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Foreword | *Unruly passenger incidents have received considerable media attention over the past few years. Unruly passengers are those whose demeanour, behaviour or failure to comply with cabin crew directions present a threat to the safety or security of the aircraft and/or those on board.*

Australian airlines respond to and manage a small but consistent number of unruly passenger incidents every year. Specific strategies implemented by the airlines, the Australian Federal Police and government and regulatory bodies have focused on minimising the occurrence of and risks associated with these incidents. Despite this, unruly passenger incidents continue to occur, with ramifications for the safety and security of the crew, passengers and aircraft.

In June 2015, the Australian Institute of Criminology hosted a roundtable to discuss unruly passenger incidents. Participants included Australian airlines, the police, and other government and regulatory agencies involved in aviation security. This paper draws on both international literature and the roundtable discussions to identify issues related to the identification and management of unruly passenger incidents and the minimisation of associated safety and security risks.

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Responding to unruly airline passengers: The Australian context

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Over the last 10 years the frequency of airline travel in Australia has increased. In 2014, 33.1 million Australian passengers travelled internationally and almost double that amount—60.13 million passengers—travelled domestically (BITRE 2015a; BITRE 2015b). The majority of short-term international departures of Australian residents in 2013–14 were for holidays (60%), followed by visiting friends and relatives (23%), business (10%), and other reasons such as employment, education or attending conferences (7%; Australian Bureau of Statistics 2014).

Airlines are regularly called on to respond to and manage unruly passenger incidents. The term ‘unruly passenger’ is used here to denote all passengers who, through their demeanour, behaviour or failure to comply with cabin crew directions, present a threat to the safety or security of the aircraft or those on board, but who are not engaged in an act of sabotage or terrorism. In June 2015, the Australian Institute of Criminology (AIC) held a roundtable discussion with representatives of the Australian Federal Police (AFP), regulatory and governing bodies, and five Australian airlines that provide international and/or domestic services to metropolitan, regional and remote areas. The aim of the roundtable was to examine the nature and frequency of, and responses to, unruly passenger incidents in Australia. As the roundtable was focused on discussing industry-wide policy and practice relating to unruly passenger management, one executive-level representative with responsibility for safety and security from each industry stakeholder was invited to attend.

A representative of one of the major airlines estimated it dealt with approximately 30 unruly passenger incidents per month. Given the high volume of passengers transported every month, this is a small but consistent issue for the airline. The severity of these incidents varied; they included cases of onboard smoking, failure to comply with instructions, failure to fasten seatbelts, intoxication, and offensive and disorderly conduct. Roundtable participants indicated disruptive and noncompliant passenger incidents were more common across the represented airlines than incidents involving aggression or violence.

The current rate of unruly passenger incidents was reported to be lower than that of seven or eight years ago. Roundtable participants attributed this success to a suite of strategies implemented by the airlines, as well as the high level of collaboration across and between airlines, the police and regulatory bodies. However, roundtable participants reported a number of knowledge gaps and issues that, if addressed, may further reduce the rate of unruly passenger incidents, with related safety and security implications.

The nature of unruly passenger incidents

Other than the classified internal reporting and review conducted by airlines, there is limited publicly available research examining Australian incidents of unruly passengers. However, there has been much international research on responding to and managing air-rage incidents. Definitions of air rage vary slightly between studies, but it is generally used as an umbrella term to describe any behaviour on an aircraft that interferes with cabin crew in the conduct of their duties, disrupts the aircraft's safe operation or risks the safety of those on board, excluding premeditated acts of sabotage or terrorism (Anglin et al. 2003; Schaaf 2001). The term air rage covers the types of unruly passenger incidents discussed by Australian airlines at the roundtable; thus, findings from air-rage research may inform the discussion of Australian unruly passenger incidents.

A study from the United States found the factors that contribute to the likelihood of an air-rage incident can be gathered into three groups:

- the first group is passenger-related factors such as mental health, personality or substance use;
- the second group is environmental factors such as temperature, physical confinement or the activities of the crew or other passengers; and
- the third group is airport or carrier factors such as poor service by ground staff or cabin baggage restrictions (Pierson et al. 2007).

The study proposed that any one factor, or a combination of factors, could create sufficient frustration in a passenger to precipitate an air-rage incident (Pierson et al. 2006).

Service failure

Hunter (2006) proposed that airline services that fall short of customer expectations (known as service failures) can, through customer frustration, lead to unruly passenger incidents.

Roundtable participants noted that the nature of such incidents was comparable across Australian airlines. In particular, there was no notable difference in the prevalence of incidents on full-service flights compared with low-cost services. Roundtable participants suggested this was due to the high level of service provided by all Australian airlines; international airlines may experience differences in the nature and frequency of incidents due to variations in onboard services.

A 1999 study of Northwest Airlines reported that intoxication was a causal factor in 25 percent of the incidents examined; 16 percent were caused by seat assignments, 10 percent by smoking problems, nine percent by issues with carry-on luggage, eight percent by employee behaviour and five percent by food service (Taylor 1999). Twenty-seven percent of incidents were caused by factors that were 'undetermined' or classified as 'other' (Taylor 1999). Roundtable participants discussed these findings and speculated that the causal factors of recent incidents in Australia may look very different; in particular, they thought smoking was becoming less of a precipitating issue, as was intoxication.

Intoxication

Roundtable participants noted that, since the introduction of responsible service of alcohol policies and practices in terminals and on aircraft, unruly passenger incidents related to intoxication had decreased. However, they also noted that detecting intoxication at boarding and during initial brief interactions on board can be extremely difficult. Academic research concurs with this observation: in the absence of

objective measures of intoxication, such as breathalysers, even trained personnel are unlikely to accurately judge intoxication levels (Brick & Carpenter 2001; Grossman et al. 1996; Langenbacher & Nathan 1983; Pagano & Taylor 1979; Rubenzer 2011). At altitude, even passengers with low blood alcohol concentration levels (eg 0.04%) can show impairment, making it harder for aircrew to determine their level of intoxication (Brick et al. 1992; Carroll et al 1988; Compton 1986; Maguire 1986; Sullivan et al 1987; Teplin & Lutz 1985; Wells et al 1997).

Given aircrew may find it difficult to detect passenger intoxication, restricting passenger access to alcohol is perhaps the most effective means of reducing intoxication-related incidents. In-flight and on-ground surveys and observations may add to the information airlines currently collect on alcohol administration practices, and such an examination could assist in identifying where passengers access alcohol and how intoxication may best be detected and managed.

Destination

Roundtable participants suggested unruly passenger incidents are more likely to occur on flights to holiday destinations—particularly those known for 'partying'—or when more passengers are travelling for leisure than for business. Airline representatives noted that spikes in the rate of unruly passenger incidents over the year were associated with an increased volume of passengers travelling to leisure destinations or to major sporting or entertainment events. Participants did not consider fluctuations in the rate of incidents across the calendar year to be significantly influenced by seasonality (ie the Christmas/New Year period), although some association with the months of September and October has been noted in the past.

Passenger profiles

Based on the findings of international reviews, no specific type of passenger was more likely to be involved in unruly incidents. Historically, most incidents have involved a male passenger between 18 and 35 years

of age; however, there has been a recent rise in the number of Australian incidents involving female passengers.

There was general agreement among roundtable participants that risk of an incident could not be predicted based on passenger characteristics such as gender or ethnic background, and that travel class (ie economy, business or first class) was also a poor predictor of incidents. On the other hand, groups of passengers such as buck's or hen's parties, sporting teams, and groups such as fly-in fly-out mine workers were identified as presenting an increased risk. Roundtable participants saw engaging with the leader of such a group, or with employers, as an effective strategy for minimising the risk of an incident. For example, to lower the rate of unruly passenger incidents among fly-in fly-out mining workers, airlines have engaged directly with mining companies, licenced premises at the mine site and terminal staff to ensure access to alcohol is restricted and onboard behavioural expectations are understood. Mining companies have worked with airlines to implement additional strategies such as enforcing the wearing of uniforms on flights to increase employee visibility, and advising employees that codes of conduct apply during travel. These measures remind employees they are still on duty while flying and reinforce their obligations in relation to substance use. Roundtable participants saw liaison and collaboration between all parties involved as instrumental in reducing unruly passenger incidents on fly-in fly-out routes. Participants also noted that industry-developed profiles of passengers involved in incidents could be used to develop a broader picture of unruly passengers in Australia.

Airline policy

Airline policy appears to influence the rate of unruly passenger incidents, perhaps through a service failure mechanism such as that described earlier. An example of this is the policy change which allowed passengers to use personal electronic devices such as smart phones, tablets and music players in flight mode between boarding and disembarkation; there have been fewer unruly passenger incidents

on aircraft that have implemented this policy change. However, there has been an increase in incidents on aircraft that have not implemented this change (due to the aircraft not having completed safety requirements). These incidents involved failure to follow cabin crew directions on the use of personal electronic devices.

Roundtable participants emphasised the need to better understand the catalysts of in-flight incidents, particularly when they are precipitated by issues on the ground. Participants also noted the introduction of self-service check-in kiosks and baggage drops had reduced the number of touchpoints for airline personnel and passengers. This reduction in contact allows fewer opportunities for airline staff to monitor and assess passenger behaviour, and thereby the risk of an incident, prior to boarding. A review of terminal touchpoints and procedures may be of value by helping to identify airline and terminal policies and practices that could assist in identifying potentially unruly passengers prior to boarding.

Management of unruly passenger incidents

Based on a review of the available literature (Berkley & Ala 2001; Schaaf 2001) and roundtable discussions, the following have been identified as some of the means through which unruly passengers are, or could be, managed:

- employee training;
- on-the-ground observations of passenger behaviour;
- standard operating procedures;
- responsible service of alcohol;
- in-flight warnings;
- identification of and engagement with groups of travellers such as sporting teams;
- identification of passengers who have previously been disruptive on flights;
- clear expectations of, and guidelines for, onboard passenger behaviour;
- use of restraint equipment; and
- incident reports and watchlists.

Roundtable participants discussed anecdotal evidence of the effectiveness of various risk-mitigation strategies. However, it was noted that evidence of the effectiveness of these strategies was limited and no comprehensive review of management strategies had been conducted.

A 2015 AIC study that developed a best-practice framework for police management of intoxicated offenders reported that the guidance offered by such a framework can assist police to identify, assess, monitor and manage incident-related risks (Fuller, Goldsmid & Brown forthcoming). It should be determined whether there is a need to develop a similar best-practice framework for unruly passenger incidents. A best-practice framework could outline principles to help airlines develop practices, techniques and strategies for the effective identification and management of unruly passengers. This may assist in reducing security and safety risks to the unruly passenger, other passengers, the aircrew and the aircraft during an incident.

Consequences of unruly passenger incidents

Risk of harm

Unruly passenger incidents pose a number of risks of harm. Risks to the unruly passenger may include the immediate risk of physical injury and health complications, as well as long-term risks of criminal or civil punishment and future travel restrictions. Risks to other passengers include the risk of physical injury, either directly from the unruly passenger or indirectly due to proximity if an altercation occurs, and a decline in their perception of airline safety. A review of the literature and roundtable discussions identified risks to the aircrew including the immediate risk of physical or psychological injury and long-term risks to their physical and mental health, which could lead to employee turnover and absenteeism or presenteeism (Williams 2000; Schaaf 2001). Risks to the aircraft relate to its safe operation and include cockpit breach, flight-crew error due to preoccupation with the unruly passenger and diversion from the flight plan. A 2000 study conducted

by the National Aeronautics and Space Administration reported that 10 percent of air-rage cases resulted in flight-crew errors (NASA 2000).

The level of risk posed by incidents is not uniform but varies depending on the behaviour of the unruly passenger, the capabilities and training of the aircrew and the support available from other passengers. The International Air Transport Association's (IATA) *Guidance on unruly passenger prevention and management* identifies three levels of graduating behaviours—minor threats, moderate threats and serious threats (IATA 2012). Minor threats are disruptive behaviour such as unacceptable language, suspicious behaviour and failure to follow crew instructions. Moderate threats include abusive, obscene or lewd behaviour toward crew, verbal threats, tampering with emergency or safety equipment or deliberately damaging parts of the aircraft. Serious threats include life-threatening behaviours such as the display or use of a weapon, or physical or sexual assault with intent to injure. The most serious threat is attempted or actual breach of the flight deck. Early identification and appropriate management and monitoring of risk can assist in containing or de-escalating threats.

Passenger bans

Roundtable participants discussed imposing lifetime or fixed-period bans on travel for unruly passengers. All participants stated this is an effective strategy for reducing the risk of future incidents and deterring other passengers. Imposing flight bans across all Australian airlines is not uncommon, and is indicative of the close level of cooperation between Australian airlines. However, it was noted that all airlines adhere to strict privacy and other legislative requirements that limit what information can be shared; these limitations can hamper the implementation of bans.

Recovery of flight diversion costs

Diverting an aircraft in order to offload an unruly passenger not only presents safety and security risks but also incurs substantial costs for the airline. Costs

may include fuel loss, airport-related costs and payments to other passengers for inconvenience caused or as compensation for related costs such as additional meals, accommodation or alternative flights. In 2012, the publicly reported diversion of a flight between Sydney and Japan cost the airline involved approximately \$120,000. Roundtable participants stated that airlines use all possible avenues of legal recourse to recover the cost of a diversion from the unruly passenger.

Civil and criminal penalties

Unruly passengers can be held civilly or criminally accountable for their actions through a number of avenues. The avenue through which redress is sought and the severity of the penalty depend on the actions of the passenger, which airport they disembarked at, and what safety and security risks their actions posed.

At the lower end of the spectrum, an offending passenger may be met at the point of disembarkation by airline staff. If warranted, police may also attend, and the passenger may be issued a verbal or written warning.

For incidents that potentially breach civil aviation legislation, the airline can request that the Civil Aviation Safety Authority (CASA) issue the passenger with an Aviation Infringement Notice. While such requests can be made directly by the airline (which is more common in regional areas), the majority are referred to CASA by state or federal police. Incidents that could incur an infringement notice include smoking on an aircraft, failure to comply with instructions, refusing to wear a seatbelt, offensive and disorderly conduct and being intoxicated. CASA reviews all reports received and, where appropriate, issues the offending passenger with an infringement notice of up to \$900. A passenger may be issued multiple infringement notices for the same incident if a number of breaches have occurred. Generally, the passenger has 28 days to pay the infringement notice (CASA Enforcement Manual 2013). If a passenger fails to pay the infringement notice, the matter is referred to the police.

Airline representatives noted that on-the-spot fines issued by police at the point of disembarkation may serve as a strong deterrent both to the offending passenger and to other passengers on the aircraft. Current legislation does not support the issuing of such fines.

Criminal charges may be laid by state or federal police against the unruly passenger. The charge is dependent on the onboard behaviour of the passenger. The passenger can be prosecuted by either the state or the Commonwealth Director of Public Prosecution (DPP). Whether the criminal offence is pursued through the state or Commonwealth system appears to be related to the airport of disembarkation. The AFP operates out of nine airports across Australia. At these airports, in most cases, the AFP will be the first responder to the incident and the primary agency dealing with the offence, which is then generally pursued by the Commonwealth DPP. At airports without an AFP presence, state police are generally the first responders. In such cases, the passenger is commonly charged with state-based offences and pursued through the local court by the state DPP.

Roundtable participants noted that differences between state and Commonwealth legal frameworks present a number of frustrations and cause inconsistencies in the handling of unruly passenger incidents. In particular, it was noted that Commonwealth prosecutions typically take longer to resolve than state-based prosecutions. Requirements for airlines to support the prosecution can also vary between state and Commonwealth prosecutions.

It was noted that the penalties imposed could differ substantially across incidents, perhaps due to the application of both state and Commonwealth offences. Anecdotal evidence presented at the roundtable suggested that when state-based offences were applied to onboard incidents, the seriousness of the incident may not be reflected in the penalty imposed to the same extent it would be were the relevant Commonwealth legislation applied; this requires clarification.

Roundtable participants stated a review of unruly passenger incidents, and resulting civil and criminal penalties, was needed. Such research would enable insight into the number of incidents successfully resolved, the pathways through which they are resolved and any barriers to their resolution.

It was also noted that law enforcement challenges were encountered for international flights. International conventions exist to encourage consistency in law enforcement for incidents, but anecdotal evidence provided at the roundtable suggests responses to incidents vary between countries. In one country an unruly passenger may immediately be returned to their country of origin for in-flight behaviour which, in another country, might attract no sanction or penalty.

Roundtable participants spoke about the impact that inconsistent penalties have on aircrew morale. Aircrew may experience physical or psychological harm or distress during an incident, which may be compounded if it appears the offending passenger is not penalised. Roundtable discussions revealed that in some cases the passenger may have been penalised, but this information may not have been relayed to the affected aircrew. Over time, this issue can leave aircrew feeling unsupported by the airline, the police or the system in general.

Collaboration

There is a high level of collaboration between airlines, and between airlines and regulatory and governing bodies, in Australia. Through the roundtable and subsequent discussions, however, it emerged that there is a lack of clarity and formality around the process for referring incidents across agencies and providing feedback to reporting airlines. In particular, it was unclear from these discussions whether all incidents—regardless of whether criminal charges had been laid—were, or needed to be, referred to CASA or the Office of Transport Security. This was most evident for incidents that occurred in rural locations.

Conclusions

Roundtable participants expressed the view that current approaches to identifying and managing unruly passengers were the most proactive and coordinated they had ever been, with a great deal of information shared across the industry. This was seen as one of the driving factors in the reduction in the rate of unruly passenger incidents in recent years. However, roundtable participants noted that aircrew and airlines still respond to a consistent level of incidents. This requires airlines to develop and maintain best practice in the identification and management of unruly passengers to ensure risks to safety and security are minimised.

International literature suggests unruly passenger incidents are driven by passenger, environmental and carrier factors. In particular intoxication, airline policy, passenger profiles, flight destination (as an indicator of business/leisure passenger mix) and service failures (ie failure of the airline or service to meet the passenger's expectations) were identified and discussed as possible factors contributing to unruly passenger incidents in Australia and internationally. It was noted that unruly passengers were managed through a number of proactive (eg aircrew training) and reactive (eg restraint) measures, and that there was no consistent best-practice framework across carriers to guide aircrew management of unruly passengers.

The consequences and resolution of unruly passenger incidents were discussed in terms of the risks posed to the unruly passenger, other passengers, the aircrew and the aircraft. A number of challenges currently impede the successful imposition of criminal and civil penalties on unruly passengers. The formalisation of referral and information-sharing processes is warranted, as is a review of unruly passenger cases to identify barriers to, and facilitators of, successful prosecution.

Roundtable discussions and a review of the literature identified a number of specific knowledge gaps and key challenges.

These include:

- understanding the catalysts for incidents, particularly those within the airline's control;
- identifying touchpoints where passenger behaviour, demeanour and level of intoxication can be assessed prior to boarding;
- identifying how the nature of and response to incidents, and how incidents are triggered, differ between rural and metropolitan airports;
- identifying the need to develop a best-practice framework for airlines that outlines principles to guide practice, and techniques and strategies for the effective identification and management of unruly passenger incidents; and
- identifying the need to develop a formalised process of incident resolution to provide consistency for and direction to airlines, the police and regulatory bodies.

Assisting airlines to identify and manage unruly passengers, and improving the industry's response to incidents, will not only aid airlines and aircrew in their duties, but improve the safety and security of air travel for all passengers.

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