home, often in shared accommodation (something that took on a particularly difficult dimension during Covid lockdowns if crew members were stuck in the country they were based in and unable to travel back to their home country). The particularly pernicious drive to cut costs in low-cost carriers only creates a more difficult working environment.

Once a cabin crew worker himself, Coates can confirm the traditional differences in conditions between the low-cost airlines and legacy carriers, and why it so important to level up rather than down. ‘I went from Ryanair to Aer Lingus. It was definitely a pay increase, but it was also just the approach and the culture of the company. That was the big thing that shocked me when I moved over. I went from a company where it was pressure, pressure, pressure on things like sales – particularly sales. That was a very challenging environment

to work in. There was still some pressure in Aer Lingus, but nowhere near as much.’ Another difference: ‘Aer Lingus provided you with food and water, which Ryanair never did. And you could be working 12, 13 hours a day. That’s a completely standard legal working day in aviation in Europe. So to have your own food is pretty essential.’

Even greater struggles in eastern Europe

The 2018 strikes did make some major gains in western and southern Europe, but this did not extend across to central and eastern Europe. Mariusz Skrzypek, lead organiser at the Aviation Industry Employees Initiative in Poland describes the situation in the country: ‘In 2018, there was an attempt to set up a union in Ryanair, which had announced that it was moving all pilots and cabin crew to self-employment contracts. It was quite quick and spontaneous – over 300 joined. But then a lot of misinformation was spread by Ryanair managers, such as the idea that self-employed workers could not be members of a union, which was false.’ In the end, the majority accepted self-employment. ‘Within a few months, the union collapsed,’ says Skrzypek. Ryanair never met with the representatives.

However, while Ryanair has been

particularly unyielding in eastern European countries, they may no longer hold the title of toughest employer in the industry. Enter Hungarian low-cost carrier Wizz Air, which first spread its wings in 2003. By 2019 it had grown to 200 million passengers, and is now bidding to be one of the leaders in the aviation sector’s recovery from the pandemic. And by all accounts, the management takes anti-union attitudes to another level. ‘They are extremely aggressive,’ says Mila Shamku, policy officer for aviation at the ETF. ‘Our affiliates tell us that they are even more aggressive than Ryanair was at the beginning of their development – it’s like the 19th century. It’s extra low cost, extra cheap, and their wages and labour standards are very low. And during these last two years of pandemic, they were the only ones doing huge investments – especially in the UK and Italy, on the cheap – because they are betting everything on the 2022 summer season.’ Just like O’Leary, CEO József Váradi is not shy about voicing his opinion of unions, declaring in an interview that Wizz Air can simply ‘close the base and move on’ if workers try to organise.

2. See the article by Théophile Simon in this issue, ‘Flying and cancer’.

Shamku explains that there is an extreme amount of fear in the company. Workers who are willing to speak to a union not only refuse to talk at the airport but even consider it too big a risk to be put in the same WhatsApp group as another worker. Skrzypek gives further examples. 'In Romania, more than 20 cabin crew and pilots set up a union in 2014, and Wizz Air fired them all. Then in 2020 in Kiev, Ukraine, a group set up a union – they were also all fired.' According to a 2021 survey of working conditions conducted amongst pilots by the European Cockpit Association, both Ryanair and Wizz Air were placed in the low-scoring 'social misfits' classification, but for the 'employee-labour relationship' category, there was a clear difference. Ryanair was awarded 45/100 which, while still low and only thanks to the advances in collective bargaining in recent years, was much higher than the mere 2/100 received for Wizz Air. It must be said, however, that Ryanair subsidiary Buzz, based in Poland, received a score of 0/100 for the same category. In perhaps the most extreme example of lack of employee care, both Shamku and Skrzypek have received information indicating that Wizz Air continued operations in Ukraine right up until the Russian invasion, despite previous warnings, and did not evacuate their crews in time.

Tackling the low-cost employment model

The deterioration of working conditions is not necessarily the result of, but has certainly been enabled by, the growth of atypical employment and complex recruitment procedures in the sector. Companies like Ryanair and Wizz Air have various methods for avoiding a direct employment relationship. For example, Ryanair hires workers through agencies Crewlink and Workforce – which it actually owns – who are then subcontracted to Ryanair, and only Ryanair. In some cases, workers are simply, and questionably, classed as 'self-employed'. A 2019 study commissioned by the European Commission found that atypical employment practices 'tend to be more prevalent amongst low-cost carriers'³. The same study noted that 'cabin crew and pilots with an employment contract via an intermediary manning agency tend to be

In a 2021 survey of working conditions conducted amongst pilots, Wizz Air received a mere 2/100 in the 'employee-labour relationship' category.

more dissatisfied with their working conditions than those directly employed by the air carrier' – but also that those 'working for low-cost carriers are in general more dissatisfied than those working for legacy carriers'⁴, even if directly employed. Atypical employment and poor working conditions may therefore not always be directly linked, but the presence of both in low-cost airlines certainly appears to create a vicious cycle for workers.

As the ETF's Eoin Coates explains, the proliferation of atypical employment arrangements across the sector is taking place in a very complex landscape, with companies, agencies and workers often all based in different European countries despite being linked in one chain of employment. 'This is a growing problem in the aviation industry jurisdiction,' he says. 'We can have a Polish Wizz Air cabin crew member, based in Poland, flying for a Hungarian carrier, employed through a Dutch company, and paid by a company based in Switzerland.' It's a difficult situation to monitor for any union organisation. 'The simple reason is mostly to avoid tax or reduce overhead costs' – which can include pension, social security, holiday and maternity payments, to name a few. This can have serious consequences, particularly in the pandemic. The ETF

initially had to lobby the Polish government to ensure that self-employed workers in Ryanair and the country's flag carrier LOT would be entitled to Covid-related temporary unemployment payments, which their employment status could have prevented them from accessing. COZZ organiser Mariusz Skrzypek explains that LOT is now increasing its number of self-employment contracts, setting a dangerous precedent. 'LOT is a state-owned company, which simply means that the state is promoting self-employment in the aviation industry in Poland. Ryanair is now publicly saying: "We are just following the bigger model on the market, which is LOT".' For Skrzypek, the solution is clear: 'Nobody is representing these workers. We need to unionise the self-employed.' ●

3. European Commission (2019) Study on employment and working conditions of aircrews in the EU internal aviation market: final report, p. 206.
4. Ibid. p. 66.