

AN ELECTION YEAR IN AVIATION

In an election year the government normally avoids controversial issues and prefers to focus on popular items that increase its chances of reelection. One year away from the federal election, Transport Minister Marc Garneau is juggling a number of major issues in the aviation sector, including passenger protection, cannabis, and flight and duty time management.

The Canadian Transportation Agency has drawn its recommendations from its Canada-wide consultation as part of its mandate to propose a draft passenger protection regulation. These recommendations will undoubtedly benefit from expedited processing so that they can move quickly through the formal consultation stages to ensure their implementation next spring, a few months before the general election.

ATAC has been involved for nearly a decade in the development of passenger rights regulations that are adapted to the Canadian context. Three things now appear to us inevitable. First, the number of complaints, whether well-founded or not, will increase exponentially. Secondly, the user-friendliness of the complaint management process is not assured and thirdly, that unreasonably high compensations will likely result in higher ticket prices.

While Transport Canada is never short of imagination when it comes to innovation in terms of operational restrictions, there are no clear operational regulations concerning the use of cannabis by those working in safety-sensitive positions within the air transport industry. The Canadian Aviation Regulations (CARs) regarding the use of alcohol are very clear. Air carriers require their employees to adhere to these regulations and in many cases their internal

policies impose more stringent restrictions than regulations. So why is the government avoiding regulation on cannabis?

It is hard to fathom why the federal government is pleased to have legalized cannabis without doing what is required to facilitate its integration into Canadian society safely and prefers to delegate to other levels of government, be they provincial, territorial or municipal, the responsibility for deciding and implementing regulations on the use of cannabis in society. Surely, freedom of people's choices of using chemicals that impair their cognitive and physical abilities should not trump the safety of the Canadian travelling public!

The issue of flight and duty time management remains unresolved. The government's mind was already set on this issue from the very beginning. The result is this review was never the subject of proper unbiased consultation and that none of the recommendations submitted by the coalition of Canadian aviation associations were incorporated in the draft regulation. The ministry never bothered to follow up on our recommendations, nor to explain why they were discarded. To claim that Transport Canada officials are in a better position to assess the impact of this proposed regulation than industry leaders is not only insulting, especially considering the musical chairs we are witnessing in that department, but shows contempt towards stakeholders who do not share their opinion.

The only reason this proposed regulation has not yet been published in Part 2 of the Canada Gazette is that ATAC and other like-minded organizations have made federal Liberal MPs aware of the major impacts that the new regulations would have on air transport in northern and remote areas

of Canada. Proponents of the proposed regulations blame fatigue for any incident. It is true that the regulation is due for an update, but certainly not the one currently proposed by Transport Canada.

ATAC continues to insist that carriers operating under 703 and 704 are not subject to regulations designed for large international carriers. The CARs already distinguish between different sectors and subject each segment to regulations adapted to its level of size and operational complexity. Why then refuse to recognize these distinctions in the development of a regulatory change with such a large operational, financial, and social impact?

It would not be wise politically to impose regulations challenged by all stakeholders. The pilot unions are not satisfied with the proposed regulations, whereas carriers reject them for being poorly designed and highly detrimental from an operational point of view and the socio-economic impact. In addition, this drastic change will not result in an improvement in aviation safety and may very well cause the reverse, especially in the context of shortage of pilots. Unfortunately, the remote and northern areas of Canada will be the biggest losers. These regions will experience an important decrease in service and a significant increase in prices, not only for passenger transport but also for all aviation-dependent supplies. The October 2019 ballot will therefore be the most effective tool available for those communities to show their dissatisfaction, but unfortunately it would be too late.

However, the Minister stands to gain support from most parties and win appreciation by Canadians at large by saying that he has heard the serious concerns of his colleagues in the Caucus and is sensitive to the very well-founded arguments of the industry. Mandating the department to review and amend the proposed regulations while maintaining the shared goal of further enhancing Canadian aviation safety, already recognized as one of the best in the world, would be a real testament to leadership.

Hopefully, political wisdom will prevail.