

**PROPOSAL FOR THE AMENDMENT OF PART 145 OF THE CIVIL AVIATION
REGULATIONS, 2011**

PROPOSER

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PROPOSER'S INTEREST

The proposer has been established in terms of the Civil Aviation Act, 2009 (Act No. 13 of 2009), to control and regulate civil aviation in South Africa and to oversee the functioning and development of the civil aviation industry, and, in particular, to control, regulate and promote civil aviation safety and security.

GENERAL EXPLANATORY NOTE

Words in **[bold and solid square bracket]** indicate deletions from the existing regulations.
Words underlined with a solid line indicate insertions in the existing regulations.

1. PROPOSAL FOR THE AMENDMENT OF REGULATION 145

1.1 It is hereby proposed to amend Part 145 by the insertion after regulation 145.01.11 of the following regulation:

“Peer Support Programme

145.01.12 (1) A holder of an AMO approval shall enable, facilitate and ensure access to a proactive and non-punitive peer support programme and such access shall be made available to aviation license-holder and safety sensitive employee as prescribed in Document SA CATS 140.

(2) A peer support programme referred to in subregulation (1) shall protect the confidentiality of exchanged data of persons involved in peer support and shall be a precondition for an effective peer support programme”.

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

The intent of this proposal is to propose these regulations in operational Parts and link it to newly proposed Peer Support regulations in Part 67 to address mental health as prescribed by ICAO.