



*A bold voice for transportation workers*

October 18, 2013

Joan Burton T.D.  
Minister for Social Protection  
Dáil Éireann  
Dublin 2

Dear Ms. Burton:

This is to ask for information on whether the Government of Ireland is applying, or intends to apply, its social laws to the pilots and flight attendants who work on board the Irish-registered aircraft that are being used by Norwegian Air Shuttle (NAS) in the international air transportation services described below.

NAS is an airline that is incorporated in Norway and holds an air operators certificate (AOC) in that country. Through its subsidiary – Norwegian Long Haul, which also holds a Norwegian AOC – it operates a fleet of Boeing 787 aircraft. NAS already serves New York City and Fort Lauderdale in the United States with these aircraft and has announced plans to serve Los Angeles, Oakland and Orlando in the near future.

NAS has registered its 787 aircraft in Ireland. There are also news reports that NAS may seek to obtain an Ireland-issued AOC. We also understand that the airline is using pilots who will be based in Thailand and employed on individual employment contracts that are governed by the law of Singapore to crew the 787s. They will not be employed directly by NAS but by a recruitment company that will then contract (“rent”) them to NAS. We understand that a similar arrangement will apply to the flight attendants who will work on the 787s.

The NAS business model is unique and seems designed to undermine effective collective bargaining by the NAS pilots and flight attendants. Indeed, it appears that the express purpose of the model is to evade the application of Norway’s labor laws. For example, the airline has said that because its aircraft are registered in Ireland that it does not need to obtain Norwegian work permits for its Asian-based crew.

We understand that the union that represents the non-787 pilots is challenging NAS’s contention that Norway labor laws do not apply to 787 flight crew. We understand, however, that the Norway government has indicated that registration of the aircraft in Ireland will postpone the need for Norwegian work permits for the Asian-based pilots and that obtaining an Irish AOC would take those pilots completely out from under coverage by Norwegian social laws.

**Transportation Trades Department, AFL-CIO**

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Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer

The Transportation Trades Department, AFL-CIO (TTD),<sup>1</sup> is concerned about the operation of the NAS business model into the United States and about the fragmented nature of the labor laws that apply to the flight crews of EU airlines.

The possibility that EU airlines might make decisions on where to register their aircraft and/or to seek their AOCs based on a perception that one country's laws might provide an advantage to the company in terms of labor relations has significant implications that, at a minimum, must be understood. Accordingly, we would like to know the extent to which Ireland will apply its social laws to the pilots and flight attendants who operate NAS's Irish-registered 787s and, in particular, whether the Irish government will require NAS to obtain Irish work permits for those flight crew, and if so, whether NAS has applied for those permits.

We appreciate your consideration of this request. We also would be pleased to discuss our concerns about the NAS 787 operation in more detail if you believe that would be useful.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized, looping flourish at the end.

Edward Wytkind  
President

cc: Alan Shatter  
Leo Varadkar  
David Begg  
Russell Bailey

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<sup>1</sup> TTD is a trade department of the AFL-CIO and represents 32 affiliated unions that in turn represent workers in all modes of transportation. Specifically, TTD represents the following aviation unions: the Air Line Pilots Association (ALPA), the Association of Flight Attendants, CWA (AFA-CWA), the International Association of Machinist and Aerospace Workers (IAM), and the Transport Workers Union (TWU). A complete list of our affiliates is attached.

# TTD MEMBER UNIONS

*The following labor organizations are members of and represented by the TTD:*

*Air Line Pilots Association (ALPA)*  
*Amalgamated Transit Union (ATU)*  
*American Federation of Government Employees (AFGE)*  
*American Federation of State, County and Municipal Employees (AFSCME)*  
*American Federation of Teachers (AFT)*  
*Association of Flight Attendants-CWA (AFA-CWA)*  
*American Train Dispatchers Association (ATDA)*  
*Brotherhood of Railroad Signalmen (BRS)*  
*Communications Workers of America (CWA)*  
*International Association of Fire Fighters (IAFF)*  
*International Association of Machinists and Aerospace Workers (IAM)*  
*International Brotherhood of Boilermakers, Iron Ship Builders,  
Blacksmiths, Forgers and Helpers (IBB)*  
*International Brotherhood of Electrical Workers (IBEW)*  
*International Longshoremen's Association (ILA)*  
*International Organization of Masters, Mates & Pilots, ILA (MM&P)*  
*International Union of Operating Engineers (IUOE)*  
*Laborers' International Union of North America (LIUNA)*  
*Marine Engineers' Beneficial Association (MEBA)*  
*National Air Traffic Controllers Association (NATCA)*  
*National Association of Letter Carriers (NALC)*  
*National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)*  
*National Federation of Public and Private Employees (NFOPAPE)*  
*Office and Professional Employees International Union (OPEIU)*  
*Professional Aviation Safety Specialists (PASS)*  
*Sailors' Union of the Pacific (SUP)*  
*Sheet Metal, Air, Rail and Transportation Workers (SMART)*  
*Transportation Communications Union/ IAM (TCU)*  
*Transport Workers Union of America (TWU)*  
*UNITE HERE!*  
*United Mine Workers of America (UMWA)*  
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service  
Workers International Union (USW)*  
*United Transportation Union (SMART)*