

## **HEALTH AND SAFETY REGULATORY RESPONSIBILITIES PUBLIC TRANSPORT AND CARGO OPERATIONS AIRCRAFT**

### **1 SCOPE**

- 1.1 This annex covers the interface between HSE and CAA in relation to aircraft conducting public transport flights<sup>1</sup> and the respective responsibilities for occupational health and safety (OH&S) administration<sup>2</sup>. It outlines interrelationships brought about by the introduction of the Civil Aviation (Working Time) Regulations 2004, Civil Aviation Act 2006 and establishment of the CAA Aviation Health Unit, with its broader remit on behalf of the Government.
- 1.2 The Civil Aviation (Working Time) Regulations 2004 also include requirements that relate to work time issues; these fall out of the scope of this annex.
- 1.3 The Civil Aviation Act 2006 also includes requirements that relate to aerodrome charges, penalty schemes, policing etc; these fall out of the scope of this annex.
- 1.4 The annex sets out the interfaces between the HSE, CAA Safety Regulation Group, CAA Occupational Health and Safety Section and those of the CAA Aviation Health Unit.
- 1.5 For the purpose of this annex, and subject to the Memorandum of Understanding and other annexes:
- 1.5.1 HSE is responsible for regulating the occupational health and safety of all work activities on and around an aircraft on the ground, except the activities of crew members<sup>3</sup> whilst they are on board the aircraft. Regulation of health and safety during work activities of crew members that take place outside the aircraft are the responsibility of HSE.
- 1.5.2 The HSE retains enforcement responsibilities for health and safety employee and employer consultation legislation.
- 1.5.3 The CAA is responsible for regulating the occupational health and safety of crew members whilst they are on board an aircraft from the time when they board the aircraft, preparatory to flight, to the time they leave the aircraft on completion of the flight. For the purposes of occupational health and safety reporting and regulatory consideration, the CAA will monitor events occurring in aircraft while operating outside the UK.

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<sup>1</sup> Article 157 of Air Navigation Order defines when an aircraft is considered to be conducting a public transport flight.

<sup>2</sup> HSE and CAA legislative geographical boundaries differ. HSE legislation covers Great Britain unless specifically extended to include other areas. CAA legislation covers the United Kingdom.

<sup>3</sup> "Crew member" means a person employed to act as a member of cabin or flight crew on board a civil aircraft by an undertaking established in the United Kingdom

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- 1.5.4 The CAA is responsible for safeguarding the health of all persons whilst they are on board UK Registered aircraft.
- 1.5.5 The CAA Aviation Health Unit is responsible for providing specialist advice to Government and other interested parties for health issues that may affect crew members and passengers.
- 1.5.6 The content and effectiveness of emergency evacuation procedures for the aircraft, and of flight safety training for aircraft crew are the responsibility of CAA. CAA also has a remit for ensuring adequate provision of emergency services for the safety and rescue of persons on board aircraft at licensed aerodromes. HSE have responsibilities for occupational health and safety issues for workers on the ground at aerodromes in emergencies and for the health and safety of those undergoing training on the ground.

## **2 LEGISLATION**

### **2.1 HSE remit**

- 2.1.1 The Health and Safety at Work etc. Act 1974 (HSW Act) applies to aircraft in flight or on the ground around Great Britain (GB).
- 2.1.2 Some of the regulations made under the HSW Act specifically exclude aircraft. These include the:
- Display Screens Equipment Regulations 1992;
  - Workplace (Health, Safety and Welfare) Regulations 1992 (except for Regulation 13, which applies to aircraft inside a workplace, including an aerodrome or maintenance hangar – Regulation 13 has been revoked and is replaced by the Work at Height Regulations 2005);
  - The Electricity at Work Regulations 1989, when the aircraft is moving under its own power.
- 2.1.2 HSE guidance to the Provision and Use of Work Equipment Regulations 1998 states that HSE will not apply the provisions of those regulations to aircraft where other specific provisions exist, such as the Air Navigation Order (ANO). The provisions contained in the ANO are administered by the CAA and take precedence over the Provision and Use of Work Equipment Regulations 1998.
- 2.1.3 The Regulations that cover employee and employer health and safety consultation are the Safety Representatives and Safety Committee Regulations 1977 and the Health and Safety (Consultation with Employees) Regulations 1996. These Regulations encompass all employees, including aircraft crew members.

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### 2.2 **CAA Aircraft safety remit**

2.2.1 The CAA enforces safety standards relating to civil aircraft in the United Kingdom (UK). These include standards relating to:

- the design, modification and maintenance of aircraft;
- equipment on board aircraft for the maintenance of airworthiness;
- the operation of aircraft;
- the competence of the aircraft flight crew and cabin crew.

2.2.2 The key pieces of legislation under which the CAA operates are the Civil Aviation Act, the Air Navigation Orders (ANO), the Joint Aviation Requirements (JARs) and EU Regulations.

2.2.3 Any aircraft from another International Civil Aviation Organization (ICAO) signatory State is normally deemed by UK Government obligation to meet the minimum standards set by ICAO. The CAA has no powers to enforce these standards on aircraft registered in other States, even if they fly into the UK.

2.2.4 In the event that a particular aircraft registered abroad is considered not safe to fly, the Department for Transport (DfT) has the power to instruct the CAA to take steps to prevent it flying from an aerodrome in UK.

2.2.5 Where there are concerns with the operation or maintenance of such an aircraft which are not so serious as to render it unfit to fly, the CAA may alert the relevant national aviation authority, so that they may take appropriate action.

### 2.3 **CAA Occupational Health and Safety**

2.3.1 The CAA is given occupational health and safety enforcement responsibilities under the Civil Aviation (Working Time) Regulations 2004.

2.3.2 CAA regulatory responsibilities require that crew members are provided at all times during the course of their employment adequate health and safety protection and prevention services or facilities appropriate to the nature of their employment.

2.3.3 CAA responsibilities include a general duty of organising, carrying out and encouraging measures for safeguarding the health of persons onboard aircraft. This includes both crew members and passengers.

2.3.4 The CAA will also enforce requirements to ensure that information relating to employee's health assessment is not disclosed without appropriate consent.

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2.4 The CAA Aviation Health Unit's (AHU) principle focus is to consider and promote aviation health issues, nationally and internationally, and act as specialist advisor to the UK Government in order to inform its policies and such standards that it may seek to establish. The AHU terms of reference include:

- To be the primary source of advice on aviation health issues, with DfT retaining the responsibility for policy making.
- To collate existing research on aviation health and identify the need for, and manage or support, future research initiatives. This includes the gathering, identifying and proposing research initiatives on long term health issues affecting passengers and crew.
- Engage in a dialogue about passenger health issues with international organisations and, in particular, European agencies.
- Provide informed advice to the public and media about aviation health issues.
- Maintain good relations with the aviation industry on aviation health matters.

### **3 INTERFACE ARRANGEMENTS**

3.1 Air travel presents hazards to the occupational health and safety of individuals. Many of those hazards are controlled by the regulation that ensures aircraft safety.

3.2 There are similar occupational health and safety responsibilities described in some of the areas considered in the table to this annex, but enforcement accountabilities will be based on the group of persons involved and the state of readiness of the aircraft for flight.

3.3 CAA will lead on issues concerning the safety of aircraft and their operation

3.4 CAA will also lead on issues concerning the occupational health and safety of crew members on board aircraft whose operation is established in the UK.

3.5 CAA will through the Aviation Health Unit consider, promote and provide informed advice to Government, public and media on aviation health issues relating to both crew members and passengers.

3.6 HSE will lead on occupational health and safety issues affecting employers, employees (except crew members on board the aircraft) the self-employed, and passengers during such time as the aircraft is on the ground with the doors open, or the aircraft is manoeuvring or being manoeuvred on the ground without the intention of flight.

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- 3.7 HSE will raise with the CAA concerns if they believe that an aircraft or its operation poses risks to the occupational health and safety of crew or passengers on board whilst it is in flight within GB airspace.
- 3.8 The CAA and HSE recognise that there will likely be some instances where the responsibilities for enforcement escape the intentions of the annex. In this event the CAA and HSE will liaise and determine which organisation is best placed to progress the particular matter.
- 3.9 Organisational points of contact can be found in the MoU Contacts Schedule
- 3.10 Examples of the HSE's and CAA's respective responsibilities are given in Table 1.



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**Table 1: Examples that illustrate the division of CAA and HSE responsibilities in respect of aircraft**  
**This table must be read in conjunction with the definitions set out in paragraph 1.4**

Subject	CAA Safety Regulation Group responsibility*	CAA Aviation Health Unit**	CAA Aviation Occupational Health and Safety**	HSE responsibility***
Design of aircraft and aircraft systems	Where appropriate approval of aircraft designs, including assessment against relevant national and international aircraft design standards.	Advice to Government on design issues that could promote crew and passenger health	Responding to issues where the occupational health and safety of crew members may adversely impacted by aircraft design	Raise concerns with CAA SRG on aircraft design that may affect occupational health and safety of non crew members and passengers while the aircraft is on the ground.
Maintenance activity and modification of aircraft	Maintenance or modifications are undertaken to appropriate standards by competent personnel (see Annex 5 <i>Aircraft maintenance to the CAA/HSE MOU</i> ).	Advice to Government on the implications of modification of aircraft with respect to crew and passenger health	For crew members while on board, that the maintenance or modification to the aircraft (not affecting its airworthiness) are adequate to ensure their occupational health and safety	To ensure maintenance and modification activities are undertaken in a manner that is safe and without risks to occupational health and safety of those undertaking the activity. (See Annex 5 <i>Aircraft maintenance to the CAA/HSE MOU</i> ).

\* Only for aircraft registered or certified in UK taking account of the primacy of EASA and other international aviation safety standards where applicable

\*\* Only for aircraft registered in UK

\*\*\* Only within Great Britain unless specified under Health and Safety at Work etc Act amendments.

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Aircraft dismantling and scrapping	Spare parts are in adequate condition for their use and are traceable.	No input	No input	Risks to occupational health and safety from dismantling/scrapping activities are being adequately controlled.
Aircraft baggage and cargo	Aircraft baggage and cargo areas meet and are operated in accordance with the appropriate standards to maintain aircraft flight safety	No input	Occupational health and safety risks to crew members on board aircraft are adequately controlled.	Risks to occupational health and safety from baggage and cargo handling activities whilst the aircraft is on the ground are adequately controlled
Equipment on board aircraft (e.g. galley equipment)	Equipment is adequate to meet the appropriate aircraft design standards in order to maintain airworthiness and training is adequate to use such equipment.	No input	The use of equipment on board aircraft is adequately controlled to prevent occupational health and safety risks to crew members.	While on the ground the occupational health and safety risks from activities associated with the storage, installation and maintenance of aircraft equipment are being adequately controlled.
Pushback	Safety of the aircraft during pushback.	No input	Safety of crew members during pushback	Safety of ground personnel during pushback.

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Electrical safety of aircraft	Where appropriate ensure the design, installation and maintenance of the aircraft electrical systems meet the relevant standards to assure the safety of the aircraft	No input	Electrical systems on aircraft are suitably controlled to assure the health and safety of crew members using them while on board the aircraft	While on the ground activities related to work on electrical systems on board aircraft is carried out in an appropriate manner to ensure the occupational health and safety of non crew members. (See Annex 5 <i>Aircraft maintenance</i> )
External aircraft noise	Assessment and certification against appropriate standards of external noise levels generated by aircraft.	No input	No Input	Effects on health and safety of external noise on ground workers and crew members during external pre-flight checks.
Internal aircraft noise	Ensure that the level of internal noise does not interfere with safety related communication of information on the aircraft.	Advice to Government on the implications of internal noise of aircraft for safeguarding crew and passenger health	Effects of internal aircraft noise on occupational health and safety of crew members on board aircraft	Under the Control of Noise at Work Regulations 2005 the HSE will have responsibility for any arrangements for exemption from full and

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				proper use of hearing protection.
Vibration within aircraft	Where appropriate approval of aircraft designs, including assessment against relevant national and international aircraft design standards to ensure vibration is not detrimental to the aircraft or operation.	Advice to Government on the implications of vibration aircraft for safeguarding crew and passenger health	Effects of vibration on occupational health and safety of crew members on board aircraft are adequately controlled.	Under the Control of Vibration at Work Regulations 2005 the HSE will have responsibility for issue of any exemption certificates for air transport in respect of whole-body vibration
Competence of crew	Crew are competent to ensure continued safety of the aircraft and its passengers	Advice to Government on the provision of health awareness guidance to crew as required	Crew members have received adequate information, instruction and training to ensure their occupational health and safety whilst on board the aircraft.	Crew have received adequate information, instruction and training to ensure their health and safety whilst outside the aircraft.

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Crew Training Activities	Effective training is carried out to maintain competence consistent with safe operation.	Advice to Government where appropriate on training to ensure the health of crew and passengers	No input	Risks to health and safety during ground-based training are adequately controlled.
Manual handling on board aircraft.	Interested only if injury to member of cabin crew through manual handling prevents them from performing their safety functions	No input	Manual handling risks to crew members are being adequately controlled	Manual handling risks to non crew members are being adequately controlled.
Exposure to hazardous substances within the aircraft	Effect of substances on ability of crewmembers to operate the aircraft. Safe flight and landing.	Advice to Government on the possible health implications of exposure to hazardous substances to crew and passengers	Risks to occupational health and safety to crew members from exposure to hazardous substances are being adequately controlled on board the aircraft	Risks to occupational health and safety of non crew members are being adequately controlled.
Failure to recognise the rights of an appointed safety representative	No input	No input	No input	HSE to consider enforcement action once all other avenues of conciliation have been exhausted

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Violence on board aircraft.	Work in liaison with DfT on the systems and procedures required to ensure violence does not affect aircraft safety	No input	Risks to crew members from violence are adequately controlled on board the aircraft.	Occupational health and safety risks to non crew members are adequately controlled.
Accident and incident investigation	Occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person, may be reportable to the CAA under the Mandatory Occurrence Reporting scheme (MOR).	No input	Accidents involving personal injury to a crew member while on board aircraft	Accidents on the ground involving ground workers or crew members, whether or not reportable to the AAIB.

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Revision History		
Version	Date	Reason for Issue
Issue 1	7 March 2005	Adopted as Annex to the Memorandum of Understanding.
Issue 2	1 April 2006	Clarification of employee and employer consultation rights; changes to the Mandatory Occurrence Reporting scheme; update to CAA AHU point of contact, and minor textural changes.
Issue 2.1	21st July 2008	Clarification of responsibilities towards crew and passenger health when on board aircraft, revocation of Regulation 13 of the Workplace (Health, safety and Welfare) Regulations 1992 with the Work at Height Regulations 2005. Clarification of EU-OPS requirement for crew training on equipment on board aircraft.
Issue 2.2	04 August 2009	Contact details moved to contacts schedule and minor text amendments