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இலங்கை சிவில் விமானப் போக்குவரத்து அதிகார சபை  
Civil Aviation Authority of Sri Lanka

"සැරිටි පුරැවි අලසව්"  
"සැනසවලදුරුදුම අප්‍රමතතර අදුකායම"  
"Safe skies for all"

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No. 04, Hunupitiya Road, Colombo 02, Sri Lanka.

From : The Director General of Civil Aviation & Chief Executive Officer

OP/26/25 (CA/16/0249)

28 April 2016

President  
Flight Attendant Union  
Flat No; 13, Bogala Court  
Dickman's Road  
Colombo 5

Dear Sir,

**Violations of Civil Air Law Regulations – Request For Immediate Remedial Action**

I refer to your letter AFAU/69 dated 12<sup>th</sup> April 2016.

To begin with I wish to thank you for bringing your safety concerns to the notice of this office DGCA so that they could be viewed independently and take remedial action where necessary.

This office perused your concerns vis-a vis the SLCAP 4210 and applicable requirements published by this office with regard to Flight Time Limitations (FTL) and Fatigue Risk Management System (FRMS) in conformance to the Implementing Standard No. 013 dated 01 November 2015 that has been issued in securing compliance with the International Standards contained in the ICAO Annex 6 (Part 1) – “Operation of Aircraft” Chapter 4 – Flight Operations as amended by Amendment 38 thereto.

As you may be aware ICAO has defined **fatigue** as “*a physiological state of reduced mental or physical performance capability resulting from sleep loss or extended wakefulness, circadian phase or workload (mental / or physical activity) that can impair a crew member’s alertness and ability to safely operate an aircraft or perform safety related duties*” and FRMS as “*a data driven means of continuously monitoring and managing fatigue-related safety risks, based upon scientific principles and knowledge as well as operational experience that aims to ensure relevant personnel are reforming at adequate level of alertness.*”

At the outset itself I would like bring to your kind attention, that prescriptive flight time limitations alone does not address the fatigue level of a crewmember. It most of the time gives the wrong impression to an average person that – “being inside the limits is safe” while “being outside the limits is unsafe”. You may be aware that they represent only a single defensive strategy. They are a one-size –fits-all approach that does not take into account operational differences or differences among crewmembers as explained in ICAO Doc 9966- Ch. 1.

In the premises aforementioned, this office has arrived at the following conclusions written in italics and identified as CAA Conclusions as regards the queries raised in your letter under reference. For the clarity of reply, your queries are also reproduced below and CAA conclusions thereabout are mentioned underneath.

1. Objection to Operators Scheme –

- a. Firstly the “Operators Scheme” dated 01<sup>st</sup> May 2015 implemented by SriLankan Airlines which the Cabin Crew are compelled to follow despite our objections, has been formulated with no consultation whatsoever with the Cabin Crew contrary to your express directions;

**CAA Conclusion** : *The Operators Scheme was submitted by the Chief Operating Officer of SLA to DGCA and it was accepted as there was no “ Violations of Safety Standards ”.*



- b. Although you have expressly directed by way of SLCAIS 054 (Implementing Standards) for the Operator to equal or better the minimum standards stipulated by you on SLCAP 4210 (2<sup>nd</sup> edition), the scheme adopted by the Company appearing as Annex A to the Operator Scheme falls well below those minimum standards;

**CAA Conclusion:** *Team of inspectors of CAASL perused the measures of mitigation forwarded by SLA and was satisfied that those measures adequately address the Risk Management on “on set of fatigue”*

- c. Despite the implementing standards expressly set down by you as appearing on SLCAIS 054 (Page 01, Section 1.1) there is a clear breach of the permissible flight duty hours/ duty periods/ rest periods for Cabin Crew;

**Conclusion:** *Prior to approval of an extra hour to the grid of 2200- 0559 of the new SLCAP 4210, the CAASL Inspectors carried out a Risk Assessment by analyzing the Risk Probabilities and Risk Severity based on data of 15 years as FRMS is data driven. The permissible hours during the same grid in the past 15 years was 12 hours. As there has been no documentary proof of any safety violations, increased fatigue level of crew or errant safety decisions made, it was considered safe to permit the airline the exemption as the Risk Assessment carried out by CAASL Inspectors was satisfactory.*

- d. The Operators Scheme compels us as Cabin Crew to operate one hour more than the maximum without taking any steps to mitigate the onset of fatigue.

**Conclusion:** *SLCAP 4210 permits cabin crew to operate 01 hour more than the pilots due to the operating procedures of cabin crew are variant to flight crew. It should be reiterated that the extra hour is for pre -departure duties carried out by cabin crew and it is not meant that the flight time is 01 hour more.*

*Paragraph 4.7.3.3 refers “ the maximum flight duty period for cabin crew may be longer than that applicable to flight crew by the difference in reporting time between flight & cabin crew.”*

## 2. Fatigue Risk Management Standards (FRMS)

Although by way of SLCAIS 054 you have enforced express conditions on the Practice and Implementation of a FRMS policy by an Operator we regret to inform you that as Cabin Crew we are not even aware of the existence of such a policy.

**Conclusion:** *It is the responsibility of the operator to keep its staff informed of the pertinent regulations. As your aspersion above indicates that the airline has not informed of the requirements this office will keep SriLankan airlines informed that all cabin crewmembers shall be kept informed of FRMS policy in compliance to Safety Management Systems.*

## 3. Continuous violations of SLCAP 4210 (2<sup>nd</sup> edition)- further to the above the following are direct violations of the minimum standards you have stipulated:

- a. **Local Night** – Crew Members are rostered for flights on their days off where one local night is violated since the pickup for the flight (and therefore the preparation which begins much earlier) occurs during what is supposed to be a rest period;



**Conclusion:** *Although through the evidences forwarded to this office, it was established that certain crewmembers have been picked up by company transport during the last hour of the second local night, thereby disturbing the “Local Night” as required, it may not be considered a safety violation as this may not induce fatigue for safe operation of aircraft. Reporting to work is the duty of the crewmember and as long as the crewmember commences flight duty period after the end of local night concerned, there is no violation of Flight Time Limitations as journey between the crewmember’s home and the airline operational base is not considered “positioning”, which forms part of Flight Duty Period.*

*Also SLCAP 4210 permits cabin crewmembers to fly up-to 210 hours during a 28 days roster period, but it is established on an average cabin crewmembers fly to a maximum of 78-80 hours only.*

- b. Days off - Most Crew Members are compelled to operate flights during their allocated off days which due to fear of losing their employment they oblige, particularly as there is another set of Crew Members recruited on renewable contracts who under duress of not having their contracts renewed are coerced in to such flight duties;

**Conclusion:** *We may need documentary proof as regards the above aspersions for further investigations since there is no evidence to confirm them..*

- c. 7 day period – Although you stipulate (at section 1.20.4) that Crew should have a minimum of 7 days off in any 4 consecutive weeks and also have an average of at least 8 days off in each consecutive 4 week period averaged over 3 such periods, there is a clear violation and failure by our Employer to adhere to this minimum;

**Conclusion:** *After perusing the evidences forwarded by you, it is noted that crew are not given 7 days off in any consecutive 4 weeks as required. The matter was brought to the attention of the airline and they have assured that with the current roster all cabin crew are allocated minimum of 08 off days. Please keep this office informed if it is not implemented by the airline.*

*Furthermore, it is established that crewmembers are not utilized on consecutive days on a regular basis. Also in between flights although the crew should be given a minimum of 12 hours rest after each flight, it is noted that they have been given more than that, on an average. However, if this requirement is not met, please notify this office.*

- d. Miscalculation of FDP - Although Cabin Crew report for a flight duty period at the behest of the operator 1:35mts before departure, Srilankan Airlines calculates FDP for only 1:20mts prior to departure thus leaving out 15mts of actual FDP for operational convenience;

**Conclusion:** *Flight Duty Period ( FDP) is any time during which a person operates in an aircraft as a member of its crew and it starts when a crewmember is required by the company to report for a flight and finished on-chocks on the final sector. Hence please seek a clarification from the airline as to the correct reporting time and commencement of flight duty period.*

- e. Travel Time – although you have imposed a condition (at Section 27 definitions) for a Crew Member’s time spent on travelling from the place of residence to the aerodrome be considered as travel time, SriLankan Airlines considers travel time to the aerodrome at which time a Crew Member is actually on conscious duty, as rest time.

**Conclusion:** *Travel time is not considered as Duty. ( SLCAP 4210 1.9)*



I wish to thank you for the keen interest taken for the effective implementation of FTL and FRMS by the airline. I also appreciate your courage for reporting to this office of your views as to the level of implementation of them by the airline. It is important that we should work together towards promoting flight safety by reducing crew fatigue, which is identified to be a great risk for flight safety during recent accidents. In this context it important that both the airline and crewmembers should appreciate the basic principles underneath the FTL and FRMS so that any matter that is directly contributing to the onset of fatigue could be identified objectively for finding solutions.

Yours faithfully,

H.M.C.Nimalsiri  
Director General of Civil Aviation and  
Chief Executive Officer – Civil Aviation Authority of Sri Lanka

Copy to :

1. Hon. Nimal Siripala De Silva, MP - Hon. Minister of Transport and Civil Aviation
2. Hon. W. D. J. Seneviratne, MP - Hon. Minister of Labour
3. Hon. Kabir Hashim, MP - Hon. Minister of Public Enterprise Development
4. Mr. Ajith Dias - Chairman, Sri Lanka Airlines Ltd.
5. Mr. Suren Ratwatte - CEO, Sri Lanka Airlines Ltd.
6. Capt. Rajind Ranatunga - HFO, Sri Lanka Airlines Ltd.
7. Mr. Chanaka Olagama - HOSD, Sri Lanka Airlines Ltd.
8. Mr. Pradeepa Kekulawela- HHR, Sri Lanka Airlines Ltd.