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Dutch Pilots Association Wins Court Case Against KLM's Covid Injection Mandates for New Pilots

BY RHODA WILSON ON JUNE 3, 2022

On 19 May, the Dutch Airline Pilots Association ("VNV") filed a case in the Amsterdam Court of Appeal against Covid "vaccine" mandates introduced by KLM for new pilots. Yesterday, the judge ruled in favour of VNV. KLM can no longer ask new pilots about their Covid vaccination status or reject their application for employment based on their vaccination status. KLM risks a fine of EUR 100,000 per violation.

In his ruling, Judge Pennink noted that KLM directly asks whether a candidate pilot has been vaccinated or wants to be vaccinated on the job application and KLM immediately terminates the application if the answer is not forthcoming or is negative. As a consequence, KLM may put candidates under pressure to get vaccinated as without vaccination there is no job at KLM. "It is considered that requesting and demanding a vaccination against corona constitutes an unjustified infringement of the fundamental rights of the candidate pilots, in particular, it infringes the privacy of Article 8 ECHR," the judge said:

"By requesting vaccination against corona, KLM is infringing the privacy (Article 8 ECHR) of the candidate pilots. After all, the decision whether or not to have yourself vaccinated is something that belongs pre-eminently to this private sphere. Requiring the candidate pilot to be vaccinated and to give a positive answer to that question about vaccination status, therefore, violates this. KLM thus leaves no choice to candidate pilots who want to join KLM."

"The importance of KLM to finalise its planning with due observance of the collective labour agreement and to organise its business operations as well as possible is also present but does not weigh as heavily as the rights of the candidate pilots. This is all the more true now that VNV has argued that there are alternatives that the candidate pilots and many of the pilots already working at KLM want to participate in, such as conducting (per) tests, which can also achieve the goal of effective planning. become."

Under penalty of EUR 100,000 per violation, the court has immediately prohibited KLM from collecting and/or using information about the Covid vaccination status and/or rejecting candidates because they indicate that they have not been vaccinated and/or do not wish to have a vaccination.

[VNV issued a statement](#) after the ruling:

"The VNV is pleased with the decision of the Amsterdam Court of Appeal which immediately prohibits KLM from asking candidate pilots about their vaccination status and using this to reject candidates. The VNV endorses the government's position that vaccination is important, but that compulsory vaccination by the employer is not permitted. We were of the opinion that KLM did not comply with this and, moreover, violated our agreements about this, without there being any operational necessity."

Peter Westerneng, VNV President, said:

In several countries, judges have already put a stop to a (Corona) vaccination obligation. Not so long ago, several hospitals in the Netherlands spoke out against such a duty and indicated that they would not apply it. KLM thought otherwise and introduced a vaccination obligation for new pilots, after which the Dutch Air Traffic Pilots Association (Association of Dutch Airline Pilots) went to court.

After summary proceedings on May 19, the judge today rendered a decision and cancelled the vaccination obligation for new pilots that KLM had introduced, contrary to agreements with the VNV. KLM is prohibited from inquiring about the vaccination status of new pilots and taking this into account in the application process, on pain of hefty fines.

Read more: [Dutch Airline Pilots Association \(VNV\) successfully blocks mandated vaccinations for new pilots](#), Global Aviation Advocacy Coalition, 2 June 2022

