

# Belgian Cockpit Association's Bylaws 2018

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## **SECTION 1 General Points**

### **Article 1**

1.1. The present bylaws were written by the Executive Committee on 7/11/2017 and approved by the General Assembly on 11/01/2018.

1.2 The present bylaws are in line with the Association's Constitution, as published in the Belgian official journal. The Constitution's provisions prevail over the bylaws.

1.3 The present bylaws aim at defining the practical arrangements for the association's functioning.

## **SECTION 2 Members**

### **Article 2 - Members' classification**

The Professional Association is composed of full members and associate members. Any reference in these bylaws to "member" or "members", without further specification, collectively relates to full and associate members.

### **Article 4 – Organising members**

#### **4.1 Associate members - Groups**

Associate members are organised into groups managed by one or several Coordinator(s) appointed by the Executive Committee.

There are currently 4 groups: Expats, Job Seekers, Students et Subscribers.

##### **4.1.1 Expats Group**

It is composed of pilots who hold a Belgian licence or who have worked in Belgium, who are employed outside of Belgium and want to keep a link with the association.

##### **4.1.2 Job Seekers Group**

It is composed of line pilots or professional pilots living in Belgium who are unemployed.

##### **4.1.3 Students Group**

It is composed of students who have not yet obtained their professional pilot licence and who are living in Belgium.

#### 4.1.4 Subscribers

It is composed of former BeCA members who do not hold a professional or line pilot licence anymore, but who want to keep in touch with the association.

#### 4.2 Full Members - Categories and Groups

Full members are organised:

- either in a category that is recognised as such during a General Assembly. A category is composed of all full members from a same airline and there must be at least ten members to create a new category.

There are currently 5 recognised categories (ASL Airlines Belgium, Brussels Airlines, EAT/DHL, Ryanair and TUIFly Belgium);

- or in a group gathering full members who do not belong to any recognised category

There are currently 3 categories (Other Airlines, General Aviation/Air taxi, Helicopters).

### Article 5 – Services to Members

BeCA collaborates with legal advisor(s), a medical advisor and a tax advisor, who work for the Executive Committee, the Pilot Boards and members.

These services are provided to the Executive Board and Pilot Boards upon decision by the Executive Committee. They are offered to the members in accordance with the procedures laid down below.

A member can always call on BeCA services individually and at their own expenses. The Association's Secretariat will provide them with the contact details of the association's advisors.

#### 5.1 Hotline

5.1.1 The Association provides its full members with a phone support service (hotline) available 24/7, in case of accident, incident or problems linked to Just Culture. When the member contacts this service, the hotline team will provide them with immediate assistance and first advice. The Association will then support the member regarding technical, psychological and legal aspects, within the Association's financial possibilities and the Association's competence and, if need be, will coordinate with the relevant entities and experts.

5.1.2 For associate "expats" members, the Association highly recommends them to join the association from the country where they are employed or based, for a broader coverage. The BeCA hotline support for expats will be limited to immediate assistance and coordination with the local association and will not cover additional aspects.

## **5.2 Medical advisor**

Due to the medical confidentiality, the contacts between the member and the doctor remain at the individual level. Unless otherwise decided by the Executive Committee, BeCA does not intervene in the medical advisor's fees.

## **5.3 Legal advisors**

For individual files, the lawyers' fees are at the member's expenses. An intervention in the lawyers' fees can be granted if the Executive Committee considers that the case can be of interest for a number of members or serve the professional at large.

The request for intervention must be submitted in writing and must be substantiated. The Executive Committee will consider this request during its next meeting. In case of emergency, an Executive Board member can give their principle agreement, which will then be subject to confirmation at the next Executive Committee meeting.

BeCA/Member memorandum for legal intervention: the member will sign a detailed agreement regarding the Association's intervention on the legal file, which can be partial or total. Annex: BeCA/Member memorandum. A legal assistance request will not be examined if the file does not contain the required documents, as well as a summary of the situation.

If an intervention by BeCA is approved, the first contact with the legal advisor will be made through a member of the Executive Board or Executive Committee. The person responsible for the file will fill in the form explaining the objectives of the file, its estimated cost and will report regularly to the Executive Committee.

## **5.4 Tax advisor**

The tax advisor's services are limited to the information sessions that take place in BeCA Office.

If a problem is considered by the Executive Committee as being of general interest to the whole profession, the Executive Committee might decide to bear the expenses, but a memorandum will need to be formally approved by all parties, including the tax advisor.

**5.5 List of services accessible to members**

| Services         |   | Associate member         | Full member                      |
|------------------|---|--------------------------|----------------------------------|
| Legal            | Work contracts                                | no                       | yes                              |
|                  | Belgian authorities                           | yes                      | yes                              |
| Belgian taxation |   | no                       | yes                              |
| Belgian medical  |   | yes                      | yes                              |
| Belgian licence  |   | yes                      | yes                              |
| Technical        |   | no                       | yes                              |
| Hotline          | Immediate assistance                          | yes                      | yes                              |
|                  | Technical and legal follow-up in Belgium      | yes (if AIU BE involved) | yes                              |
|                  | Technical and legal follow-up outside Belgium | no                       | yes, in coordination with IFALPA |

## **Article 6 – Fee collection**

6.1 BeCA status should reflect the member's current position: members are requested to spontaneously notify BeCA's staff ASAP of her/his new status when changes arise (e.g. F/O to CPT or Job Seeker to Full member).

6.2 BeCA yearly membership gets effective upon payment of the fee: the non-payment of the membership fee by June 30 will automatically suspend existing membership until further notice. This procedure does not apply to members paying via monthly bank order.

6.3 Fee payment when joining the association: the yearly fee runs over a complete calendar year. When joining BeCA after 31 March, the yearly fee is due “pro rata”. A candidate will become member of the association as soon as the fee has been paid or the first monthly transfer has been made (entitled to BeCA newsletters, APPN discount, etc.), but will have to wait for 3 months before she/he can benefit from the full BeCA coverage (hotline support and medical & legal assistance)

6.4 Leaving the association: members leaving the association are requested to notify in writing the Executive Committee of the association of their resignation. In this case, only the elapsed period until resignation is due.

6.5 Ex members rejoining BeCA: If the member has unpaid overdue membership fees from the past, she/he will have to wait for 6 months before she/he can get the hotline support and medical & legal assistance.

6.6. Special situations: if a member exceptionally requests a special payment timetable, she/he can always contact the Executive Committee or BeCA office.

6.7 Members flying 50% or less on a yearly basis can apply to the Executive Committee to pay 60% of the Full membership fees.

6.8 Suspension of membership: when a member is temporarily suspended from flying (sickness longer than 3 months), her/his membership can be suspended on her/his request to the Executive Committee.

6.9 Methods of Payment: To reduce administrative workload, BeCA encourages the bank “domiciliation”/“domiciliering” which simplifies the fee collection procedures. a Monthly payment is also possible on the 12<sup>th</sup> of each month through an “ordre permanent”/ “doorlopende opdracht”.

## **Article 7 – Members' Exclusion**

During an Executive Committee meeting that will have to decide on a proposal by the General Assembly to exclude a member, in accordance with article 10 of the Constitution, the Executive Committee will explain in details to the concerned member the reasons for their exclusion as a member of the Association. The Executive Board will let the member defend themselves and argue why they should not be excluded from the Association. The Executive Committee's and the member's arguments will be minuted in the meeting report.



## **SECTION 3 – Association's structure**

The professional association is composed of the following bodies:

- General Assembly (see also Constitution, Section 5)
- Executive Committee (see also Constitution, Section 6)
- Executive Board (see also Constitution, Article 34)
- Groups and pilot boards (see also Constitution, Article 8)
- Working groups (see also Constitution, Article 25)

### **Article 8 - Executive Committee**

#### **8.1 General points**

The Executive Committee meets at the Association's headquarters or any other place chosen during its previous meeting or specified in the notice convening the meeting.

The Executive Committee meets, in principle, on the first Tuesday of every month, except when it is a bank holiday. In this case, during its previous meeting, the President will propose another day that will be subject to the Executive Committee's approval.

The invitation to the meeting with the agenda of the monthly meeting will be sent to the Administrators by the President or a person appointed by the Executive Committee at least seven calendar days before the meeting.

When Administrators cannot attend a meeting, they inform the Secretariat.

Documents concerning the points on the agenda are sent by email to the Administrators at the same time as the invitation and the agenda. Every Administrator can add to the meeting agenda issues within the scope of the Executive Committee. They have to inform in writing the President at least ten days before the monthly meeting and as soon as possible in any case. They must send at the same time a brief note explaining the issues. The final agenda is set by mutual agreement by the Executive Board and staff members.

If an Administrator declares urgent an issue that is not on the agenda and is within the scope of the Executive Committee, the Executive Committee will decide to maintain this issue or not. When an issue on the agenda has not been fully examined, it is automatically deferred to the next meeting agenda.

## **8.2 Participation of third parties to the Executive Committee meetings**

The Executive Committee can allow third parties to attend its meeting as technical experts or advisors. These participants do not have the right to vote.

## **8.3 Meeting Reports**

The Admin and Finance Vice-President, or a person that he/she appoints, drafts the meeting report of the Executive Committee. When some information or documents of confidential nature is communicated to the Executive Committee, the meeting reports must mention this confidential nature. The Administrators who cannot participate in a meeting of the Executive Committee can send their opinion (in writing or in a video recording) on a specific question. This opinion will be shared before the issue is discussed.

After each agenda points resulting in a decision that involves the Association, a motion or a decision is voted. Every Administrator who opposes a motion or decision has the right to get his/her point of view minuted in the report. A motion or decision adopted by the Executive Committee engages all Administrators, who are therefore not entitled anymore to criticise or question it in another forum.

The meeting reports must contain: (i) the name of the Administrators present, apologised and absent, (ii) the agenda, (iii) a brief and accurate report of the discussions, and (iv) the proposals made, as well as the decisions and motions adopted by the Executive Committee. The Admin and Finance Vice-President submits the draft report to the Administrators before the next meeting of the Executive Committee. At the beginning of the next meeting, the draft meeting report is approved by the Executive Committee after the approved changes have been made.

The reports are kept in the Association's archives. They can be communicated only to the Administrators by the Admin and Finance Vice-President, and to the members who request so, redacted of confidential data.

## **8.4 Reimbursement of Expenses**

The Association reimburses Administrators and technical experts for a number of expenses linked to their activities, provided that they have been authorised by the Executive Committee. These reimbursements are made by the Admin and Finance Vice-President based on actual costs, which are duly justified by relevant documents.

## **Article 9 - Pilot Boards**

### **9.1 Category Vice-Presidents**

Categories gather pilots from a same airline. Category Vice-Presidents are proposed in accordance with the provisions of article 23 of the Constitution.

Any full voting member of the Association who belongs to the concerned category can apply for a Vice-President mandate and be eligible. The candidates will apply in writing to the Executive Committee at the latest one month before the General Assembly.

He/She is proposed for a two-year mandate by the members of his/her airline and is formally elected at the Association's annual General Assembly.

#### **9.1.1 Role**

- They represent the members of their airline within the Executive Committee regarding decisions at national level.
- They present to the Executive Committee the needs/issues of the members of their airline on aviation matters, in order to find solutions, and coordinate the individual support to members facing difficulties at the local level (accident/incident hotline, medical, licences, etc.).
- They organise the support (especially technical and legal expertise) to the pilot representatives' work within their airline and they coordinate the activities of the members of their subcategory within the national Safety and Industrial Working Groups. For that purpose, he/she can be assisted by airline delegates or technical experts.
- They oversee the communication to the members of their airline.

#### **9.1.2 Vice-Presidents changing categories**

A Vice-President who changes categories gives his/her mandate back to the Executive Committee, which appoints a coordinator ad interim until the next elections at the General Assembly. If the Executive Committee considers it necessary, the mandate can continue until the original ending date of his/her mandate to solve pending issues.

The General Assembly, upon proposal by the relevant category, will elect a new Vice-President.

## **9.2 Group and Category Coordinators**

The Groups and Categories (Pilot Boards) that have not been able to duly elect a Vice-President will be represented by a Coordinator appointed by the Executive Committee.

Group and Category Coordinators are not administrators, but have the right to participate in the Executive Committee meetings. They do not have the right to vote. The Category Coordinators perform the Airline Vice-President's duties.

The length of a Coordinator's mandate is indefinite. The Coordinator or the Executive Committee can cancel it at any time.

## **9.3 Organization of Pilots Boards**

The Vice-President can be assisted by a Pilot Board composed of BeCA members from his/her airline, for the following roles:

- Works council delegate(s)
- Health and Safety Committee delegate(s)
- Union delegate(s)
- Technical experts in FDM, FTL, FRMS, Just Culture, SMS, etc. (in coordination with the Air Safety Committee)
- Etc.

In addition, he/she can divide his/her category into sectors to appoint elected sector delegates, when the airline structure justifies it. He/She presents this board to the Executive Committee that approves its composition.

The Pilot Board is responsible for the follow-up of issues linked to the category involved.

The Board will establish the rules that govern its meetings. It can follow the provisions of articles 16 to 20 of the Constitution. The Pilot Boards of each category are encouraged to meet to discuss common issues.

The Pilot Boards' operating rules, when they exist, will be attached to the present bylaws. In addition to the provisions of articles 16 to 20 of the Constitution on which they are based, the operating rules, if they exist, will specify, for example: the required quorums, the required voting majorities, the distribution of tasks within the Board (secretary, president's assistant, etc.), the Vice-President's substitute in case of absence, etc.

## **Article 10 - Working Groups**

On a proposal by the Safety and Industrial Working Groups' Chairmen, the members of the Working Groups will be appointed by the Executive Committee among the Association's members who are most interested by the issues addressed by these Working Groups.

The Executive Committee will thrive to ensure a proper representation of each category of full members within each Working Group.

The activities of these Working Groups will be reported at the monthly Executive Committee meetings. This report will be prepared by each Working Group and will be sent to the Executive Committee at least eight days before the Executive Committee meeting that will examine it.

The tasks and functioning of these Working Groups will be defined in Terms of Reference that they will write and that will be approved by the Executive Committee.

### **10.1 Chairmen**

In accordance with article 25 of the Constitution, the Executive Committee may appoint:

- An Air Safety Committee Chairman, whose main role is to build an internal expertise and act as an interface between authorities and BeCA, in order to ensure the proper implementation of air safety rules.
- An Industrial Working Group Chairman, whose main role is to build an internal expertise on all social and industrial matters linked to aviation.

The Chairmen are not Administrators, but they can participate in the Executive Committee meetings.

## **Article 11 - Representation in relation to third parties**

The President is responsible, among others, for all contacts with higher level public services (ministries, members of parliament, civil aviation authorities) and with airlines' managements and executive boards.

He/she is responsible for managing media relations.

The only persons who are entitled to express themselves in the media on behalf of BeCA are:

- The President or, in his/her absence, the other members of the Executive Board;
- The Air Safety Committee Chairman, on safety issues;
- The Category Vice-Presidents, on issues that concern their category;
- The ECA and IFALPA Directors, on issues that concern them; or
- The official spokespersons appointed by the Executive Committee;

A clear definition of facts and messages to be conveyed will be made by an ad hoc communication team appointed depending on the issues. The messages will be in line, as far as possible, with ECA's and IFALPA's positions.

## SECTION 4 - ASSETS

### Article 12 – Annual results: allocation to and/or deduction from the reserves (Social Funds)

The distribution key for the allocation to (or deduction from) the social funds of the annual results of the Association will be proposed by the Executive Committee and approved by the General Assembly according to the order and proportions defined below:

- Maximum 20% to the Social Reserve (12.1);
- Maximum 30% to the Solvency Reserve (12.2);
- Maximum 80% to the Reserve for Investment or Training projects (12.3);
- The remaining amount is allocated to the Ordinary Reserve (12.4).

#### Definition of Reserves

**12.1 The Social Reserve** aims at covering the social commitments of the Association (salaries and expenses). This reserve will be constituted from potential accounting surpluses, up to a maximum between the current Social Reserve amount and the average of the staff expenses of the 3 previous years (line 620000 of the accounts).

**12.2 The Solvency Reserve** aims at ensuring the Association's sustainability. In addition to the apartment on Avenue du Renouveau, this reserve will be constituted from potential accounting surpluses, up to a maximum between the current Solvency Reserve amount and the average of the accumulated expenses of the 3 previous years, excluding staff and depreciation expenses (line 620000 of the accounts).

**12.3 The Reserve for Investment or Training Projects** aims at covering long-term projects of the Association, as well as the training needs of its staff or members. It's available for the Executive Committee provided it is justified at the next General Assembly.

**12.4 The Ordinary Reserve** aims at providing for the needs in working capital. In principle, it must be equal to, at least, 6 months of current expenses (i.e. 50% of the year to come budget), minus 6 months of monthly fee payment. It is constituted by the remaining amount of accounting surpluses after allocation to the previous reserves.

## **SECTION 5 – Miscellaneous Provisions**

### **Article 13 - Documents and archives**

The Association's documents and archives will be kept by the Secretariat.

The misappropriation and the use of documents of the Association for purposes that are not in line with the objectives of the Association will be subject to exclusion from the Association or sanction in line with article 10 of the Constitution and article 7 of these bylaws, as well as to legal proceedings, under penal law or other.

Every Association's member can consult their personal file. They can, in presence of an Administrator and under his/her responsibility, consult the file of a current issue, provided that this file is not declared confidential.

### **Article 14 - Association's letterhead**

The Association's letterhead will only be used for authorized and official correspondence or publication. Any abuse will be punished by exclusion from the Association or the sanction laid down in article 10 of the Constitution and article 7 of these bylaws.

## **SECTION 6 – Amendments to Bylaws**

### **Article 15 - Amendments to Bylaws**

In accordance with article 35 of the Constitution, the power to amend the present bylaws lies with the General Assembly, on a proposal by the Executive Committee. The proposal to amend the bylaws must be sent to the Administrators at least on the 20th of the month preceding the Executive Committee meeting that will decide on the proposal to amend the bylaws.

Any amendment to the present bylaws will be made in accordance with the procedures laid down in article 35 of the Constitution and article 17 of these bylaws, and will be decided by an absolute majority of voting members who are present or represented at the General Assembly.



## **SECTION 7 – Annexes**

### **Annex I – Terms of reference of the Air Safety Committee**

[Click here.](#)

### **Annex II – Founding document of the Industrial Working Group**

#### **BeCA Industrial Working Group – A new tool for pilot representatives**

BeCA's Industrial Working Group (IND WG) already existed de facto for many years, through constant exchange of best (and worst) practices between airline BeCA Vice-Presidents. In order to better coordinate industrial issues and involve more members, we formalised this WG in November 2016 and invited all BeCA airline pilot representatives to join it.

Two main reasons convinced us to expand this group. First of all, reinventing the wheel is not productive. Over the years, we noticed that what is happening in an airline today will soon be occurring in other companies. Most of the time, pilot representatives were putting a lot of efforts into these files, starting from scratch, whilst BeCA's knowledge, experience and external network (legal advisors, ECA, etc.) could have been very valuable to their work and have helped tackle the issues more efficiently. Thanks to this new structure, we are now able to better centralize information on industrial matters that are not or little dealt with by unions.

Secondly, many safety topics that the BeCA Air Safety Committee is handling need to be coordinated with each airline union team. We must ensure for instance - through close cooperation between BeCA and unions - that discussions and decisions at airline level correctly implement the Just Culture principles as promoted by BeCA.

This working group therefore provides pilot representatives with a good exchange platform (with ad hoc meetings and a mailing list) that allows for a better, more organised and more efficient coordination of the work carried out by BeCA and the unions. We highly encourage our members with union representative mandates to join this group by sending an email to our Executive Coordinator ([beca@beca.be](mailto:beca@beca.be)).

This group will look, among others, at the following recurring issues that concern all pilots:

- Correct implementation and interpretation of FTL rules

- Set up of a National pilot specific pension system
- Per Diems & taxation issues
- Issues related to airlines' loss of licence contracts
- Atypical forms of employment (subcontracting)
- Security issues
- Information exchange within ECA and IFALPA pilot.

### **Annex III – Member/BeCA Protocol – Legal Actions**

[Protocol in Dutch](#)

[Protocol in French](#)

**Annex IV – Glossary of terms in French – Dutch – English**

| <b>FR</b>                                 | <b>NL</b>                                   | <b>EN</b>                         |
|---|---|-----------------------------------|
| Administrateur                            | Bestuurders                                 | Administrator                     |
| Conseil d'administration                  | Raad van Bestuur                            | Executive Committee               |
| Bureau de catégorie                       | Pilot Board                                 | Pilot Board                       |
| Membres effectifs                         | Effectieve leden                            | Full members                      |
| Membres adhérents                         | Toegetreden leden                           | Associate members                 |
| Assemblée générale                        | Algemene                                    | General Assembly                  |
| Bureau exécutif                           | Uitvoerend Bureau                           | Executive Board                   |
| Président                                 | Voorzitter                                  | President                         |
| Vice-Président                            | Vicevoorzitter                              | Vice-President                    |
| Vice-Président Exécutif                   | Uitvoerend Vicevoorzitter                   | Executive Vice-President          |
| Vice-Président Administratif et financier | Administratief en financieel Vicevoorzitter | Admin and Finance Vice-President  |
| Directeur ECA                             | ECA-bestuurder                              | ECA Director                      |
| Directeur IFALPA                          | IFALPA-bestuurder                           | IFALPA Director                   |
| Directeur de l'Air Safety Committee       | Directeur Air Safety Committee              | Air Safety Committee Chairman     |
| Directeur de l'Industrial Working Group   | Directeur van de Industriële Werkgroep      | Industrial Working Group Chairman |
| Statuts                                   | Statuten                                    | Constitution                      |
| Expats                                    | Expats                                      | Expats                            |
| Job Seekers                               | Job Seekers                                 | Job Seekers                       |
| Students                                  | Students                                    | Students                          |
| Subscribers                               | Subscribers                                 | Subscribers                       |
| Union professionnelle                     | Beroepsvereniging                           | Professional Association          |
| Fonds sociaux                             | Maatschappelijk fonds                       | Social funds                      |

## BeCA Bylaws 2018

|                             |                              |                  |
|-----------------------------|------------------------------|------------------|
| Réserve sociale             | Sociale Financiële Reserve   | Social Reserve   |
| Réserve ordinaire           | Gewone Financiële Reserve    | Ordinary Reserve |
| Réserve de solvabilité      | Solvabiliteitsreserve        | Solvency Reserve |
| Règlement d'ordre intérieur | Reglement van Inwendige Orde | Bylaws           |