

FC5307

Posted on 29.01.2024 by Steve Forward

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

Report Title Fatigue vs sickness

Initial Report

Report is in précis due to identifying elements in the original.

I have recently needed to go fatigued, this is something I have never felt I needed to do before but, even though I have been flying commercially many years, never have I experienced more brutal rostering than at [Airline] after COVID. At [Airline], if you go sick they count all days off work (including days off) as total days of absence. However, with fatigue they only count 7 “duty” days towards fatigue, this is because they state that more than 7 days is most likely due to an “underlying” issue. This means that people feel pressured to return to operations earlier than they might otherwise after being fatigued because they don’t wish to enter the company’s long-term sickness processes. This penalises people because the company won’t class anything over 7 days as fatigue. You can’t class days fatigued as sick, you’re not sick, you’re simply following the rules by not operating in an unfit state.

Comment

The issue of when long-term fatigue becomes sickness is a pertinent one that there’s no easy answer to; as far as we’re aware, there’s nothing written down that provides guidance as to where the dividing line is between being fatigued and being long-term sick. Science tells us that fatigue is long-term underlying exhaustion as opposed to simple tiredness but, whereas tiredness can be overcome by a few good nights’ sleep, there’s little scientific material about how long it might take to recover from fatigue. It doesn’t seem unreasonable that after a certain period, fatigue should be classed as ‘long-term sick’ because at some point medical intervention should be sought to address any underlying issues if relevant.

CHIRP approached the CAA for help and they told us that the FOLG ‘fitness to fly’ subgroup were debating this very issue and that it was recognised that companies needed some form of trigger for reclassifying fatigue as sickness so that other help mechanisms could be invoked that might not otherwise be available – companies have a duty to the fatigued person to recognise that they might be sick so that they could get the proper help. The thinking being that, as a practical measure, if someone was still fatigued after 7 days then they really ought to be seeking medical help and it did not seem unreasonable to change someone’s status from ‘fatigued’ to ‘sick’ so that underlying

issues might be diagnosed by the AME and Occupational Health experts. However, they recognise that it's not easy to cover all individual circumstances with blanket regulations or policies.

As an aside, one interesting employment aspect of this might be that if the company do declare you as long-term sick after being fatigued then there's a good argument that the cause of the long-term sickness was the fatigue induced by the company and so they may have breached their Health & Safety obligations by causing you to become long-term sick due to the work environment. It's uncertain how that would hold up legally, but perhaps companies should be careful what they wish for.



