

Issued: 20 April 2017

Part-145 – Maintenance Staff Employment Status

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked to ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

Applicability:	
Aerodromes:	Not primarily affected
Air Traffic:	Not primarily affected
Airspace:	Not primarily affected
Airworthiness:	EASA Part-145 Organisations
Flight Operations:	Not primarily affected
Licensed/Unlicensed Personnel:	Not primarily affected

1 Introduction

- 1.1 The use of zero hour contracts in the UK has grown substantially over the last few years. It is being seen as a useful employment method by Part-145 organisations to fill shortfalls in manning levels, and thus reduce the need for full time employees. However, the Acceptable Means of Compliance (**AMC**) material for Part-145 does not consider the status of workers engaged on zero hours contracts. AMC to 145.A.30 (d) explains the need for an organisation to directly employ at least half of its staff to ensure organisational stability. It uses the terms employed and contracted to distinguish between staff directly employed by the organisation and staff who are engaged through other means, possibly on a temporary basis.
- 1.2 This document provides guidance on the status of zero hours contracts, and is intended to enable Part-145 organisations to establish the employment status of staff engaged on a zero hours contract. The staff members' employment status is then used to determine if they are employed or contracted for Part-145.A30 (d) manpower planning purposes.

2 Zero hour contract status

- 2.1 The CAA recognises that Part-145 organisations may wish to take on staff using zero hours contracts. The CAA will ensure that organisations using zero hour contract staff meet the requirements of Part-145 and that their workforce is competent and capable of completing the tasks described in the scope of work.
- 2.2 Part-145 identifies two categories of staff, employed and contracted. Those on zero hours contracts must be correctly assigned to one of the two categories. To ensure consistency, the

CAA has used information and guidance provided by the UK Government that is readily available on their website (<https://www.gov.uk/employment-status/overview>)

- 2.3 To ensure the continued stability of the organisation and therefore its ability to meet the requirements of its approval, all staff on zero hours contracts will be considered as contractors unless the organisation can satisfy the CAA that an individual:
- i) Meets the requirements for an **employee**;
 - ii) Is required to report for work when requested;
 - iii) Does not perform any work for another aviation maintenance organisation.
- 2.4 A Part-145 organisation (approved or applying for approval) shall have sufficient staff to plan, perform, supervise, inspect and quality monitor the organisation in accordance with its approval. This means that it must employ or contract sufficient competent staff to fulfil the envisaged man-hour plan, of which not less than half must be employed to ensure stability.
- 2.5 The Part-145 organisation must demonstrate that it provides continuation training plus any specialist training to all its employees, and can demonstrate it has established the competence of all staff.
- 2.6 The Part-145 organisation must establish the competence of contracted staff prior to the planned work commencing.
- 2.7 A failure to meet any of the requirements above is considered to be a failure of the organisation to fulfil its obligations under Part 145. Findings of the appropriate level will be raised in accordance with Part 145.A.95. Where this impacts on the capability of the organisation to perform its approved scope of work the CAA may decide to suspend, limit or revoke the affected parts of the approval.

3 Queries

- 3.1 Any queries or requests for further guidance as a result of this communication should be addressed to ISPTechnicalSupportTeam@caa.co.uk

4 Cancellation

- 4.1 This Information Notice will remain in force until 31 March 2018.