

**PROPOSAL FOR THE AMENDMENT OF TECHNICAL STANDARD 140 ISSUED UNDER
THE CIVIL AVIATION REGULATIONS, 2011**

PROPOSERS

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PROPOSER'S INTEREST

AVPA-SA

The Aviation Professionals' Association of South Africa (AVPA-SA) originated in 1994 as the Airline Pilots' Association of South Africa (ALPA-SA), the professional organisation dedicated to addressing the needs of flight deck crew from all sectors of the South African aviation industry. For many years ALPA-SA served over 1400 aviators, striving for an improved and safer air transportation system, while advancing professional standards and exchanging technical, industrial and professional information with operators and regulatory authorities, nationally and internationally. In late 2022, in an effort to become more inclusive, ALPA-SA changed its constitution to include all South African aviation professionals, and also changes its name to Aviation Professionals' Association of South Africa (AVPA-SA).

AVPA-SA is affiliated to the International Federation of Airline Pilot Associations (IFALPA), the global voice representing over 100 000 pilots. Since 2014, IFALPA has encouraged the establishment of inclusive pilot assistance programmes which enhance safety through effectively addressing a wide range of problems experienced by pilots. In line with IFALPA's recommendation and the recent European Union regulation on Peer Support, AVPA-SA is co-proposing the Peer Support Regulation as the long-established international best practice for

supporting the health, wellbeing and professional performance of flight deck crew members, and indeed, all aviation professionals, thereby contributing to safety.

GATCSA

The Guild of Air Traffic Controllers of South Africa (GATCSA) is a professional body that represents the profession of Air Traffic Control and associated supporting professions in South Africa such as Air Traffic Assistants and Aeronautical Information Management specialists. GATCSA, in its present form, was established in 1994 with the representation of Air Traffic Controllers on professional and labour related matters until 2005 when Solidarity took responsibility for the labour related matters of Air Traffic Controllers. In addition, the Guild has been an active member of the International Federation of Air Traffic Controller Associations (IFACTA) for many decades. The particular focus of the Guild is on promoting the profession by promoting the policies of IFACTA that are mainly focussed on how an appropriate service of Air Traffic Control can be provided in the most efficient and safe manner from an Air Traffic Control perspective. Lastly, GATCSA is a co-proposer of the Peer Support Regulation as we promote the intent of the proposed regulation where the wellbeing of aviation license-holders in all spheres of the aviation industry enables greater industry safety through appropriate support.

GENERAL EXPLANATORY NOTE

Words underlined with a solid line indicate insertions in the existing regulations.

PROPOSAL FOR THE AMENDMENT DOCUMENT SACATS 140

1.1 It is hereby proposed to amend SACATS 140.01.3 by the insertion of the following:

140.01.3 REQUIREMENTS OF SAFETY MANAGEMENT SYSTEM

1. Components and elements of a safety management system

1.4 Safety Promotion

1.4.3 Peer support programme

A Peer support program shall be mandatory if directed by a different part of the SACARS.

1. PRINCIPLES OF A PEER SUPPORT PROGRAMME

1.1 Access to a peer support programme shall:

- (a) act primarily as an early warning system that provides peer-based support when the existing coping mechanisms for a license-holder or safety sensitive employee become inadequate to deal with work-related and personal stressors;
- (b) enable self-declaration or referral in case of a decrease in the license-holder's medical fitness in accordance with Subpart 67 of this Regulation; and
- (c) allow an aviation license-holder or safety sensitive employee to receive temporary relief from aviation-related duties and, when appropriate, be referred for professional support, through an established peer support network.

1.2 Confidentiality and protection of data

- (a) Without prejudice to the Protection of Personal Information Act, 2013(Act No.4 of 2013) on the protection of individuals regarding the processing of personal data and on the free movement of such data, the protection of the confidentiality of data shall be a precondition for an effective peer support programme.
- (b) Personal data of any license-holders or safety sensitive employee utilising a peer support programme shall be handled in a confidential, non-stigmatising, and safe environment to ensure a culture of mutual trust and cooperation is maintained.
- (c) Aggregated trend or statistical related data may be presented by the peer support programme in an anonymised manner, for the purpose of safety management only, so as not to compromise the voluntary participation in, and confidentiality of, such a programme.
- (d) Notwithstanding the above, an operator or air traffic service provider who employs an external service provider for a peer support programme shall have an agreement describing detailed procedures on how to proceed in the case of an aviation-related safety concern.

2. ELEMENTS OF A PROACTIVE AND NON-PUNITIVE PEER SUPPORT PROGRAMME

2.1 A peer support programme shall contain, as a minimum, the following elements:

- (a) representative license-holder or safety sensitive employee peers trained to fulfil the role of peer volunteers;
- (b) procedures to address education of license-holders or safety sensitive employees regarding self-awareness and facilitation of self-referral;
- (c) Peer training and supervision shall be provided by appropriately qualified personnel with relevant knowledge of the peer support process and safety critical environments, preferably the aviation environment, and where applicable, appropriately certified e-learning platforms;
- (d) monitoring of the efficiency of the programme;
- (e) monitoring and support for the license-holder or safety sensitive employee returning to work once assessment of fitness for duty is completed;
- (f) a supportive role in managing the risks resulting from fear of loss of licence; and
- (g) a referral system to a DAME or into a network of medical and mental health professionals with an understanding in peer support programme requirements and preferably with experience in the aviation domain for clearly defined cases related to medical conditions or serious safety concerns.

Commented [AM1]: Could be 2 different things.
Certified online courses?

2.2 A peer support programme may provide anonymised and aggregated trend-based data for purposes of integration with the operator or air traffic service provider's safety management programme.

- (a) Aggregated data shall be collected timeously within the programme and if required, reported within stipulated timelines.
- (b) Aggregated data forming a trend of less than 3% occurrence is not considered significant and therefore not reported to ensure confidentiality is maintained.

2.3 Peer support interventions should exempt a person from a declaration requirement that they have received mental health services, unless such professional services extend beyond or are delivered outside the interventions afforded under the Peer Support Programme.

FACILITATION OF TRUST IN THE PEER SUPPORT PROGRAMME

3.1 Trust is the foundation for a successful peer support programme. This trust can be facilitated by:

- (a) establishing a platform for multi-stakeholder participation and partnership in the governance process. Participation includes operational management, trained

- and/or experienced peer volunteers, health professionals preferably with aviation experience and license-holder representative organisations, and where appropriate, nominated representatives of the regulatory authority;
- (b) a peer-led process in the design, implementation and operation of the peer support programme;
 - (c) a formal agreement between operational management and peer support governance structures identifying the procedures for the reporting, use, protection and confidentiality of data;
 - (d) clear and unambiguous provisions on data protection;
 - (e) a non-punitive operator policy that also covers the support programme;
 - (f) programmes managed either from within the operation or under the authority of a separate and qualified independent organisation.
 - (g) an operator, air traffic service provider and peer support programme provider ensuring that such a programme establishes and maintains clearly defined boundaries necessary to facilitate the appropriate level of trust to ensure effective peer support service which encourages self-declaration from license-holders;
 - (h) management's demonstrated commitment to promote a proactive safety culture through validation of peer support and in ensuring ease of access into a peer support programme;
 - (i) careful selection and involvement of persons with appropriate aviation and other expertise when supporting and advising license-holders;
 - (j) a well-structured system to protect the confidentiality of personal data;
 - (k) implementing an effective communication system, awareness and educational process that promotes the benefits of and encourages use of the peer support programme, including its positive impacts, obtaining support without fear of negative consequences and management of safety and health risks resulting from fear and stigmatisation.
 - (l) The programme shall be incorporated into an operator's or air traffic service provider's policies on positive safety culture and in accordance with Document SA-CATS Part 140

4. TRAINING AND AWARENESS

4.1 Operator or air traffic service provider management shall receive induction training in peer support.

4.2 Peer volunteers, as well as other staff involved within the programme, shall receive initial and refresher training related to their role and function which shall include:

- (a) Initial training including the following as a minimum:
 - (i) The policies and procedures governing the peer support program;
 - (ii) Practically orientated basic training in psychological first aid.
 - (iii) offering supportive listening conversations.
 - (iv) addressing aviation-related trauma and substance abuse,
 - (v) referral and confidentiality procedures.
- (b) refresher training on peer skills and supervision as a pre-requisite to remaining a peer.

4.3 Health professionals involved with the peer support programme shall be made aware of their role and function, the referral processes and return to duty procedures.

4.4 Mental health professionals involved in the peer support programme shall be trained on:

- (a) Pilot, cabin crew, air traffic service and maintenance personnel medical licensing requirements;
- (b) psychological first aid;
- (c) legal requirements regarding applicable data protection requirements; and
- (d) cases where information shall be disclosed due to an immediate and evident safety threat and in the interest of public safety, and the process for such disclosure.

4.5 When promoting the benefits of the peer support programme, an operator or air traffic service provider shall provide induction training to all license-holders and safety sensitive employees that shall inform the following:

- (a) the validity and effectiveness of a peer support programme;

- (b) awareness of job stressors and life stressors and the impact on wellbeing, mental health, fatigue and related risks;
- (c) coping strategies;
- (d) potential effects of psychoactive substance use and related disorders;
- (e) medication use (prescribed and over-the-counter medication) to ensure the safe exercise of the privileges of the licence whilst taking medication;
- (f) early recognition of risk factors and symptoms that may impair the performance of the license-holder;
- (g) principles and availability of peer support, including data protection and confidentiality.

5. ADDITIONAL ELEMENTS CONTRIBUTING TO A PEER SUPPORT PROGRAMME

5.1 The following must be established when implementing a peer support programme:

- (a) establishment and verification of operational and data protection procedures; and
- (b) procedures for the selection and training of dedicated and experienced peer support staff who are familiar with the sensitivity of safety-critical operations.

6. CONTRACTING A PEER SUPPORT PROGRAMME TO A THIRD PARTY

- (a) An operator or air traffic service provider may contract the establishment of a peer support programme to a third party in accordance with provisions as prescribed in this Part.

7. OBLIGATION TO SEEK AERO-MEDICAL ADVICE IN CASE OF A DECREASE IN MEDICAL FITNESS

- (a) A peer's involvement in a support programme can be beneficial due to similar professional backgrounds between the peer and the person seeking support. However, a mental health professional should support the peer when required, e.g. in cases where intervention is required to prevent endangering safety.
- (b) Utilising a peer support programme does not remove the license-holder or safety sensitive employee's obligation to seek aero-medical advice in case of a decrease in medical fitness in accordance with Part 67 of the Regulations". "

1. MOTIVATION

On the 25 July 2018, the European Parliament endorsed EASA's proposed regulation for the implementation of Peer Support Programmes as recommended in the findings of the Germanwings 4U9525 accident report. Indeed, regulators globally are recommending peer support.

Peer-based support presents a vital - and sometimes the only - opportunity for license-holders to address concerns that are impacting their ability to perform effectively and safely. The aim of a peer support programme is to address any mental health concern that may impact wellbeing, which in turn may affect performance, such as operational trauma, life stressors or stress emanating from a training or medical condition. Detecting and addressing any decrease in physical and mental fitness, early on and with recognised successful strategies, may minimise the risks these may present.

Establishing skilled and effective peer support across all spheres of aviation aims to create a trustful environment that promotes self-declaration and reporting, enabling risks to become known and mitigated, supported and treated. This collaborative programme has operational and organisational safety benefits beyond supporting the mental wellbeing and fitness of license-holders, that includes but is not limited to:

- License-holder access to support when faced with circumstances that are affecting their professional performance as well as their personal wellbeing, and professional support where safety concerns exist regarding fitness for duty;
- educational awareness to manage health and wellbeing;
- alleviation of managerial workload through enabling referral into a support network/structure of skilled peers and aviation-trained health professionals; and
- enhanced robustness within the aviation system to mitigate, monitor and educate on risks affecting license-holder performance that impacts safety.

This document proposes regulation that acknowledges the need for the creation of a confidential, non-stigmatised and trustworthy peer support programme.

The intention of this proposal is to create a safety culture that empowers license-holders to take responsibility and self-declare concerns regarding their mental fitness, and facilitates their access to support by reducing the barriers and implicit threats to livelihoods and careers. For this reason, senior management who are responsible for physical and psychosocial safety in the workplace, are encouraged to support, validate and integrate such a programme.

This peer support process shall be achieved through the education and training of license-holders, mental health professionals and medical examiners.

Education and training topics shall address human factors issues relating to:

- wellbeing,
- identifying and coping with different stressors (including industry specific stressors),
- stress,
- anxiety and depression as common mental health concerns,
- work-life balance, and
- access to resources and professional referral.

Health professionals shall obtain specialised training in the field of aviation as part of accredited continuing professional development.¹ Training shall include addressing risks related to mental illness and temporary relief from duty and return to duty mental fitness assessment strategies.

Global best practice acknowledges the utilisation of peer support to address the needs of license-holders in addition to existing occupational health and safety initiatives. Building a peer support programme that addresses the concerns of all stake-holders requires the collaborative effort and input of license-holders, flight operations management, representative organisations, aviation health professionals and, if applicable, the Regulator.

This proposal is compiled with reference to the following texts:

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32018R1042&from=EN>

Aerospace Medical Association (AsMA) Ad Hoc Working Group on Pilot Mental Health (2016).
Pilot Mental Health: Expert Working Group Recommendations

European Aviation Safety Agency Opinion No 14/2016. Aircrew medical fitness: Implementation of the recommendations made by the EASA-led Germanwings Task Force on the accident of the Germanwings Flight 9525

Federal Aviation Association, 2015. Pilot Fitness Aviation Rule-Making Committee Recommendations