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BOOK REVIEW

***International Aviation Labour Law*, Andrea Trimarchi. Routledge Research in Air and Space Law Series. London: Routledge. 2022. 248 pp. £ 120. ISBN 9781032263922 (hardback), ISBN 9781032263939 (paperback), ISBN 9781003288107 (e-book).**

Civil aviation advances the global economy, making modern and internationally connected quality of life possible. At the same time, it is a major employer. While airlines, aircraft manufacturers, air traffic management service providers and airports directly provide jobs, the indirect significance of aviation for employment is also exemplified by supporting tourism and suppliers like catering and clothing companies. Despite the considerable contribution that civil aviation makes to employment, aviation personnel are in a vulnerable status in ever-changing market conditions. Employment in the aviation sector is intrinsically characterized by a plethora of peculiar practical and regulatory features. The international nature of civil aviation gives to complexity in the choice of applicable laws and entails coordinating labour protection across jurisdictions worldwide. The regulation of aviation employment and labour is still prevalently a matter of domestic law. The heterogeneous working conditions, multiple laws governing contracts, differences in taxation regimes, multiple and conflicting regulations concerning crew flight time, and pilot fatigue have a significant impact on the aviation industry as a whole. The legislative patchwork may result in such compelling issues as aviation safety, fair competition, and jurisdiction. Moreover, aircrew are oftentimes subject to long flight hours, irregular sleep and work patterns, difficult night duties and working at multiple bases.

The International Civil Aviation Organization (ICAO) works together with the ICAO Member States, the International Labour Organisation (ILO), and other industry stakeholders to improve decent work in civil aviation. The involvement of either ICAO or the ILO in a such sphere is, however, limited to programmatic and general declaration of intent. Further, academic literature, especially air law-related literature, regarding these compelling legal questions, stayed in the shadow of studies carried out in the areas of aviation safety, economic regulation, and environmental protection.

In light of this, Dr Trimarchi, who has vast expertise in the field of aviation law, sets out to present the current international and European legal landscape concerning aviation labour law, while also provides potential adequate regulatory solutions to mitigate adverse effects arising out of the existing legal fragmentation of labour laws applicable to aircrew members in different jurisdictions. The book, which is titled *International Aviation Labour Law*, is an adaptation of Dr Trimarchi's PhD thesis, which was defended at the University of Cologne in 2021 (PhD in Aviation Law, *magna cum laude*). Before that, the author obtained an LL.M. (Adv.) (*cum laude*) in Air and Space Law from Leiden University.

The book is conceptually divided into three parts, *to wit*, 'how does current regulation address such a variegated and heterogeneous area of civil aviation?' (Chapters 1, 2 and 3); 'what are the repercussions or practical effects of not having such a systematic and specific international regime already in place?' (Chapter 4); and 'what are the appropriate solutions to some unresolved issues to better serve the purpose of delineating a systematic and comprehensive regime for international aviation labour?' (Chapter 5).

The aviation lawyers will find in Chapter 1 a clear explanation of labour law from both the international and the European Union (EU) perspectives. Dr Trimarchi introduces conventions and recommendations of the ILO as the international labour law. As the global forum, the ILO has a tripartite structure primarily intended to ensure the views of all groups involved in labour matters, namely, governments, employers, and employees. The author moves on from the international labour law by addressing the primary sources of the EU labour law and discussing the so-called broad social policy between harmonization and minimum standards.

Chapter 2 is devoted to the question of how the current international air law addresses issues relating to labour and employment. The author accurately identifies the fact that the Chicago Convention of 1944 is silent on matters such as labour and employment. The chapter provides an elucidation of the main reasons for this regulatory discrepancy. Notably, ICAO is giving attention to the concepts of fair competition and pilot fatigue relating to labour matters.

In Chapter 3, the book discusses labour and employment within the context of the EU air law. The single aviation market is one of the most important achievements of the Union. Moreover, the regulation of labour represents a priority for the broad social policy at the EU level. Through the development of a 'social agenda in aviation', the Union is tackling the detrimental trends in labour conditions within the air transport industry. The author also analyses secondary European legislation in aviation. Several EU Regulations deal with issues connected to aviation labour. For example, there is Regulation (EU) No 1178/2011 on technical rules for aircrew.

Chapter 4 examines the most relevant legal implications that may arise from fragmented regulation of labour and employment in civil aviation. Dr Trimarchi critically points out the emergence of atypical employment in air transport, which has been identified as self-employment, fixed-term work, working via temporary work agencies, zero-hour contracts and pay-to-fly schemes. The second part of Chapter 4 takes into consideration issues of discrimination in the context of civil aviation. The issues include discrimination based on gender, age, and race. There are such other factors as the social status of aircrew which may also translate into discrimination. Furthermore, by accepting the premise that fair competition protects the benefits of consumers and advances the quality of services, the author looks at labour cost in the context of non-commercial advantages for the airline established. The case of the Gulf Air Carriers provides an example of the absence of income tax or social security likely contributing to an unlevel playing field.

The following part of this chapter addresses some questions of private international law. The phenomenon is primarily dealt with from a European perspective. Given the fact that the EU aviation market is, to a considerable extent, subject to national labour and social security systems among the EU Member States, there is a growing concern of social dumping regarding the working conditions of aircrew. Last but not least, the author assesses the impact that social and economic events may have on air transport and aviation labour. This section specifically touches upon the impact of the coronavirus disease (COVID-19) pandemic and the case of *Flygskam*. When the former poses risks such as job losses and workers' health, the *Flygskam* refers to the phenomenon of flight shame accompanied by a reduction of flights. These events may imply job mass redundancies and lower standards for airlines' crew members.

All the uncertainties and negative impacts identified in the first four chapters lead Dr Andrea to propose pragmatic solutions, which are presented in the final chapter of this book. Chapter 5 intends to illustrate how and under what forms a specific systemic international legal regime shall be established. Regulatory alternatives comprise the ILO Conventions, the ICAO Annexes and bilateral air services agreements (ASAs). Firstly, carrying out an in-depth legal analysis of the maritime labour law, the author examines the question of whether a hypothetical ILO Aviation Labour Convention can appropriately mitigate negative effects arising out of the current legal fragmentation of aviation labour laws. The second option lies in the Standards and Recommended Practices (SARPs) issued by ICAO. Recognizing that ICAO is uniquely well-suited to cope with issues of economic air transport, there are two possibilities in which the ICAO Annexes cover labour and employment matters. Aviation labour standards can either be incorporated as a new Annex to the Chicago Convention of 1944, or alternatively, as a new volume in Annex 1 on personnel licensing. The third plausible forum is

bilateralism. ASAs are increasingly concerned with economic matters of air transport. A progressive inclusion of social clauses in ASAs can enhance awareness among states and act as a suitable vehicle for a gradual promotion of international regulation of aviation labour standards. According to the author, the binding force of the ILO Conventions, along with the flexible nature of ASAs, call for the identification of basic principles of aviation labour law. The labour and employment issues, as fundamental parts of the social and economic spheres, however, do not fit particularly well in the current network of international technical specifications within SARPs.

The book ends with a brief conclusion that links the main topics in all chapters and cumulates with a proactive imagination of how the field of international aviation labour and employment relations can be regulated under the vast landscape of international law. This presentation makes it extremely clear what the author wanted to add to the literature and recommend to the international community. Finally, there is a bibliography and an excerpt of relevant legal texts that offers additional support to the reader so that they can easily navigate the book.

Overall, this book covers topics pertaining to aviation labour law from the EU and the international levels. It seems to me that there can be no doubt that Dr Trimarchi has magnificently succeeded in delineating the interplay that international and European air and labour laws perform. The author also creatively contemplates the impacts of COVID-19 on aviation labour. One of the main merits of this book lies in the variety of questions addressed, which will make it useful and worth reading for lawyers, academics, policymakers, and students across the globe. Well-written, covering both air and labour law aspects, this book will definitely guide its readers through a difficult topic that will become more and more important in the years to come.

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