

AIR TRAFFIC SERVICES

1 SCOPE

- 1.1 This annex covers the interface between the HSE and the SRG in relation to Air Traffic Service (ATS) facilities¹.

2 LEGISLATION

2.1 *HSE remit*

- 2.1.1 The HSE is responsible for enforcing health and safety law at ATS facilities².

- 2.1.2 Relevant legislation is occupational health and safety legislation under The Health and Safety at Work etc Act 1974 and relates to the health and safety of employees, the self-employed and any other person who may be affected by the undertaking, including visitors to ATS facilities, contractors etc.

- 2.1.3 Relevant legislation will generally apply to the workplace and infrastructure, maintenance and construction activities and is summarised below:

- Health and Safety at Work etc Act 1974
- Management of Health and Safety at Work Regulations 1999
- Workplace (Health, Safety and Welfare) Regulations 1992
- Display Screen Equipment Regulations 1992
- Manual Handling Operations Regulations 1992
- Provision and Use of Work Equipment Regulations 1998
- Electricity at Work Regulations 1989
- Work at Height Regulations 2005
- Construction (Design and Management) Regulations 2007
- Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- The Working Time Regulations 1998
- The Working Time (Amendment) Regulations 2003³

2.2 *SRG remit*

- 2.2.1 Legislation initiated and enforced by the CAA in relation to ATS facilities is set out in Articles contained in the Air Navigation Order 2005. The legislation is designed to ensure that the service provided to aircraft is safe. The legislation is amplified and interpreted in documents published by the CAA in the Civil Aviation Publication (CAP) series.

- 2.2.2 There are two levels of ATS in the UK (ATC & FISO):

- (i) *Air Traffic Control (ATC) service* that can be provided from an air traffic control centre or from an aerodrome (including a flight information service where this is provided concurrently);
- (ii) *Flight Information Service (FIS)* that is provided from an aerodrome (and occasionally in support of other aviation activity remote from an aerodrome);

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2.2.3 Many smaller aerodromes and unlicensed licensed aviation sites do not have air traffic services but do provide an Air/Ground Communication Service.

(i) *Air/Ground Communication (A/GCS) Service* that can be provided from an aerodrome (and occasionally in support of other aviation activity remote from an aerodrome).

(ii) *Offshore Communication Service (OCS)* A service provided from an offshore facility broadly similar to an Air/Ground Communication Service and which falls within the scope of Annex 4 of the HSE/CAA MoU.

Note: ATC and FIS are subject to European Union Single European Sky (SES) Regulations as well as UK legislation, while A/GCS is subject only to UK regulations.

2.2.4 In addition, a number of services (e.g. national communications and radar networks) are required to support the provision of an ATC service. Some support services are provided at the same site that the ATC service is provided from, others are at remote locations.

2.2.5 The relevant legislation is summarised below:

- *Article 100 Requirement for air traffic control approval for the provision of air traffic services* – requires any person (or organisation) to be approved by the CAA before an ATC service is provided. Approval is granted if the CAA is satisfied that the person is competent to provide a service which is safe for use by aircraft. Consideration is given to the organisation, staffing, equipment, maintenance and other arrangements that are in place.
- *Article 107 Licensing of air traffic controllers and student air traffic controllers* – requires any individual providing an ATC service to hold a licence to do so issued by the CAA. A licence is valid only if a medical certificate is also held by the licence holder. A medical certificate is granted if it is considered that the licence holder is likely to remain fit to provide an ATC service until the expiry of the medical certificate (either 12 or 24 months depending on the age of the licence holder).
- *Article 116 Prohibition of drunkenness etc of controllers* – prevents an air traffic controller from providing a service whilst under the influence of drink or a drug to such an extent as to impair his/her capacity to provide a safe service.
- *Article 115 Fatigue of air traffic controllers – air traffic controllers' responsibilities* – prevents an air traffic controller providing a service whilst suffering fatigue that may endanger the safety of any aircraft that is receiving a service.

NOTE: A scheme to regulate the working hours of air traffic controllers is implemented (SRATCOH).

- *Article 122 Licensing of flight information service officers* - requires any individual providing a FISO service to hold a licence to do so issued by the CAA. A licence is valid only if a medical certificate is also held by the licence holder. A medical certificate is granted if it is considered that the licence holder is likely to remain fit to provide a FISO service until the

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expiry of the medical certificate (up to a maximum of 60 months depending on the age of the licence holder).

- Article 124 *Air traffic service equipment* – requires equipment used to support the provision of an ATC service to be approved by the CAA. Approval is granted if the equipment is considered suitable to provide a service that is safe for use by aircraft. This Article also requires ground radio stations used by FISO and A/G services to be approved.
- Article 125 *Air traffic service equipment records* – requires records to be kept for equipment approved under Article 125. The type of records to be kept relates to the particular item of equipment but includes maintenance and modification details for many items of equipment and recordings of radio communications. This information is primarily used to assist in incident investigation.

CAP784 “State Safety Programme for the UK” is also a useful reference in particular Attachment 1 that provides a description of 'UK Aviation Safety Regulatory Legal Framework'. The document is jointly produced by DfT and CAA and is carried on both websites.

<http://www.caa.co.uk/docs/33/CAP784.pdf>

- 2.2.6 Operators of AGCS and OCS Aeronautical (Ground) Radio Stations are required to hold a Certificate of Competence issued by the CAA and signed by the Wireless Telegraphy (WT) Act licensee thereby granting authority to operate.

3 INTERFACE ARRANGEMENTS

- 3.1 SRG will lead on those issues which concern the safety of aircraft and which concern the safety of the service provided to aircraft.
- 3.2 The HSE will lead on those issues which affect:
- (i) the occupational health and safety of employees (including self employed persons) working at an ATS facility, and
 - (ii) the health and safety of other persons who may be affected at an ATS facility.
- 3.3 Where an issue is likely to involve both agencies, there should be appropriate co-operation, initially through CAA ATSD Head of Operations and HSE Head of Transportation. Contact details are provided in the MoU Contacts Schedule.
- 3.4 If a HSE representative wishes to raise an issue related to the provision of ATS that he/she believes requires consideration of regulatory action by SRG, the point of contact is the ATSD Head of Operations.
- 3.5 If an SRG representative wishes to raise an issue within an ATS facility that he/she believes requires consideration of enforcement action by the HSE, the point of contact is The Head of Transportation Section.
- 3.6 Examples of the division of responsibilities between the HSE and SRG are given in Table 1.

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TABLE 1

Subject	SRG Responsibility	HSE Responsibility
ATS Personnel Licensing	All issues	None
Working hours of staff (other than licensed air traffic controllers) involved in the provision of an air traffic service.	To gain assurance that they are fit and able to perform their duties in support of the provision of the ATS.	<p>The hours of work of employees in the aviation industry are covered by the Working Time (Amendment) Regulations 2003. These regulations are enforced by HSE.</p> <p>In addition to the remit for working hours, the risk assessment of health issues such as fatigue should be undertaken according to the requirements of the MHSW Regulations to consider the possible effects of work patterns and working hours on the health of an individual.</p> <p>HSE would also be responsible for enforcement of the Working Time Regulations for employees that are not directly involved in the provision of the ATS (for example, building or maintenance contractors who happen to be carrying out work at an ATS facility).</p>
Working hours of licensed air traffic controllers.	All issues	<p>Working hours and health issues related to excessive working hours come within the remit of HSE.</p> <p>In practice, the CAA licensing regime which includes limitations on working hours (SRATCOH) and health assessments for controllers is generally more restrictive than is required by the Working Time Regulations (and related legislation) and will normally be expected to address such concerns.</p>
Working environment and equipment.	To gain assurance that the environment permits a safe service to be provided to aircraft (or to provide a support service).	To ensure that the working environment and equipment and work procedures are safe and suitable so that they do not pose a risk to the health and safety of employees or any other person who may be affected at the ATS facility

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Subject	SRG Responsibility	HSE Responsibility
Co-ordination of air traffic service procedures between ATS facilities or individual ATS staff, with aerodromes and with other agencies.	All issues.	None.
The effect of drugs or alcohol.	All issues associated with the ability to provide a safe air traffic control service.	Issues where the health and safety of individuals in the workplace are put at risk. Additional guidance on this topic is available ^{4,5} .
Display screen equipment including radar screens, computers etc	All issues related to the suitability of the DSE to support the provision of a safe air traffic service.	Aspects of the design, operation and maintenance of display screens and workstations that affect the health and safety of users (the DSE Regulations ⁶)
Construction and Maintenance activities/ work of ATS engineers/ contractors	Gaining assurance that the air traffic service provider organisation has procedures in place: <ul style="list-style-type: none"> • to identify the hazards involved (with respect to the provision of the air traffic service), • to assess the risks associated with the work, and • to manage the risks such that they will not adversely affect the provision of a safe air traffic service. 	To ensure that construction and maintenance activities are planned and undertaken to avoid risks to the construction/maintenance workers and any other individuals in the workplace, including electrical safety, control of asbestos, segregation of work areas etc

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Subject	SRG Responsibility	HSE Responsibility
Emergency evacuation of ATS facilities	All issues relating to the continued provision of a safe air traffic service until such time as the service can be withdrawn in a safe and orderly manner. Note: Subject to conditions and regulations specified or required by the relevant Fire Authority.	Issues related to the health and safety of individuals as they evacuate the facility. Issues related to the continued health and safety of any individuals that are required to remain within the ATS facility for a period in order to manage the withdrawal of the air traffic service. Note: Subject to conditions and regulations specified or required by the relevant Fire Authority.

Table 1 Examples of SRG and HSE responsibilities at ATS facilities

4 INSPECTION AND INCIDENT INVESTIGATION

4.1 *HSE remit*

- 4.1.1 HSE will undertake inspections of ATS facilities according to the published HSE strategic plan of work and priorities for routine inspection, and policy on investigation of complaints from employees or others regarding health and safety standards
- 4.1.2 HSE may also investigate complaints from staff at ATS facilities, other companies and members of the public relating to occupational health and safety issues, subject to the complaints procedure^{7,8}.

4.2 *SRG remit*

- 4.2.1 SRG will conduct inspection and audit of ATS facilities for the purpose of ensuring that the services provided are safe for use by aircraft.
- 4.2.2 Any incident in which the safety of aircraft or the routine provision of the ATS is involved will be subject to investigation by SRG or, as appropriate, DfT AAIB.

5 ACCIDENT INVESTIGATION

5.1 *HSE remit*

- 5.1.1 HSE will investigate incidents and cases of ill health reportable under RIDDOR according to the HSE policy on accident selection and investigation

5.2 *SRG remit*

- 5.2.1 Where relevant, SRG will co-operate with HSE in the investigation of accidents and incidents within ATS facilities that fall within the terms of Health and Safety legislation.
- 5.2.2 SRG will investigate incidents in which personnel, equipment or procedures may have contributed to the reduction of the level of safety of the air traffic service. Where appropriate, remedial action will be mandated.

5.3 *Relationship with AAIB*

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5.3.1 In the event of an aircraft accident or serious incident involving an aircraft, both SRG and HSE will assist any AAIB investigation

END

¹ An air traffic service facility includes those areas directly involved in the provision of an air traffic service or involved with the provision of associated services that are routinely used to provide the air traffic service.

² HSE responsibility includes routine activity at military establishments. CAA responsibility is generally limited to civilian establishments but includes a small number of ATS facilities located at military aerodromes and that are provided by civilian contractors.

³ The Working Time (Amendment) Regulations 2003 extended the application of the Working Time Directive 1998 to many workers, including ATS staff, in the aviation industry.

⁴ Drug misuse at work – a guide for employers INDG91(rev2).

⁵ Don't mix it. A guide for employers on alcohol at work INDG240L.

⁶ Work with Display Screen Equipment – guidance on the regulations L26

⁷ HSE Field Operations Directorate (FOD) Quality Manual – Quality System for inspection and investigation. Available from HSE on request.

⁸ HSE Enforcement Policy Statement HSE15

Revision History		
Version	Date	Reason for Issue
Issue 1	18 July 2003	Adopted as Annex to the Memorandum of Understanding.
Issue 2	30 April 2004	Amendment to reflect the introduction of the Working Time (Amendment) Regulations 2003.
Issue 2.1	7 March 2005	Minor amendment to HSE contact details.
Issue 2.2	1 April 2006	ANO Article numbers amended to reflect ANO 2005.
Issue 2.3	8 th July 2008	Amendment to reflect the introduction of SES Regulations and minor amendments to CAA/HSE contact details.
Issue 2.4	4 August 2009	Revisions of paragraphs 2.2.3, 2.2.5 & 2.2.6 & legislation updates. All contact details moved to contacts schedule.