

BOOK REVIEW

## International Aviation Labour Law

by **Andrea TRIMARCHI**. Abingdon, Oxfordshire: Routledge, a member of the Taylor and Francis Group, 2022. 248 pp. Hardcover: **GBP £135.00; Paperback: GBP £39.99; eBook: GBP£39.99.**  
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## Labour Relations in Aviation

by **Jacomo RESTELLINI**. Alphen aan den Rijn, The Netherlands: **Kluwer Law International**, 2022. xxviii + 376 pp. Hardcover: **£129.00; eBook (PDF): £129.00.** doi: unknown

Jae Woon LEE and Simon Chi Chung WONG

The Chinese University of Hong Kong, Hong Kong, China

Given the nature of aviation, regulations governing the technicalities of flying need to be internationally harmonized. National aviation authorities generally design their respective domestic legislation with reference to the Standards and Recommended Practices (SARPs) published by the International Civil Aviation Organization (ICAO). However, neither the 1944 Convention on International Civil Aviation – an overarching treaty for international aviation with 193 member states, also known as the Chicago Convention – nor the SARPs (which are annexes of the Chicago Convention) explicitly address any commercial aspects of aviation, let alone employment standards or the working conditions of industry workers.

These two books offer notable insights into how labour law regulates employment relations in the aviation sector. Much attention has been paid to the EU Labour Regulations, which are arguably the most harmonized in the world. Notwithstanding the high degree of harmonization in the regulations, which in theory offer ample protection to aviation workers in several respects, tangible disparities still exist, giving rise to legal disputes and a number of atypical types of employment. The two authors, in their respective books, call for harmonizing the international labour standards in aviation.

Trimarchi's book is concise, ambitious, and insightful. Trimarchi incisively states that the lack of a “systematic, comprehensive and adequate international legal regime ... undermine[s] not only airlines' employees' social protection but also, ultimately, the very safety and efficiency of air transport” (p. 137). Trimarchi's vision certainly deserves attention from both academia and lawmakers: the well-being of aviation workers should not be overlooked. The underlying question of this monograph is the following: “[i]s an international legal regime governing labour in aviation needed?” (p. 163). After examining the relevant laws that are currently in place, Trimarchi suggests three suitable approaches to establish a regime of international labour law. The first approach is an “aviation labour convention” under the control of the International Labour Organization

(ILO). The author argues that an ILO aviation labour convention could be a viable option while reviewing the 2006 ILO Maritime Labour Convention. The second approach is to utilize ICAO's technical rule-making function by establishing new SARPs on aviation labour. Trimarchi emphasizes that SARPs have accommodated new areas of air transport before, as exemplified by Annex 16 in the field of environmental protection. The third approach is through bilateral air services agreements (ASAs). Recognizing that aviation relations have traditionally been regulated using ASAs and that their scope has gradually grown, Trimarchi opines that labour and employment can be addressed through ASAs.

Restellini's book is comprehensive and touches on various legal issues related to labour relations in aviation, including social security laws that apply to crew members (Chapter 7), data protection for crew members (Chapter 11), the right to strike for crew members (Chapter 12), and gender equality in civil aviation (Chapter 14). Restellini also notes that despite the field being highly internationalized, no ILO convention specifically deals with employment in the aviation sector. The author, therefore, suggests that an international labour standard on aviation would address the full range of workers' rights. While noting that labour and social issues are not usually included in ASAs, Restellini clearly explains why the EU has proactively included labour clauses in recently signed ASAs. The EU's position is that "the social and commercial opportunities created by air transport agreements ... shall not weaken domestic or EU labour legislation and standards and their enforcement procedures" (p. 73–74). Restellini's book offers an excellent introduction to many aspects of labour relations in aviation, covering relevant international laws, EU regulations, judgements from the Court of Justice of the European Union, and so on. An impressive feature of the book is the chapter design, as cogent explanations of relevant laws and landmark decisions are followed by the writer's own recommendations on how possible loopholes should be filled to better protect aviation workers. One possible criticism is that the book has no concluding chapter to neatly tie together its disparate threads.

The two books offer valuable insight for aviation law practitioners and law students who are interested in researching labour relations in the aviation sector. Readers would benefit from the holistic and comprehensive introduction of relevant laws and cases, and many of the authors' suggestions are worth contemplating. Meanwhile, non-EU-focused academics and lawmakers may still find occasion to refer to the arguments made in the two books as the EU is hardly the only place where aviation workers face such challenges.

In light of Bin Cheng's broad definition of air law as "the body of law directly and indirectly concerned with civil aviation",<sup>1</sup> aviation labour law has been one of the less-researched subjects in air law. In addition to these books' practical applications in real-life cases and policy-making, the two authors have greatly contributed to the body of air law literature.

**Competing interests.** The authors declare none.

<sup>1</sup> Bin CHENG, "air law" *Encyclopedia Britannica* (14 September 2023), online: *Encyclopedia Britannica* <https://www.britannica.com/topic/air-law>.