

Legal advice in case of accident, incident or operating irregularity



IFALPA thanks ALPA International who originally prepared and supplied this information. It has been edited to make it relevant for members of other Member Associations.

CAUTION

These are general guidelines; they may not be applicable in every situation. Individual discretion, and decisions contrary to these guidelines, may be required in some situations.

IN THE EVENT OF CONFLICT BETWEEN THIS GUIDANCE AND YOUR COMPANY GUIDANCE, YOUR COMPANY GUIDANCE TAKES PRECEDENCE

You are ALWAYS subject to the laws of the country that you are in, NOT the laws of your country of residence or citizenship. In the event of an accident, incident or operating irregularity, you may be questioned or even detained by the local authorities. You may also be subject to enforcement and/or disciplinary action(s) by the local government and/or your employer.

To minimize the likelihood of adverse consequences, the guidance below should be followed to the extent possible. In certain cases, the best course of action may be to discreetly leave the country as soon as possible.

1. Once you are assured that the immediate needs of your passengers and fellow crew members are being met, attempt to contact your company, your Association or IFALPA.

IFALPA (Chertsey, UK) Emergency Number
+44 (0) 871 732 3110 (24 Hrs)

2. If assistance is needed, and you cannot reach your company, your Association, IFALPA, or an IFALPA Member Association (MA), attempt to contact your Embassy or Consulate.
3. Attempt to obtain rest facilities away from the airport for all crew members. (One option is to request hospitalisation)
4. If you are prevented from contacting any source of assistance, or from moving the crew to a hotel or medical facility:
 - Attempt to keep your crew together, and advise them all of the relevant information.
 - Adopt and present a cooperative demeanour.
 - Only if requested, provide your certificate to any authority (transportation, law enforcement, etc) for examination.
 - Do not allow any authority to permanently retain any certificate.
 - Only if requested, provide oral or written statements.
 - Use the sample statement (following page) if possible.
 - Keep your responses brief, factual and to the point.
 - Avoid conjecture, hindsight or judgment.
 - Make or retain copies of all documents relating to your flight.
 - Keep these, along with any personal notes, to yourself.
 - Do not make any statements to the media.

Experience has shown that it is frequently valuable to make an aircraft log book entry, regardless of how inconsequential or obvious the event may appear to be at the time.

Normally, Company officials are responsible for notifying the appropriate authorities of an accident or incident.

IFALPA provides this data for information only, In all cases pilots should follow their company's guidance and procedures.

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You should notify State authorities directly of an accident or incident ONLY IF the State mandates that YOU report the event. These States are identified in this document.

See NEXT SECTION for additional guidance specific to the State of Occurrence (including IFALPA MAs)

I, (name), am employed as a pilot by (Company and location of main offices). I am based at (location).

I served as the (Capt./F.O./I.R.O./S.O.) on aircraft registration number _____, which operated as (airline name) Flight (number) between (airport name) and (airport name), and which departed (airport name) on or about (UTC, day, month, and year). The other crew members were (list all flight and cabin crew, giving positions and crew bases).

I am fully qualified and current to serve as a (Capt./F.O./S.O.) by (Company) Airlines. I am certified by the _____ (your national CAA), certificate number _____, with the following ratings: _____.

I possess a valid first-class medical certificate dated _____, with the following limitations and waivers (if any).

I am a citizen of (country), residing at (full address of legal home of record, including post code and telephone number). My passport number is _____, issued at _____, on _____ which expires on _____. (Passport information for international use only.)

Option 1 (preferred)

There appears to be an irregularity involving Flight _____. This irregularity is currently under investigation by _____ Airlines and the appropriate government authorities. I intend to cooperate fully in this investigation. I am not in a position to provide specific factual information at this time. I will provide any facts relating to the irregularity as soon as I can confirm them.

Option 2

At approximately (time of event), (factually describe incident, i.e., “we lost No. 2 engine” or “smoke filled the cabin”). We made an emergency landing at (airport name) and evacuated the aircraft. I have no information as to what caused this problem. I will fully cooperate in any investigation to determine what led to this irregularity. I will provide further facts relating to this incident as soon as I can obtain and confirm them. (Signature and date)

National Information & contacts - The Americas

ARGENTINA

Investigative Agency: Junta de Investigaciones de Accidentes de Aviación Civil (JIAAC)

Regulatory Agency: Comando de Regiones Aéreas

IFALPA Member Association: Asociacion de Pilotos de Lineas Aereas (APLA)

Contact Information:

+54 11 4958 4166 (Emergency, 24 Hrs)

+54 11 4958 5114/9333

ARUBA (Territory of the Netherlands)

Investigative Agency: Department of Civil Aviation

Regulatory Agency: Department of Civil Aviation

No IFALPA Member Association

BAHAMAS

Legal representation:

Crewmembers DO have the right to legal representation during questioning by State authorities. Event-related drug and alcohol testing: Civil Aviation Inspectors CAN compel crewmembers to be blood/breath tested for drugs or alcohol.

Random drug and alcohol testing:

Crewmembers ARE NOT subject to random breath testing

Verbal or written statements:

Crewmembers CANNOT be compelled to provide a statement. Crewmembers CAN exercise their rights against self-incrimination, and decline to provide a statement.

Investigative Agency: Director of Civil Aviation

Regulatory Agency: Civil Aviation Department

IFALPA Member: Bahamas Air Line Pilots Association (Bahamas ALPA)