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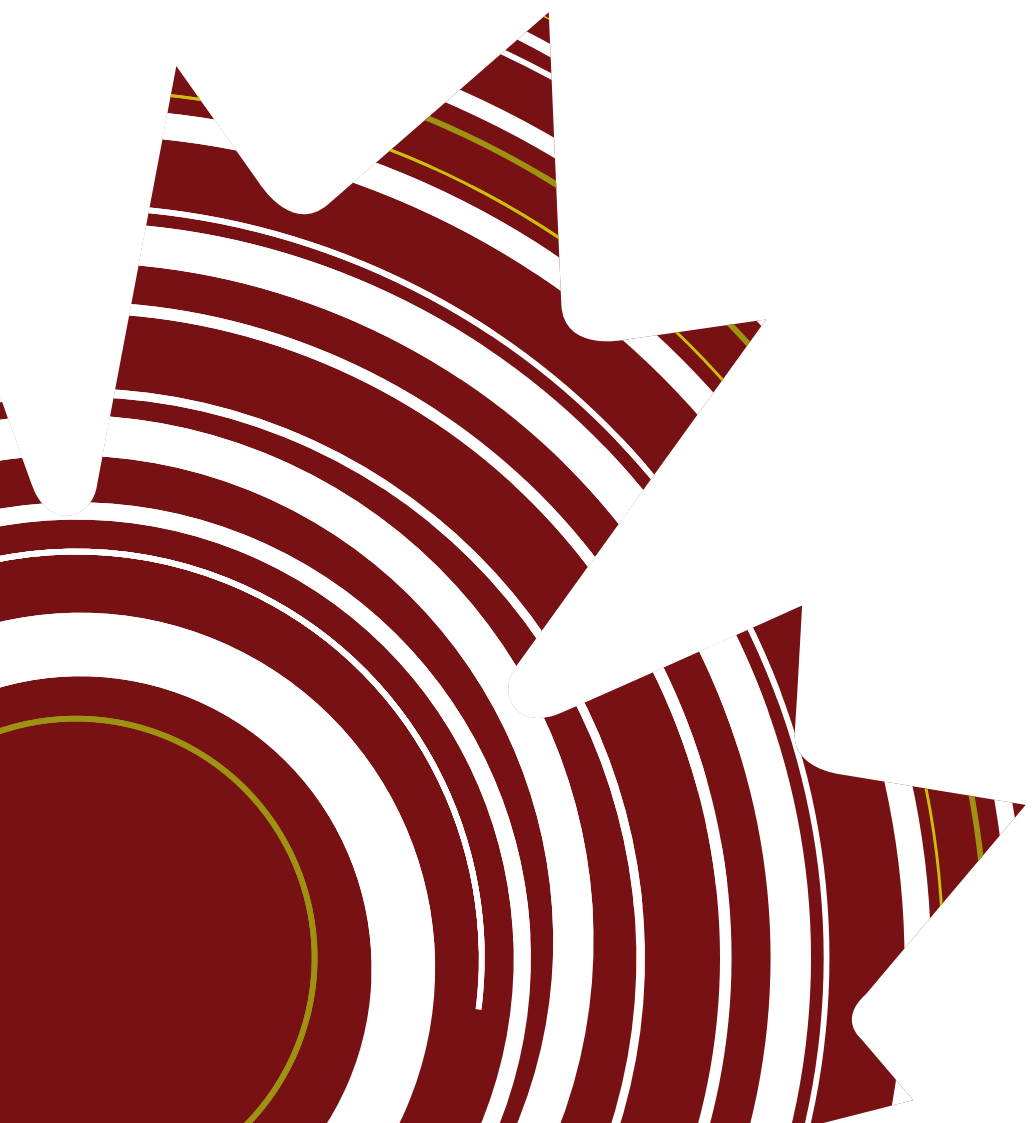
Canadian  
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# **ProtectionPassagersAeriens.ca**

## **Séances en personne - transcription**

# **AirPassengerProtection.ca**

## **Public Consultations - Transcripts**



**Canada** 

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# Calgary

Le 20 juin 2018/June 20, 2018

## Séance de l'après midi/Afternoon Session

- Scott Streiner: 00:00:00 Good afternoon. I'm Scott Streiner, chair and CEO of the Canadian Transportation Agency. I'm accompanied today by Liz Barker, the CTA's vice chair. We're glad that you've all come out to join us to discuss the important question of what should be in the new air passenger protection regulations. Just so you know, we have translation services available, and you're welcome to make your comments in the official language of your choice. Because we're using translation services we'll also ask people when they make their presentations to use the microphone at the podium, or if you're more comfortable doing so, we can give you a handheld microphone.
- Scott Streiner: 00:01:10 Air travel is integral to modern life. Canadians get on planes to see family and friends, to visit new places, to seek medical treatment, to do business. Most of the time our flights go smoothly, but when they don't it can be very frustrating. Partly, that's because we often feel that we have little control over the situation. Partly, it may be because we get little information on the reason for the flight disruption, or we're not sure what our rights are, or we're not sure who we can turn to for explanations or recourse.
- Scott Streiner: 00:01:48 The new air passenger protection regulations will help to address these issues. These regulations will require that airlines communicate in a straightforward and concise manner with passengers regarding their rights and the recourse available to them. The regulations will establish the minimum standards of treatment in situations of flight delays or cancellations, denied boarding, lost or damaged bags, tarmac delays of more than three hours, or if you're traveling with a child and you want that child sat near you. The regulations will also set out minimum compensation levels where a flight delay or denied boarding happen for reasons within the control of the airline, as well as for lost and damaged bags.

Scott Streiner: 00:02:37 Finally, the regulations will require that airlines have terms and conditions for the transportation of musical instruments. Now, this will be the first time that Canada will have a single set of standard minimum obligations that every airline flying within, to, and from Canada must follow. Parliament has given the CTA the job of making these regulations. We're Canada's longest standing independent expert regulator and tribunal. We've been around since 1904, and we take this new responsibility very seriously. We know that Canadians rely on air travel. We know they want to have their say on the content of these regulations, and we know they want to see the new rules in force without unnecessary delay.

Scott Streiner: 00:03:57 We're seeking Canadians' from coast to coast to coast. That's why we're here in Calgary today. It's why we've already held similar public consultation sessions in Toronto and Vancouver, and why we will continue to Yellowknife, Winnipeg, Montreal, Halifax, and Ottawa. We'll be holding similar in person consultation sessions in each of those cities as well as a call in session for Canadians who want to offer their input verbally but aren't able to attend one of the in-person sessions. We're also conducting airport surveys across the country and meeting with key stakeholders. And we've set up a consultation website, [airpassengerprotection.ca](http://airpassengerprotection.ca), that contains a discussion paper, a plain language questionnaire, and a link for sending written submissions.

Scott Streiner: 00:04:49 Now, we're off to a strong start. Over 10-thousand people have already visited that website, and over two-thousand have completed questionnaires and surveys. All of that since we launched these consultations on May the 28th. We're encouraged by this high level of engagement, and we look forward to hearing those who come to speak with us directly today. Once the consultation process concludes in late August we'll consider all the feedback we've received and draft the regulations, which will then require the approval of both the CTA and the cabinet.

Scott Streiner: 00:05:21 Now, just before we begin, a couple of comments on process. The vice chair and I are here mainly to listen to your views and advice. Each presenter will have 10 to 15 minutes to make their presentation, after which Liz and I may pose some questions. You're free, of course, to offer any information or suggestions that you wish, but we would make two requests.

Scott Streiner: 00:05:43 First of all, please keep in mind that the CTA can only make regulations within the authority given to us by parliament. That authority covers a lot of subjects, but it doesn't cover everything. There may be issues that you'd like dealt with by the regulations where we simply don't have that power. Second, we would ask that everybody maintain proper decorum. We don't want this to be an overly formal session. We've come out to hear from you today. We want it to be comfortable, but we do also want it to be respectful so that everybody feels comfortable bringing forward their ideas and engaging in a meaningful discussion.

Scott Streiner: 00:06:20 Finally, I would like to remind the media and others in the room that no recording is permitted once I've concluded these opening remarks, which would be just about now. So, again, thank you very much for coming. We will invite folks in the order in which you were told that you would be scheduled. If you appear to be heading sort of over time we'll send you a signal, but we don't want to cut anybody off cold in the middle of a sentence, so please try to stay within that 10 to 15-minute timeline, and if we do kind of wave our hands and say that we're about there then we won't stop you write away, but we'd ask you to move towards wrapping up at that point. The first presenter today is Nikola Berub or Berube. Have I pronounced that correctly Nikola? Nikola. There she is. So, I invite you to the podium, and we look forward to your input.

Nikola: 00:07:18 Thank you ...

Nikola: 00:07:18 That should work. Can you hear me okay?

Scott Streiner: 00:07:42 Perfect.

Nikola: 00:07:43 I'm Nikola. I'm the director of sales for the AMA, and I'm here representing our entire company on behalf of [inaudible 00:07:50] National, AMA Travel, and all of Albertans. Thank you very much for the opportunity to present to you today.

Nikola: 00:07:58 AMA is the largest retail travel agency in Alberta, and we provide consulting and booking services for every type of trip around the world for Albertans. We support Albertans before, during, and after their trips. This includes supporting members with any issues on any component that they have on the trip. Some of the most common issues are in relation to flights. The number of bookings that AMA made in 2017 is just over 16,700

on flights alone and over 37,000 members traveled on those flights.

Nikola: 00:08:35 We support Albertans from the planning and booking stage right until the trip is over, and our travel agents provide full support to our members. When issues arise our commitment is to provide members our services and support to garner fair resolution on their behalf. We spend a lot of time guiding members' expectations in a system without structured guidelines and regulations. We communicate directly with the airline and advocate on behalf of the member. Our travel agents work hard to find new flight options for members in the event of cancellations, changes, and delays. In some instances our travel agents must rearrange hotel and car reservations, tour bookings, and even arrange new flights to catch up with missed cruise departures, as an example.

Nikola: 00:09:23 All of these steps are very time-consuming for our agents, and they create anxiety and frustration for our members. The current process that we follow to request compensation is lengthy and erroneous for the travel agents, the members, and the airlines. Travel agents meet with the member to assess the issue, and they try to provide guidance on what the expected process, timing, and potential compensation could be based on some common outcomes from past instances similar to that member's instance. That step often results in anger and frustration for the member and the travel agent. That is due to the lack of fair and consistent compensation and guidelines. The travel agent will submit letters to the airline outlining the concerns and make requests for compensation on the member's behalf.

Nikola: 00:10:15 Initial responses from charter airlines often take eight to 12 weeks just to acknowledge they've received the complaint. The entire process with charter airlines takes much longer than scheduled carriers. Our travel agents often have to make multiple attempts to receive a response and multiple attempts to negotiate fair compensation. It's a very time-consuming process for our travel agents and for the airlines.

Nikola: 00:10:41 Charter airlines can typically take upwards of three months to reply with an offer of compensation. More often than not the initial offer from the compensation, if any is provided at all, is not to the member's or the travel agency's satisfaction. These instances rarely result in acceptable resolution, creating more

contentious communication between travel agent and their member. And often airline-related complaints that go unresolved without fair compensation leave member and travel agents feeling angry and disappointed with the airline. Some instances that are not resolved also damage our relationship with our members at AMA.

Nikola: 00:11:25 Some stories to share with you today include a flight where we had members stuck on a plane on the tarmac for upwards of eight hours with one particular airline. It was due to a compilation of issues with no option to leave the plane. Members felt trapped. They were delayed in getting to work or to be with their families. They suffered from lack of sleep. They suffered from poor air quality and uncomfortable hot temperatures in the cabin. They were without food and water for hours. The toilets were backed up, wreaking the cabin of sewage. Often, as in this case, the flight cannot even leave once given clearance due to the length of time that the crew has been on shift, or because the toilets are not operational, and/or there is no food or water left on the plane. Yet passengers are held against their will for hours.

Nikola: 00:12:19 Another instance I'll share was recently we had members on a flight from Cancun to Edmonton. It had a scheduled stop for 20 minutes in Calgary. This stop turned into a three-hour delay 'til the wee hours of the morning before it actually left Calgary to arrive back in Edmonton. And it was due to mechanical issues. The members were not permitted to leave the plane because they had to be cleared into a secure area, but could not pass through customs because they had to reboard the plane hopefully at some point. Members were laid out in the seats as they tried to sleep as it was after midnight before the flight eventually left Calgary. No food was available. Most members had missed supper as they were waiting to arrive in Edmonton to eat. One of the two toilets was backed up, unusable, and again, smell of sewage dissipating through the cabin.

Nikola: 00:13:10 The last instance that I will share with you today is with members we had recently on a flight from Orlando to Edmonton. They would stay at Houston, and takeoff was delayed leaving Orlando as the plane sat on the tarmac for two hours, also due to a mechanical issue. The plane did eventually take off. Moments into the climb the plane sustained an engine failure and dropped suddenly in altitude. Passengers were briefed on an emergency landing. A successful emergency

landing was made back in Orlando as the plane was surrounded by firetrucks and ambulance. There was little effort to re-accommodate passengers on other airlines that had space available. There was inefficient process to do so.

Nikola: 00:13:57 If they had been able to be moved to these other airlines it would've avoided a forced overnight on their return home. However, they did have to overnight in Houston in the end, and they arrived in Edmonton 16 hours after their scheduled arrival time. Members missed days of work. They had personal impacts with their families. Not to mention the frustration, anxiety, and fear. That latest instance that I outlined gives us two different circumstances constituting a delay, the traditional sense that we usually talk to about delay, meaning the flight left late due to a reason either in or out of the airline's control, plus the compounded effect of arriving late in their destination. That is an effect that can often cause many other impacts to the member, including missing a connecting flight to their home city in the rural markets of Alberta, or if they're headed to their destination, missing their cruise departure or their tour, missing work as I mentioned earlier, or missing an important event that they were traveling for. You mentioned some of those earlier as well, such as a wedding, graduation, or being with an ill family member. These are often the same impacts to the member when an airline cancels a route or consolidates their flight schedules due to low yields. This often results in more costs to Albertans when they're forced to find replacement flights, usually at a higher cost than the original flight now that it is close to departure.

Nikola: 00:15:24 It is important to have clear processes and regulations to save time for everyone involved in this process, including the airlines, the travel agency, and the members. We would like to see proactively distributed set of compensation to members at the time of the occurrence. It will reduce staff time spent on these instances in customer service departments across all airlines. It will reduce the time travel agents spend on resolving complaints with members. We are looking for set and fair equal compensation for everyone so that some members are not receiving less than others. We would like to have level set expectations for members with clear guidelines of the compensation. We are hoping this will increase members' confidence in air travel, as well as improve the traveler's experience when something does go wrong, because sometimes things do go wrong.



Nikola: 00:16:17 We are looking for this to remove the turmoil caused in the travel industry when severe cases of delay and containment occur. It's important to have clear processes and regulations for Albertans because we have a huge feeder market for Albertans traveling from outlying rural towns connecting through our Edmonton and Calgary airports. Being a prairie province, we do not have a large number of year-round non-stop flights to key travel destinations, despite the efforts that our two international airports make, and despite the efforts that AMA Travel makes to advocate for these on behalf of Albertans.

Nikola: 00:16:55 Charter flights are brought in on seasonal schedules. They're at risk of being withdrawn at any time due to the airlines moving planes to other cities that could provide them higher margins and better yields. We understand that airlines need to make good business decisions. Most charter flights from Alberta leave early in the morning and arrive back late in the evening. Flight cancellations and delays significantly impact Albertans, both in their wallets and their time. If, for example, they've booked a connecting flight to Edmonton and Calgary from their rural hometown and now their flight misconnects because an airline has canceled their route, they're forced to find new flights and are often subject to pay change fees or buy a new connecting flight. They may now experience long layovers and wait times in airports that they're connecting through. They may now need to pay for a hotel when they arrive back in Alberta because it's too late to make the night and evening drive home to their rural town.

Nikola: 00:17:58 Some airlines flying out of Alberta on seasonal chartered service have more issues than others we've seen that in the media. And they are not held accountable when delays and cancellations occur. This creates confidence issues in the suppliers that travel agents recommend to Albertans. Often the member holds the travel agency to blame for booking them on flights that are canceled or delayed.

Nikola: 00:18:26 Clear processes and regulations are required so that compensation from the airline is easy and quick to execute to travelers so that everyone saves time and money in the long-run, so that airlines provide a more favorable experience when issues to arise. It's to remove the mystery for air travelers by providing a process that is not erroneous and burdening for the traveler, thereby benefiting the airlines so that they too have easy and clear guidelines and processes to follow that can be

proactively executed. We want to take this opportunity to improve on the guidelines and regulations already being used in other markets in order to make Canadian regulations in compensation the leading guidelines in the industry.

- Nikola: 00:19:14 In closing, we want to ensure that the new regulations will hold airlines accountable where there are virtually no exceptions for airlines to evade their obligations. CAA will be making a detailed written submission of the specific recommended guidelines at a later date. Those will include AMA's input and recommendations. I thank you today. This concludes my submission. Do you have any questions for me?
- Scott Streiner: 00:19:40 Oh yeah.
- Nikola: 00:19:41 Okay.
- Scott Streiner: 00:19:43 That was a detailed submission. I've got a couple anyhow. I'll start off and then I'll invite Liz to pose any questions. I'll start off with one, and then we'll kind of go back and forth. First of all, thank you. That was a very interesting, very thorough and thoughtful presentation.
- Nikola: 00:20:00 Thank you.
- Scott Streiner: 00:20:02 You spent some time talking about tarmac delays. As you may be aware, last year we launched an inquiry into some air transit tarmac delays in Otowa, rendered a decision finding that the airline had not complied with its own terms and conditions, and then also altering some of those terms and conditions to make them reasonable. So, we've been thinking about tarmac delays of course since before that case, but also following that experience. The new legislation gives us the power to set out some specific requirements for airlines when a tarmac delay goes over three hours. So, my question for you is what do you think should be those requirements? What should an airline have to do at the three-hour mark?
- Scott Streiner: 00:20:49 Now, I will emphasize that some of the general delay provisions, for example, if there's compensation for late arrival at destination would apply to a tarmac delay as well. So, we've got some general delay provisions that would apply to a tarmac delay, but we have the opportunity to add some additional requirements for tarmac delays longer than three hours. What do you think those requirements should be?

Nikola: 00:21:10 We will be submitting a very detailed outline of what those requirements should be, from CA National, with all of the club's input, but we do believe that they should be fair and equal and applicable to all airlines. We also believe that there should be a very clear audit process to make sure that the airlines are not changing what the reason is in order to give lower compensation.

Scott Streiner: 00:21:33 Yeah, I'll come back to that point afterwards. Liz, any questions for Nikola?

Liz Barker: 00:21:40 No, I have no questions. Thanks.

Nikola: 00:21:42 Thank you.

Scott Streiner: 00:21:42 Nikola, can I just come back then ... Thanks, Liz. Can I just come back ... You talked about delays, and you sort of said in passing sometimes there's a delay when you're at the point of departure and sometimes there's a delay around arrival at destination. There are different ways where compensation is provided for in the law, and I'll explain for the audience. What the law does is it says that we can set minimum compensation levels for flight delays or cancellations when they're for reasons within the control of the airline and not safety-related. So, that's when compensation will be available.

Scott Streiner: 00:22:16 One of the questions we're asking is should the anchor for that compensation be a delay in departure, a delay in arrival, distance traveled? There's different ways that we could actually measure the length of a delay in order to provide compensation. I know you guys are providing a written submission. Don't want to put you on the spot. We won't catch you if there's a contradiction between what you say now and what's in the written submission, but what do you think? What's the best measure for the length of a delay? Is it how long you were stuck in the airport before you left? How long you arrived after the planned arrival time? Something else?

Nikola: 00:22:53 I believe that they should be detailed and categorized separately. What we're looking for is a detailed category of a delay before leaving departure and what that compensation should include, a delay during travel and what that compensation should include, and a delay of arriving in the destination. Now, that said, often ... Actually, let me rephrase that. We always recommend at AMA Travel that travelers

purchase travel insurance. Travel insurance does cover some costs for delay and interruption, as well as missed departures for things like cruises and tours.

Scott Streiner: 00:23:29

Right.

Nikola: 00:23:30

But, the airlines and the tour companies and the cruise lines do not work together to protect when those products are purchased separately. So, we believe that it should be detailed about what should be covered for each one of those three instances.

Scott Streiner: 00:23:44

That's great. The last thing I'm going to ... Thank you. Finally, I just want to offer a little bit of information around these regulations that might be of benefit to you, given the presentation, and to others. First of all, you said a couple of times that the rules have to apply across the board, so I just want to reiterate that these new regulations will apply to all flights within, to, and from Canada. Now, we do ask in our discussion paper whether there should be any variability, taking into account things like the size of a plane or the size of a carrier. There could be some variability within the regulations depending on what we hear back, but once the rules are made, whatever those rules are, they will apply without exception to travelers. So, just to give you some reassurance that's really what's changed with these new regulations is that there's going to be binding rules applying across the board.

Scott Streiner: 00:24:35

The other thing is we of course hope as you do that there'll be clear communication and that people will know their rights and the rights ... their entitlements will be paid as quickly as possible. If we get a complaint about a particular flight and somebody saying that the rules weren't respected, the regulations weren't respected, just so you know one of the new things the law allows us to do is if we find that the complaint is justified we have what's called a general order power. We can order the airline to make the required payments to everybody on the flight, even if only one person came forward and brought forward a complaint. Again, we hope that that won't be necessary very often because people will get whatever they're entitled to without needing to bring forward a complaint, but if they do and we rule in their favor then everybody who was on the plane who was affected by the same circumstance would benefit.

Nikola: 00:25:25 Very good. Thank you.

Scott Streiner: 00:25:25 Okay. Nikola, thank you very much for your presentation.

Nikola: 00:25:28 Thank you.

Scott Streiner: 00:25:29 You can hear folks that the projector has fired up. We have a PowerPoint presentation I think from the next presenter.

Scott Streiner: 00:25:37 Pardon me? Oh, no PowerPoint presentation? Nevermind. We do not have a PowerPoint presentation from the next presenter. Kevin Kelly? Kevin Kelly. The reason I thought, Kevin ... You're with the ADR Institute of Canada, correct?

Liz Barker: 00:25:52 That's right.

Scott Streiner: 00:25:52 Okay. Welcome. We had a PowerPoint presentation from one of your colleagues in Vancouver, which is why I thought that you might have one today. But, welcome. I invite you to take the podium and to make your remarks. I'm gonna be grabbing my Blackberry 'cause it's my timekeeper. I will not be looking at messages during presentations.

Liz Barker: 00:26:16 Thank you very much, Scott, and thank you for allowing us for the opportunity to present at what we feel is a very important consultation process. We hope to be able to offer support to the CTA's complaint resolution processes in particular regard. I apologize that I had thought I'd sent some PDF slides, so if they didn't come through that's totally on me.

Scott Streiner: 00:26:46 We'll make sure that we have copies for them and include them in our package.

Liz Barker: 00:26:51 Thank you so much. This is my colleague, Delores. Delores and I are both with the ADR Institute of Alberta, which is an affiliate under an umbrella organization called the ADR Institute of Canada. So, essentially for the benefit of all in the room, ADR can mean Appropriate Dispute Resolution, Alternative Dispute Resolution, and in the context of today's discussion it can very much so mean Accessible Dispute Resolution. The whole context of our discussion today is going to focus on what we feel could be some solid contributions or offers of support to this ongoing initiative.

Liz Barker: 00:27:41 Very, very quickly, just a little bit about what we do, who we are. The ADR Institute of Alberta, we have over 400 ADR professionals and another 150 or so ADR learners who pay membership fees, and there are over two-thousand members of the ADR Institute of Canada throughout the country. Certainly ADR or ADRIA has the most robust educational and professional development programs offered by any of the affiliates in the company, and we're very happy about that. We provide leadership and training in support of Alberta's conflict resolution community, which takes many forms, and we actively partner with the Alberta provincial government as well. Our main vision is that no Albertans fear conflict. We want to educate and make the presence of ADR as accessible and well-known to the public as possible.

Liz Barker: 00:28:51 Our common mission is to advance the practice and profile of ADR across Canada, providing education and certification as well as promoting ethical standards and professional competency, and advocating for all forms of ADR to resolve both public and private disputes. The main thrust of our discussion, and you've already heard some of it in the other stops you've made so far. Rather than trying to make really strong recommendations of how we feel a system might have failed or what have you, we like the initiative and we applaud what the CTA is doing, and we believe that we certainly have the expertise and the resources to offer assistance if called upon.

Liz Barker: 00:29:47 Did you have anything [inaudible 00:29:49]

Delores: 00:29:50 We do recognize that the CTA does have a sophisticated complaints resolution [inaudible 00:29:58] So, we're not suggesting at all that you don't, and we ...

PART 1 OF 6 ENDS [00:30:04]

Delores: 00:30:00 -suggesting at all that you don't, and we would like to acknowledge that and we think that's great. We think there are some things that could be included in the regulations which would enhance the processes that are available to the public. That's really where we want to focus our presentations.

Liz Barker: 00:30:23 Great, thanks Dolores. Yes, the focus of our presentation, we focus on two sections of the CTA discussion paper on air passenger protection regulations. And those two areas are

Section One which deals with obligations to communicate clearly. That's basically one of the things that we are all about and strongly believe in. And number 13 which is complaints. Specifically complaint resolution mechanisms. I've already mentioned so ...

- Liz Barker: 00:31:06 We have made a number of assumptions and we believe you've got a very sophisticated complaint resolution mechanism in place as Dolores has alluded to. One thing that certainly seems to be a possibility is that there could be a very substantial increase in disputes coming from passengers. As a result of that, due to what organizations like Adria do, that's why we're proposing or promoting the effectiveness of alternative dispute resolution methods. Especially in regards to today with the exponential continuing growth of the internet and people's technological savviness continues to grow. There are, certainly, opportunities where ADR can make a strong presence and can be really effective in that regard. We'll touch upon that later.
- Liz Barker: 00:32:13 Why is clear communications so important? It can enhance perspectives such as consumer protection, customer satisfaction, minimizing the potential for conflict in the first place. Avoiding complaints and resolving disputes. Really, there's no better return on investment for all of these perspectives than ensuring that there is a clear and unambiguous communications in place.
- Liz Barker: 00:32:51 This holds true for all complaint and dispute resolution processes, as initially offered by the individual airlines or by means of a CTA complaint. We also encourage the CTA to continue to actively monitor airline communications pertaining to passenger rights and their recourse options, and to ensure that there continue to be common standards and compensation practices across the industry. Also, we would certainly welcome ongoing research and providing airlines with recommended best practices in how to deal with complaints and resolve disputes.
- Liz Barker: 00:33:45 To adopt the best available communication practices on all CTA public information materials and platforms. We think it's very important to create a dispute resolution process that is accessible at all times of the day, no matter where you live, and also that it's presented in a non-intimidating manner so that people feel that this is a system that they can take advantage of, and that it's strongly understandable and user friendly.

Liz Barker: 00:34:24 In that regard, we also feel it's really important to have a strong process that's clearly and briefly enunciated or stated on the website or on CTA's resources and airline resources. With respect to CTA complaints and recourse options, to ensure that the clearest possible language is used as mentioned, expectations are well-managed, timelines are respected, and something that we feel can go a long way to consumer satisfaction is that the whole process is framed in such a way that the complainants feel that they've really been adequately heard. They've had a fair opportunity to voice their concerns.

Liz Barker: 00:35:16 Sorry, Dolores, [inaudible 00:35:17]

Dolores: 00:35:17 It's just on that last point. For there to be in the regulations an automatic referral of complaints to an ADR process.

Liz Barker: 00:35:28 Right, thank you. Now we're going to focus upon for the final aspect of our presentation about the complaints section. As mentioned before, we're very confident that the CTA has sophisticated complaint response resources that incorporate and support ADR practices. Due to the expected substantial growth in complaints going forward, we think it's also important that individual airline complaint and resource mechanisms also deserve some scrutiny. In that regard, improvements in airline practices should be viewed as both the primary and a shared perspective or objective, rather. It offers the best opportunity for early resolution and also, as a clear benefit to airlines as well, it can help them, hopefully, avoid negative publicity. We've seen some sad cases of that in the past, some viral videos such as Delta breaks guitars had like 15 million views about someone who had a very expensive guitar damaged by a particular carrier.

Liz Barker: 00:36:59 An effective public relations strategy, avoiding this negative publicity, is certainly on the radar of every airline at all times. We wanted to stress again that our feedback is more of a supportive nature, and to offer, again, our expertise and resources that we have if called upon.

Liz Barker: 00:37:26 With regards to the complaints, our recommendations are, there needs to be a sustained effort to monitor and enhance the frontline recourse options that are offered by individual airlines. And something else, getting back to the presentation aspect of having an accessible clear process is having standardized complaint forms that are available online for



participants in dispute resolution process that they can easily understand, complete online and submit online. And to share and adopt best dispute resolution practices, both from the standpoint of the individual airlines and the CTA in a continuous collaboration.

- Liz Barker: 00:38:18 In terms of dispute resolution, engage trained and experienced ADR professionals. One thing that we're particularly enthusiastic about as dispute resolution professionals is because of how strong technology is now, it can be used in ways that can we believe strongly enhance the entire complaint and dispute resolution process. Some examples are: it can become easier to track and monitor complaints and to impose timelines on them as to how soon they can be resolved; you can also have a clear communications process with a road map, for lack of a better word, posted online, which can also be a benefit to complainants to see far along in the process they've come; and also, technology can be used to actively push communications wherever possible. That's another way that the complainants are kept informed of how the process is going. Anything?
- Delores: 00:39:40 Just with regards to the online processes, I think what we'll do is we'll just explain that more in our submission through the ADR Institute of Canada.
- Liz Barker: 00:39:53 Great, thank you.
- Delores: 00:39:56 Just appreciate the time.
- Liz Barker: 00:39:57 And thank you for the heads up. Something that's very effective we have found as a powerful tool for resolving disputes in a time-efficient manner often, that can often lead to a lot of customer satisfaction because of the ease of the system, is online dispute resolution. With that ... there are different forms that can take. You can have a live exchange of the parties and the third-party communicating with each other on a live basis, which is called a synchronous format. You can also have an equally effective format called an asynchronous format, where a third-party is dealing with multiple complaints at one time, which can be very good for efficiency and productivity in the whole dispute process.
- Liz Barker: 00:40:59 Also, one further thing we'd like to mention, is a process that can be very beneficial would be a mediation arbitration format. When you have a mediation arbitration format, it can be more

efficient, less expensive and also, equally important, it can be more definitive in terms of the outcome. The participants know that a final decision will be made if they are unable to reach a decision among themselves.

- Liz Barker: 00:41:29 In closing, we want to ensure that dispute resolution options are accessible to those who struggle with technology and/or language as well. What type of guidance would be helpful for passengers on how to make a complaint to the CTA or an airline relating to the new protection regulations? We've got four points.
- Liz Barker: 00:41:52 Number one: clear process, explanations and timelines, both in an online and hard copy format. The second is standardized complaint form or process, with online options.
- Liz Barker: 00:42:07 Number three is: regular communications throughout the process and progress updates.
- Liz Barker: 00:42:15 And then finally: greater use of video or step-by-step instructions.
- Liz Barker: 00:42:22 We wish to thank you very for this opportunity and we're happy to answer any questions you might have.
- Scott Streiner: 00:42:27 Thank you very much Kevin. Thank you Dolores. I'm struck by how much emphasis you put on communication. This is something actually that we've heard now in each of our three public consultation sessions so far. It's consistent with some of what we've seen with the CTA administering the regime as it stood until the legislation changed. That is that it's obviously very important to have a clear set of minimum entitlements to which passengers are entitled.
- Scott Streiner: 00:43:04 But half the battle is making sure they know that, right? That they actually know what their rights are. We find in some of the complaints that come before us, and our complaint volumes have gone up dramatically in recent years, is we've made more effort to inform the public that we're here to help. Our complaints have gone up from about 800 a year to about 6,000. So, we've had this massive growth in complaints and we see that oftentimes what's underlying it, at least in part, is that people just didn't know. They didn't know what their rights were, who they could turn to. So with the new regulations, the

new authority we have to regulate, includes an authority to set out some requirements to airlines on communications.

- Scott Streiner: 00:43:43 You've started to outline some of what you think that should include, but could you elaborate a little bit. What do you think the regulation should say about the key information that airliners should provide to passengers and the timing and format of that information?
- Liz Barker: 00:43:59 The key information about the process itself?
- Scott Streiner: 00:44:03 Either. The authority we've been given is fairly permissive in this area. The law says the CTA should make regulations with respect to, I think the wording is, "the clear and concise communication the passengers of their rights and the recourse open to them." So, it's fairly broad. It could be process. It could be substance.
- Liz Barker: 00:44:20 Okay, thank you for that.
- Delores: 00:44:24 Go ahead Kevin.
- Liz Barker: 00:44:24 Firstly, that is something that I think requires a collaborative effort between the CTA and trickling down to the airlines. First of all, coming up with a clear and, hopefully, a pretty concise, while still comprehensive policy. Outlining what passenger's rights are from the outset. As you've alluded to Scott, presentation, getting the word out there is probably more than half the battle. First of all, implementing or coming up with a policy that you have a lot of confidence in, and then taking advantage of what ways to get that information into the passenger's hands. So I think a lot of responsibility would fall upon the airlines themselves.
- Delores: 00:45:17 I would agree with that. It's interesting that you raise that because in the discussion paper, you talk about those various opportunities to inform the public. One of them that really resonated with me was that it's up to the airline, like on a flight, to let people know, that they have those rights. I think all of us have flown often enough that there are these cameras on the flights that can easily do that, let people know. I think people have become somewhat desensitized to all of the rules and the regulations and all of the small four point print.

Scott Streiner: 00:46:01 Small print legalize doesn't really help people understand what their rights are.

Delores: 00:46:06 People don't even read it. 'Cause they know they're not going to even understand it anyway. Four, five points, really clear, understandable for the public so that they know what their rights are.

Scott Streiner: 00:46:20 You're both dispute resolution experts. At what stage do you think, and you talk about desensitization. At what stage do you think in the air travel experience do you think a passenger would be less desensitized? Kind of zero in and read a document like that. 'Cause no matter how simple and plain language and comprehensible we make it, if they flip right past it, it's like the, "I agree" box that we all check, possibly without reading what came before it. How do actually make sure that people take 30 seconds? What will maximize the likelihood that passengers will pay attention

Liz Barker: 00:47:01 One potential way to do that is the positioning of that wording. You can put in prominent wording at the beginning of the document. "Please read this, it's very important, as it affects your rights as a passenger."

Delores: 00:47:16 Or, "Did you know?"

Liz Barker: 00:47:18 That's a nice way of saying it.

Delores: 00:47:19 Just as something that will catch someone's attention.

Scott Streiner: 00:47:25 Right. Right. Liz, any questions?

Liz: 00:47:29 No questions from me.

Liz Barker: 00:47:29 Thanks very much.

Scott Streiner: 00:47:29 Thanks for the presentation. We look forward to the written submission.

Scott Streiner: 00:47:35 Okay, our third presenter today. I think I'm reading it ... well, we'll see if I read it correctly. Is it Nauman Saeed Anwar? Did I pronounce that correctly, Nauman? Welcome. So, I think you may have come in after the opening remarks. So that you know, you have 10 to 15 minutes to make your presentation. Towards the end of your presentation, if I see you're at 13 or 14 minutes,

I'll give you a little signal. We won't cut you off sharply when you hit the 15 minute mark, but we will ask you to wind. Then the vice chair or I may have some questions for you after the presentation. Over to you.

Nauman: 00:48:15 As a newly minted Canadian, I took my oath last week, I feel even more empowered to be able to provide [inaudible 00:48:21], so thank you to the committee for providing this opportunity. I think there is a need to acknowledge the fact that the experiences that I've had with the Canadian airlines have been much better than some of the other air passenger rights that I've experienced over the world. I've traveled to over 38 countries at this point in time, so I definitely want to acknowledge that the experiences that I've had in the Canadian airspace or the Canadian airports, as well as through the Canadian airlines have been significantly better than others. But there's always room for improvement. And I've gone through those experiences as well that haven't been that pleasant, those room for improvement experiences. So I definitely want to acknowledge that first. We have seen significantly much better than the rest of the world experiences over here.

Nauman: 00:49:06 The room for improvements, the few areas that I'm going to touch on them, and go into in depth for a few of them. The first is the damaged luggage. I've experienced that myself on a number of different times. The process around that is pretty horrendous to go through. My experiences with at least one of the Canadian airlines was that, having gone through that experience, it seemed that they wanted me to fax stuff to them. Not email, fax in this day and age. They had no way of actually accepting an email submission. On top of that, they even wanted me to drive somewhere which was 45 minutes away from my primary residence in order to go and drop off my bag and then go back and collect so that they could repair it over there.

Nauman: 00:49:52 All in all, in its entirety, the opportunity cost of all of that was significantly more than the cost of the bags. I didn't even bother to go down that path after having spent a couple of hours going through that faxing and all that stuff. In the end, I felt that I had to all the work and all they had to do was sit somewhere and let me know, "Yeah, you need to do this. You need to do that." I think when it comes to damaged luggage, there needs to be a better process than what has currently been established. I definitely want to see improvement on that end.

Nauman: 00:50:25 They have the ability to of course, make the call of, "Yes we'll replace it and give you replacement cost. And no, we will repair it." I accept that in certain instances. Repair makes more sense than replace, and it's the repair part that I'm more concerned about. Replace, I think, they give you a certain compensation for that. I haven't experienced that, but I think it's a much more straightforward process than the repair. My bad experiences have been on the repair side, I would say.

Nauman: 00:50:51 The compensation for delays, that's another area. I believe, it's again going back to what the earlier speaker was also mentioning about communication, that the process around delays has to be much better and much clearly communicated than what it is right now. I think there needs to be an airtight definition of delays that are in control of the airlines versus delays that are out of control of the airlines. Excuse me.

Nauman: 00:51:18 One such example could be, that if due to a weather event a flight was delayed in Memphis, Tennessee or somewhere else on the globe, and that's having an impact in a flight leaving from Calgary on time. To me that's something that is a bit of lack of planning on the airline's behalf, of making sure there's enough back-up and whatnot. Whereas, yes, if you are experiencing a significant snowstorm in Calgary, and it's a delay because of that, I can totally understand that. But something happening on some other part of the continent having an impact in Calgary on a secondary or a tertiary level, airlines at times use that. I think there needs to be a bit more of air tight definition as to what is considered as out of control of airlines versus what's considered in control of the airlines.

Nauman: 00:52:09 When it comes to the actual impact on the passengers themselves and the compensation that's provided, I think another area that is weak at this point in time is the process itself through which myself or others have to go through in case of a delayed flight. In this day and age, nobody buys all of the tickets of a certain travel from one airline. If the airline's premise is, "Our flight is delayed. We can only compensate you for any other travel that you've booked through us and not through the second or the third leg that you've booked through other airlines." I think it's fair to say that that is not appropriate because when I'm booking something, I'm expecting a certain level of quality of delivery. And if that's not happening, and that's having an impact on the second leg or the third leg of my journey, I believe it goes back to the airline that initially delayed

me to bear some brunt on that and to be able to compensate me for that.

Nauman: 00:53:11 Sorry, just looking through the notes here.

Nauman: 00:53:13 One other area, that's on the delay side, the other area that I do want to talk about, I don't have kids, but I have plenty of friends and family that do have kids, and each of them, whoever I talk to knew that I was coming, they expressly wanted me to talk about young infants and the accommodation around young infants, whether its bassinets and making sure that the airlines do make sure that without extra pressure on the parents to be able to provide a mechanism to book those seats where those bassinets can be made available to parents with those young children. That does not seem to be the case. Most of the times you have to call the airlines after you've made the booking and go through wait times in order to get to the airlines and then be able to communicate with them and say, "Yeah, can I please get that seat?" Which seems quite onerous as opposed to an online booking and going through that experience and whatnot. There needs to be a better way for children to be able to be accommodated on flights.

Nauman: 00:54:15 The reservation around such seats should also be given first consideration for parents with children, as opposed to member of certain loyalty program or someone else, because at the end of the day, you are putting those kids through a lot of discomfort, as well as parents through a lot of discomfort. There should be some consideration around the priority for those seats.

Nauman: 00:54:41 The costs that are offered from the airlines in terms of compensation for delays are getting bumped up. At times, the communication piece comes in over here, that it is not clearly communicated that they should be what that is as well as it's possible for an individual to get that in some sort of a cash form versus having it as airline dollars. I've experienced that myself. Others around me have also experienced that the airlines normally push for, "Yeah, here you go. X number of airline dollars is what we can provide." Which binds you to that airline for the foreseeable future without actually saying, "You're also eligible for these cash payouts that are going to be available to you." So I think it's fair to say that on the communication side again, that compensation should be made clear that yes, you have that cash option, and if not, if there are other alternatives,

more than happy to listen to those options as well. But that cash should be the one that is front and center of such communication.

Nauman: 00:55:38 With regards to delays another aspect is refunds. If there is a three leg journey that you have booked with an airline, and there are delays that are impacting your ability to make it to your first destination, and you have to make alternative arrangements for getting there, it's fair to say that refunds for the subsequent legs should be something that should be without penalty. Whether those circumstances were in the control of the airlines or not, if there is a delay in either case, the airlines should be able to provide a refund for the remaining legs without actually going back and saying, "Well, that was beyond our control, that delay. And henceforth, we can't give you the refund for the remaining legs."

Nauman: 00:56:20 Another aspect of that is, which got slightly touched on, is that fine print that is provided as, "These are your rights, pick up a microscope and read those rights." That should not be the case. There are different ways of doing that, yes. There is a need for the airlines to make sure that legally those detailed wording is available to the passengers. However, I feel that there are other mechanisms in other industries that are also used. So one such mechanism could be that the key things that the passengers should be aware of, those things should be clearly, and in a bigger format, communicated to the passengers. And anything that's those detailed legalese, yeah, sure that can be in that finer print. But some of the bigger pieces, whether it's on the delay side or on the cancellation side, those things should be very clearly articulated.

Nauman: 00:57:10 I know one of the questions you had earlier was, "How can we do that?" One mechanism could be this kind of consultative process where it is asked from the passengers as well as at the airlines, "What are those key pieces that you should be aware on?" And that is a format that can help drive the content of what's that big highlighted one, where the smaller pieces that can be in that fine print.

Nauman: 00:57:39 One other area I do want to talk about is the additional screening aspect of it. There are at times additional screening. I myself have been subjected to additional screening a multiple number of times. Sometimes it is communicated, sometimes it's not. In the cases of other individuals that I have seen, it's kind of



when you get to the airport and when you're handing in your details and your luggage. It's only then that you find out there's an additional screening, or you would get denied boarding. I think there is some [inaudible 00:58:09] in saying that if there is any such thing, airlines 99% of the times, would no doubt ahead of time, that you would be subjected to that additional screening.

Nauman: 00:58:19 And please make sure that additional time is available to you for going through that. Or if you are going to get denied boarding, especially in that case, when you are making that booking, that thing should be very clearly communicated. I have not been denied boarding, but I have definitely had multiple levels of screening that I've had to go through. I think there is some [inaudible 00:58:37] in saying it's rare that within the time period that you book the flight and you're actually taking the flight, that's when you actually get on such a list. I think most of the times people are already on that list, or whatever those airlines have. And I know there is a mechanism in inquiring about that list at this point in time. But it's about that upfront communications and sharing that with the passengers. "You're going to be subjected, oh no, you're going to get denied boarding in this case." So if someone needs to make alternative arrangements or reach out to the relevant agencies, then they can do so.

Nauman: 00:59:18 I think that's about it. [crosstalk 00:59:22] the list of things that I have. Any questions for me.

Scott Streiner: 00:59:21 Thank you very much, Nauman. I have a couple. Liz, questions?

Liz: 00:59:32 I have a couple. Just a point of clarification. The screening that you're talking about, that the CATSA screening, the security screening?

Nauman: 00:59:41 The one that I've been subjected to, it's any time that I'm traveling to the U.S., there's a special four S's that I have on my boarding pass. Has not changed in the last decade or so of me traveling, that every time I'm taking a flight through the U.S. it does not matter where it's going, always those four S's are there. Nobody's ever told me that, but I've kind of picked up on that train and read enough forums to know that that means-

PART 2 OF 6 ENDS [01:00:04]

Nauman: 01:00:00 But I've picked up on that trend and read enough forums to know that that means that yes, I'm always going to be subjected to that additional screening unless something happens. I'm not on the list, I've asked that to the airlines as well and they've said, yeah, I'm not a list. It's surprising that if I'm not on list I still have those [inaudible 01:00:17] come up again and again. There is some sort of communication that's missing over there from the airlines. [inaudible 01:00:22] and how do I get those [inaudible 01:00:23] on my boarding pass to begin with.

Liz: 01:00:25 And the list, you're talking about the no fly list?

Nauman: 01:00:28 Not the no fly list.

Liz: 01:00:29 Oh, okay.

Nauman: 01:00:30 If I'm getting [inaudible 01:00:31] every single time, I think I'm on some sort of list that's why I'm getting that. It's not the no fly list but it's some sort of special screening list-

Liz: 01:00:37 And you haven't been able to obtain information about that from the carriers?

Nauman: 01:00:42 Not the carriers themselves but more recently I found out that there is a process that the transportation agency itself has that if I have any complaints associated with that list that I can take it up to them. I haven't done that yet but I intend on doing that in the near future.

Liz: 01:00:56 Okay good. One other question, you were indicating that we should be seeking views on the key information that should be highlighted for passengers in the fine print. Do you have views on what information is key for passengers to know?

Nauman: 01:01:12 Definitely the two pieces that I do see is the delays or getting bumped off that's one piece and the other piece is on the delays in the luggage or the loss of luggage. Those are the two other ... That's the second piece that I would say ... Those are the two pieces that I think need to be clearly laid out as to what are the expectations or the passenger rights associated with those two pieces.

Liz: 01:01:37 Okay, thank you.

Scott Streiner: 01:01:39 Thanks Liz. I've got a couple as well. I had that same ... Liz's second question I also had ... but a few others.

Scott Streiner: 01:01:51 You referenced in passing a bit like what Liz did in her last question I want to see if you have anything more you want to offer on this. You referenced in passing making sure that we have clear definitions on what flight delay or cancellation is or is not within an airline's control. You may be aware of this but for your benefit and that of the room just to clarify, under the legislation that was passed there are flight delays and cancellations [inaudible 01:02:22] within the control of the airline, within the control of the airline due to safety reasons and out of the control of the airline.

Scott Streiner: 01:02:29 Do you have any observations or suggestions to offer on how we should distinguish between those different categories because the compensation and the standards of treatment the passengers will receive will vary depending on which level, which of those categories and event is classified into. It's going to be important for us I think, as you've suggested, to have some pretty clear, commonly understood criteria or we could have a lot of debates between passengers and airlines as to whether this cancellation or delay or denied boarded was in category one, category two or category three.

Scott Streiner: 01:03:05 Any suggestions on the criteria we should use to triage them?

Nauman: 01:03:08 I think the development of that criteria need to be again, going back to that consultative process needs to be somewhat of that consultative process where between the agency itself as well as the airlines as to how to land on that. The devil is in the details always and the one instance that I highlighted was if there is a [inaudible 01:03:27] event in New York and my flight out of Calgary to Toronto is delayed because of that or Calgary to Winkler was delaying because of that a plane did not make its way from New York to Toronto, it did not make its way to Calgary and now I'm getting ... I'm delayed for five hours or six hours because of that I think that to me is lack of planning-

Scott Streiner: 01:03:42 You think that's within the control of the airline?

Nauman: 01:03:45 That's within the control of the airlines in my view. Now the flight from New York to Toronto, yes, surely that is directly impacted I can see that. It's a fine line of where do you actually draw the line out there and I think that's where a bit of more

consultation will likely be needed on defining what that looks like. That is somewhat clear the security aspect that yes somebody had to be or multiple people had to be screened again or something else if that's something that the industry ... that the airline is using as a security then that's what goes back to the agency as to how do we as passengers highlight that back to the agency that these are the experiences we've gone through.

Scott Streiner: 01:04:28

Right.

Nauman: 01:04:29

Not necessarily a complaint but more so that an awareness aspect. I think there is a self reporting aspect built into that where the airlines if there is a delay the airlines would need to categorize that as this was the delay, this was the reason and we labeled it as in control or we labeled it as out of control.

Scott Streiner: 01:04:47

Right.

Nauman: 01:04:48

And that be communicated back to the agency and over the next few years the agency can compile that and then recalibrate that definition [crosstalk 01:04:55].

Scott Streiner: 01:04:57

Okay. I want to turn to another topic. You talked about baggage replacement and repair. One of the things that the new authority we have lets us do is make regulations on minimum compensation for lost or damaged baggage.

Scott Streiner: 01:05:12

Any suggestions on what that minimum compensation level should be? Because it's ... To be honest in informal discussions some folks say, well you can't make it too high because not everybody's bag is worth very much right. Somebody might have just sent a Safe Way bag tied up with some old clothes in it so if you make the minimum compensation level too high it's not fair to the airlines. Others have cautioned us not to make it too low because there is a reason for having minimum.

Scott Streiner: 01:05:42

Any thoughts on what those minimum compensation levels should be or how we should set them?

Nauman: 01:05:46

I think the idea behind that would again go back to the agency looking at what are the variables involved in that. If a passenger does have the ability to demonstrate or show a picture of what that looks like or define the type of that baggage then it could go back to that piece and [inaudible 01:06:04] yes it was a

regular, ten by 20 bag. There is a minimum associated with that out in market as a replacement value.

- Nauman: 01:06:16 Those averages could be drawn from public databases and could be ... If I was to throw a number out there yes I end up buying bags that are normally in the range of about 150 dollars for two bags. That 60, 80 dollar mark seems reasonable but then you have to also think about again, going back to the opportunity cost around that, that yes as a person if I have to go out and buy a bag because the airline has damaged it or lost it then that also should be factored into that as a decision.
- Scott Streiner: 01:06:44 But you're thinking of a minimum that would be more luggage specific. The replacement cost for that luggage is as opposed to just the number that we would put into the regulations. I think that's what I hear you saying.
- Nauman: 01:06:54 If you're talking about just the bag itself.
- Scott Streiner: 01:06:56 Yeah.
- Nauman: 01:06:56 Yes. The bag itself yes there is a value associated for that-
- Scott Streiner: 01:06:59 The replacement cost.
- Nauman: 01:07:01 The replacement cost for that.
- Scott Streiner: 01:07:02 Okay. One more question for you [inaudible 01:07:03] because you covered a lot of topics. The ... You went to the topic of cash versus vouchers, where compensation is owed. One of the questions that we've put out there is, should airlines be required to simply compensate people where compensation is mandated by the regulations to just do it in cash or should they be able to offer alternatives like vouchers for future travel as long as those alternatives are worth more than the straight cash?
- Scott Streiner: 01:07:33 And, it's interesting because so far we've heard a real mix of views from Canadians. Some Canadians say, well as long as people understand that these are two different options and the passenger gets to make the choice, let the passenger have options. Others have said keep it simple, it gets confusing and people maybe tempted by the vouchers but really it should just be cash all the time. Do you have any thoughts on that?

Nauman: 01:07:57 I would keep the flexibility in there. I would want the airline industry to still stay in that business and if they want to offer certain incentives that encourage loyalty then so be it. It's left to the passenger as a choice like many other choices that we make on a daily basis. I believe there is value in having that choice given to the passenger but yes, it's 100 dollars if you take it right now in cash or it's a 150 dollars if you want airline dollars.

Scott Streiner: 01:08:24 Right.

Nauman: 01:08:24 I think there is definitely value in having those choices. I think my concern is more so that if the airline is pushing hard on, yeah these are the airline dollars that we can offer you.

Scott Streiner: 01:08:32 Right.

Nauman: 01:08:32 And they don't talk about the cash side of it-

Scott Streiner: 01:08:34 Yeah.

Nauman: 01:08:34 Then there is a bit of weakness over there. Again, it should be audit based that the agency should be able to come in and do those audits to make sure that certain things are happening in the way that are laid out but the expectation should not be that only give cash and not the other options. I think there is value in keeping the options open.

Scott Streiner: 01:08:53 One more. One supplemental just to ask you shoot from the hip a bit. If we said, okay you can give a voucher for future [inaudible 01:09:01] on the airline, do you think we should set a minimum multiple so its got to worth at least you said 100, 150 so 150 percent of the cash the minimum cash compensation 200 percent? Do we leave it to the airline? Do you think that there should be an actual formula within the regulations for how much higher the voucher should be than the cash compensation?

Nauman: 01:09:23 Just thinking about it on the fly I would say that in order for again, fairness purposes it could be a dollar for a dollar but if you factor in the taxes aspect of it anything else associated with it then there is a certain percentage of taxes that the passenger does have to pay every single time then that percentage should be added onto the value of that ticket because if I'm not wrong that airline dollars can only be used for the value of the ticket not for the taxes side of it. I could be wrong on that. I think

that's the situation and if that's the situation then the corresponding percentage of the taxes or average of those taxes should be something that should be applied as a factor.

- Scott Streiner: 01:10:05 Okay, good. Thank you very much.
- Nauman: 01:10:06 Thank you.
- Scott Streiner: 01:10:09 Folks we have six people registered to present. We've gone through three of the presentations so I think we'll take a five, ten minute break now. People can just stretch their legs, we have some Calgary's finest water for you outside if you want refreshments and then we'll reconvene.
- Scott Streiner: 01:10:23 We're a little ahead of schedule, if anybody who signed up as an observer ... we've got six or eight people who came as observers wishes to make a presentation please speak to one of the folks here or our staff at the back and they can add you to the list of presenters. It's 2:13 now by my phone, we'll reconvene at about 2:20. Thanks.
- Scott Streiner: 01:10:41 Glad I didn't lean into the mic and talk loud. I understand that a couple of people have asked if they can make comments or pose questions from the floor using the handheld mic. That's absolutely fine. Again, we want this session to be as comfortable for people as possible. You don't have to speak from the podium, you don't have to speak for ten to 15 minutes. We're here to engage and whatever style of engagement is most comfortable for you, you're welcome to use.
- Scott Streiner: 01:11:32 Our next presenter is Sarah Flynn. Sarah the floor is yours.
- Nikola: 01:11:43 Thank you Chairman Streiner. Thank you for having us here and seeking our input and thank you for undertaking the work of improving this whole situation.
- Nikola: 01:11:54 I'm just a citizen, I'm not representing any group or anything like that. I'm not a super frequent flyer but I have three kids and we fly a decent amount, enough that we've had good experiences and bad experiences.
- Nikola: 01:12:08 I'm just going to address some thoughts that I had and ... on delays and overbooking. I think that there should be compensation for over booking for any kind of delay that was

foreseeable and I think what seems reasonable to me would be to have a 500 dollar cash option or up to 1000 dollar air voucher option depending on the value of your ticket initially.

Nikola: 01:12:39 The change fees are super problematic. I don't know what to tell you about that except to tell you that they're super inconsistent with them. It seems like across an airline the employees aren't even in sync with what the fees are. It seems like the change fees change every time you talk to a new person or get taken off hold. The change fees are really a problem. I think the best thing to do would just be to do away with them but regardless of what ends up happening I think that they should be changed.

Nikola: 01:13:17 The mechanical issues, I do think it's really important to balance safety and I think that the public needs to understand that safety does have to come first. I think your agency probably is the best equipped to set guidelines in terms of what is a safety mechanical issue versus what was foreseeable by the airline. Obviously, if it's a safety issue I think everybody would prefer to wait and then if it becomes prohibited for airlines with the compensation then they might start cutting corners on that. I think we really don't want to encourage that. I think your agency can set some guidelines that will also be fair to the airlines and will in the long run keep everyone safer and happier.

Nikola: 01:14:07 When you're in those situations of delay they're super, super frustrating. People all have their own stories, their kids are cranky, their dad's dying, their concert ticket are ... a host of reasons that people get super antsy about and therefore, I think the main thing is just communication, respect, honesty and clarity.

Nikola: 01:14:32 I think the document that was referred to earlier in this presentation that has the passengers' right and responsibilities set out. I think that should be disseminated at the time you purchase a ticket and again, it should be posted at all check-in points at the airport when you come for bag drop or for check-in. It should also be posted at the gate, at each gate and then finally it should be available for review on the aircraft so that ...

Nikola: 01:15:06 You Chairman Streiner had asked the question, "When are people going to want to look at this?"



Scott Streiner: 01:15:12 Yeah.

Nikola: 01:15:12 It's a great question. As a mom of three teenagers and just ... It's always when can I get them into this. Fascinating question but anyway I'll tell you that when most people are going to want to look at it is when they're angry, and they're feeling suddenly that their rights are infringed. They may not know what those rights are but when they're going to want to look at that document is when they're angry, and they are having a problem therefore, that's why having it available on the aircraft, at the gate, at the check-in and at the bag drop as well as when you buy your ticket. Most people will not look at it when they buy their ticket, some will. That's when that document should be available whatever you end up crafting it should be available at those points, and I think its mostly on the airlines to have that available for us at those check points.

Nikola: 01:16:06 In terms of tarmac wait times, I know you had mentioned three hours. I don't know if you have any jurisdiction to shorten that time but honestly, I think it should be shortened to one hour because people get so anxious and furious when their trapped in the airline seats. They could tell you that you can't leave the gate that would be an alternative and people would even be much happier just at the gate than on the aircraft. People have terrible fear of flying and for a lot of people more than most people might realize sitting on that airplane is actually a horrible ordeal. If you've got 267 people and 30 percent of them are in a state of extreme anxiety and distress it's a powder keg.

Nikola: 01:17:01 I feel like one hour with required 15 minute updates even if that update is simply to say, we are still in the same situation, nothing has changed but that way people can look at their watches they can ... It's something they can hold onto, okay in 15 minutes the pilots going to come on again and then at one hour people should be able to deplane. Again, I think it will be fine to keep them in the gate but let them off the plane. I think in the long run that would be better for the airlines too because I think they'd have a lot less of these situations with these irate passengers and most people are reasonable and they can understand things happen, we all want to be safe but get me off this plane.

Nikola: 01:17:48 Let's see what else ... In terms of, you had asked the question what should be the anchor for the compensation. I think that up to a three hour delay at departure is when it's fair to expect

compensation. That's seems fair to the airlines and the passengers.

Nikola: 01:18:09 For lost luggage, I think it's fair that if they lose or damage your luggage they should just pay you on the spot a compensation and I think it should be 300 dollars. That seems fair. It doesn't seem fair to put on the airlines the burden of people choosing extremely expensive luggage, 300 dollars is reasonable for a suitcase and some reasonable clothes inside it.

Nikola: 01:18:36 Also, with the delay on the tarmac, food and drink is key. That will also in addition to letting people off the airplane, that will also keep people much more able to remain in control of themselves. If the tarmac delay has to stay at three hours, if for some reason that can't be shortened then I think that starting at one hour people should be offered at least water and some kind of nutrition.

Nikola: 01:19:07 For the communication generally ... well let me just ... I've had some new thoughts. With the seating I think they should stop charging for choosing seats and then they can just move people around as they need. I think it's fair for parents to expect to be able to be seated with young children, however, if I've paid 81 dollars for me and my two teenagers to sit together I don't want to not get to sit with them. If they don't charge me to sit and I got in early and booked myself a seat next to my 19 year old son but then they need to move him for a two year old to sit next to her mother that's fine. If, I paid different story. They should just drop those fees and then they can move people however they need to. Okay, communication generally, the bottom line is, the times when I have really felt furious and like I might lose my stuff is when there is an element of dishonesty, disrespect, confusion among airline employees about what the guidelines are and what my rights are and so on and so forth. I feel like it's important to have some kind of ombudsman or somebody available through the airline whose job it is to smooth over those issues whether they can be resolved at that instant or whether it ultimately will be referred to some other type of situation, arbitration or whatever.

Nikola: 01:20:49 Regardless of that, I feel like passengers should have access to somebody who can address them in a respectful manner because that has been my worst experience. I can handle delays, I can handle cancellations, I can handle anything but what I cannot handle is when they're rude or you feel like

they're dishonest or their dismissive and when you ask for well can I speak to somebody above you or is there a supervisor, no. Then it's a problem. I think some type of Ombudsman who is in the airport who can come and address those issues.

Nikola: 01:21:29 Most recently in April, I was just a small part in a larger one that involved multiple families and the police had to be called because one woman was so upset and she was being treated rudely. I could see that too and she got so upset that the airline called the police and I just felt like if you had just spoken with her respectfully and straightly from the beginning we wouldn't be in this situation. Some kind of Ombudsman or something like that. Let's see ... Yeah I would say that's all I have to say. I just want to repeat though respect and that is probably the most basic communication, respect so thank you so much. Oh, I'm sorry did you have questions?

Scott Streiner: 01:22:21 I do. I actually have quite a few.

Nikola: 01:22:24 Sorry [crosstalk 01:22:25].

Scott Streiner: 01:22:24 First of all Sarah, I just want to say that I'm really glad you came out. We're very happy to have representatives of different associations here but we're also really pleased when the individual traveler who hears about the consultations' comes out because you bring the perspective of just the quote, unquote ordinary Canadian right somebody who just goes through the experience and brings their common sense perspective of what would work for me. We're really pleased that you came.

Nikola: 01:22:48 Thank you.

Scott Streiner: 01:22:50 I've got a couple of questions. I imagine Liz may have one or two as well. We will play team tag on this. A few questions and a few comments. I will start with a comment. I'm going to reiterate something you said which is, "We all agree that safety is non negotiable." Right, we certainly do not want to create a situation and none of these regulations will where an airline is somehow doing anything other than living up to the highest safety standards when people travel. You referenced that in the context of, don't create the wrong incentives around flight delays and cancellations. We agree that safety is always non negotiable.

Scott Streiner: 01:23:34 Now, on the three hour tarmac delay. First of all you said, you weren't sure if we had the discretion. We do not have the discretion to change that provision. It's in the law.

Nikola: 01:23:46 Oh okay.

Scott Streiner: 01:23:47 But to explain a little further there are ... We are able to set minimum standards of treatment for all delays including tarmac delays and minimum compensation for all delays including tarmac delays if it's within the control of the airline. Those will apply whether the person is delayed, whether the passenger is delayed, sitting in the airport, on the plane doesn't matter. The three hours are the extra things that will have to happen in the context of [inaudible 01:24:16] it's additive.

Scott Streiner: 01:24:18 You've started to identify what you think some of the things that should kick in are around tarmac delays. I just want to ask if there is anything that you ... if you want to elaborate at all?

Scott Streiner: 01:24:29 The regular updates every 15 minutes I think is very striking. I think you're right frankly that it brings down the temperature for everybody if they actually just know what's going on and you've talked about food and water. Is there anything else that you is important to be available during the tarmac delay and when it comes to deplaning the earliest that, that could be required in the regulations would be three hours given the way that the law was written.

Scott Streiner: 01:24:54 At what point would you have a mandatory deplaning or disembarkment provision?

Nikola: 01:24:58 Three hours.

Scott Streiner: 01:24:59 Three hours.

Nikola: 01:24:59 I would have it at one hour.

Scott Streiner: 01:25:01 Right.

Nikola: 01:25:01 I understand that's not an option now. I would definitely say three hours. I guess it almost makes the questions irrelevant in terms of what do I think else should kick in because at three hours I think what should kick in is the doors should open and people should get off the plane.

Scott Streiner: 01:25:16 Right. Oh but sometimes it might not be possible right.

Nikola: 01:25:18 True, true.

Scott Streiner: 01:25:19 Let's imagine a scenario where we hit the three hour mark and theres no gates available or there's lightening and so people can't be disembarked.

Nikola: 01:25:27 Yeah can't get of. Or maybe they feel like, well it's three hours but by 3:30 we're going to [crosstalk 01:25:31].

Scott Streiner: 01:25:30 We might be getting off right exactly. Let's not lose our place in line.

Nikola: 01:25:34 Okay I would say probably the single biggest ... other than the food and water, and the updates would be free WiFi. Access to free WiFi because then-

Scott Streiner: 01:25:42 So people can communicate and entertain themselves.

Nikola: 01:25:43 Yeah and they can do their Facebook .... exactly. I think that-

Scott Streiner: 01:25:48 That's an interesting idea.

Nikola: 01:25:49 To be blunt is going to be what's going to pacify people the most effectively.

Scott Streiner: 01:25:53 Access to the internet.

Nikola: 01:25:54 Yeah.

Scott Streiner: 01:25:55 Yeah that's an interesting idea. I'll ask you one other and then I'll turn to Liz and then I may have one or two more for you at the end.

Scott Streiner: 01:26:02 You suggested that the anchor for compensation, when there is a delay in the control of the airline should be a three hour delay or more in the departure. What is somebody leaves late ... I'm just thinking about different scenarios, leaves late but arrives almost on time. Let's say ... and I'll give you an example, lets say they're flying Calgary, Toronto, Berlin and they had a four hour connection time in Toronto and they're delayed three hours out of Calgary and they reach Pearson and they race and they make that connection and they actually arrive at their destination on time. Do you think that compensation should still be owed? And

I don't have a view on this one way or another but I'm trying to think what the right principle is.

Nikola: 01:26:42 No I would say not. I'm glad you asked that question actually because I haven't thought of all those facets of the situation and I would say that definitely if you still somehow manage to arrive on time you should not get any compensation.

Scott Streiner: 01:26:56 Okay.

Nikola: 01:26:57 I think that would be unfair to the airlines.

Scott Streiner: 01:26:59 So really it's the arrival at destination which you think is ultimately critical?

Nikola: 01:27:03 Maybe I would change my answer and say the anchor should be at the arrival time.

Scott Streiner: 01:27:09 At destination.

Nikola: 01:27:10 Yeah.

Scott Streiner: 01:27:10 Just so you know in Europe, where they have these sorts of regulations on delays and cancellations it's a formula that takes into account both when you reach destination and distance traveled. We're just thinking about all the different as I said, anchors we could use to establish compensation levels.

Nikola: 01:27:25 To be honest, to be fair to everyone it seems like your landing is the most important thing because that's when it's going to start to impact your plans any connections, any cruises, funerals, weddings, whatever.

Scott Streiner: 01:27:38 Right.

Nikola: 01:27:39 Not when you take off. When I said that I was thinking of the frustration of waiting but the truth is-

Scott Streiner: 01:27:44 Sitting there with your three teenage children. Liz, any questions?

Liz: 01:27:51 Just a couple of questions. You indicated that you would like to see passengers able to disembark at hour, you understand that the law ... that won't be possible except for three hours. Do you see a difference if something is happening, there's weather and

there's queuing for deicing and things like that? Do you see a difference there as opposed to situations where the tarmac delay is for no communicated reason?

Nikola: 01:28:21 Yes, definitely I think most reasonable people could understand if there is lightening crashing all around or a terrible cold spell and people are lining up for deicing that I think would-

Liz: 01:28:34 Okay.

Nikola: 01:28:34 Yeah.

Liz: 01:28:35 I'm also wondering I imagine as a mother of three teenagers that you have views on the seating of children and this is something that we're going to have to deal with in the regulations as well and I'm wondering what's the age at which, kids must sit beside parents versus in the same row versus not sitting with parents at all. I don't know my teenagers are fine when they don't [crosstalk 01:28:59]

Nikola: 01:28:59 Oh, mine prefer it-

Scott Streiner: 01:29:00 Yeah I want to be clear so we don't have the regulatory authority to sit as far from you as possible. That's [crosstalk 01:29:07]

Nikola: 01:29:10 [crosstalk 01:29:10] Just as a mom, a seasoned mom the age that comes to my mind thinking particularly of my daughter is age ten. Under age ten I would want my daughter in my sight so that whatever ... older than that they ought to be able to navigate ... at least being able to get your attention and say, mom somebody next to me is hassling me or whatever. I'd say age ten.

Liz: 01:29:35 Okay, and what about ... Is there an age under age ten at which kids should be sitting right beside you?

Nikola: 01:29:43 You mean that a parent should be next [crosstalk 01:29:46]. Oh gosh yes. I think probably five and under because then they're pretty needy and you don't want to put that on some other unsuspecting person.

Scott Streiner: 01:29:59 You might want to put in on them but you shouldn't, but you shouldn't.

Nikola: 01:30:02 I wish I'd thought of that-

Scott Streiner: 01:30:03 Yeah.

PART 3 OF 6 ENDS [01:30:04]

Scott Streiner: 01:30:03 [crosstalk 01:30:00] shouldn't. But, you shouldn't.

Nikola: 01:30:00 I wish I'd thought of that years ago.

Scott Streiner: 01:30:03 Yeah.

Nikola: 01:30:05 Thanks.

Scott Streiner: 01:30:07 So, sorry. One or two more questions. I wanna go back to the compensation issue. One of the questions that we're thinking about is whether the required compensation levels should be especially high for denied boarding, for reasons within the control of an airline. And, I'll explain that a little. The obvious case is overbooking, right? Which is, sort of a bit of a flashpoint for a lot of Canadians. And, so the question is, "Well, should we set the minimum compensation levels high where an airline has chosen to offer more reservations than there are seats on the plane, overbooking?" 'Cause, they're counting on a few no shows.

Nikola: 01:30:46 Mm-hmm (affirmative).

Scott Streiner: 01:30:46 Everyone shows up.

Nikola: 01:30:47 Mm-hmm (affirmative).

Scott Streiner: 01:30:47 So, no we've got too many people. Should we say, "Well, if you move somebody without their consent, without talking to them first, ..." Their compensations gonna be up here. And, our thinking is that if we set that compensation level high it may create incentives for the airline to find the volunteers. So, maybe the airline finds the person, you know, the kid who's heading off on her gap year trip who's happy to wait a couple of hours in the airport in exchange for-

Nikola: 01:31:11 \$1,000.

Scott Streiner: 01:31:16 ... \$1,000. \$500, \$1,000. And, that way the person who's gotta get to the funeral, or the graduation, or the business meeting



isn't moved against their will. So, we're thinking about whether or not we should set an especially high compensation level for those kinds of situations. So, I guess I have two questions. On, is do you think that makes sense? And, second, you've actually offered a few numbers. Do you have any sense of what that level should be, whether it's a dollar figure or related to the cost of the ticket for example?

Nikola: 01:31:37 I think dollar figures are better, because then there's not any kind of complicated algorithm-

Scott Streiner: 01:31:41 Right.

Nikola: 01:31:53 ... for people to fight over. I think, mostly, ... Overbooking of course is a flashpoint for me too. I've been bumped because of it, and it's really, really, really maddening. But, at the same time I do understand that airlines are trying to work with massive numbers of moving parts, and scheduling, and filling these flights. I think, for overbooking, you might be able to set it at \$2,000 when they mandatorily move you without-

Scott Streiner: 01:32:17 [crosstalk 01:32:18].

Nikola: 01:32:19 ... finding a volunteer.

Scott Streiner: 01:32:19 Right.

Nikola: 01:32:19 But, I wouldn't go too much higher, because they do need to make good business decisions.

Scott Streiner: 01:32:24 Right.

Nikola: 01:32:24 And, I don't know.

Scott Streiner: 01:32:26 And, I ... Again, we don't know what that level is. But, presumably the gap year kid-

Nikola: 01:32:31 Yeah.

Scott Streiner: 01:32:32 ... or, you know?

Nikola: 01:32:32 Usually there's a volunteer.

Scott Streiner: 01:32:33 Somebody will put their hand up at some point-

Nikola: 01:32:35 Yeah.

Scott Streiner: 01:32:37 ... at something less than that level. So, the idea in our minds is ... Not that they would often, the airlines would often end up having to pay that amount,-

Nikola: 01:32:41 Exactly.

Scott Streiner: 01:32:43 ... but that it creates space for them to find a volunteer.

Nikola: 01:32:44 Yeah. Yeah, I agree with that.

Scott Streiner: 01:32:47 Okay. I think that's it Sarah. Thank you very much for your participation.

Nikola: 01:32:50 Okay. Thank you so much. Thank you for [inaudible 01:32:50].

Scott Streiner: 01:32:52 Great. Our next presenter on the list is Christopher Mohen, if I'm pronouncing that last name correctly. Is Christopher in the room? That ... Well, then our next presenter ... And, we'll invite Christopher when he's ready. This is handwritten. Oh, the next presenter actually is you Louie. Our next presenter is Louie Greco. And, I will simply indicate that while you're going to the podium Louie, that Liz and I saw Louie a couple of weeks ago because he is also a member of the CTA's accessibility advisory committee, which convenes once a year to talk about issues around accessible transportation. And, so Louie-

Nauman: 01:33:39 Okay.

Scott Streiner: 01:33:40 ... the floor is yours.

Nauman: 01:33:40 Thank you. First of all, thank you for doing this. I don't want your job of trying to condense what you're about to hear. Not for me, but over the next three weeks, four weeks that you're doing this. I think it's a tough job, and I commend you and encourage you in your deliberations in doing that. I've prepared a few notes that I'd like to just run through quickly, and hopefully it's within the context of what you're looking for. My name is Louie Greco as you and Liz both know. I work for the Canadian National Institute for the Blind. My role with them is National Manager of Advocacy. I work to encourage organizations like the CTA, the CRTC, Finance Canada, Health Canada, Heritage Canada, federally, to try and look at their policies to try and mitigate some of the barriers that people

with sight loss and who are blind face in accessing their services. Today, I wanna address the comments, my comments around what you're proposing in the Passenger Bill of Rights through a lens on accessibility for people who are blind, who are deaf blind, and who have significant sight loss. Around communications.

Nauman: 01:35:08 What do I put down here? Regulations should point back to the codes of practice around removing communication barriers for travelers with disabilities. I think that ... I know that last week, or a couple weeks back you did indicate to the AC that those codes of practices, codes of practice will in some format make their way into regulations which will hopefully accompany the Passenger Bill of Rights. But, I think that when you're talking about communications, the primary concern that we have, is that information needs to be accessible. The word accessible has been used a couple times today. And, it means different things to different audience. What, we're talking about as people who are blind and visually impaired is that we need to be able to read it. You talked about four point fonts. Case in point. I don't know many people without, you know, ... Many people that could read a four point font document. There are guidelines, clear print guidelines that CNIB has produced. The agency has incorporated some of those into the communication practices. And, I think that ... Sorry. That, removing communication barriers codes of practice. I wish we could find fewer words [inaudible 01:36:42].

Nauman: 01:36:44 So, I think if you take a look at some of those and incorporate that into the communications as to how to communicate with people, I think that they'll be a definite crossover. The same thing for regulations around, "What are the airlines' obligations?" They have to be accessible. Currently, ever airline that I've booked travel with, both domestic, international, they insist on attaching PDFs. There's all kinds of very sound business reasons for using PDFs, but I think the major barrier that we perceive is that if those documents aren't structured properly, if they don't use best practices around accessibility and how to make those documents readable by people using assistive technology or who require a certain font or contrast ratio, then they don't have access to it. The final point around communications is websites. And, I cannot overemphasize this enough. The experience of someone, and I'm speaking personally, I'm taking my CNIB, setting my CNIB hat aside for a

minute because I'm still on the payroll and I shouldn't take it off. Otherwise, they'll stop paying me.

Nauman: 01:38:20 I cannot overemphasize this enough. The agency has clearly articulated the expectations around accessible websites. If airlines choose to deploy some of their obligations on their websites, it absolutely must be accessible full stop. No, denials. No, "Our technology is not up to speed." It's 2018. The internet has been around for 20 years. There's been best practices around how to make things accessible for equally as long. And, finally, get somebody who actually uses the stuff, the technology, to test these things and to definitively tell the airlines or the air terminals, "Yes. I can read this with screen magnification. Yes. I can read this with a braille display. Yes. I can listen to it with my text to speech reader." It's absolutely pivotal, and I cannot overemphasize that enough. Moving on. Flight delays due to cancellations. We're all getting older whether we like it or not. And, with aging comes a variety of ailments, most of which require some type of administration of medications. The prime example of this is for people who are diabetics. For diabetics to effectively manage their disease they need ready access, timely ready access to healthy food. Not pretzels. If there's a delay, be it on boarding or on the tarmac if the person is sitting there, three hours is a major inconvenience. And, as Sarah said earlier it's extremely annoying. But, if you're trying to manage your insulin levels your stressed out because of flying, for whatever reason. If you're going for business or a crisis in your family, that's not gonna help. Everything goes through the roof. If the airlines expect a passenger who is diabetic or who has other ailments where nutrition is a fundamental mitigator, they've gotta be provided with that. And, it's gotta be good food. It cannot be day old sandwiches that are, just come out of the freezer. Et cetera, et cetera. It may seem trivial. It may seem tripe on some levels, but I assure you that access to that, that simple accommodation, can take a person in medical duress from having a serious incident to being as upset and irate and unhappy as everyone else.

Nauman: 01:41:38 If you've got a sterile place to administer your medications, if you have to inject yourself, if you've got access to decent food you can survive. On this point around delays, persons traveling with guide dogs ... When we, and again I am including myself in this, having a guide dog who you can see is very busy right now. When we travel with our guide dog a lot of planning goes into it. "How long before I leave should I feed him? How long before

should I leave do I give him access to water?" And, then finally, you know, relieving. If I'm stuck behind security in an airport that doesn't have an appropriate relieving area I have to reengage security. Most times, ... Well, some of the times that's not a problem. We're gonna be delayed two hours. "Well, okay. I can ... I've got nothing else to do. I'll go back through security and probably take an hour to do it." But, when time is scarce, and even more importantly when ground assist personal aren't readily available to help me navigate an unfamiliar airport, what do I do? Only two of Canada's airports have appropriate relieving areas behind security.

Nauman: 01:43:12 But, Calgary is, there's one. It's a huge airport. And, it's tucked away in some remote corner. Vancouver has a couple more. But, again, getting from the gate to the relieving area and back is gonna be time intensive. Tarmac delays, I talked about that. Guide dog. Lost or damaged baggage. Are we talking simply about the suitcase, or are we talking about the contents? My opinion as a semi frequent traveler, is I don't care about my suitcase. By the time it's been inside an airline's hold once or twice it's got some bruises on it. It's got some signs of wear and tear. Right now, it's just a container. I have some assistive technology that I travel with. A laptop, my braille display that I'm using over there. Those things are prohibitively expensive. I can probably only afford one every three or four years if I'm lucky. If I pack that in a suitcase and my suitcase goes missing, that's a major hurdle for me. If I choose to ... When I do choose to purchase insurance the insurance level's set by my credit card, or the carrier's provider, are so minimal that, you know, it really isn't gonna go very far.

Nauman: 01:45:04 If you've got a \$4,000 piece of equipment such as the machine that I'm using today ... And, I can only get the ... The valuation of that device is based on how much it weighs. That device weighs two pounds. It's not gonna cover it. Scope of the new regulations. The new regulations should be applied universally to any carrier departing or landing from Canada. I've stated this publicly before in some of the consultation papers that I've submitted to the agency. I believe that Canada is a sovereign country. We are influenced and have to play and work well with stakeholders from abroad, but I think we should go back to Canada's tradition of setting the bar, not simply meeting it. Yes, it's complicated. Yes, organizations like IATA and the Civil Aviation Authority, ... Yes, they influence and set those policies, but as a sovereign nation we should be the ones responsible to

... We should be the ones who take the onus and say, "If you wanna do business in Canada, if you sell travel in Canada, if you are a copartner with a Canadian airline, these are the rules that you have to abide by.

Nauman: 01:46:31 My friends in the airline industry are saying that that's not gonna make us competitive. Nonsense. We have many things that we can be competitive with. And, I think that setting the standard will let Canada resume their leadership role as a socially conscious and responsible player that tries to accommodate the needs of all their citizens regardless of abilities. Okay. Seven. Tariffs. Not to sound like a broken record. Please make them accessible. If I am really bored and have insomnia and I choose to read that stuff, I wanna be able to read it. I don't wanna have to sit and fight with my assistive technology and do all kinds of acrobatics. You know, copying and pasting text into a notepad document. And, running it through an optical character recognition program just so I can read it. So, again, reference the best practice on communications, and insist that those tariffs be made, you know, provided in a format. Really, from a regulatory standpoint all you have to do is add a sentence. "They must be made accessible, blah, blah, blah." It shouldn't be difficult.

Nauman: 01:47:57 Complaints and enforcements. You know, I don't know what the number is, but it's quite high. Most of the time when people fly it's a pleasant experience. We're treated well. We're accommodated for, by, airlines. The experience is good. And, life goes on. But, there are times when complaints need to be brought to the agency or to the airline. Under the current regime it's difficult. And, I say that with due respect to both you and Liz. I realize that you are the keepers of that process. It can often see people embroiled in expensive, time consuming litigation. It shouldn't be that way. I wish I could say to you I had the answers to what it should be like. But, if a complaint needs to be brought to the agency. If a passenger cannot resolve an issue with a service provider or a terminal operator, then you are the last ... You are, well, not the last. But, you're one of the final bastions that we can turn to and say, "Look. I just can't get this resolved. I cannot have this issue addressed effectively." I shouldn't need to hire a lawyer to do that.

Nauman: 01:49:35 I shouldn't be required to have literacy skills comparable to a masters or a PhD. It is complicated. And, it's complicated for many good reasons. We have to be fair. We have to be fair to

the airlines. We have to make sure that the environment that we create in this country encourages investment. Encourages airlines to continue to do business in the country. But, at the same time we have to be fair to passengers. We have to find a more effective, timely, and efficient way of saying, "When there is a documented, verifiable issue that's being brought to the agency, it should be resolved. And, it should be resolved quickly, fairly, and efficiently." Those are my comments for today. Again, thank you for the opportunity. It was a pleasure to see you again Scott. And, Liz, we've only met today, but I look forward to any questions that you may have in our continued engagement with the agency.

- Scott Streiner: 01:50:45 Thank you very much Louie. Thank you. Very interesting and comprehensive presentation. I have a question for you going back to the communications issue. So, you've made some suggestions, some recommendations around the accessibility of documents and websites that are prepared in advance, right? I mean, these are just standard documents on passenger rights and things like that. So, that all computes for me. What about real time updates? You know, Sarah was talking about regular updates if people are in the plane during a tarmac delay. Presenters we've heard in other cities have talked about regular communication, real time communication if there's a delay, if there's a cancellation. But, it does raise interesting accessibility issues, right? Because, for example, if those come out in text blasts or in email blasts, my question to you is, "What would help us ensure, if we do require airlines to provide real time updates on flight disruptions, what would help ensure that those are accessible to blind, deaf blind, Canadians, and Canadians with sight loss?"
- Nauman: 01:51:51 Okay. On board it's quite simple. Audio announcements would work well for two of those three subpopulations.
- Scott Streiner: 01:52:03 Mm-hmm (affirmative).
- Nauman: 01:52:04 Any person who's deaf blind that's traveling with an intervener would be able to ensure that the deaf blind passenger has access to that information. And, if the passenger who is deaf blind is traveling on their own their gonna have a communication mode or medium, that they will have communicated to the airline staff. It might be writing on their palm. It might be printing in large print. But, they'll have expressed that.

Scott Streiner: 01:52:34 Right.

Nauman: 01:52:35 So, on board the aircraft that's easily achieved.

Scott Streiner: 01:52:39 Mm-hmm (affirmative).

Nauman: 01:52:40 When you're in, on the terminal side that becomes a little bit more difficult. Text messages are accessible. I've not heard of anyone who cannot access a text message. They haven't been able to find a way to manipulate the fonts and styles in such a way that they're not readable. It's plain text. It's quite easy. Emails, again, ... If we're looking at the same type of emails that you get when you've booked a flight it's hard to find the information that you need. So, I'd caution you on preferring one medium over another.

Scott Streiner: 01:53:25 Right.

Nauman: 01:53:25 Text messages are probably the most effective. But, bear in mind not everyone chooses or can afford a device that will accept text messages.

Scott Streiner: 01:53:42 Yeah.

Nauman: 01:53:42 So, you have to keep that in mind. And, I know that that's not easy. I know that that, you know, ... I wish we had something we could point to and say, "Do this, and you'll hit it all." But, people aren't, people don't fit into little boxes anymore. We're all different. We all have different needs. We all have different preferences. And, that complicates things a little bit.

Scott Streiner: 01:54:08 Thank you for that. I have to say, just, a request. I think we would welcome your and CMIBs feedback. If you have any more thoughts on sort of how to make real time communication around flight changes and disruptions as accessible as possible to blind Canadians. That would be helpful to us, 'cause we've heard lots of input already through these consultations on how important it is to sighted travelers, you know, to all travelers, to kind of know as things unfold with their flights. But, we certainly don't wanna end up in a place where we set out an obligation to have real time communication of that. But, there's a proportion. There's a portion of the traveling public that's excluded because of the means of that communication. So, I'll invite you to reflect further on what we might include in the regulations on that.



Nauman: 01:54:57 Consider it done.

Scott Streiner: 01:54:59 Liz, questions for Louie?

Liz: 01:55:01 Louie, just as a follow up to Scott's last comment, will the CMIB be making a written submission?

Nauman: 01:55:07 Yes.

Liz: 01:55:07 Okay, perfect.

Nauman: 01:55:10 Yes. Not the CMIB. I'll be doing it.

Liz: 01:55:11 You'll be doing it? Okay, good.

Nauman: 01:55:14 I'm doing it.

Liz: 01:55:14 Perfect. Couple of questions. Websites. So, you made some comments about, you know, the agency has clearly articulated accessibility expectations for websites. But, what you're saying is, is that airlines aren't following the communications code and the guidelines?

Nauman: 01:55:35 Yes. That's exactly what I'm saying.

Liz: 01:55:36 Okay.

Nauman: 01:55:37 If you ... The agency did a report in 2011. Oh, boy. 2011, or 2013, where you audited,-

Liz: 01:55:48 Mm-hmm (affirmative).

Nauman: 01:55:56 ... where the agency audited several air carrier websites. And, most of them failed to meet the basic accessibility requirements. They were subsequently mitigated. A.K.A., they fixed it. But, technology doesn't stand still. And, as they deploy new strategies or new interfaces of accessibility-

Liz: 01:56:20 It deteriorates again.

Nauman: 01:56:23 ... Yeah. Yeah, unfortunately that's the case.

Liz: 01:56:23 Okay. You spoke about the impact of lost and damaged baggage, particularly on persons with disabilities who travel with assistive technology. And, I'm wondering, in your case do

you travel with your assistive technology in your carry on, or is it such that you have to check it?

- Nauman: 01:56:46 Both.
- Liz: 01:56:47 Both.
- Nauman: 01:56:48 Sometimes, I mean ... The devices that I carry, you know, my laptop and the little braille display that I have on my chair over there, if I've got work to do on a plane, if I've got, you know, if I'm traveling for business I'll bring the laptop out and I'll hammer away at it. If I'm a person with partial vision the devices are a little bit larger, and they might not necessarily be conducive to working on a seat. So, they may have no choice but to pack those and have those as luggage. And, they can be the size of this podium.
- Liz: 01:57:34 Mmm.
- Nauman: 01:57:34 They can fit on this podium. The screens are large so that the text can be magnified.
- Liz: 01:57:39 Sure.
- Nauman: 01:57:39 So, they're complicated.
- Liz: 01:57:40 Okay. Okay. And, last question, you spoke about our complaints process and how difficult it is. And, I'm wondering ... We use facilitation and mediation up front before the complaints come to adjudication. Adjudication is the more formal part of the process. Do you have experience with the agency's facilitation and mediation services, or your members, people belonging-
- Nauman: 01:58:06 Yes.
- Liz: 01:58:07 ... to the CMIB?
- Nauman: 01:58:07 Yes.
- Liz: 01:58:07 And, the experience has been? Like, do your comments about the complaint process apply equally to the facilitation and mediation aspect of it?
- Nauman: 01:58:19 The facilitation process is quite simple. It's, "Tell us your story, and we'll try to broker a discussion." Which, is sort of a synopsis

of how I view the facilitation process. The challenge becomes, is the facilitation takes two to tango. The airline or the terminal operator ... And, I don't wanna distinguish between airlines and terminal operators, because they're both part of the equation. They need to agree to facilitation. It can't be, "Well, here's a complaint." [inaudible 01:58:56]. "We'll choose to participate as we're expected." Or, "We'll simply not, you know, we'll simply not bother." Mediation. What happens when the other party chooses not to engage in mediation?

Liz: 01:59:15 Yeah.

Nauman: 01:59:15 So, the adjudication process is, you know, that's where you get down and dirty. That's where it gets ... That's when lawyers need to get involved, because the airlines and the terminals all have lawyers. And, regardless of how eloquent or well informed a [inaudible 01:59:36] person who's not, who doesn't have legal training, thinks they are. You don't bring a knife to a gun fight. If you want to be well represented you need professional help. And, that's not cheap.

Liz: 01:59:51 Okay.

Nauman: 01:59:51 Does that answer your question?

Liz: 01:59:52 It does. Thank you Lou. Okay. That's it for me.

Scott Streiner: 01:59:55 Okay, great. Louie, thank you very much.

Nauman: 01:59:57 Thank you.

Scott Streiner: 01:59:57 We look forward to the written submission as well.

Nauman: 01:59:59 Thank you for the opportunity.

Scott Streiner: 02:00:00 Thanks for the presentation.

PART 4 OF 6 ENDS [02:00:04]

Scott Streiner: 02:00:00 Thanks for the presentation. Next on the presentation list is Christopher Moen. Welcome Christopher.

Christopher: 02:00:19 Thank you.

Scott Streiner: 02:00:20 So I don't know, were you here when I made the introductory comments at the beginning of the session?

Christopher: 02:00:24 That we have about 10 to 15 minutes for presentation.

Scott Streiner: 02:00:25 There you go.

Christopher: 02:00:27 I'm all prepared for that.

Scott Streiner: 02:00:28 Key point. Thank you, Christopher.

Christopher: 02:00:29 Okay, so what I'm going to do here, I'll just start off here. Thank you for the opportunity to comment on the discussion paper on air passenger protection regulations. The focus of my comments today is on four topics: delays and cancellations; denied boarding; tarmac delays; and seating of children under 14 years of age.

Christopher: 02:00:50 For the purposes of responding to this discussion paper, I will frame my thoughts as a frequent traveler with ten years, mid-level, frequent flyer program experience on either Air Canada or United Airlines. So, to be crystal clear on that, that's about a 50,000 [inaudible 02:01:06] seat miles per year.

Christopher: 02:01:08 To keep within the 10 minute presentation, I will focus my comments on just the conclusions from my written report that I have here and then you can ask me questions for further detail afterwards.

Christopher: 02:01:17 Regarding flight delays and cancellations, in the general questions the first part was disruption under the airline's control and outside the airline's control. Regarding whether the three categories of flight disruption are adequately defined, I believe the regulations should include criteria as to whether an airline management decision has, or could be made to determine the exact flight that gets the disruption. If management has the discretion to determine the exact flight delayed or canceled, then the situation is at least, partially, under their control. So by way of an example of this is if you have a 320 that goes mechanical in Toronto, quite frankly you've got forty 320's, you've got a number of other mid-range aircraft. Management, through the operations center, has the ability to determine where the flight goes or which flight gets mechanically delayed.

Christopher: 02:02:10 To further that, if we go back to last year with Dr. Dow in Chicago, and we'll come to this with denied or over-booking or denied boarding compensation, variable denied boarding compensation, the reason why nobody took flights is because the Kentucky flight out of Chicago was frequently the one that United Airlines decided they would cut. And, in fact, they had cut the 9:00 p.m. flight. Dr. Dow was on the 7:00 p.m. flight and that was the sole reason why neither he, nor anybody else, wanted to get off that airplane, because they knew that the next available flight would have been mid time, mid day Chicago.

Christopher: 02:02:48 So, about disruption that's outside the airline's control due to weather or security events. This has already been mentioned, I believe, twice. But I believe that the definition of weather or security events should be whether it's at the origin or destination of that particular flight. By restricting the airline's ability to claim weather and security events that were outside their control to only situations that happen at the origin or destination airport, the traveling public can easily claim whether or not, you know, it's raining, snowing, whatever the situation may be.

Christopher: 02:03:24 In regards to compensation levels, I believe that airlines should be provided an exemption to compensate, to provide compensation where they can give 12 hours notice of the delay or cancellation. The 12 hours notice gives the traveler time to make alternate arrangements and/or not be out of pocket for airport expenses, such as ground transportation or checking out of the hotel.

Christopher: 02:03:46 I am concerned about the tight flying schedules, in regards to requirement for compensation, the tight flying schedules that are frequent with the sun destination flying. This schedule is highly susceptible to rolling delays that can put an airplane behind schedule for an entire week. However, this aggressive scheduling also keeps your flight to Mexico very, very cheap. So, I don't think in the discussion of air passenger protection that that has entered into the discussion. Specifically, what I'm concerned about is when I look at United Airlines, their Chicago and Denver and Newark hubs, they're the most weather prone hub. They have pulled back significantly from their sun destination flying, specifically because the compensation has come back. They've adjusted that schedule because they know that if they have to pay a compensation to get people on \$200

to Cancun, they just won't fly the airplane and I don't think the general Canadian public is recognizing that that could be an unintended consequence.

Christopher: 02:04:49 Regarding completion of journey and compensation, airlines should be required to complete an in progress passenger journey within 24 hours for all flights, with the exception of the ultra-long haul. For the ultra-long haul flying, the airlines should be required to complete in progress passenger journeys within 48 hours. So, when I took a look at that, you know, the recent experience of Air Canada 43, that's Delhi to Vancouver, it bugged a engine and they went into Moscow. Moscow, the Russian authorities, decided that they could not accept passengers off the airplane, so then somehow they got a replacement flight to London and the passengers arrived 48 hours later. So I think that in this ultra-long haul air, which is brand new, splitting that up in terms of requiring compensation for getting you to your, delay of time should take that into account.

Christopher: 02:05:46 Denied boarding, move on to denied boarding. Denied boarding that is within the airline's control, not required for safety purposes compensation. I believe that the current Canadian levels about denied boarding compensation and involuntary denied boarding compensation are adequate to incentivize or compensate travelers that are denied boarding. I believe that significantly higher levels of IDV or VDV compensation will result in unintended consequences. For example, employers will be more apt to seek compensation from their employee for their lost time and expenses. This will be for both employer driven travel for business purposes as well as for vacation purposes. They lost the employee for the day. If we're talking about 200 or 800 bucks you're probably not incentivized to asking for the compensation and going through the rigamarole of it. However, if you know your employee got \$5000 you now have a lot of reasons to deduct time from them and what not. Particularly if you're the business traveler. We already see that today with hotels. There's a process whereby if a hotel is overbooked you're walked. The compensation almost always flows back to your employer who's paying the ticket.

Christopher: 02:06:57 Determining how the airline selects passengers for involuntary denied boarding. Priority standby and guaranteed ticket reservations is a key benefit of many frequent flyer programs. I am concerned that requiring airlines to adhere to government

imposed regulations for overbooking situations will result in the loss of these benefits. Like many frequent flyers, I am dependent upon priority standby and guaranteed ticketing. These features have saved me from tight situations countless times. If a domestic airline cannot provide services due to regulations, I would likely transfer my book of business to a foreign airline and continue to have these services. In doing so, I would call upon ... There was in September 2017 or 2016, the President of the CTA came by and he said to the Calgary Chamber of Commerce that the CTA has two regulations; protect passengers and provide for a viable Canadian airline economy. When I look at the excessive amounts of denied boarding compensation that are contemplated, I think that that is an imbalance that needs to be considered.

Christopher: 02:08:06 Regarding Tarmac delays. A key determinant for the start and stop time for calculating tarmac delays is whether the passenger can disembark the aircraft. Therefore, I believe an appropriate starting point for a departure tarmac delay is the scheduled departure time for the flight. For arrival tarmac delays the starting point should be the touchdown of the aircraft. I believe the minimum standard for treatment of passengers who wait on the tarmac for over three hours to be the immediate cancellation of the flight. Quite simply, when I look back at the Air Transat incident in Ottawa, the employees were very obviously trying to get home. A more seasoned crew in the airlines operations center, and I've discussed this with a couple of people offline at Air Canada, the more seasoned crew would have just simply dumped the flight and canceled the whole operation. They just never experienced that situation before.

Christopher: 02:09:04 Seating of children under 14 years of age. For children under seven years of age, I believe that they should be seated adjacent to one parent to guardian. On multiple occasions, I've experienced situations where both parents of the child claim that they must sit beside the child. Further, in some more situations, you have the aunts, uncles, grandparents, everybody in the whole family determining that we need to sit with the child and we're all spread out. In order to adjust that situation, I think the airlines should be required to ... I believe the regulations should state that the child will only be sat with one parent.

Christopher: 02:09:51 Airlines should be required to facilitate the assignment of seating within 72 hours of ticket purchase. If no acceptable seating can be found, the passenger could be afforded a full refund or take an alternate transportation. However, I do believe that at no time should regulations require the displacement of other passengers against their will to facilitate the seating of children or parents. And, in light of that, what I will say is that it would be highly unusual for a child of seven years of age to book a last minute. The parents have the ability to adjust travel. So these situations would be handled appropriate that way.

Christopher: 02:10:31 Between children that are between seven and 12 years of age, I believe they should be seated in the same class of service as at least one parent. In Canada, the generally accepted age of unaccompanied minor program ceases to be mandatory at 12 years of age. Consequently, I don't believe that accommodation should be shown for children that are between the ages of 12 and 14 years of age. I recognize that in the legislation that came out of modernizing transportation act, it used the 14 years. I would express that that was probably not fully baked. Consequently, what you might also then consider is whether or not to move mandatory unaccompanied minors up to 14.

Christopher: 02:11:14 In conclusion, I'd like to thank you for the opportunity to present on air passenger protection discussion paper. I look forward to the successful conclusion of these proceedings and the regulation of a common set of passenger rights across all Canada's airlines.

Christopher: 02:11:26 I'd like to thank the Canadian Transportation Agency staff for the hard work on this file. Thank you.

Scott Streiner: 02:11:32 Some interesting comments and some of them a little different than some of what we've heard in other sessions. Your references to unintended consequences, so I least will zero in on some of those. Also, thanks for remembering my speech to the Chamber of Commerce. Bonus points for that.

Scott Streiner: 02:11:50 Okay, I do want to zero in on your concern about unintended consequences. I mean, interesting point, as you can imagine, some of the airlines will also raise or have also raised some of the same concerns. So you said that you thought that current levels for denied boarding compensation were appropriate, that we should be careful not to go further than that. Now, of



course, there's no single level at the moment because this will be the first time we'll have common regulations, but, as I think you probably know through some of our adjudicative decisions, we've adjusted the levels of some of the airline's tariffs and in one decision, notably, set those levels between 200 and 800 dollars depending on the length of time that the person was ultimately delayed. Is that what you're referring to when you say you think the levels are in the right ballpark? Is that stuff right?

- Christopher: 02:12:36 Exactly, yes. I also remember back Scott to your ... this was early on, this was September 2016, at the time this adventure here that we're here today with, was to simply, in my viewpoint, from your speech, cross out Air Canada and WestJet's tariff as a way of saying that there were the best practice and in doing so, also require up and coming airlines, the ultra low cost carriers, to accept equivalent levels so that they could not reduce their revenue or the price point of a ticket but then also turn around and by the way, we have no compensation .
- Scott Streiner: 02:13:18 Right, no compensation, right.
- Christopher: 02:13:19 So it automatically leveled the playing field.
- Scott Streiner: 02:13:22 Mm-hmm (affirmative)
- Christopher: 02:13:23 And, when I take a look at it today, I don't see a need for excessive levels of compensation like you're getting out of the United States. The existing levels of \$800 is perfectly sufficient in order to get a volunteer.
- Scott Streiner: 02:13:36 Okay.
- Christopher: 02:13:36 The other thing too and I would like to add this on just in terms of overbooking ... My experience with this, and when I say I've talked to people in the airline industry, my father was a network scheduler with Air Canada. You have visibility into the overbooking situation as it occurs today and as it occurred many years ago. What I'm generally tending to find is that the overbooking situation is, quite frankly, in the single digits. So in a 100 seat airplane, they're overbooking to 105 passengers. The situations of where you're getting 30 people in an overbooked situation, those are caused because of delays elsewhere in the network system. For example, if you get a major storm off the

Pacific, your entire Asian bank into Vancouver's going to be delayed by about three hours.

- Scott Streiner: 02:14:21 Right.
- Christopher: 02:14:24 That is what's causing the overbooking situation. However, the general public defaults to be, oh, the airline just went out and sold 30 more seats. Well, no they didn't. They literally only sold about five more seats.
- Scott Streiner: 02:14:36 I will simply state it's a matter of fact ... Two observations. One is I do think that situations where people, where flights are overbooked and people arrive at the airport and suddenly discover that their confirmed reservation won't get them on the plane, as Sarah said, tend to really get people's blood pressure up. But, it's true that that is a relatively small proportion of the complaints received by the agency. Things like flight disruptions are much more common in terms of complaints.
- Scott Streiner: 02:15:01 Just one question on one point that you made.
- Christopher: 02:15:03 Yeah.
- Scott Streiner: 02:15:05 So you made the intriguing suggestion that if an airline provides at least 12 hours notice around a flight delay or cancellation then the mandatory compensation shouldn't kick in. That's something I think we need to think about. Is there a point, if the airline gives you enough notice, and you are provided with an opportunity to get on to another flight then the compensation no longer applies. Would you have 12 hours as the standard for flights across the board or would there be any variability in that standard, you know for lengthier flights, shorter flights, you know, would you vary that standard at all according to the flight plans? Or do you think 12 hours is the right number across the board?
- Christopher: 02:15:45 I believe 12 hours in the right number simply because what the 12 hours would allow for is it would allow for situations whereby you're at an outstation, let's say Fort McMurray, if your flight from Fort McMurray is to Toronto, guess where your airplane's coming from, it's coming from Toronto. If you're on the first flight of the day, which is 6:00 a.m., the airline will know by 6:00 p.m. the day before whether or not they're going to be able to fly the flight. So they would be able to then send out a text message or other types of communication to say,

sorry, your flight is canceled and then you can make appropriate accommodations. If you're visiting Fort McMurray in that situation you would then have the ability to extend your stay by a day, make other appropriate arrangements and compensation would then not be applicable. However, the airline would still have to accommodate you on the next available flight when they got back together.

- Christopher: 02:16:39 The other point with the 12 hours is what that is meant to take a look at is those rolling delays in the sun destinations that I was talking about. The 12 hour delays would also give the airlines the opportunity to then work with their hotel provider, which in [inaudible 02:16:53] includes the charter situation is quite common, to make arrangements for the passengers that way and to take care of the passengers that way, without triggering excessive levels of compensation. That was the critical thing that I have.
- Christopher: 02:17:05 What I'm really concerned about is that the airlines will take a look at this, they will adjust their schedule within 1 or 2 winter schedule adjustments and we will see either, or probably both, of a massive increase in airfare travel and inclusive vacations and lot less scheduled service.
- Scott Streiner: 02:17:22 Would you apply the 12 hours regardless of whether the passenger is at home or at destination? Because I'm thinking, and I'm really just processing what you said, right? But, if you're in Calgary and you got a notice that your flight's been delayed by 14 hours and whatever, and you rebook, you're home, right? But if you're in Moscow and you've just checked out of your hotel and you're planning to spend the day traveling around the city and it's 8:00 a.m. and your flight was supposed to leave at 9:00 p.m., it might be a little trickier for you. Do you think that the 12 hour rule should apply either way?
- Christopher: 02:17:58 When I looked at the 12 hours, I was really looking at it from the North American context. The other thing is that, whether or not compensation would be ... yeah, definitely within the 12 hours. 24 hours would be applicable. The problem that I have Scott with it is, it is a six hour flight from St. Johns to London, England. It is a six hour flight from Calgary to Cancun. How do you come up with a situation. Similar to it, I probably didn't do it justice, but, the first part of my section about saying coming up with ... if a management decision can be put in there. What I was really fighting with when I was coming up with my presentation is

saying well, why don't we simply make it so if it passes through your primary hub, Toronto, Vancouver, Calgary, that alters whether or not, versus being at an out station. So yeah, so I think that's where, within the compensation discussion needs to be more fully baked.

- Scott Streiner: 02:19:05 I think one of the, just an observation, one of the and you're bringing up some of this out, the challenges we're going to face in writing the regulations is we want them to be nuanced enough to capture different situations where a cookie cutter approach might be too rough, but we don't want them to be over complicated. We want them to be comprehensible and to provide predictability for passengers and airlines so we can't have too much complexity in there either.
- Christopher: 02:19:29 I think as well too, Scott, just what I could add, you know, when you touched over the unintended consequences, in light of a 10 minute presentation I cut it out, but in my full written submission here, one of the things, with regards to denied boarding, is the growing list of safety issues that are not necessarily aircraft safety related, i.e., the engine's broken. These are types of situations whereby, as a passenger in the lounge I consume peanuts. I get on board the airplane and I find out the person sitting next to me, after they have boarded, has a peanut allergy. Under the existing regulations or the way it's being applied by the airlines, I'm the one that leaves? Because their safety is ... I think in those types of situations you should be compensated because through no fault of your own you're being denied boarding. I was on the airplane at the correct amount of time, there was a quirk, pay me the compensation and I'll be on my way.
- Christopher: 02:20:33 Some other things, you know, in terms of when we look at other CTA regulations, regarding one fare, one seat and obese passengers ... If I'm on a domestic Canada flight, I'm the one that leaves. If I'm on a flight in the United States and the person cannot bring down the arm rests, they're the one that leaves. So in terms of that type of thing, that's where it's ... But I tend to find is that in order to avoid compensation the airlines will claim well, that's a safety issue. It's not necessarily a mechanical issue but it's this constant thing about saying well, this is a safety issue.
- Christopher: 02:21:06 Even when I went back to well here's well too, seating of children 14 years of age. You know, the airlines will consider

that to be a safety issue if they need reseat passengers under 14 years of age. They're not going to pay compensation, they're going to say, sorry, that's the child's safety, so therefore, under the existing passenger protection regulations, your compensation's not provided for. I think that's where when we take a look at this, for lack of a better term, it's intersectionality, which I know a completely different thing in the social justice section, but it's the intersection really of these two sort of regulations within passenger protection.

Scott Streiner: 02:21:39 Right. I will say that is the first use of the expression intersectionality in our consultations. Very popular in academia. No more questions from me. Lynn?

Speaker 1: 02:21:47 No.

Scott Streiner: 02:21:47 Christopher, thank you very much.

Speaker 1: 02:21:48 Oh, thank you.

Scott Streiner: 02:21:48 We look forward to the written submission.

Speaker 1: 02:21:50 Oh sure. Thank you.

Scott Streiner: 02:21:50 Thank you. Our next presenter is Eno. Is Eno in the room? Okay. And did you want to do it from the podium?

Eno: 02:22:00 Sure.

Scott Streiner: 02:22:00 The floor is yours. Eno Dano, is that the last name?

Eno: 02:22:07 Dalmo, yeah. So, I work for Bureau of Transportation but I'm here [inaudible 02:22:11] since we have a few minutes and the opportunity to share some thoughts so these are just as a citizen I guess. I don't get to travel as much so maybe some of my thoughts are outdated. I've traveled extensively in my previous job and I traveled to come to Canada when I immigrated about 14, 15 years ago so I do have a little bit of experience these sort of things.

Eno: 02:22:37 I wanted to acknowledge, as most people know, we only have two airlines, large airlines and we don't really have a lot of options. In the U. S. or other countries you might have more airlines competing and from my work I also know that airlines margin's are quite low. I was really surprised to learn that the

margins of profits are single digits, so it sounds like they're making, well, they might be making millions of dollars because of the business but in terms of profit... So, just a few thoughts without repeating the good thoughts that were shared.

Eno: 02:23:14 Personally, I have an issue with the use of the word complain. Some people may not like that. Some people come from societies that complaining, it's looked down. Perhaps communication or sharing, that's a term that has more of a neutral rather than complaining, like something bad really bad really happened, especially if it's not the fault of anyone, you know, like snow storms or mechanical failures, things like that.

Eno: 02:23:41 We talked a little about not all passengers are the same in the sense that they're not all going for the same purposes. Some might have more flexibility. Perhaps the airlines, definitely the airlines will look at this because it will cut into their business but perhaps we can think about having some, like, some sort of way that passengers can volunteer more information if they would like to when they make the ticket purchase. They can say I'm traveling for a funeral or I'm traveling, it's to travel backpacking around the world, this is the first flight of a four leg flight, things like that. Whether they have a special condition, like I'm on diabetes medication, or I have certain allergies, so that the airlines, if they are to bump someone, then they might have, make more of an informed decision rather than, you know, kind of, we have a flight for a hundred people, the hundred and first person, he's going, when there might be five, six other people who'd be really happy because they're backpacking as a group, to make some money.

Eno: 02:24:52 We talked a little bit about when was the right time to receive the information about the rights. I would say a good time would be when passengers don't really have anything else to do so either sitting around waiting for a couple of hours, the airlines could use some of those screens that are showing either CNN or FOX news or other TV channels, they could perhaps reserve some of them for here are your rights, put them on a loop, maybe public awareness, especially initially the first three or six months after the regulations come in to force. But just find a way to ... Or when you're waiting in line at any other place where you're not really too much stressed out about what's going on because you went through the check ins and everything.

Eno: 02:25:41 I was in one situation when my flight was really delayed when I was coming from Europe and I wished the airlines should be able to switch passengers to another airline because there were other flights that had, they seem to not have a lot of people. Now I know this goes against business, helping the competitor, it goes probably beyond what the agency can regulate but that might be something that might be helpful if there is an entire airplane that they can share. If people offered to or instead of compensation they can choose to fly, use another airline, that might also be helpful.

Eno: 02:26:25 In terms of the vouchers, I've been given vouchers too and I found that there's a hidden cost there in the sense that I can go ... I was offered a voucher to stay for free at a hotel that was not at the airport, so I had to take a taxi to go to the airport and then take a taxi to come back the next day. So, that's not really, I mean, they are providing for the hotel but there is still the cost of using the voucher so, as the one participant suggested, the hidden cost, like taxi's that are included there or things that you also have to pay, if you have to pay to use something then you will be reimbursed later. That also creates this cost of well, what do I need to do, how do I submit the receipts and things like that.

Eno: 02:27:13 Tarmac delays that was covered. I think communication is really important there. I get frustrated, I take VLRT in Edmonton and you're stuck for five minutes and you have no idea how long you will stuck or why and then they tell you that, you know, we are, this train will be delayed momentarily and you already know that you've been delayed momentarily for five minutes. So they can, as soon as they know, I don't know anything about how planes can be fixed and things like that, but if the mechanics know, you know, this is a two hour and half job, then tell people, folks, sorry, we're going to be here for two hours and a half. Rather than every 15 minutes telling them it's going to be a little more, a little more, a little more. Of course, if they know that that's happening.

Eno: 02:28:02 Compensation. I mentioned that. It's good to be given, right away, without any submit this form, have to wait four to six weeks for the check to clear, I know there are a lot of issues about having cash on hand or checks or how that works, but the delay has happened, the passenger is unhappy then. Six weeks later you don't even know or your feelings are not as strong. It's more kind of like, oh yeah, this is that day that I was really upset

about. So it's kind of a reminder. Better just pay them off, they go their merry way.

Eno: 02:28:38 Also, English is not my first language. I know a lot of passengers travel and they may not know the language, they may not understand the delays happening. My parents travel. When they were in their eighties they did not understand. So some of these rights, maybe a little card can be included and handed over. I understand we can't translate in the languages of 200 countries or so in the world. But, the airlines probably know which ones are the 10 to 20 most widely used languages that they have customers. If they know, for example, this airplane coming will have five people from Albania, my country of origin, then you know, like, okay, do we have anything, let's print five copies, here you go for passengers one to five.

Eno: 02:29:25 Thanks so much.

Scott Streiner: 02:29:29 I just wanted to zero in on you said something I kind of wrote a little star next to it, something to think about some more, which is people kind of pre-identifying situations so that the airlines can take that intel into account, for example, if they need to bump somebody. I think that's a really interesting idea. It does happen on disabilities as Louie can probably confirm. Most airlines will ask if you require an accommodation for reasons of disability in advance and that will be on the file hopefully, doesn't always work, but hopefully. But your idea that people might volunteer other key bits of information to help the airline make some decisions is interesting.

PART 5 OF 6 ENDS [02:30:04]

Scott Streiner: 02:30:00 Other key bits of information to help the airline make some decisions is interesting. One thing that we've heard about, and this is really anecdotally, but we've even heard about airlines anticipating the possibility of needing to potentially deny boarding to people if they're overbooking or for other reasons. Asking in advance if people would be willing to, should that circumstance arise, to take a later flight in exchange for a certain level of compensation. Do you think that would be a good idea? Do you think that's something that we should allow, that we should encourage? That an airline would actually say look, "Sometimes things happen. So could you let us know in advance what payment you would be willing to accept if we



needed to move you to a later flight?" Or do you think that could be a problematic practice?

- Eno: 02:30:44 I don't see that as a problem. I mean right off the top, the airlines have the right to have that information. I think in the background or in the context of communicating more information, especially when it's volunteer. Like I don't want to get to a state when you have to put all your medical history before you are allowed to fly. But if there is a section, if I'm buying the ticket online and they say, "Do you have any additional comments?" How sometimes even events like this, when there's a meal, people say if you have any dietary restrictions. You don't have to put anything, but if you do, most people might give you a special sandwich or something like that.
- Eno: 02:31:31 If they offer, would you like to be, if we can bump somebody, would you be willing to? And then what sort of compensation? Then they know, they're coming, "Hey Scott, you're \$200 or \$300 check is here. Enjoy another day in Iceland," or wherever you are going to."
- Scott Streiner: 02:31:49 Right. Yeah. \$200 will buy you three coffees in Iceland is my experience, changing planes there. But yes, so you think as long as it's voluntary, you think allowing the airline to employ that kind of approach could work.
- Eno: 02:31:58 Yeah.
- Scott Streiner: 02:31:58 Okay. Liz, any questions?
- Eno: 02:32:01 Thanks so much.
- Scott Streiner: 02:32:04 So folks, that concludes the list of formal presenters, but were there people that wanted to pose questions or offer statements? Do you prefer to do that with the hand held mic or the podium? There you go.
- Liz Barker: 02:32:20 Hi, my name is Edward Ashby. I came here just to observe and see the temperature of the audience. I'm quite surprised this room isn't absolutely full given the level of complaints that can happen. It's either a testament to either they really don't care or that they have a full belief in the CTA in that they're gonna take care of it.
- Scott Streiner: 02:32:40 Or they're using our online forum.

Liz Barker: 02:32:42 Or they're using the online forum. I've also signed in to see how that's gonna happen. Anyway, so I just wanted to throw out a couple of ideas. I'd seen you had continual questions you had presented to individuals, perhaps as an area focus. So I'm just gonna throw them out there.

Liz Barker: 02:32:56 Tarmac delay should not exceed 50% of the flight time. So if I got an hour and a half flight, if we're sitting on the tarmac an hour, I want compensation. If it's a six hour flight to London, we're sitting there for three, same thing. I think that's a reasonable number that the airline could go 50%, that's actually pretty, yeah, we could probably go with that. Customers might have a hard time calculating that in their mind but really if you only had a two hour flight, [inaudible 02:33:25]. Okay?

Liz Barker: 02:33:26 I think you should deplane immediately if you're still at the gate. I think weather is the only excuse for this outside of the sphere influence for the airlines. All other items are inside their industrial expertise. So there are, from my knowledge, no new problems that are occurring. Everything should be known and they should have a full logic chart that says if this happens, then this happens, then follow the logic chart, right?

Liz Barker: 02:33:59 I think there should be null compensation even if a delay occurred, but you arrived within reasonable expectations. So you'd ask that question before. If you'd landed within 30 minutes, hey, you should be okay. You talked about cash versus brochures. I think should be a three to one ratio.

Scott Streiner: 02:34:17 Three to one.

Liz Barker: 02:34:17 So \$100 cash would equate to \$300 in the industry. I think it's a different value and it also gives the airline an opportunity to make it right. So I think they should have that chance to make it right, whatever the problem was.

Liz Barker: 02:34:36 A missed connection is full replacement value on the spot to reach the final destination including the cost difference. I think CTA regulations should be departure and arrival to and from Canada. I also think we need airways opened up to more airlines, increases flexibility in choice. I got one other item here.

Liz Barker: 02:35:05 I think we need to set passenger expectations. I think passengers are their own worst enemies. They don't take responsibility, so they make bookings too tight and if something

occurs, then they hold the airline responsible and it drives up costs for the rest of the passengers. I think it's important that we tell them that we should expect at all times when you're traveling some delay, some mistake, something unusual can occur. So just take a chill pill, relax, things happen. It's okay. You can have a delay, and I don't think you should hold the airlines feet to the fire under all circumstances, right?

Liz Barker: 02:35:53 However, I think if we set a minimum delay time threshold, so you say it's a three hour, right? Once that's determined, that is the time to use for final destination bookings. So if we have a cruise coming up and you're arriving at 7 AM, make sure you've got that three hours. Or if it really is a cruise, you should be arriving the night before to get prepared. So I think that passenger expectations and passenger responsibilities should also be outline in this document that you're gonna be presenting. You do have responsibilities, too. Understand things occur and relax.

Liz Barker: 02:36:34 I also think the airport itself, that body, has a responsibility and it is as important as the airlines. For example, this is Canada. We do know without fail it will snow in Calgary in the winter. Be prepared, right? I want those, the airports, to compensate directly through the airlines to us. I think it can reflect poorly on Air Canada or West Jet if the airport authority is the one making the mistakes. So they should actually put their hand up, take responsibility and hey, sorry, that was us, not Air Canada. We'll compensate you in some other way.

Liz Barker: 02:37:14 I have more points but I will submit them to you in writing. Thank you very much.

Scott Streiner: 02:37:19 Thank you, Edward. I'm glad you decided to present. I look forward to your written submission. Couple of clarifications on one question. So, the law only gives us the power to set regulations that apply to airlines, not passengers and not airports. But I'm thinking about what you said. In our communications material in the past on air passenger protection, we have actually talked about passengers rights and responsibilities, and I think what I hear you saying is that we should make sure we don't lose that in the world after we make regulations that we need to make sure somehow even if we can't regulate passenger behavior that we remind passengers that they have some responsibilities as well in the context of

planning their travel and understanding that certain things happen.

- Scott Streiner: 02:38:07 They've got some minimum rights, but also what I hear you saying is remind people that they've got some responsibilities.
- Liz Barker: 02:38:13 Yeah, you'll get buy in from the airlines when they understand that the passengers have to be responsible, right? So what the other gentleman mentioned about on a delay, three hour delay, that we have to provide sweets and treats for people with diabetes, I have a problem with that in the fact that if your diabetes is that, requires that level of monitoring, you should be carrying your own food, you should be carrying your own medicine, and things of that nature, right? So as warm as fuzzy as that request may be, you do have responsibilities for your own medications, etc. Right?
- Scott Streiner: 02:38:48 Yep. The other entity that we can't actually regulate in this context, we can regulate them for accessibility purposes, but not passenger protection is airports. You mentioned that at the end.
- Liz Barker: 02:38:58 Yep.
- Scott Streiner: 02:38:59 And I know I mean airlines have publicly said that this is a concern to them, exactly the point you've made that sometimes matters are more in the hands of the airports and the airlines. I guess we can only do what Parliament's given us the power to do, which is regulate Visa via the airlines, but I suppose one can hope that once the airlines are clear on what their obligations are, they will in turn negotiate contracts and arrangements with the airports to make sure that the whole supply chain is actually functioning as smoothly as possible. We're hoping to create the right incentive structure.
- Liz Barker: 02:39:28 Yeah, 'cause we're entirely within that sphere of influence once you step into the airport and you make the assumption that it's connected directly to the airline.
- Scott Streiner: 02:39:35 Yeah.
- Liz Barker: 02:39:36 But it isn't and that was part of the negotiation problems that they had with that extended flight out of Ottawa, right? Oh, well the airport wouldn't let us do plane back and forth. So a

passengers and as Canadian citizens, we don't see that differentiation. It's part of the, it is that transportation-

- Scott Streiner: 02:39:53 Ecosystem as some say.
- Liz Barker: 02:39:55 It's right in your ballpark and I really hope you try and bring that in there, or at least that's what's gonna give defining points of responsibility between each of them.
- Scott Streiner: 02:40:04 Yeah. We've certainly said as an agency, including in the decision on the air transit case that the tarmac delays, that even if we only have regulatory authority in this area, visa via the airlines, we encourage the airports and the airlines and ground handlers and others to work together to try to make the experience for passengers as seamless as possible. Liz, questions, comments? Thanks, Edward.
- Liz Barker: 02:40:27 We are light on questions, Liz. Gotta work on that. Thank you.
- Scott Streiner: 02:40:32 Others who want to make comments or pose questions? Welcome.
- Christopher: 02:40:39 Thanks. Just a couple of comments. My name is [inaudible 02:40:41], I'm a lawyer. So my comments are sort of legal. One thing that sort of hasn't come up really, and even in the discussion, I think there's only one or two mentions of this, is the Montreal Convention.
- Scott Streiner: 02:40:54 Right.
- Christopher: 02:40:55 I think, and most laypeople are not even aware of its existence. But I think it's important to realize that that treaty, which has the force of law in Canada, underlies all sort of discussion or competition for delays, for liability. That is sort of the bedrock on which everything else is based. So the general comment I wanted to make is that in terms of setting competition levels and determining when a liabilities trigger, that is something that needs to be taken into account because otherwise you have a situation where you're either eroding sort of the liability cap set up provided for under the Montreal convention. Or another instance, you might actually be expanding liability.
- Christopher: 02:41:49 So as an example, if you set compensation levels for delay, currently under the Montreal Convention, it's very clear, you've got to establish if that is a delay, you've got to establish if you

suffered a loss, the airline is automatically responsible up until the cap, right?

Scott Streiner: 02:42:07

Right.

Christopher: 02:42:09

If a compensation amount is prescribed for delay, as being contemplated right now, we want to make sure that A, it doesn't sort of, it doesn't preclude a passenger from claiming the larger amount. What goes up to whatever, I think it's 1150 SDR. I don't remember. Or on the other side, shouldn't allow the passenger to claim both the compensation and then go to a court and claim additional compensation up to the cap.

Scott Streiner: 02:42:44

Right.

Christopher: 02:42:44

So that's the important bit, but related to that is sort of this other discussion. I think this has come up a couple of times in terms of how do you decide where and if a liability arises. So I think someone mentioned you can't have a cookie cutter approach and someone else mentioned you can't have passengers provide information up front. Just wanted to point out, currently under the Montreal Convention, there already are some of these mechanisms in place. On example being baggage laws, or damaged baggage. I think someone mentioned what happens to [inaudible 02:43:19], my equipment might be more expensive.

Christopher: 02:43:24

Again, the current regime that applies not just in Canada, but to all sort of [inaudible 02:43:31] countries, creates a level playing field. If the content of your baggage is above a certain limit, you have to declare that upfront. And if you do that, then you might have to pay an extra cost, but, the airline is responsible for replacing that if it is damaged. So it does have, there is that declaratory approach, I guess, that's already part of the equation that's currently at play. And that is the advantage of having something like the Montreal convention because it creates a liability regime, but requires claims to prove losses or prove damages.

Christopher: 02:44:10

The concern, for example, that something like delay is, it's easy to say well it's delay within a carriers control, they're liable to be X. The question is how do you determine if it's in a carrier's control? I think somebody came up with the idea for weather, and if it's a weather system affecting the eastern seaboard and the flight is actually between Winnipeg and Calgary, if it's a

cascading effect, the airline is still liable. I think that overlooks the commercial reality of how airlines operate. Airlines have a fixed number of fleet. They don't always have number of aircraft standing by and the commercial reality of the industry is that aircraft and ground equates loss. So no airline will want to have aircraft on ground. It eats into the [inaudible 02:45:05] and profitability.

Christopher: 02:45:06 So the question becomes how do you prove it, and I think that goes back again to the Montreal Convention. That if you experienced a delay and the delay was outside the reasonable control, and I want to underscore the word reasonable control, it's not absolute control. Then, the carrier is not liable, but if it's within the reasonable control and the carrier did not exhaust all of it's resources in avoiding the delay, then the carrier is liable. And so my point is there is already a structure in place that addresses some of those questions or that sort of caters to some of those ambiguities that are all there.

Christopher: 02:45:50 And the concern is if we have a one size fits all approach and we prescribe a certain level of compensation, I don't think that really addresses any of those issues. So the concern really is that we are simply implementing a structure where it's not gonna make life any easier for a claimant or for a carrier because [inaudible 02:46:16] questions are still gonna keep coming up.

Christopher: 02:46:24 My second issue and sort of just mentioning in terms of denied boarding, again, same thing, there are various factors. Most situations, denied boarding is generally within the control of an airline, but what happens where and airline has to change the aircraft for operational reasons? Then again we get into a question of it's a determination of fact. Is it a safety issue? Is it not a safety issue? And airline, if as a reasonable operator, you maintain the aircraft and following the transport Canada issue, circulars and things like that, Canada airlines are responsible for a mechanical breakdown. Unless it's something they were negligent about, can you see it's within their reasonable control.

Christopher: 02:47:12 Again, the concern is that if we make it, if we make the threshold something like absolute control, then you're dedicating from what's provided for in the Montreal Convention which has the force of law under the [inaudible 02:47:27] act, and then you're setting up a conflict.

Scott Streiner: 02:47:28 Right. So just a few more minutes because I'm conscious that we're sort of [crosstalk 02:47:34].

Christopher: 02:47:34 I'm also done.

Scott Streiner: 02:47:36 We also want to be able to interact.

Christopher: 02:47:36 Absolutely. My last point was just wanted to pick up on something you mentioned about regulating passenger conduct. I realize that passengers obviously are not within the CTA's jurisdiction, but when there is a complaint and the CTA is wearing the hat of an [inaudible 02:47:54] as opposed to an administrator, at that point, the CTA's essentially ruling on the enforceability of a commercial contract. Because that's what a transportation contract boils down to.

Christopher: 02:48:05 And at that point, the CTA can look at the activities of the passenger, or [inaudible 02:48:12], the actions of a passenger determined, if in fact they are entitled to them under the claiming or not. I just wanted to throw that out there.

Scott Streiner: 02:48:22 Yep. Yep.

Christopher: 02:48:23 Thanks.

Scott Streiner: 02:48:24 Just a couple of quick reactions and then one question. First of all, the benefit of those in the room, for those who may not know, the Montreal Convention is an international treaty that governs air travel, which is international in nature. Which crosses borders. To which Canada is a signatory and as [inaudible 02:48:43] says, it has the force of law within Canada.

Scott Streiner: 02:48:45 So while this is more a matter for sort of Parliament than anybody else, just to be clear, nothing in this legislation derogates from or contradicts the Montreal Convention. Its complimentary to it. It couldn't because the Convention is binding. But a few distinctions, as you know, but just to underscore, the Montreal Convention only applies to international travel. These new regulations will apply to domestic and to international travel.

Christopher: 02:49:08 Sorry, just, but I do want to point out that CTA is consistently encouraged to application those same principals, domestic, [crosstalk 02:49:17].



Scott Streiner: 02:49:17 Through our judications, we've looked to the Montreal Convention for inspiration on what the rules should be domestically. But the key difference is and you sort of eluded to this, take compensation for something like a flight delay, or lost or damaged baggage. The Montreal Convention, of course sets an upper limit. It sets caps and it's for as you said losses and damages. The difference is that these regulations will set not maximums, but minimums and they're for inconvenience. So in fact, in order to get compensated under these new regulations, you won't have to bring receipts that demonstrate loss. Certainly not for something like denied boarding, or cancellations or delays within the airlines control. The legislation quite explicitly says this is for inconvenience as opposed to loss or damage.

Scott Streiner: 02:50:04 So the way we think about it is these regulations operate in a different space in the Montreal Convention that are complimentary, but we are going to have to keep the Montreal Convention in mind as we make the regs.

Scott Streiner: 02:50:15 So one question for you now having made those clarifications. You talked about the importance of being able to distinguish what is within the carriers control, what's within it's control, but due to safety reasons, what's outside its control. The three categories laid out in its legislation. We agree. Its gonna be important to be able to triage situations into those three categories. So do you have any suggestions on the kinds of criteria or principals we should apply at looking at individual events that saying that falls into this category versus that?

Christopher: 02:50:46 I think it really boils down, that's the difficulty with something like this. How do you apply a single set of principals in determining what is in control. I gave the example of a weather pattern. Weather patterns in some other unrelated area, but could affect the [crosstalk 02:51:08].

Scott Streiner: 02:51:07 So a domino effect.

Christopher: 02:51:10 Right the domino effect. Then it becomes a question of interpretation. A passenger, me even, as a passenger, that's not my problem if there's an issue in New York. How is that my issue? But from a carrier's perspective, it has a full on effect. I think the question of the test that's already established in law is the reasonability factor. I think you have to look at all criteria. I think the CTA already does that when you do adjudication, so

you balance, you have a balance between the commercial realities of an airline operation and consumer rights.

- Christopher: 02:51:52 My point was that evolving a set of principals may not work in every situation. Anything that goes beyond in the blind reasonability factor is going to run into these difficulties. So it becomes difficult or determined. If it's negligence, and again, so a matter or proving it was negligence, they didn't maintain an aircraft properly, that's one thing. But if it's a brand new aircraft and there was an issue that Boeing noticed, and they said okay, we gotta get off the ground this week, what do you do?
- Scott Streiner: 02:52:33 Okay. Thank you, [inaudible 02:52:35], any questions, Liz?
- Liz: 02:52:36 I have one.
- Scott Streiner: 02:52:36 Sure.
- Liz: 02:52:37 We had a discussion about the Montreal Convention today, and the discussion has been that the Montreal Convention sets a cap and that what we're talking about are minimums for lost baggage and I'm wondering if you have any views on what those minimums should be. Similarly to the question that Scott asked. Another person, you're trying to set it at a level that's not, that's fair to the carrier, but that is reasonably compensatory.
- Christopher: 02:53:08 And I think one thing that came up, its an interesting question, are we talking about loss of actual bag or are we talking about loss of content? I think lost content is already addressed under the Montreal Convention and most carriers have policies in place that if you have special [inaudible 02:53:28], we'll declare it. Might be a little bit more, but you're covered up to the value.
- Christopher: 02:53:34 To my mind, I think here we should rightfully be talking about actual damage to the bag itself and I think, again, at some point I think we do need a set amount because bags vary, but maybe have a look at what's available in the market. Come up with a reasonable price for the reasonable piece of luggage or a similar thing. That's what you get. If you have anything beyond that, then the passenger has the ability to go in and prove his claim and maybe claim a higher amount. So that avenue is always available to them.
- Liz: 02:54:11 So you would be looking at replacement value.

Christopher: 02:54:13 I would be looking, not of the bag, no. That would be unfair. If I have a piece of designer luggage which cost me \$600 and if I was, if I had traveled and that got damaged, and someone else that was on the same flight as me had a piece of luggage that was \$150, how do you determine the replacement value, nobody has receipts anymore? So I think it should be a standard amount not dependent of the actual luggage itself. It should be a standard amount across the spectrum.

Liz: 02:54:49 Thanks.

Scott Streiner: 02:54:50 Thank you, [inaudible 02:54:50]. Ladies and gentlemen, thank you very much. Really, really interesting, rich session. So thank you for all of your input. For those that are really interested, we've got a second session this evening from six to eight. Right now we've got a number of people who are signed up as observers. I don't think we've got anybody that's signed up as a presenter, but maybe we'll be able to draw some folks out there as well. So you're welcome to rejoin us and we appreciate your engagement. And if you'd like to give us your input online, then please go to [airpassengerprotection.ca](http://airpassengerprotection.ca). Thanks very much.

PART 6 OF 6 ENDS [02:55:27]