

Copenhagen 1978 - WP 51

Intimidation of the Controller

Introduction

Two very classical examples of intimidation against the controller were witnessed since last year's annual conference in Nicosia. In both cases, Israel and Greece, military controllers were called in to replace civilians. The Greek controllers were luckier than the Israeli colleagues. One may say that the Greek Controllers have succeeded against military take-over while the Israeli Controllers failed. The reasons are discussed further down in the Paper. Additionally, the Greek controllers were pestered early this year with a suit of defamation instituted against them before the Greek criminal courts by the Greek Electronics Association.

All cases referred to above are being reported under Member Associations' difficulties in separate Working Papers. They are, however, reported briefly here under the Intimidation head. Another case of labour intimidation comes from Australia. Canada had also similar experience but unfortunately details are not yet available.

Greece

Military Controllers' take-over:

Details:

After considerable and strict work-to-rule procedures adopted by the Greek controllers in order to further their claims, the Greek Civil Aviation Authority announced on the 13th May 1977 that civilian controllers were being replaced by military ones. Immediately IFATCA and IFALPA reacted on this decision of the Greek Government. Captain Pearce of IFALPA urged pilots to boycott Greek airspace. IFATCA's position was to support the Greek controllers' case and by telegrams to the Greek Authorities and aviation organisations backed IFALPA's action (details of IFATCA's actions are to be found in IFATCA Special Newsletter 10/77).

Individual Member Associations have also granted their support to the Greek Controllers and in some instances suggestions for action against flyers over Greek airspace were planned (details of such suggested action are found in IFATCA Special Newsletter 11/77). The Greek Controllers returned to their posts on the 23rd May, after the Greek Government have accepted to negotiate on controllers' claims.

Conclusions:

The outcome of this action may be definitely said to be in favour of the Greek controllers (confirmed so by the Greek Controllers). Reasons for the success may be said to be the following:

1. the nature of traffic using Greek Airspace;
2. the geographical extent of the airspace;
3. the impossibility of the military controllers to cope with large numbers of traffic under strict safety standards;
4. the number of airfields over Greek land;
5. the support given by IFATCA and IFALPA; and
6. the threatened action by individual controllers' associations (Norway, Portugal, Cyprus, etc...).

Suit of Defamation:

A very peculiar case involving two professional associations that were led into a dispute that ended before the criminal courts in a suit of defamation. The association of the Electronics Personnel of Greece in their efforts to force the Government compare them equal with controllers threatened to take action if the controllers' claims were satisfied. As you will see in the separate report on this case the controllers accused the mechanics of deliberately switching off radio navigation facilities thus creating dangerous air traffic conditions. One may conclude that the intimidation this time did not originate from the employer but from another professional body associated with the air traffic services.

The Israeli Case:

Brief details:

Unfortunately, the circumstances under which the civilian controllers were replaced by military controllers in Israel did not permit the former any negotiating powers. In February 1977, the High Court of Israel, following work-to-rule tactics by the controllers, issued an order calling upon them to carry "work as normal". The Government threatened if they disobey the court order military controllers will be called in. The nature of the claims of the Israeli controllers angered Union officials who threatened to call a general strike of all airport employees should the Government yield to controllers' action. As a result the Government, in May 1977, ordered the controllers away from their posts and replaced them with military ones.

Conclusions:

The outcome of this action had in a way damaged the reputation of the controllers in Israel. The following may be some of the reasons:

1. the press turned against the controllers because the public they alleged suffered long delays at the airports - therefore public opinion unfavourable;
2. the Pilots' Association of Israel did not support controllers simply because the controllers' action caused them to lose money;
3. military controllers had in due course become familiar with the system;
4. to facilitate the military controllers, military traffic ceased to operate at main airports;
5. the limited extent of the FIR; and
6. the High Court decision during the replacement period;

7. the Airport Employees' Union action against the controllers;
8. no action taken by IFALPA as in the Greek case;
9. pre-election period; and
10. Civil Aviation establishments coming under Authority.

The Return of the Controllers to their Posts:

Early in June, 1977 the return of the controllers could not be foreseen. The Government insisted on the controllers signing a statement that amounted to absolute surrender. Fortunately, IFATCA's presence, through the chairman of SC7, helped create the conditions necessary for the controllers' return (please see separate WP for details).

The Australian Case:

The Australian Government in an effort to eliminate strikes by Government employees basically of professions which may "subject the community to great inconvenience and hardship", proposed a bill for the suspension of personnel who engage in trade union action - this is an overt act of intimidation. In the second reading of the Bill, the Minister of Employment of Australia stressed the purpose of the bill and to be in the public interest to "suspend from duty, or in appropriate circumstances dismiss government employees who take industrial action which disrupts the provision of services to the Australian community... "

(please see attached Bill at the end of the WP).

Other Countries:

It is known that in some countries "unfair labour practices" such as intimidation, whether by the employer, employee or trade union or professional associations are governed by legislation as in the case of the USA. Due to the limited information available on the matter, SC7 intends to find out such details either through MA's or the ILO.

Suggestions:

It is suggested that whenever Associations are faced with trade or other dispute, IFATCA's assistance can be very helpful and therefore it should be sought.

MA's should study their national labour law and ensure their rights and obligations.

Any action against the administration must be governed by reason and respect.

The assistance of other associations or trade unions may prove essential in cases of difficulties.

Attachment to WP51:

COMMONWEALTH EMPLOYEES (EMPLOYMENT PROVISIONS) ACT 1977

SECOND READING SPEECH BY THE HON. TONY STREET MP, MINISTER FOR EMPLOYMENT AND INDUSTRIAL RELATIONS

The purpose of the Bill I am introducing to the House today is to enable the Commonwealth Government employing authorities, in the public interest, to:

- ▶ suspend from duty, or in appropriate circumstances dismiss, Government employees who take industrial action which disrupts the provision of services to the Australian community; and
- ▶ stand-down, without pay, Government employees who cannot be usefully employed as a result of industrial action taken by fellow Government employees or by workers in private industry, or who are engaged on functions the performance of which is seriously disrupted.

The feature that distinguishes Government employees is their responsibility for providing the wide range of services essential to the well being of a modern day community. If Government employees do not, or are not able because of the actions of others, to fulfil these responsibilities the effect reaches into the very fabric of our society.

I do not need to remind Honourable members that the Australian community has been subjected to great inconvenience and hardship through the industrial actions of some Government employees and their trade unions. It has been deprived of services to which it is entitled. One need only point to the current disruption to community mail services. The Government is not prepared to tolerate this type of situation. To do so would be to shirk its clear duty to protect the public interest.

Finally, let me emphasise that it would be the Government's hope that it will not be necessary to use this legislation and it is the Government's intention that this bill will be passed by the Parliament but not be proclaimed to operate unless circumstances so dictate. Certainly it recognises that the very great majority of Government employees and their unions have acted, and do act, responsibly. Indeed the legislation would not have been necessary but for the actions of a minority.

I commend the Bill to the House.

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