1) **Introduction:**

The AirNav Staff Panel welcomes the opportunity to respond to the IAA draft decision on RP4.

In the main we are happy to see that there is an acknowledgement that the operation is under-resourced and significant investment in staff is required to deliver an efficient service. However we believe that the staffing levels proposed by the regulator are insufficient.

We address each KPA in turn.

2) **Safety KPA:**

The Staff Panel supports the proposed safety KPAs for RP4. We are however concerned that, given the more stringent requirements that AirNav must to achieve to meet the proposed targets for RP4, sufficient support resources will not be available under the cost efficiency targets.

In particular additional support staff will be required to manage enhanced documentation requirements, deliver training to frontline staff and develop and promote safety culture within the organisation.

3) **Environment KPA:**

The staff panel believes that the Environmental KEA targets are realisistic. As AirNav has implemented free route airspace for many years there is limited scope for the operation to achieve additional improvement in the Shannon FIR and UIR. Targets that reflect the current excellent performance of the ANSP are appropriate.

The IAA correctly notes that many of the factors influencing the KEA in Irish airspace are due to external factors. Accordingly, not having a financial incentive scheme is appropriate.

Given that Dublin airport is currently Ireland's largest building site we do not believe that data associated with the ATXOT PI will be meaningful for RP4 and should not be considered as a baseline for any new indicators that may emerge for RP5.

4) **Capacity KPA and incentives:**

Shannon ACC's main traffic flows are the eastbound transatlantic flow which generally starts to come through from 3am and the corresponding westbound flow which is around noon. As traffic in the eastbound flow originates outside the Network Management Area it is not possible to apply a regulation to it to meter the flow rate. This traffic accounts for approximately 40% of the traffic handled by the ACC each day.

For this reason Shannon ACC staffs the night shift to ensure it has 100% available capacity to deliver the service should the ACC have all the eastbound North Atlantic Tracks on any given night. There is no ability to generate ATFM delay minutes for this traffic.

Shannon ACC can only implement effective regulation on either the westbound flow or on departures and arrivals to airports in Ireland. Meaning that the ANSP has limited scope to adjust headcount for a higher delay target.

However, staffing even to current demand has also proven challenging for the ANSP, particularly with the high attrition rate it is currently experiencing. Since the start of 2022 23 ATCOs have left employment. Current training capacity means that the ANSP is only matching the attrition rate at present. It takes 18 months minimum to train and check out a new ATCO.

Historically the ANSP has underdelivered on statutory obligations to staff, such as Parents and Parental leave. This will be discussed later in our submission but the effect of this is that in order to deliver on these obligations during RP4 there will likely be a reduction in capacity. Failure to deliver on these commitments is one of the drivers of the current attrition rate.

Capacity in Dublin in particular has also been delivered in 2024 by extremely high amounts of overtime.

It is our expectation that with current training rates, attrition rates and changes to statutory obligations that the ANSP has to its staff will necessitate generation of delay throughout RP4, even if it achieves the staffing levels in its business plan.

Finally, from looking at our European counterparts we know that implementation of a new ATC system such as TopSky will result in extra AFTM delay. This is because the system will have to be run initially with reduced capacity whilst the safety of the system is validated. For example it is common to run the new system and old system simultaneously for a period, reducing ATCO's availability to control traffic. Therefore we can expect extra AFTM delay in 2028 and 2029 whilst the system is introduced.

We therefore believe that the reference values set by the Network Manager in table 11.3 are more appropriate as delay targets.

We also believe that the proposed terminal delay targets are also below what is achievable by the ANSP in RP4 due to staffing constraints.

We believe the proposed pivot values are appropriate. However, given the current under-staffed situation we believe that the proposed financial penalties could be counter-productive. Should the ANSP miss its capacity targets and suffer a financial loss this will impact on terms and conditions available to entice staff to stay in the ANSP rather than looking for work elsewhere. In other words missing the target will create a negative feedback loop.

5) **Cost Effectiveness KPA:**

As staff costs form the bulk of the ANSPs costs we will focus on this area. The proposed staffing levels by the IAA, for ATCOs, Engineers and support staff are insufficient.

While we acknowledge that the IAA position is that this is a funding allocation, not a directive on staffing levels, the reality is that if a certain number of staff costs are allocated then the staffing number will not exceed that level.

5.1) Statutory Leave

Over RP2 and RP3 a number of statutory changes with regard to statutory leave.

1) The Paternity Leave Act entitles new fathers to 2 weeks paid leave.
2) The Parents Leave and Benefit Act now affords new parents 9 weeks paid leave in the first two years of their child's life.
3) Parental leave has been extended to 26 weeks in the first 12 years of a child's life.

While an employer cannot deny a worker the right to take maternity and paternity leave at the time of the worker's choosing, the employer does have the right to postpone parents and parental leave in certain limited circumstances.

Recent WRC decisions, such as O'Reilly v Avista[1] have confirmed that the employer has no right to approve or deny parental leave, a practice that has taken place in AirNav.

Recently the staff panel surveyed the ATCO cohort of workers. It was discovered that a significant number of ATCOs (over 70) had a right to take 7 (soon to be 9) weeks parentsl leave at that moment in time, and their intention was to take that entitlement in full. The number of ATCOs entitled to take parental leave was significantly higher.

CSO data suggests that the average rate of access to maternity leave is 5.5 per 100 workers[2] each year, rising to 7 in certain sectors. It is roughly the same for paternity leave, again depending on the sector.

Going on our survey data and coupling that with CSO statistics we estimate that to deliver on these obligations would require at least an additional 8 FTEs in the ATCO numbers.

It is important to note that the CEPA analysis on efficient staffing numbers did not take into account current delivery rates on statutory entitlements, or changes to legislation throughout RP3 which enhanced those entitlements.

While we did not survey Engineers or Corporate Services staff on access to statutory leave we believe it prudent to allow for at least 1 FTE in each of those cohorts to cover for these entitlements.

5.2) ATCO Fatigue

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[1] https://www.workplacerelations.ie/en/cases/2023/april/adj-00042144.html

[2] https://www.cso.ie/en/releasesandpublications/ep/p-eampb/employmentanalysisofmaternityandpaternitybenefits2019-2022/

In early 2023 Eurocontrol produced the guidelines in fatigue management[3]. In it Eurocontrol specifies appropriate values for ANSPs to use to satisfy the requirements laid out in ATS.OR.320 of EU 2017/373[4]. The values currently used in AirNav are in some cases significantly greater than the EuroControl recommendations. For example, the recommended maximum duty length is 8 hours. AirNav uses 12.

A process is underway to determine if the values used in AirNav cause levels of fatigue that affect safety. It is possible that as a result of this process the values will have to be changed. In our view if this is the case then it is highly unlikely that the new values will increase efficiency in ATCO rosters in AirNav. This may require more ATCOs to deliver capacity.

5.3) ATCO Efficiencies/TopSky

It is also optimistic to expect significant efficiencies to be achieved by the implementation of TopSky ATC during RP4. While our draft CLA, which covers the RP4 period, contains productivity measures that should improve staff efficiency the improvements forecast by the IAA towards the end of RP4 will not materialise. Therefore more FTEs are required for those years.

The ANSP number for 2029 of 376 ATCOs, which is predicated on training availability, may not even be enough to achieve capacity targets in our view, especially when taking into account obligations to deliver statutory leave entitlements.

5.4) Engineers/Corporate Services

The number of Engineers and Corporate Services staff is also insufficient in the draft determination. Extra regulatory obligations, for example associated with EU 373, have necessitated adding headcount to safety roles. More stringent requirements to achieve the proposed safety targets means that that cohort of workers will have to increase throughout RP4.

Historical under-delivery of CAPEX projects demonstrates that the Engineer cohort is also insufficient. Documentation work to ensure regulatory compliance has also increased significantly in RP3, requiring additional staff.

The staff panel believes that the staffing forecast by the ANSP for Engineers and Support Staff is a more appropriate number for RP4.

6) Interdependencies:

The staff panel supports the acknowledgement of the interdependency of the Safety KPA with other KPAs and supports the approach of the IAA to treat costs associated with meeting safety requirements as an input rather than a trade-off.

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[3] https://skybrary.aero/sites/default/files/bookshelf/34421.pdf
[4] https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017R0373

7) CAPEX

The staff panel supports separating the TopSky project from other CAPEX. Implementation of this system will be the biggest change in ATM in Ireland in 20 years and it is vital that the project is adequately resourced.