

FC5090

Posted on 10.08.2022 by Steve Forward

Category: [Flight Crew \(Commercial\)](#)

Report Title Crews operating into UK extremely fatigued #1

Initial Report

Abridged (see also FC5093)

This report is to raise awareness of the practises of a foreign operator which contravene the spirit of the FTLs, and to raise a grave concern with regards to [Airline] flight deck crews operating into UK airports and through UK airspace. We have been continuously assigned rosters with block hours exceeding 130hrs per month based on a modified FTL that the company has been unilaterally changing to their convenience. For [Airline] it is now not only possible, but commonplace, to do a 23hr FDP which is not possibly viable or doable. Those FDPs were originally for COVID support freight ops but now have been extended to 15 destinations on our network. The passengers in the back are oblivious to the exhausted pilots and what we have to endure at the threat of being fired.

[Airline] insist that you log only half or two thirds of the flight time on augmented sectors for you to remain below the 1000hrs legal limit while your actual flight time might be in the 1300/1500hrs range. The almost universally agreed flight time limit of 900hrs a year has been imposed for a reason after civil aviation authorities have collated data and studies; [Airline] does not respect nor believe in that universally agreed limitation.

Understandably, a lot of [pilots] are very hesitant to come forward and submit reports because they are afraid of retaliation and probably termination. Unfortunately this company subsists on a culture of fear, contrary to their stated 'open door' policy and make-believe transparency efforts. We are overworked, overstretched and overstressed, all under a semblance of legality. We also have been told 'unofficially' by people in management (who still care about their pilot colleagues, and are under the same threat of termination themselves) to report sick instead of going through the FRMS fatigue reporting system because the company would look back at our operational history to find an excuse to retaliate and probably find cause to terminate your employment.

I attach [ACN Aircrew Notice]. The ACN illustrates a lot of the wrongdoings going on in terms of logging of hours and the breaches of safety that have been now institutionalised here at [Airline]. On page 3 of the ACN, in the 'general notes for pilots' section, it clearly states that for 4 crews operating a flight (as for example a flight to the United States) the relief crew logs total time minus 1:30 minus Crew A rest period, and on the way back the same crew logs total time minus Crew B

rest period, which amounts to 50% of the total block time. This is illustrated in the rosters I have submitted. In view of this, we can fly (in all actuality!) 200 block hours in 28 days with the company getting away with it as we technically are allowed to log only 100 (50%). This goes against all laws and regulations and is a blatant disregard for the 100 hour in 28 days rule which is clearly stated in [NAA] duty periods regulations.

Comment

Same as FC5093

The essence of the issue is what portion of actual time in the aircraft is included in the airline's FTL/FDP calculations? The airline's ACN states that *"Operating hours logged in [company flight time recording system] towards Flight Time Limitations (FTL) ... are based on ... the entire time Block Time minus the time spent resting in an approved rest area."* so any time resting in an approved rest area (i.e. not at the controls) appears not to be counted whereas the industry norm is that a rostered crew member is considered to be 'operating' if they carry out duties in an aircraft during a sector irrespective of their minute-by-minute actual activity in the aircraft. CHIRP sought clarification from the airline about FTL calculations but received only the statement above largely relating to the recording of logbook hours. Whilst logbook hours justifiably only take into account time spent at the controls, the whole portion of the flight time within a duty as an 'Operating Crew Member' should be used for the purposes of FTL calculations, including rest periods in flight.

The regulation of foreign airlines lies beyond the UK CAA's remit, but operations within UK airspace are conducted in accordance with protocols and responsibilities overseen by the Department for Transport (DfT), assisted by the CAA Air Safety Unit. Subsequent to receipt of this report and CHIRP's engagement with DfT, they have established an International Risk Working Group to review and prioritise issues relating to foreign airlines operating in UK airspace and say that this specific issue will be progressed within that structure.

Key Issues

Associated Regulations

EASA [Regulation \(EU\) 965/2012 Annex III Part-ORO](#) ORO.FTL.105 Definitions (12) defines flight duty period (FDP) as: *"a period that commences when a crew member is required to report for duty, which includes a sector or a series of sectors, and finishes when the aircraft finally comes to rest and the engines are shut down, at the end of the last sector on which the crew member acts as an operating crew member"*.

EASA [GM1 ORO.FTL.105\(17\)](#) Definitions defines 'Operating Crew Member' as: *"A person on board an aircraft is either a crew member or a passenger. If a crew member is not a passenger on board an*

aircraft he/she should be considered as 'carrying out duties'. The crew member remains an operating crew member during in-flight rest. In-flight rest counts in full as FDP, and for the purpose of ORO.FTL.210 [Flight Times and Duty Periods]."

EASA [Regulation \(EU\) 965/2012 Annex III Part-ORO](#) ORO.FTL.210 Flight Times and Duty Periods states that: "...*(b) The total flight time of the sectors on which an individual crew member is assigned as an operating crew member shall not exceed:*

- (1) 100 hours of flight time in any 28 consecutive days;*
- (2) 900 hours of flight time in any calendar year; and*
- (3) 1000 hours of flight time in any 12 consecutive calendar months.*



There are no comments yet.