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Testimony

Oversight of Conditions for Airline Ground Workers

Statement of Airlines for America (A4A)
before the
U.S. House of Representatives
Aviation Subcommittee
of the
Committee on Transportation and Infrastructure

January 15, 2020

Thank you for the opportunity to testify today on behalf of Airlines for America (A4A) regarding working conditions for airline ground workers. My name is Chris Harrison, and I am a labor and employment attorney with the law firm of Ogletree Deakins. Prior to joining Ogletree Deakins, I also served as in-house counsel at Pinnacle Airlines Corporation. I have spent almost fifteen years of my professional life representing airlines and airline service contractors and appreciate the chance to bring perspective to this important set of issues.

Background

U.S. passenger and cargo airlines directly employ some 750,000 (full-time and part-time) workers across the globe. U.S. airlines operate approximately 28,000 flights per day, with passenger service to over 80 countries and cargo service to more than 220. Each day, those U.S. airlines carry 2.4 million passengers and deliver 58,000 tons of cargo to that global network of countries and municipalities. As a whole, U.S. commercial aviation drives 5% of U.S. Gross Domestic Product (GDP) and helps support more than 10 million U.S. jobs, including thousands of ground service workers.

The U.S. commercial aviation footprint is a complex and robust framework consisting of a multitude of airports broadly spanning from rural communities to large metropolitan areas and everywhere in between. According to Federal Aviation Administration (FAA) data, more than 500 U.S. airports have commercial service, each of these airports being unique with varying economic arrangements that can differ significantly. For example, almost every domestic airport that airlines serve is government-owned, and generally every contract entered into by an airline must comply with each airports unique airport lease requirements, the laws of the state/county/municipality in which that airport is located and all other federal requirements. While the diversity of each operating environment may differ greatly, the airline approach does not. Airlines take great effort to comply, and do comply, with all applicable federal, state and local laws. Airlines also routinely monitor the practices of their airport ground service contractors, which can be other airlines or independent ground services vendors. As purchasers of those services, airlines hold vendors to the highest standards and requires them to follow all applicable laws and regulations.

Ground Worker Safety

Safety of employees and passengers is and always will be the U.S. airline industry's top priority. Airlines take safety very seriously, and that commitment certainly includes the safety of airport ground workers regardless of employment status as an in-house employee, prime contractor or subcontractor. Airlines have adopted a commitment to a continuously improving safety culture and have implemented non-punitive Ground Safety Awareness Programs (GSAPs) which have become standard throughout the industry and engage both workers and applicable union representatives.



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The industry also participated in the U.S. Department of Labor (DOL) Occupational Safety and Health Administration's (OSHA) Airline Ground Safety Panel (AGSP) from 2008 to 2018. The industry partners in the OSHA AGSP included A4A, the Regional Airline Association (RAA), airport ground service companies, the International Association of Machinists (IAM) and the Transport Workers Union (TWU). Over that ten-year span, the AGSP met regularly to review and endorse best practices in airport and airline ground safety. When OSHA closed out the AGSP in May 2018 it noted a number of successes that resulted from the endeavor, including but not limited to:

- Development of 15 toolbox talks and fact sheets discussing best practices for using Baggage Tugs and Carts, Beltloaders, Pushback Vehicles, and High-Lift Trucks in their workplace. The resources addressed topics including slips, trips and falls; falling objects; amputations; vehicular accidents; and ergonomic hazards in the airline industry. AGSP also created a toolbox talk for their employees on OSHA's revised Hazard Communication standard;
- Development of five guidance documents, including one on cold and heat illness identification; one on distracted driving by airline employees on the ramp and airport roadways; and the other three on the fundamental functions of airline vehicles;
- Case study on hazards associated with the operation of High-Lift Box Trucks; and
- Disseminated information and resources to over 1.6 million individuals in the airline industry.

The OSHA AGSP was a tremendous success for all involved and showed the collaborative commitment both labor and management have toward safety. Excerpts from the OSHA press release¹ include:

"Our continued Alliance with the Airline Ground Safety Panel will focus on preventing worker injuries caused by slips, trips and falls and being struck by objects," said Assistant Secretary of Labor for Occupational Safety and Health David Michaels (Obama Administration). "We look forward to working with the panel to educate and train employers and workers on preventing workplace injuries."

"The three labor organizations on the panel - the International Association of Machinists and Aerospace Workers; Transportation Trades Department, AFL-CIO; and the Transport Workers Union of America, AFL-CIO - praised the Alliance for furthering the shared goal to ensure that all workers return home to their families each day as healthy as when they went to work. Airlines for America, a panel participant that represents the airline industry, also expressed its support for the Alliance, stating that its member airlines are pleased to be a part of this voluntary, collaborative program with OSHA and labor union partners to further enhance the safety of airline employees. "

The industry remains committed to maintaining and continuously improving safety for all workers.

Ground Worker Contractual Arrangements

Like many industries, airlines sometimes contract with companies, such as local vendors and other airlines, for a variety of services including airport groundwork. These contractual relationships benefit airline customers by enabling air carriers to provide more comprehensive services. For example, it is a common industry practice for airline "A" to ground handle for an airline "B" at certain airports. This is especially common where a U.S. airline handles the ground services at a rural airport or for a foreign code-share carrier at a domestic airport. Likewise, major and regional airlines routinely handle ground servicing for each other.

¹ OSHA Press Release - October 2012 - AGSP Renewal



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Baggage handling is another example of a service where the demand can vary greatly at any one airport with periods of concentrated demand followed by slack periods. For this reason, in some instances, baggage handling in the “common baggage” areas beneath most airport terminals is sometimes performed by third party contractors. A shared contractor enables efficiencies. At certain other airports, the logistics of the complex and extensive baggage systems that must move baggage to and from multiple terminals and gates, along with “common baggage screening” areas mandated by the Transportation Security Administration (TSA), also has fostered the use of third party “consortiums” that can nimbly serve all airlines.

Airline Worker In-Sourcing

While ground handling and baggage handling are just a couple examples of services that may be considered for a service contract, it is important to note that airlines also regularly in-source work. Over the past four decades, the number of passengers flown by U.S. airlines has tripled from approximately 300 million to 900 million. This growth has been fueled by air carriers growing their networks and expanding service to new markets. When an airline starts operations at a new airport, the general practice is to contract with other airlines and service providers already present at that airport. If the new service proves to be successful and the airline continues to expand at that airport, the airline may hire its own employees to handle the operations. In fact, many existing airline labor contracts with ground service unions require that once operations at a new station reach a certain level (example: 20 or more daily arrivals and departures) the work must be transferred to airline employees. These provisions have been invoked on countless occasions over past decades. This contractual flexibility allows airlines to enter new markets and enhance competition. In many instances, without this market balance, service to some communities would no longer be economically or operationally feasible.

Airline Employment and Compensation

U.S. airlines are proud of their strong record of job creation. Since the passenger carriers began their current economic turnaround in 2010, employment has increased 18% from 378,000 to 447,000 full-time equivalents. For the past four years, job creation in the airline industry (both passenger and cargo) has consistently outpaced overall U.S. job growth. Airlines are committed to their employees.

As noted, contract employees also play a pivotal role in the daily operation of an airline. Regardless of whether a prime contractor is retained by an airline directly or through a consortium or is another airline, they are integral to system operation. As purchasers of those services, airlines will continue to hold any contractor to the highest standards and require them to follow all applicable federal, state and local laws and regulations. Airlines are committed to working with any and all vendors in good faith based on the local circumstances, laws and regulations.

However, applied to a broader debate as to whether there should be a “living wage” (or an increase in the minimum wage), airlines believe that any application of a new wage standard should be applied to all industries and all segments of the economy within the jurisdiction contemplating such a new standard. Airline employees and associated contractors should not be exclusively singled-out or treated differently than employees at a hotel, restaurant or any other entity. It is simply not good public policy to arbitrarily apply a wage standard to one component of the economy versus another.

Thank you to the Subcommittee for asking A4A to testify. We appreciate the opportunity, and I look forward to your questions.