



## ARE PILOTS AND CREW FIT TO FLY?

Over the past months, an increasing number of cabin crew members have raised concerns about not being able to take regular meal breaks (as stipulated in the enterprise agreement) and how this may **compromise flight safety**. We have since received several questions from Cabin Crew and Pilots about what your rights and obligations are in relation to safety, particularly around breaks.

Your member-led team has put together the following FAQ to ensure everyone has the information relating to this important safety issue. Don't hesitate to reach out to your delegate or organiser for any additional information.

### IF I HAVEN'T HAD A BREAK CAN I JUST GO AHEAD AND TAKE IT?

You need to consult with your relevant supervisor/Virgin on when to take your break so it does not impact operations. However, if you have not had a break and feel it is an immediate and serious health and safety risk, you may have other options under Work Health and Safety legislation (WHS). **Continue reading for more info.**

### SOMETIMES I AM SO FATIGUED BECAUSE I HAVEN'T HAD A BREAK THAT I THINK I MIGHT MAKE A MISTAKE, WHAT SHOULD I DO IF I AM FEELING THIS WAY?

For employees in all states (excluding Victoria) individual workers have a right to cease work for health and safety reasons. If you have not had your break and you feel like continuing your duty could lead to a serious safety issue, you have the right to cease work. You would first need to consult with your relevant supervisor/manager to explain what is going on and what your options are. You must also make yourself available for alternative duties as long as they don't pose the same health and safety risk.

**KEEP READING FOR MORE INFO ON PILOT AND CABIN CREW RIGHTS AND OBLIGATIONS**

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# WE KNOW THAT PILOTS HAVE SAFETY OBLIGATIONS TO THEIR FLIGHT CREW, BUT WHAT ABOUT CABIN CREW?

There are obligations that pilots have to the fitness of all crew as per CASA and company policy.

## VAA Policy

VAA Volume A1 – Operating Policies and Procedures – General, 3.14.4.1

**The pilot in command of a flight must make sure, “prior to taxiing, the required operating crew are onboard and are in a fit state to perform their duties.” This would extend to Cabin Crew.**

## CASA

CASR 1998 REG 91.215 – Authority and responsibilities of pilot in command

- (2) The pilot in command of the aircraft:
- (a) has final authority over:
    - (i) the aircraft; and
    - (ii) the maintenance of discipline by all persons on the aircraft; and
  - (b) must ensure:
    - (i) the safety of persons on the aircraft; and
    - (ii) the safety of cargo on the aircraft; and
    - (iii) the safe operation of the aircraft during the flight.

# AS A PILOT, I'VE BEEN CONCERNED ABOUT THE FITNESS OF CABIN CREW DUE TO FATIGUE FROM NOT GETTING BREAKS. WHAT CAN I DO IF I FEEL THIS WAY AGAIN?

There are CASA regulations that support you while ensuring safety on board.

## **CASA 1998 REG 91.220 – Actions and directions by operator or pilot in command**

- (1) The operator or pilot in command of an aircraft for a flight may do a thing mentioned in subregulation (2) if the operator or pilot in command believes it is necessary for the safety of:
- (a) the aircraft; or
  - (b) a person on the aircraft; or
  - (c) a person or property on the ground or water.
- (2) The things are as follows:
- (a) direct a person to do something while the person is on the aircraft;
  - (b) **direct a person not to do something, or to limit the doing of something, while the person is on the aircraft;**

This means that if you feel cabin crew are unfit, and will impact the safety of the aircraft, passengers or other workers, you can direct a Cabin Crew member to not to perform duties on the aircraft.

For the safety of all crew, we encourage flight crew to have ongoing discussions with cabin crew throughout a duty, and vice versa, to ensure all operating crew are **FIT TO FLY**.

Pilots and cabin Crew will continue to work together under the TWU banner to educate members over the coming weeks, and to stand together to improve our conditions at Virgin.

Don't hesitate to reach out with additional questions or comments.

**WARWICK RENTON**  
**GENERAL MANAGER, PILOT'S DIVISION**  
**M: 0414331021 E: WARWICK.RENTON@TWU.COM.AU**

**KARI PNACEK**  
**NATIONAL OFFICE EDUCATOR**  
**M: 0409247895 E: KARI.PNACEK@TWU.COM.AU**

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**TWU NSW** Richard Olsen **P:** 1800 729 909 **E:** [info@twunsw.org.au](mailto:info@twunsw.org.au) **W:** [www.twunsw.org.au](http://www.twunsw.org.au)

Authorised by Michael Kaine, National Secretary, Transport Workers' Union. Level 9, 447 Kent St, Sydney 2000 p(02) 8114 6500 [twu@twu.com.au](mailto:twu@twu.com.au)

