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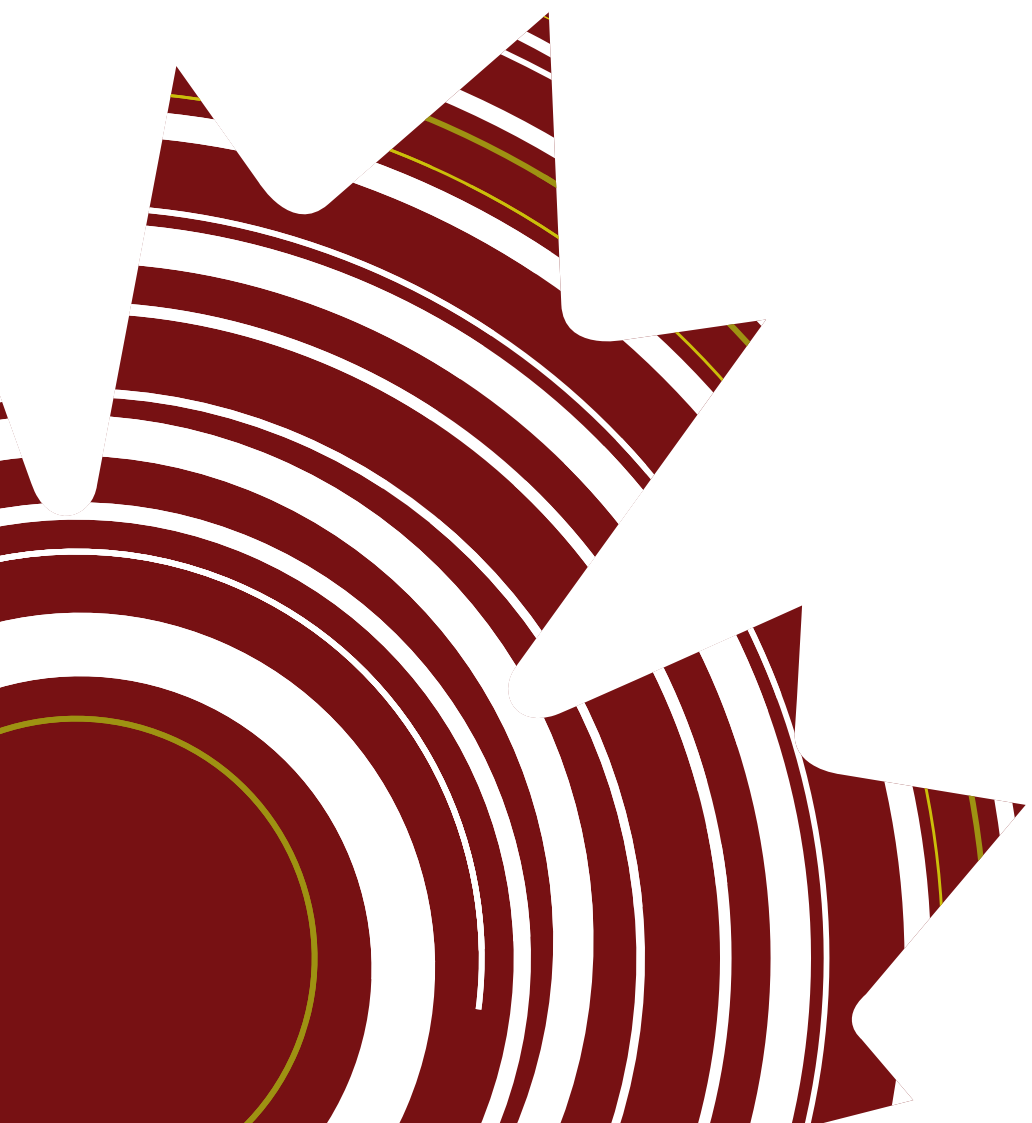
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Ottawa

Le 4 juillet 2018 / July 4, 2018

Séance de l'après midi/Afternoon Session

Partie 1 / Part 1

- Scott Streiner: 00:00:05 So our first presenter today is Marina, did I get that right Marina? A professor from the University of Ottawa. Marina, the floor is yours.
- Marina: 00:00:16 Thank you. Good afternoon, Mr. Chairman and vice chair. I would like to acknowledge and recognize we are in unceded Algonquin territory. Thank you for the opportunity to present and bring a research perspective to the CTA consultation on air passenger protection regulation.
- Marina: 00:00:33 I'm an associate professor at the common law section, faculty of law at the University of Ottawa. My area of expertise is consumer rights and digital economy. My work covers subjects such as consumer protection, consumer redress, complaint handling, access to legal information, and more broadly consumer access to justice.
- Marina: 00:00:49 I'm an independent director appointed by Canadian consumer groups on the board of the Commission for Complaints for Telecom-Television Services, which is a mouthful for telecommunications ombudsman. In this past June I was appointed by the government of Canada as a member of the broadcasting and telecommunications legislative review panel.
- Marina: 00:01:04 However, today I appear in my personal capacity representing my own views. It is my expertise in the broad area of consumer rights and especially related to the wireless code which is an equivalent consumer rights regime in the telecommunications industry, as well as consumer redress and consumer information seeking that I'm bringing to the table, or to the podium. A substantial number of my comments are based on my collaborative project with Dr. Mary Cavanaugh, who's an information scientist on mapping consumer information seeking behavior that was funded by the Law Foundation of Ontario. And while I recognize that telecommunications and air travel industries are different, there's significant parallels when it comes to consumer rights information seeking and redress.

Marina: 00:01:46 And now that my disclaimers are out of the way, I would like to focus my remarks primarily on issue one, airlines obligation to communicate clearly, and very briefly on issue 13, complaints and enforcement.

Marina: 00:01:59 On the airlines obligation to communicate clearly, I would really like to start with some broad principles and then move on to more specific questions under issue one.

Marina: 00:02:08 Firstly, people's, and in this context air passengers, information needs are highly contextual, situational dynamic and iterative. Against this backdrop, secondly there is no single awareness activity nor a single information provider who can reach all affected audiences. In our mapping project, we talked about a shared information ecosystem composed of several nodes. The service providers, which in this case would be airlines, regulatory actors, CTA and to a certain degree Transfer Canada, and policy actors which may be the same or some with different.

Marina: 00:02:46 Front line services such as those that provide information and referrals to consumers, organizations engaged in advocacy, and you're going to hear from some of those and you have heard as well. Organizations doing the research and often mixed organizations doing both research and advocacy, external complaint handlers, which again in this context is CTA both as the regulator and external complaint handler, and the media.

Marina: 00:03:10 And I think for the air travel sector I would also like to add a distinct node of various intermediaries, such as travel agencies, airports, et cetera.

Marina: 00:03:19 Each of these nodes are actors, plays a different but interrelated and quite relevant role in providing information to passengers about their rights. The focus on a single node, such as airlines, can lead to significant gate keeping effect, and that's what we have found with the wireless service providers with respect to the wireless code.

Marina: 00:03:39 It also creates significant human and financial demands for enforcement and compliance monitoring.

Marina: 00:03:45 Thirdly, I would like to distinguish between on the one hand, creating a broad public awareness of the air passenger protection regulation, which is people's knowledge that a consumer rights regime exists and broad awareness of the main rights within the regime, and on the other hand creating the

situational awareness which is people's ability to recognize that a concrete event, such as a delay, a lost or damaged bag, et cetera, constitutes an infringement of the air passenger rights regime.

- Marina: 00:04:12 What are the rights and obligations stemming from that event? What is the appropriate compensation, how to exercise those rights by complaining to the airlines, and obtain compensation, and what are complaint pathways if they have not obtained the required compensation or redress directly from the airline? So the proposed activities such as posters and notices at airports, in flight entertainment systems, in flight magazines, on notices on airlines' websites, on e-tickets, itineraries and boarding passes, create general awareness of the air passenger rights regime. Notices in e-tickets, itineraries and boarding passes as well as notices in airlines' websites also create that situational awareness, since passengers are likely to consult them when an event happens.
- Marina: 00:04:58 However, the most effective tool for building situational awareness are direct to passenger notices, either as printed handouts or email notices that are generated as soon as an event occurs. A properly built app, in the form of what we in the trade refer as a legal expert system, could build both generation ... sorry, generational and situational awareness and provide passengers with tailored information on exercising their rights.
- Marina: 00:05:26 And there is a very good made in Canada solution, the [inaudible 00:05:30] civil resolution tribunal uses solution explorer, which is an example of such a system that has very successfully been used.
- Marina: 00:05:38 To specifically answer question two, I would say that all of these mechanisms are appropriate, but that they achieve different levels of awareness. Perhaps a better question to ask is what kind and what level of awareness is being desired, and how can that be achieved with various tools.
- Marina: 00:05:56 I would also like to add two other important items. There is a cost in providing information to passengers. Some of these activities carry a much higher price tag than others, and their reach also differs. It is imperative that the cost of providing information to consumers are not costs of providing information to consumers are not in the end passed down to consumers through higher ticket prices, additional taxes, or various other contributions.

Marina: 00:06:24 As well, the list of proposed activities assumes that all of them will be born by the airlines, and as I have already mentioned that creates significant risk that the airlines will act as information gatekeepers. I would add that the CTA as both the regulator and the external complaint handler should play an important role in building both the general and specific awareness. There are different ways this could be structured, from the CTA website acting as a repository for links to individual airlines' websites, to providing the app, to creating collateral such as brochures, information sheets, notices, et cetera.

Marina: 00:06:57 CTA is also uniquely positioned to lead collaborative initiatives that would focus on creating these tools and would include a cross sector of actors from the information ecosystem including airlines and various advocacy groups.

Marina: 00:07:09 Questions one, three and four, for me are part of a single package, but I will start with question four, however. Based on my work, I would argue that the CTA as the regulator should create collateral and documentation such as notices, information sheets and brochures, that individual airlines can then use by adding their branding and appropriate contact information. Without knowing what those documents are it is very difficult to specify the required length or format, other than the documents should be available in a variety of formats and that all formats should have built in accessibility, including videos in ASL and LSQ.

Marina: 00:07:48 In our project, we have assessed whether the terms and conditions of wireless carriers are written in plain language, which is a similar regulatory requirement in the wireless code. There's several metrics that could be used to assess whether the documents are simple, clear and concise, however a simple clear and concise document may still be incomprehensible or ineffective. These documents need to be designed and written with the needs of consumers at the forefront from the content, which is question one, to language, which is question three, and format and length requirements, which is question four.

Marina: 00:08:22 And as well as the best practice should include significant user testing. When documents are created by a single actor, such as CTA there's also an added value of maintaining uniformity and integrative documentation across the entire industry, as well as enhancing passengers' ability to find the information they need since all the documents by all airlines would look the same, and single point of production also decreases human and financial cost with the compliance monitoring and enforcement.

Marina: 00:08:50 And very briefly on issue 13, which are complaints, I'd like to start from a point that it is not directly mentioned under issue 13, which is the first level of complaints that would be directed to an airline. And the current system, as I'm sure you can appreciate, is virtually impossible for passengers to navigate. Finding information about whom to and how to complain within an individual airline is an arduous task. Link to issue number one that I've just discussed, of providing information to passengers, I would add that any collateral, info sheets, apps, et cetera, must include clear information on how to complain to the airline and on the flip side airlines must provide clear and easily accessible information on their own complaint processes and how to claim compensation.

Marina: 00:09:40 Airlines themselves also ought to bear responsibility of informing consumers of their right to complain to the CTA if a complaint has not been adequately addressed. CTA website and CTA's own collateral and other activities should build both general and specific just in time awareness of the CTA complaint process as well.

Marina: 00:10:01 And I also, I would like to add briefly without going into too much detail, but I'm happy to take questions, that the obligations discussed here, both under issue one and under issue 13, should be subject to [inaudible 00:10:15]. The more complex issue however is what kind of compliance measures will be put in place to assess this. Is it self reporting, is it spell checking, mystery shopping investigations, et cetera, that would actually lead to [inaudible 00:10:27]. Thank you and I'd be happy to answer any questions that you may have.

Scott Streiner: 00:10:30 Great. Thanks very much Marina. You know this topic of communication and the importance of communication has actually been a theme that's come up at virtually every one of our public sessions, so clearly it's on the minds of Canadians. They want to know not just that we're putting a good set of rights in place but also that the passengers are informed.

Scott Streiner: 00:10:49 A couple of questions for you, Liz may have some as well. You start by saying, and you emphasize several times, that it's important that there be an ecosystem of communication that not just be the airlines, but as you know, the law gives the CTA authority to make regulations and perspective airlines' obligations around communications. Do you have any thoughts on how we might be able to draw on the broader ecosystem, given that our regulatory authority is focused on the airlines?

Marina: 00:11:17 And I think drawing in the broader ecosystem does not necessarily require regulatory authority. So that means once the collateral has been developed, making sure that front line services from legal aid clinics to community health centers to airports et cetera, actually have that information available. So it's more about reaching out to the existing actors rather than regulating them, because there's ...

Marina: 00:11:42 First of all there's no regulatory authority, nor I think should be. But I think where there's clear self regulatory authority is, CTA really has to play a lead role in this. And my big concern is if the airlines are the sole providers of information, that you will have significant issues with compliance, which we have found with the wireless code. It will be very difficult to monitor compliance, and in the end people who are affected are going to not know what are the rights that they have, and then you have CBC go public investigations and other things that I don't think anybody wants.

Marina: 00:12:16 So from my perspective it's the leadership role by the regulator that's really, really important, that's not necessarily in the questions that you posed but I think is really where the rubber is going to hit the road.

Scott Streiner: 00:12:29 Okay, thank you. Now one specific question on the role of the CTA. You suggested, I think, that ... You talked about two categories of communication, and I think we've sort of gravitated in the same direction, kind of general information about rights and recourse and then real time event specific information. And I think I heard you say that you felt the CTA should play a role on both. How would you see us playing a role on a real time event? I can certainly see brochures and information that we would develop that would be general in nature, but when an event is underway, how would you see the regulator as opposed to the airline providing information to passengers?

Marina: 00:13:04 I think the regulator's role is in providing the content.

Scott Streiner: 00:13:07 Content, okay.

Marina: 00:13:08 The airline's role, when that happens is actually pushing that out.

Scott Streiner: 00:13:11 To push it out. Got you.

Marina: 00:13:13 And again, based on my work I would say the less diversity in the content, or the more uniform the content is, the better. And that will continuously create that broader and general awareness, and so whenever people see a particular sheet they would actually know where to find appropriate information because they would all look the same.

Scott Streiner: 00:13:32 Right. And a last question for me, in terms of that real time information, so somebody's sitting in the terminal and the flight delay, the flight just keeps getting delayed later and later or they're on the plane and there's a delay, did I hear you say that you thought an app is probably the most effective way of getting information to people? What does your research suggest is the most effective modality to give people real time updates on what's going on and what their rights are?

Marina: 00:13:58 So apps are great, but they can go only so far. And there has to be a human intermediary at some point. I think apps again, if the content is provided accurately, and there are different ways in which apps can work, and I think a fully integrated system could actually generate automatic notices. But it would take some time to develop it.

Marina: 00:14:21 I think I would not necessarily direct everything to technological solutions because, unless you are absolutely sure that they are fully accessible to a variety of different needs. So I would, paper still works for some people and so I think the, I hate to use the word redundancy, but the more variety you have in the forms in which information is delivered is better, because it is, the wider the audience it would be.

Scott Streiner: 00:14:47 Okay. Good, thank you. Liz?

Liz Barker: 00:14:50 We heard over the course of our consultations that text messaging is being used more and more by air carriers to advise of things like flight delays, and that text messaging is a modality that's particularly accessible for persons with disabilities. Do you have experience with that?

Marina: 00:15:08 So I think you might want to ask Mr. Lawford when he presents on this. I think there is a huge access issue because text messages are paid by users, and so by getting text messages somebody's actually racking up their telecom bill, which is a different way of affordability and accessibility. I wouldn't necessarily ... So I think there are populations for which that would work, but there are populations for which that would sort of increase a different burden. So again, if there are

different modalities where messages could be pushed in different ways I think that would be good.

Liz Barker:	00:15:41	Thank you.
Scott Streiner:	00:15:42	Okay. Thank you very much, Marina.
Liz Barker:	00:15:44	Thank you.
Scott Streiner:	00:15:45	And Marina teed it up for our next presenter, John L. from PIAC. Sure, that'd be great. Thanks, John.
Liz Barker:	00:16:04	Thank you.
John L.:	00:16:04	Well good afternoon, Mr. Chair and Madame Vice Chair. My name is John L. and I'm here on behalf of the Public Interest Advocacy Center, and we're a national nonprofit organization and a registered charity. We provide legal and research services on behalf of consumer interests, and in particular vulnerable consumer interests concerning the provision of important public services.
John L.:	00:16:27	PIAC has been active on consumer airline travel since the late 1980s, first through the Air Canada and Canadian Airlines merger in about 2000, and then through the first iteration of the Air Transport Commissioner of Complaints and its eventual demise, and now through the lead up to the first what I call serious airline passenger consumer protection effort, which is bill C-49. It's been a long time coming, so pretty happy to be here.
John L.:	00:16:54	Parliament has clearly signaled with the transportation modernization act that it will offer consumers more protection when they use airlines. Transportation modernization act sets a framework for achieving these goals, however the details do matter. We are hear today to provide PIAC's views on how some of those details should be expressed in regulation.
John L.:	00:17:16	In doing so we believe the CTA should keep certain principles in mind. First principle, consistency. The regulation should provide consistent, clear, comprehensive and baseline consumer protections, including minimum standards of treatment and minimum compensation for the most common airline travel complaints, which are delays including tarmac delays, canceled flights, and denial of boarding.

- John L.: 00:17:42 Second principle, universality. To the extent possible all airlines, domestic and foreign, and all routes, all types of flights, should be treated similarly.
- John L.: 00:17:51 Third principle is accountability. Air carriers should be accountable to the public for the business decisions they make that negatively impact consumers' travel experience within the regulatory framework that CTA proposes. Part of this principle is the least cost avoider principle, where the burden of reducing a harmful behavior should fall to the party that is in the best position economically to avoid it, which is almost in this case, invariably the airline.
- John L.: 00:18:19 Fourth principle is humanity. Beyond pure economic efficiency, air carriers should be held to a standard of humane treatment and respect for their very human passengers. This usually manifests itself in a duty of care for delays or cancellations, especially tarmac delays, but it can also be applied to dealing with vulnerable consumers such as unaccompanied minors.
- John L.: 00:18:43 Fifth principle is redress. Where there's been any violation of the rules set out for operation affecting customer experience or customer treatment, there should be a clear remedy and a simple, effective, rapid and fair redress mechanism for passengers who are making a claim. We have no intention of punishing or harming the airline industry. We do however note that the airline industry continues in Europe despite its regulation 261 of 2004. PIAC believes that consumer protection with these regulations that we're working on today can be achieved without undue economic impact on airlines by following the above principles, and importantly by requiring all customers with valid complaints to make a claim to do so. That is if a customer is entitled under the regulations to make a claim but does not avail him or herself of the CTA's procedure to make a claim, then none must be paid unless of course the airline already compensates the customer before a complaint is filed.
- John L.: 00:19:45 This customer driven redress system has proved itself to be very effective in the similar industry, namely telecommunications industry, without undue economic pressure on the telecom providers. In telecom, a customer complaint to the CTTS which you heard about, in the vast majority of cases nearly 90% results in compensation or other satisfaction to the customer within about one to two months.
- John L.: 00:20:11 Let's get down to details. PIAC generally recommends adopting for delay and cancellation, the EU model and roughly the same

compensation. In your hard copy you have a chart which I'll summarize briefly.

- John L.: 00:20:26 So for cancellations, and just in terms of distance there are different categories of compensation. So the first is for short haul flights of less than 1500 kilometers, \$400 Canadian. For in Canada flights of more than 1500 or for longer flights outside Canada, up to 3500 kilometers, \$600 Canadian dollars. And for all other flights, in other words longer ones, \$900.
- John L.: 00:20:52 And that wouldn't be triggered for delays except for the short haul flights, delays of more than two hours, for the middle case delays of three hours, and in the last case for delays of four hours or more.
- John L.: 00:21:05 And I just note that for example, a delay of under three hours on a flight say from Ottawa to Vancouver, would not entitle the passenger to any compensation whatever.
- John L.: 00:21:14 Note also that in any Canada flight, no matter the distance, would at most trigger a \$600 claim. In our view this regulatory proposal encourages airlines to be mindful of excessive delays or cancellations and to take cost effective measures to avoid them while allowing them legal room for small operational delays.
- John L.: 00:21:34 As in Europe, customers subject to cancellation or lengthy delays, such as five or six hours or overnight, should also have rights to care, which also falls under our humanity principle. So re booking on a next flight or by an alternative later transport to destination subject to seat ability, or returning to their destination if the trip is infeasible or of no further value to the customer. All of this at no charge to the customer, as well as food, hotel, and if necessary transport to the hotel and back to the airport, and communications, again, all at no charge.
- John L.: 00:22:10 Again, even if rerouted at the first opportunity later or returned home, customers wishing to claim for the delay or cancellation should be able to do so through the CTA redress process.
- John L.: 00:22:22 We're also not opposed to reducing by half the claim for a cancellation or delay if the airline can substantially reroute the customer on a different flight that departs and arrives approximately the same time as the original itinerary. That's the way it is in Europe.

John L.: 00:22:37 Tarmac delays. Tarmac delays are special and they require extra measures to be taken under humanity principle. PIAC believes that the Transportation Modernization Act time to wait before disembarkation of three hours, or perhaps four for international flights, is actually likely to be the most efficient, subject to data from airlines or from the airports, in terms of completing the itineraries. However, this must be buttressed by following the U.S. approach of requiring food, water, working toilets, adequate ventilation, on a shorter delay, and we suggest that this be, as in many present tariffs, after 90 minutes of tarmac delay.

John L.: 00:23:19 Denied boarding. Here's another special case where the CTA can learn from other countries' experiences and chart a slightly more consumer friendly course. We believe that the regulations under this type of personal cancellation, which we believe is more disruptive to the individual who has already presented him or herself at the gate, and frankly humiliating, should provide adequate incentives to airlines to think about doing better.

John L.: 00:23:44 Therefore, we support the idea of the U.S. Department of Transport regulations on denied boarding. The compensation amounts that I referred to before should be doubled compared to comparable cancellations. So in our chart of denied boarding, on that passenger from Ottawa to Vancouver should result in a payment to the air passenger of \$1200. That passenger should also receive rights of care and rerouting mentioned above.

John L.: 00:24:10 While we are not opposed to airlines asking for volunteers, PIAC believes that it be required that any offer be made in addition to the regulatory amount for denied boarding, even for volunteers, because this would provide additional motivation for airlines to become the least cost avoiders and schedule of adequate equipment for certain routes.

John L.: 00:24:31 PIAC as you may have guessed is skeptical of denied boarding for a change of aircraft for safety reasons. This excuse may be used when an airline wishes to escape paying for the proposed denied boarding compensation. The CTA will have to further consider whether such safety switches of aircraft could be made and may wish to gather up data on denied boarding and identify it if it incurs regularly on certain routes, certain carriers or at certain times, which may indicate an operation or business decision being made rather than a safety one.

John L.: 00:25:02 We have views on many other matters, but I'd like to save some time for questions, so please feel free to ask me anything about our presentation or anything in the paper. Thank you.

Scott Streiner: 00:25:12 Thank you John. Very comprehensive presentation. I want to drill down on a couple of the suggestions that you made.

Scott Streiner: 00:25:24 So universality of treatment. I think you said similar treatment regardless of which airline you're flying with and where you're flying. So I think it's clear that the intent of the law is all flights within, to and from Canada, but of course the law also gives us some ability to tailor some of the requirements as our discussion paper notes.

Scott Streiner: 00:25:45 We heard from airlines and even some passengers in places like Yellow Knife and folks from Newfoundland for example, that air travel in some of those more remote regions is different in some ways than it is in the south. Smaller planes, more unpredictable weather, crews and passengers on a first name basis. One pilot talked to us about the fact that in the north sometimes the flight delays because Mary has just told the pilot that her son Joe is just coming back from hunting and could he hold the plane for half an hour so that Joe can make it to the flight, and all the passengers go, "Yeah, we know Joe, just hang on. Just wait." And he said, "So are we now going to be dinged with compensation if we do something like that, is that within our control?" So that's a bit of an introduction to asking you the question, are there specific circumstances in which PIAC can imagine a tailoring of regulatory requirements around passenger protection would be appropriate?

John L.: 00:26:45 I'll get there, but let me back up and say if you look at the approach we're suggesting, which is consumers only get money if they complain? Your plane where Joe is waiting for his son to come and get on the ... before the plane, nobody's going to make a claim. So if it's all that chummy chummy up there, then no one will make a complaint. And if there's somebody who's anxious to get back to let's say Toronto or Vancouver and doesn't know everyone, perhaps that one person will file a claim.

John L.: 00:27:13 Also any time there's a flight scheduled, especially now with the internet, I mean you're able to look at that flight on Bearskin or whatever going north, and it looks scheduled, it looks like it should leave at a certain time and come back at a certain time. In essence the airline is benefiting from the fact that they are able to show a schedule that they intend to follow. So the intent of the regulation is if someone is put out enough by not being

able to follow that schedule, they should be able to make a claim. I don't know whether you'll have residual discretion to cut it down, for example if someone is on an airline that really needed to do something for safety ... not safety reasons, more for other purposes besides carriage. Perhaps that'll solve the problem. I just think that keeping the general principle in mind and trying to avoid exceptions until absolutely necessary is probably the better way to go about it.

- Scott Streiner: 00:28:07 Thank you, that's helpful. So second question for me is around delays and cancellations. You talked about rebooking. On any airline, do you think there should be an obligation by airline A to rebook the passenger on the next available flight, or on their next available flight, or some combination of the two?
- John L.: 00:28:34 Right. That's the hard one. And I don't think Europe is even clear on that. And so there may be a hard decision that I'll let you make not me. And I don't have-
- Scott Streiner: 00:28:44 We welcome your input and advice.
- John L.: 00:28:45 I don't have a survey of consumers, but I suspect that if we polled consumers they would say the first available flight, not thinking about the cost to the airlines. And I don't know the economics of booking on other airlines and whether they give each other a discount and so on.
- John L.: 00:29:03 It may be that if you provide other rights for people, cancellation return to destination point with the ticket refund as in Europe, it may make sense for the airlines economically to book on another airline anyway, because they'll be facing a cancellation fee plus returning the customers. And I'm thinking of people that go down the eastern seaboard at March break and get stuck in Newark, right? So yes, they want to get south right away, but everybody else is stuck in the snow too, so you may or may not be able to get another airline. But let's say you do, probably people want to get there and they don't care. But I understand the economics of the industry may not support that, so I suspect it may be hard to go that far.
- Scott Streiner: 00:29:45 Yeah. We may have to, just to share. I mean one thing that's been raised in some of the consultation sessions is, is it any airline after a certain period of time, right? So do you sort of have the obligation kick in eventually but because it's, potentially has some economic implications, not immediately. So something we're going to have to think about.

John L.: 00:30:04 Perhaps, if I can just add ...

Scott Streiner: 00:30:05 Sure.

John L.: 00:30:06 I'm thinking of airlines that are more charter or have fewer flights, especially during holiday periods where there are other airlines that have more regular scheduled flights, and it may be different ... It may well be, you're saying there's a time ticking where it might make sense for the less frequent flying carrier to use another carrier.

Scott Streiner: 00:30:26 Right. Last one for me. I'm struck by your comment on denied boarding. On denied boarding for reasons within the control of the airline, right?

John L.: 00:30:35 Right.

Scott Streiner: 00:30:36 So to make that concrete, particularly for others in the room, somebody arrives at the confirmed reservation and the airline has overbooked the flight because they've assumed there'll be some no shows and today there weren't any no shows. So we've got more people with confirmed reservations than we do seats on the plane.

Scott Streiner: 00:30:52 So in our discussion paper we raise the possibility of having an elevated level of compensation for that circumstance, to incent the airlines to look for volunteers so that the person who ultimately takes a later flight does so voluntarily rather than against their will. And the implicit assumption there is that the compensation would be something below that elevated level, right, so the airline would look for volunteers, and somebody says, "I'm in at that level." But you're suggesting something different. You're suggesting that the minimum comp, if I heard you correctly, that the minimum compensation plus should apply in those circumstances.

John L.: 00:31:24 That's right.

Scott Streiner: 00:31:24 So wouldn't that then create an incentive for the airline to simply bump somebody against their will and then pay the minimum compensation? Because why would they then look for volunteers at all if a volunteer is going to cost them more than somebody forcibly bumped?

John L.: 00:31:37 No, I get that point. But what we're trying to do is change the economics of, for any flights that are overbooked. I think there's nothing that bothers people more than that. They don't

understand the load capacity questions the airlines care about. That's an economic situation that they don't really have any stake in.

John L.: 00:31:55 So what we're trying to do is change the compensation at denied boarding to make it more expensive for airlines. And so it takes the arbitrage out of it. Also the incentives offered to volunteers tend to be non monetary, you know another flight, another day or vouchers, this and that sort of thing, which are a considerably larger saving to the airline than providing cash.

John L.: 00:32:26 I'm still not convinced and perhaps will respond in writing in more detail when we've thought it through better, that it isn't better to say there's just no point below which you can go. Perhaps that should be a slightly lower shelf than what normal denied boarding would be. But the trouble is, bargaining it down too much gives airlines too much leeway. Where I'm trying to go with this, if I can just be plain about it is, stop over booking flights as a regular matter of course, and at least if the airline [inaudible 00:32:57] think about either changing the equipment or your booking policy so that you're not doing that on every flight from Edmonton to Toronto at four o'clock every day. Because that, I believe is what's happening, but I again don't have details for it, or data, excuse me.

Scott Streiner: 00:33:12 Alright, thanks John. Liz?

Liz Barker: 00:33:13 I have a question about cash versus vouchers. You raised it in your last comment. So as you say, carriers like to provide vouchers because it's cheaper for them, and often they'll offer more in the way of a voucher than in the way of cash, if they offer cash at all. We've heard throughout the consultations and various perspectives on that, with people saying that the vouchers are difficult to use, they're limited in time, they don't apply to taxes and charges, versus the cash, which if it's offered it's less than the vouchers. Do you have a view on that? Should carriers be able to offer both cash or vouchers, or should it only be cash?

John L.: 00:34:02 Well, I guess in my denied boarding scenario, whether it's realistic or not, I had thought that vouchers could be added on top of the compensation-

Scott Streiner: 00:34:09 Supplemental.

John L.: 00:34:11 So our view is yes, that anything that's not cash or cash equivalent, such as money back on your credit card or to an

electronic account, is something where the airlines can really make a savings. It may even be anti competitive in the sense that they're keeping the customer when really they should be paying a penalty for treating them improperly. I'm also not sure about who ends up in all these scenarios getting these vouchers, whether people volunteer who are already frequent flyers or well off and that sort of thing, we just don't have the data.

- John L.: 00:34:45 But overall anything that's, you know loyalty points or vouchers or, these are a great discount on the balance sheet of the companies. They're, as you point out, something that consumers often time out on thinking they're going to take a trip within six months or a year and then circumstances don't allow them to. They have no cash value, and so they can end up with nothing.
- John L.: 00:35:08 It also weakens the general compensation regime, I believe, because then there will be a lot of trying to shunt people into these offers without letting them know about for example their right to just refuse and take the cash. I think I'll stop there.
- Liz Barker: 00:35:28 Thank you.
- Scott Streiner: 00:35:28 Good, thanks very much.
- John L.: 00:35:29 Thank you very much.
- Scott Streiner: 00:35:32 Appreciate it. Next up we have Frances. Frances, welcome.
- Frances: 00:35:44 Thank you. [inaudible 00:35:44]. ... my jacket because I have certain props in my coat pocket.
- Scott Streiner: 00:35:47 Oh, props. We always like props.
- Frances: 00:36:06 [inaudible 00:36:06]. It's nice to be here, Mr. Chair and Madame Vice Chair.
- Scott Streiner: 00:36:11 Good to have you.
- Frances: 00:36:12 I'm delighted to have this chance to focus on a very important right and concern of every passenger on air and other conveyances, but specifically on airplanes, the right to get help when you need it during a flight. Now you say, "That's easy. You just turn to the armrest and you press the call button." But many aircraft these days don't have armrest call buttons or other buttons any more.

Frances: 00:36:44 A couple years ago I was settling into my seat on a 777 to cross the Pacific and I'd had the safety briefing which the airlines very kindly provide for people who have any degree of vision loss, and I'd identified myself beforehand. And I panicked when I learned that there were no call buttons. They were now on the touch screen, because the triple sevens had been upgraded. No more of this quaint old fashioned stuff of call buttons on the armrest.

Frances: 00:37:19 The problem was that, I can actually see there's print or something on the screen, but I can't see small icons and figure out where they are on a screen.

Frances: 00:37:32 Well I pointed it out, and there was some consternation in the ranks of the flight attendants about this, and I was at that point traveling with a companion, with my husband. But it meant that each time I needed, for example to get the light switch on and off. And if you have low vision and roughly 800,000 to a million Canadians have low vision, you would need help.

Frances: 00:37:58 Well, when I got home I made a complaint and emailed to Air Canada, and they said that they understood the problem and would be working on it. Working on it, yes. So about six months later, this time ... Nothing really had been done. They had, I explained the situation. I had hoped for some sort of system. They really wasn't anything. Another complaint.

Frances: 00:38:25 Third time, I was on not a triple seven, but a 787, the dream liner. Well I thought, oh boy, we'll have to see what the [inaudible 00:38:34]. They said, "Don't worry, this one has an arm rest." Indeed, you would think that perhaps a 787 would want to be even more modern and do screens in a more creative way. No no, they were back to a plain old fashioned call button on the arm rest. Universally accessible for people with any degree of vision loss, for older people who may be computer savvy but may not be phone savvy and know about use of touch screens and icons and that sort of thing. And I know there are a lot of those, because they're in my age bracket [inaudible 00:39:08].

Frances: 00:39:08 I've actually consulted with people of all ages, with boomers, with Gen Xers, millennials, and they all say yes, they actually prefer the arm rest call button.

Frances: 00:39:19 Anyway, the next time I went on a triple seven, on a long flight, they had come up with a work around. A work around, which was really a bandaid solution. Now I'm not trying to be funny or facetious. It was a bandaid. A piece of elastic, textured bandaid

not the plastic ones, with a different feel to it, cut in little pieces that were about a centimeter square. They put one between the icon for the flight attendant and for the light switch, and I could feel it and I could, I had control over them.

Frances: 00:39:56 I didn't feel dependent. I felt better in control. I had peace of mind. Peace of mind and being independent, this is fundamental. It's fundamental for everybody, but particularly for people who often are in a vulnerable situation. And I could, as [inaudible 00:40:15] ask the person sitting next to me or traveling companion or whatever to help you, yes, but what if I didn't know that person? I hesitate to ask sometimes. I've got fairly ... self confidence, so it's not a big problem for me but it would be a problem for many people.

Frances: 00:40:30 And what if for example, the person beside you was using offensive language or behaving offensively in any way? You would want to have a discreet way of getting in touch with the flight attendant in a fast, reliable and independent matter.

Frances: 00:40:47 Anyway, the next occasion, which was two months ago in April, when I was doing a long haul flight, again I got in touch with Air Canada, but this time I had a line on whom to talk to in Air Canada's head office, person in charge of legal and some other affairs. And she said, "Don't worry, there's a new system." So I went to the website, I looked to see if there was anything in service for people with disabilities. No mention of a new system.

Frances: 00:41:15 But what they had come up with was a vision impaired screen. So the in charge, the senior flight attendant, was just thrilled to have a chance to play with this, to practice. He knew it was there but he'd never learned how to use it, and wanted to try it out, so he programmed it for my screen and then he and I listened to the tutorial, and we tried to figure it out. [inaudible 00:41:40]. And I wasn't sure, in a stressful situation or if I'd been sleeping whether I'd remember where to go for this control on the top right, whether the swiping was to be left, right, up for this, right, down, all those things. It was quite complicated.

Frances: 00:41:57 And it turned out that if you used this screen, which is designed for in flight entertainment, but had all these icons, at least that's the theory. But they didn't have an icon for the light switch. Now if you want the light switch turned on and off, you have to call the flight attendant.

Frances: 00:42:14 So this is still very much a work in progress, this new system, and I'm not sure where technology will take us on this, whether

there would be technologies for example which allow a phone app or some sort of tablet that you could have on the plane with voice over, the sort of thing you have on iPhones, which I've been using for some years now. But it must be universal. It must be easy to use and intuitive, so that people who are not familiar with technology can adapt to it readily, like call buttons.

- Frances: 00:42:49 So my campaign is for, bring back the button. And so far be it from me to go into extensive solutions, although one of them would be to use what we've used in the vision loss and blindness community for many years, little adhesive things we call bump ons, in a variety of contrasting or fashion colors. I like the bright orange one because it works very well on white and black surfaces. And it's just an adhesive button, which can indicate a number or a particular control that you want to use.
- Frances: 00:43:22 Now these things cost pennies. Our first speaker talked about expensive solutions. This kind of thing, in a more professional way, would be a creative solution, but that's really not the job of the CTA, it's the job of the airlines and the providers of hardware and software to the airline industry.
- Frances: 00:43:40 But what is important is that the CTA is now in the position where it doesn't have to depend on volunteer acquiescence and compliance, where there will be regulations. There will be tariffs, and there will be penalties for noncompliance.
- Frances: 00:43:59 I have a great deal of faith in the CTA and its role in this. I worked with, among others, the vice chair, Liz Barker, 20 years ago on an advisory committee on accessibility for people with vision loss, and indeed other disabilities. It was a committee that included members of industry, government, and the community of people with disabilities, and we had guidelines. We worked on guidelines for air, ferry, train and intercity bus travel.
- Frances: 00:44:26 But I think that we have to go one step beyond that as I say now, and have these regulations. I'm impressed with how quickly you moved after the passing of the act, in having this whole consultation process ready to go. Consultation is so important. Our first speaker alluded to that as well, in devising these. If you don't get feedback from users you're going to make embarrassing mistakes. So it's not only the right thing to do, it's the bright thing to do.
- Frances: 00:44:52 Now, later on, a colleague and friend of mine from CINB is going to talk about other issues to do with people with vision loss who travel and want to travel independently and with dignity. But I

thought that I would focus on that one and you would see that even a small thing like that can have an immeasurable effect on a particular disability community, and indeed those who have other problems such as cognitive problems or other difficulties in using the technology which at the moment is provided.

- Frances: 00:45:24 So I commend the CTA, and if you will indulge me for a moment Scott, you mentioned that the agency has been around since 1904. That was obviously the board of railway commissioners. My grandfather worked on the top floor of the Union Station, now the conference center, as the chief engineering safety standards advisor to the board of railway commissioners from 1924 to 1936.
- Scott Streiner: 00:45:48 Those are some deep roots you have with them, with the CTA. That's great. That was probably when half the government of Canada fit into a couple of downtown office buildings.
- Frances: 00:45:58 Yes indeed. And the government of the day in 1935 reduced the salaries of all public servants.
- Scott Streiner: 00:46:05 Oh please, Frances, we ... you know. We have public servants filling this room, I don't know, I assume that you're not suggesting such a step as part of this consultation process.
- Frances: 00:46:15 No, no.
- Scott Streiner: 00:46:16 Frances, thank you very much for the presentation. I want to give a little bit of context in response to your presentation for you and for the others that are presenting on accessibility issues, and then I have one or two questions for you.
- Scott Streiner: 00:46:28 The context is that as a complement to the work that we're doing on these consumer protection regulations, the air passenger protection regulations, we've actually been working now for about two years on a new set of accessible transportation regulations. Those regulations will take existing accessibility related regulations and also the codes of conduct, the voluntary codes that you worked on 20 years ago, and incorporate them into a single modern accessible transportation regulation. And the current members of the accessibility advisory committee are involved in that.
- Scott Streiner: 00:46:59 So we're hopeful that we're going to be able to wrap up the work on those regulations more or less in tandem with the work on the air passenger protection regulations, and that they will go a significant distance towards addressing all of the issues

that persons with disabilities have identified over the 20 years since you worked on those codes. And we've made it pretty simple. We've said that our objective in doing this work is to make Canada's national transportation system the most accessible in the world. I think the CTA's view is there's no reason why a country whose core values include inclusiveness and equality shouldn't really be a global leader on accessible transportation.

- Scott Streiner: 00:47:35 So just to reassure you that we're focused very much on accessibility issues in addition to consumer protection, and we're happy to share with you and others in the room information on those new regulations as the drafting process is completed.
- Scott Streiner: 00:47:52 Now just in terms of a question for you. It sounds like what you're saying is, that while there may be some stop gap solutions with respect to screens, larger screens, screens that are kind of designed specifically for persons with visual impairments, bandaids, it sounds like what you're fundamentally saying is that those are not as good as having more tactile, correct?
- Frances: 00:48:19 Yes. Yes.
- Scott Streiner: 00:48:20 Okay. And are there other, while we're on the topic, are there other design features that will help to achieve universal accessibility on aircraft for the blind and persons with vision loss?
- Frances: 00:48:35 Well, since you raise it. For somebody with low vision it can be quite difficult to find the right button to push in the lavatory. There need to be design features that will help people who have low vision in all aspects of the flight experience, from signage in the airport and at the counters. Look at things through a disability lens and through a low vision lens or a vision, lack of vision lens. I'm sure that Diane , who does not have any useful vision as far as I know, can talk about this as well.
- Frances: 00:49:10 But things like the overhead ... For example, on the Airbus fleet, you have controls overhead, I'm reaching up, trying to reach the air conditioner, the light switch and the call button. Now I'm 165 centimeters tall. That is about the median height of Canadian women. That means 50% of women can't reach those buttons, because I can just barely reach them, and I can't see them, so I don't know which is which. I have to fiddle around with them. So again, these things like bump ons would help.

Frances: 00:49:43 So it's a question of overall approach to the design. Looking at the experience from one end to the other and getting consultation at every stage.

Scott Streiner: 00:49:54 Good. Liz, questions for Frances?

Liz Barker: 00:49:59 I'm just wondering, and maybe Diane is going to speak to it in her presentation and if so you don't need to answer Fran, but I'm wondering about the state of tactile row markers. I know that that was an issue in the past. I'm wondering what your experience is now with row markers on aircraft.

Frances: 00:50:19 I've never been on an aircraft that has them, to my knowledge. Now it may be that they're there but I simply don't know about it, which speaks to providing that information on websites and having the flight attendants provide that information. I understand on WestJet, on the seats you have row markers. Very good idea.

Frances: 00:50:38 Now often the assumption is made ... It's a question of having Braille. Well, Braille is really important as a tool for literacy, as literacy itself for children and young adults with little or no vision, and older people who are prepared to put in the arduous time and can learn Braille. But on the whole, what you need is audio or tactile rather than Braille on such things.

Frances: 00:51:05 They still hand out the safety briefing card Liz, that we worked on about 20 years ago, and they refer to it on the airline as the Braille card. Well it's also in large print. But it doesn't carry much modern information. It needs to be updated, probably every couple of years, and with more information about the flight experience, not just the safety side. Or maybe there should be a separate sheet while in flight, something like that. Anyway, consultation leads to creativity and solutions.

Liz Barker: 00:51:36 Thanks, Fran.

Scott Streiner: 00:51:37 Thank you very much, Frances.

Frances: 00:51:38 Thank you.

Scott Streiner: 00:51:41 Our next presenter today is Christine [Sly 00:51:48] ... Not here. Our next presenter is Diane , who Frances mentioned a moment ago.

Diane : 00:52:17 [inaudible 00:52:17]. Lucy, sit. Down. Down. You're not presenting, down. Stage fright. Thank you, I'm Diane , I'm vice

president of Engagement International Affairs at CNIB. CNIB is an organization that has been around for 100 years serving people with sight loss across this country, and providing them with the skills and tools and support they need to live independent lives, and as the best quality of life that we can have.

Diane : 00:52:49 Thank you very much for the opportunity to present today. And I'm presenting as a representative of CNIB, but also from the personal experiences that I've had as a person who is totally blind and travels with a guide dog.

Diane : 00:53:01 I travel frequently, typically once a month at least into other countries, and often within Canada. So I have extensive, extensive experience.

Diane : 00:53:16 It has been an awfully long time since I have been able to book my own flight through the internet. Communication is something that is great for people with disabilities if the websites are accessible, but nowadays you go on and all the flash and bang and pictures and graphics that people want to see are blocking the accessibility features. Or you can book your flight but you can't let them know that you have a disability.

Diane : 00:53:42 In the last year I tried to book a flight to take my mother on a trip. I sat on hold because I couldn't book it through the online service, I had to call, and I sat on hold for more than 40 minutes. When I got on, all I really needed to know was the dates and times and availability of flights, and then I had to hang up, call my mother, confer with her, coordinate our calendars and schedules, just to call back and sit on hold again for more than 30 minutes. Totally unacceptable.

Diane : 00:54:11 Then once I got on and booked my flight I was then told, "Thank you very much, now you have to call the help desk and tell them that you're traveling with a guide dog." This is not equitable service in any way, shape or form. I should be able to go online, check my flights, book my flights, and let them know that I'm traveling with a guide dog and potentially need assistance. So communication is key. Part of that communication is exactly what Fran Cutler was talking about, which is being able to use call buttons to call your flight attendants.

Diane : 00:54:41 You were mentioning the Braille card. Braille cards are fantastic to get information, part of communication. It's fantastic for those of us who read Braille. However, I was recently on a flight coming back from Edmonton. I was provided with a Braille card

that was so old that half the dots were flattened, which gave me half of the information that I required.

- Diane : 00:55:05 I should say it was not very helpful. Good thing I'm a frequent flyer.
- Diane : 00:55:10 One of the big things that I find very frustrating about getting on a flight is the regulations which CTA has, which is fantastic, is that if you're traveling with a service animal, in my case a guide dog, on a domestic flight, the airline is required to ensure that your dog has adequate space to be on the floor at your feet. Usually, with a dog my dog's size, which is approximately 65 to 70 pounds, the airlines blocks off the seat next to me so that my dog can actually lay there and I can put my feet on the floor.
- Diane : 00:55:40 However, interestingly, the minute I cross the border to go on a flight into the United States or internationally, it is determined then that the regulations do not qualify and I now need to book one seat for me and I would need to pay for another seat to allow for my dog's space.
- Diane : 00:56:02 Now I talked to the airlines about this and said this doesn't make any sense. Why is it not safe for me to travel within Canada on a domestic flight, so they're required to give me the extra seat, but the minute I go over a border this changes? I have been told that I need to understand that I'm crossing a border and going into another country. My response to this is, "Yes, I get that, however when I cross the border my dog is exactly the same size in Canada that she is in the United States. She does not suddenly shrink as we cross the border line."
- Diane : 00:56:32 I have been on many flights where my dog has been stuffed under the seat in front of me like hand luggage, with the only place for my feet is on top of the dog, for up to seven hours. Unacceptable, inhumane, and not safe. This needs to change. Airlines must provide the accommodation so that I can travel independently.
- Diane : 00:56:58 The other issue is in airports. Airports, currently in Canada I believe only two airports have relieving areas within the secured space for dogs to relieve themselves. Also if you're on a flight that is sitting on the tarmac for hours, we have access to washrooms. The dogs do not.
- Diane : 00:57:19 We need to remember that although these are accessibility devices. It is a device, a mobility aid providing support to a person with a disability. We also need to remember that they

are breathing, living beings. Dogs need to use the washroom. You cannot leave them on a plane for hours without giving them access to a relieving area. Very important for us to remember. If I'm able to do my job, if I'm able to travel to go see my daughter or to travel for health reasons, I have to have the ability to travel independently just like everybody else. It is a right and we need to remember that.

Diane : 00:58:02 The complaint process needs to be accessible. We need to be able to go online and complain, put in our complaint like everybody else, and the process needs to put less burden on the person with the disability. Often I've tried to book a flight, I've asked for the extra space for my dog, I've been told by the airlines they're not going to provide it. I contact the CTA. They talk to the agent, the airlines. By the time they figure it out I've already gone on my flight and gotten back home and they say, "Oops, sorry. We could have done it."

Diane : 00:58:38 This is unacceptable. We need to make this a better process. There are so many people in this country that want to travel through airlines. They want to be independent, and sometimes, like for me, it's a part of my livelihood. I need to be able to do this, and I need to be able to do it independently, and be able to do it effectively and safely. So I ask that the regulations think about people with disabilities. I understand that there's another accessibility regulation but if we don't talk about it within regulations for everybody ... It can't be, "Here's the regulations for everybody, and here's the separate regulations for you people who have disabilities." We need to remember it because otherwise it's going to be forgotten. We need to make sure that it's all apart of the way we think about every regulation that we do. Let's look at it from, as Fran said, with a disability lens. How do we do this so that everybody can be accommodated? Thank you. I'm happy to take questions.

Scott Streiner: 00:59:43 Thank you very much Diane. So I'll just start by saying I think Liz and I and the whole team at the CTA agree that the objective is that air travel is as accessible for persons with various disabilities as it is for everybody else, as part of living a free and equal life in a modern society, up to the point of undue hardship of course.

Scott Streiner: 01:00:04 I have a clarification for you, and one or two questions. You finished kind of with the point that we've got to bring an accessibility lens to these general air passenger protection regulations, which we are in fact trying to do. So let me zero in on one or two areas and ask you for your advice.

Scott Streiner: 01:00:22 When it comes to the communications obligations of airlines, which Marina, our first presenter, talked about as did John, it seems relatively straightforward to build an accessibility requirements with respect to that first category of communication, kind of general information on rights and responsibilities, on rights and recourse that's, it's prepackaged and shared at the time of booking or at the check in.

Scott Streiner: 01:00:47 But what about real time information? So there's a flight delay. There's a flight cancellation. There's an odd boarding situation, and the airline is kind of communicating with travelers in real time. We talked about text messages or apps as potentially being ways of getting that information out to consumers, out to travelers. What do you think is going to work effectively for travelers who are blind, in terms of real time communication?

Diane : 01:01:10 I would say part of it, I think it goes back to multiple ways of communicating. I'm not going to tell you how old I was, that I am. But I remember when I was younger, traveling before we had iPhones and internet access, we seemed to communicate fine. But it's because we communicated in multiple ways. And I think that as part of this you provide the options of text message, internet access, and even the ability to receive a call, or somebody making a call.

Diane : 01:01:40 There is a responsibility on part of the airlines, but I also think that there's a responsibility on a part of the person with, the passenger, to check into it and find out. As long as it's accessible and there's a way to reach it, phone call, anything accessible that the passenger has to check as well.

Scott Streiner: 01:01:59 Okay. One more question again, thinking about sort of general passenger protection provisions but with a disability lens, so you talked about the importance of relieving areas for the guide dogs in the context of a tarmac delay. Is there anything else in the context of a tarmac delay that the special provisions that we can make in the regulations around tarmac delays, is there any other dimension that's kind of related to disabilities, specifically related to blindness and guide dogs, that you think we need to consider including in those provisions?

Diane : 01:02:32 I think that the relieving area is one thing. The other problem that I found when I travel is, it seems like when there's a delay past the point where the dog needs to be fed, and if you don't have access to your baggage. I travel now with extra food with me so that in the event there's a delay ... I have had my luggage lost with all of her food gone. And it was lost for three days. So I do travel with extra food with me now. But I think that when

you're on the tarmac or especially if you're in a situation where you're sitting waiting in the airport, having the ability to access some kind of baggage if you need to, to get medical equipment or health equipment would be good.

- Scott Streiner: 01:03:15 Do you think ... I don't want to put words in your mouth, but would you also suggest that the airlines actually just keep some dog food available? Or is that too specific, because each dog has its own food.
- Diane : 01:03:27 Every dog has their own food, plus you might not need it for a year and you'd end up with stale food.
- Scott Streiner: 01:03:34 But at least access to baggage- [crosstalk 01:03:35]
- Diane : 01:03:35 But access, yes. Access to some form of ... I mean I can tell you that I was in Hawaii and my flight got canceled, and I was sitting at the airport with no access to my bags. They were being sent to another airline, and there was all sorts of stuff going on, and the airline actually, the woman who worked at the quarantine ... It was in Hawaii, and the woman who worked at the quarantine office, I called her and said, "Please do you have food," and she said no, and she went shopping. She went out to the store and came back with dog food for my dog. Some airlines are fantastic. Other ones just say, this is the rule, we can't get you your bags and that's it.
- Scott Streiner: 01:04:16 Now just, I want to offer one clarification on an issue that you raised, maybe provide a bit of background. So you talked about being able to fly with a spare seat next to you in Canada at no charge and then not having that same opportunity when you cross the border.
- Diane : 01:04:29 Yeah, space. So just making sure that there's space, it doesn't have to be a spare seat, it just needs to be adequate space.
- Scott Streiner: 01:04:35 So we do have as you may know, and others in the room may know, we have as a result of CTA jurisprudence, something within Canada for some airlines called the one person, one fare policy, right, which essentially says, if a traveler actually requires two seats because otherwise they would not be able to travel safely and comfortably, then they shall be charged one fare, even though there's two seats.
- Scott Streiner: 01:04:59 That policy at the moment, because it's the result of adjudications to agency, agency decisions in respective particular airlines, only applies to those airlines and only for

domestic flights. One of the issues that we're ... And that would probably explain why when you cross the border you were told not for this flight.

- Scott Streiner: 01:05:16 We are looking in the context of our accessible transportation regulations at extending the principle, but I will tell you that there's a level of complexity on this and I'm just sharing the information for your benefit and that of others, which is that Canada also has international air agreements with other countries and we need to factor those in and consider the interaction between a one person one fare type policy that might be extended more broadly and Canada's commitment and obligations under these international air treaties.
- Scott Streiner: 01:05:43 So this is one issue that we're still grappling with in the context of the regulations.
- Diane : 01:05:48 Yes. I was told by one airlines that they must follow the department of transportation rules in the United States, which say that they have to charge me for the extra seat, and it actually says they may, not that they must, charge. So some of the issues around those pieces, and I understand there's other connections, but if it's an airline that is based in Canada, leaving from, returning to Canada, I think that rules need to apply for them.
- Scott Streiner: 01:06:13 Okay. Thank you. Liz?
- Diane : 01:06:14 Thanks.
- Liz Barker: 01:06:15 Sorry, just a clarification. The difficulty that you have with trans border flights is with Canadian airlines?
- Diane : 01:06:22 For the dog space?
- Liz Barker: 01:06:23 Yep.
- Diane : 01:06:24 Yes.
- Liz Barker: 01:06:25 Interesting. Okay, thank you.
- Diane : 01:06:26 Airlines within Canada, that are based in Canada. I have even been told by one airline, going from Toronto to Ottawa, I said, "I need the extra, you know the space for my dog," and I was told that the flight that day was pretty full and that they don't have to provide me the seat, that it's a courtesy that they would provide me. Not that it's required.

Diane : 01:06:47 And I have been on flights where my dog has encroached on the space of the person next to me, and we've had to move people around because that person did not want to sit next to me with the dog. So it makes it very embarrassing for me, and I'm sure the person next to me if the space is not provided.

Liz Barker: 01:07:07 Thank you, Diane.

Scott Streiner: 01:07:09 Thank you very much, Diane.

Diane : 01:07:09 Up. Lucy, up. Good girl.

Scott Streiner: 01:07:16 Is Christine Sly here? Christine? Was that a yes or a no?

Liz Barker: 01:07:22 No.

Alan : 01:22:44 Well, I can't insist enough, and I know Monique mentioned it in her presentation but I'm going to come back to it again. It's simply not good enough to make videos that employees are supposed to watch if and when they get time. They never have time, and they never learn.

Alan : 01:23:01 I have been pushed by people because they didn't know how to guide me. I've had people who, I even had one case where somebody in an airport tried to insert his scanner up my third dog's behind to ... And when he backed away he said, "Well why did he do that?" Well, what do you expect, and I wasn't going to ... I couldn't say too much, the man had the ultimate power to decide whether I flew or not.

Alan : 01:23:33 But he could have potentially injured my dog, and certainly it wasn't a very pleasant experience for him, but obviously this man had never seen the video, and I know that I had done one for Transport Canada. I don't think they're using it now, but I know they used it for quite a few years, where I was guided through various situations according to the policies that have been established, and the fact is that I've seen people who don't apply them and who've never had access to the information, so the compulsory nature of this kind of training is extremely important.

Scott Streiner: 01:24:13 I think I hear you saying both compulsory, and if I'm hearing you correctly, using various modalities, not relying only on a passive video.

Alan : 01:24:22 However you get it done, it has to be something that they do that they have to do, and so that we can be sure that we have as good an experience as possible when we travel.

Scott Streiner: 01:24:35 Right. Okay. Thank you, Alan.

Scott Streiner: 01:24:37 Okay, thank you both Monique and Alan for your presentation. We'll take a short break. We still have a number of presenters lined up, but just let people stretch your legs and get some water, so we'll take about five minutes and then we'll come back, and our first presenter just so you know you're teed up is Alistair, right after the break.

Partie 2 / Part 2

Scott Streiner: 00:01 Okay folks, we will recommence. I was asked just as we were breaking whether there would be a kind of a general session at the end, Q&A session, or opportunity for people to make comments or pose questions from the floor, and the answer is, if time permits. So, we're going to go through the remaining three presentations, and if time permits, then we will certainly open it up for observers who didn't sign up to do a presentation to offer us their advice, or pose any questions. So, our next presenter is Allister. Welcome, Allister.

Allister: 00:32 Thank you, Mr. Chairman and chair. My name's Allister, I'm with the Canadian Federation of Musicians, the American Federation of Musicians of the United States and Canada. We represent 17,000 professional musicians across Canada, 80,000 professional musicians across North American, and countless more under federal status of the artist that are not our members. Musicians travel for business with odd-shaped briefcases. A musician traveling with their instrument, one of my colleagues compared it to a parent traveling with a newborn infant. Their instruments are very fragile, very precious, and irreplaceable. There's orchestral musicians with cellos, violins, violas, double basses, smaller instruments. There's folk and jazz musicians with guitars, keyboards electronic modules, and right now we're in Canada in festival season, where there are hundreds of musicians traveling across this country. Ottawa Blues Festival starting today. Calgary Jazz Festival was last month. Edmonton Jazz Festival last week, Montreal Jazz Festival, and so on, and so on.

And, Canada has done a great job of organizing these festivals in sync so that artists can come from abroad and from all across

Canada and travel across from festival to festival. Of course, orchestras perform and travel as well, and so traveling with musical instruments is a big deal for us, and for musicians. Legislation is important because, and I'll share two brief stories from experiences from two orchestral musicians with two completely different experiences. One, traveling from the west coast, interestingly enough, both traveling to Quebec City, one traveling from the west coast, and one traveling from Miami.

And, the gentleman from the west coast did not have a good experience when he showed up to get on his aircraft, and was refused to bring his upright bass not on the plane, but under the plane. The airline refused him and suggested that he go ship it cargo. And, he had traveled countless times previously with the same airline with no issue. And, that turned into not a very positive experience. Actually, about the same time, funny enough, I got a phone call from a musician in Miami who was traveling up to Quebec City, and he had booked a ticket, had checked with the airline, everything was fine, he called back and double checked, and he got the ... no problem to get to Montreal, but the plane from Montreal to Quebec was a small plane, and wasn't able to take his bass.

We were able to make some phone calls and check into that, and we got a specialist baggage person who were able to get exact measurements of this case, exact measurements, and it wasn't getting it into the cargo hold, it was getting it through the door of the cargo hold. It actually turned out that it did fit, and everything worked out fine. So, those are a couple of different stories, and I bring them to your attention as to why it's important to have legislation all across the board, so that folks that are traveling from A to B can travel consistently.

You are aware, I know, that this legislation, similar legislation passed in the US, and US airlines have been operating under legislation for the past several years, and that's been very favorable, and very few incidences and problems with that. We understand that planes are the size they are, they're not going to be able to change, so we're not expecting that there will be miracles, and we also understand that safety and security are paramount in this. We've already worked with CATSA, and we've got, in fact, I will give you documentation before I leave. We've already got documentation in sync with CATSA regarding traveling through security and airports, and have circulated that to our members.

It's important that we have all airlines under the same legislation, and we look forward to meeting with CTA tomorrow

to have more in-depth discussions about the nuts and bolts of the issue and the problems. The big thing that I recommend is that we go by weight and size rather than instrumentation. Some of the airlines have policies right now, specific to instruments. And, of course, musicians are smart, they try to protect their instruments. So, they may have a violin, but they may have a case, that their violin case fits inside, to protect it with traveling, or a viola. Violas and violin cases are the same size, but some airlines have a policy that they can have a violin on, but not a viola on. It's quite confusing.

So, we look forward to, next year when the Ottawa Blues Festival is on, not having phone calls and emails from some of my musicians, and I am a musician, too, I travel about 65,000 miles a year on planes, and I take an instrument with me, it's never an issue, because it's a bit smaller. But, I'm very familiar with the trials and tribulations that our members have. I know northern airlines is a challenge. I have a very good friend that works with the National Art Center, going up into northern Alberta and northern Canada, working with an aboriginal gentleman doing really important work in the schools up there, and they have had fantastic experience with the northern airlines. So, the northern airlines are small, but they seem to have a little bit more flexibility and understanding, and I applaud them in their work with our musicians. That's the end of my presentation, I'm happy to take questions for you.

- Scott Streiner: 06:44 Thank you, Allister. So, as I assume you know, the legislation that came into effect on May the 23rd, says that the regulations that we're going to make on air passenger protection should include an obligation for airlines to set out terms and conditions in respect to the carriage of musical instruments. The way the legislation is written doesn't obviously give us much scope, if any, to sort of say what exactly each of those airlines terms and conditions should be, but simply that they should have them. There's a legal question here. We're thinking about whether we can say a little more than that, but it's a legal question as to how far our authority extends. If we could, if the regulation could say, "Each airline shall set out terms and conditions in respect of the carriage of musical instruments that ..." What would you have us add by way of detail?
- Allister: 07:39 I'm not a lawyer.
- Scott Streiner: 07:41 Non-legal language.
- Allister: 07:43 But, what has worked well, and again I have the documentation to bring tomorrow, and I can provide it for you here today as

well, but what I would suggest, and what, if we go back to the recommendations of the committee with regard to Canadian transport from a few years ago, the recommendation was harmonizing with the US and Europe. And, I think the US regulations work very well. In a nutshell, they speak to size and weight as opposed to particulars, and in a nutshell, they have a, I think it's about 160 pound weight, and a simple statement that if it fits in the overhead bin, it can be carried on. And, what airlines are doing is they're allowing ... And, one of the Canadian airlines has done this over the last year and a half or so, they changed their policy partway through these lobbying efforts, to allow musicians to pre-board with instruments, so that they can be put up in the bin and get a space.

- Scott Streiner: 08:48 Right. One more from me, and I think it's just to ask you to build on, a little bit, something you said. So, your experiences with the US regulations, I don't want to put words in your mouth, but basically, worked?
- Allister: 09:01 Certainly been a big improvement over not having regulations, yes.
- Scott Streiner: 09:04 Right, so less complaints from musicians, more consistency of service, et cetera.
- Allister: 09:04 Absolutely, yes.
- Scott Streiner: 09:09 Good, it's always just good to think about the experiences in other jurisdictions that we draw upon as we craft our own regulations. Good, thank you, Liz, any questions?
- Liz Barker: 09:19 No questions, thank you.
- Scott Streiner: 09:19 Thank you very much, Allister.
- Allister: 09:20 Thank you.
- Scott Streiner: 09:23 Okay, our next presenter is, I have to make sure I read this correctly, [Omar 00:09:29], have I pronounced that correctly, Omar?
- Omar : 09:32 [inaudible 00:09:32].
- Scott Streiner: 09:31 Okay, or at least close enough not to elicit an immediate objection.
- Liz Barker: 09:37 Thank you.

Scott Streiner: 09:37

Thank you, Allister. Welcome, gentlemen.

Omar : 09:39

Thank you. Hello, we are a Toronto based company, and we are helping the passengers to get their rights according to Europe legislation. And, if you are a citizen of Canada or United States, it is not easy for you to enforce your rights in EU, European Union. And, with a lawyer network in Europe, we are helping mostly the North American passengers, and we are closely working with the travel businesses. For the regulation, I just want to give a figure, only 1.5% of passengers that are eligible to get this compensation gets this compensation according to European Union legislation. And, for this meeting, we just find out some controversial topics that we are dealing daily with the European airlines.

And, these topics are covered, but not regulation, but the court decisions. For example, the first one is, the flight distance for connected flights. As you know, the regulation says that, the European Union regulation, the compensation amount depends on the distance, and if you are flying from Paris to New York, and your connection is through London, and your flight from Paris to London is late one hour, and you miss your connection to New York. And, most of the airlines in EU insisting that they have to compensate you depending on the distance between London and Paris, because the delayed flight is this.

But, according to some court decisions, they have to compensate you depending on the first point of departure and your final destination. And, they say that you are eligible to get 250 euro, or 400 euro, instead of 600 euro. And, as a passenger, you don't have enough time to dig in the details of the regulation, and when you see the money as an inconvenience, of this is compensation for your inconvenience, and you accept it. But, they owe you 200 more, but they don't pay this, and you don't know this court decision, and you cannot enforce it.

The second one is a pretty [inaudible 00:12:18] decision, it is wildcat. As you may all know, if there's an extraordinary circumstances, the airlines do not have to pay you compensation. It means that if it's weather condition, if it's labor strike, if there's terrorism or sabotage, they don't have to compensate you because it is beyond their control. But, lately, an airline staff took off nearly 80% of their pilots, and 60% of their cabin crew, and it was spontaneous, it was not an official labor strike. And, the German court says that, if it is a wildcat strike, they have to compensate you, because it is not an official strike, and I don't want to give the name of the airline, but they compensated their passengers even if it is a strike.

And, the third one is the delayed time calculation. According to European Union regulation, if your flight is delayed more than three hours, they have to compensate you, but what if it is two hours and 58 minutes, or 59 minutes, or 57 minutes. As a passenger, you don't look your time, and you don't know the actual arrival time. And, the court also says that it is not the time that the flight is landed, it is the time the flight doors are opened. And, even if it is landed two hours and 57 minutes late, it takes some time to go to door and open the doors, and obviously it takes more than five minutes, and sometimes passengers are turned down by the airlines saying this.

And, the third one is, this is another topic that we regularly face, there's a, let's say, radar malfunction in the airport, and it's an extraordinary circumstances, because airline cannot provide this service, it's airport needs to provide this service. And, even if it is one hour problem, they delay you 24 hours, because there's a flight, there's aircraft, and it has to follow its schedule, and it goes elsewhere, and they are rebooking you for the next flight. And, they say that it's because of extraordinary circumstances, we don't have to pay you compensation.

But, there's another court decision says that as soon as the extraordinary circumstances is over, you have to provide the service, and there's no excuse for 24 hours or 48 hours delay for just one hour or two hour extraordinary circumstances, such as radar malfunction, or power outage. And, the topic five is, very important, and I will leave the word to Chris. Chris is a European lawyer, German lawyer, and we are following the cases together, and he will give details about technical failures, and also his idea and thoughts about the regulation. Thank you [inaudible 00:15:41].

Chris:

15:42

Thank you. Yeah, so the thing I'm going to talk about, and I'm just going to briefly wrap it up, because I just want to get to the boiling point, is the question of technical failure. And, technical failure, I notice, with the Canadian legislation, you do have a bit of a distinction there when it comes to safety issues, and I think 80%, he's better with the statistics, of the late causes are mostly down to technical failures or maintenance issues/questions. So, coming up with a bit of a cynical view, you can always argue that it's a safety issue as well, maybe a puncture in a valve, like a tire or valve, or whatever, you can always say it's a safety issue, so they can always come up with that argument, so it's quite important.

So, there was a court case happening in the UK, and basically the first court said ... So, what has happened is, there was a

wear and tear case, and so I don't recall if it's been a tire, or whatever. So, they notice just briefly before the plane was about to takeoff, so they had to change something, do maintenance on the plane. So, people were claiming compensation because they mention all the other criteria, and the airline said, "No, look, this is something that has not been inherent, because it was not something we could have discovered during our regular maintenance schedule and maintenance operations."

The passenger argued that it basically didn't matter because it's wear and tear, wear and tear happens wherever you operate anything that is also mechanical. You gotta be prepared for it, that's part of your general operations, that's part of your general operational risk, end of story. The first court said, "No way. This was not inherent, you couldn't foresee." They went to the magistrate, and they said, "No, it doesn't matter if it could've been foreseen or not, as soon as you notice it, it is inherent, and even if it was not something you could've discovered previously, you should be prepared to act on it in time to get the plane going." So, at least then, it would've been inherent.

They launched an appeal, the airline, and the court of appeal just said, "No, the magistrate's court has it right, they covered all bases, and it basically doesn't matter." So, just to sum the different points up, that was point five now. Our basic message is, from, as he said, like, I have experience, I've had exposure to those cases in Europe already, now here too. And, also to other cases with regards or connection to consumer rights and consumer protections. I was doing mostly corporate law, but even CEOs are consumers when it comes down to those things. So, there will always be arguments, and what has been said from the first two speakers, what you always have to keep in mind is, the difference in economic weight. The airlines are simply those ones who, and I'm not pointing a finger, but they are the ones who have a legal team, they have external lawyers, they have lobbying groups, as do the passengers, too, but they will normally always try to play ... It's okay. The long game, or try to play the long game. I'm calling it a game right now.

And, they will try to weigh in their economic ... their war chest. I've had other cases, too, where it came to the possibility to withdraw from loans from banks, and that was even more so the case, because there we were talking about five or even six digits in euro. So, I had to sue the banks just in order to actually acknowledge what was written in the law, and I just said then, I said, "They gotta be kidding me." So, what we're trying to say is,

because you have, from what we can tell, a fairly big amount of gaps to fill with your regulations from what the law leaves you with, I'm putting it that way intentionally.

So, what we're trying to say is, keep it simple and easy. I mean, I can go into details now, but I'm going to try to sum it up. Simple, in terms of, try to not, from our recommendation, over diversify causes or benchmarks, or measures, in terms of time, reasons for delay, and should you be more lenient or not. You are already more lenient, the law is, than European legislation is, because there they don't have that safety question. They simply say, "If it's a general risk of operation, that's your problem." Easy, meaning, make it accessible for people, and that means, like the first two speakers said so too, make the knowledge accessible to as many people as possible, and also make it easy for them to actually pull that compensation, to get to it.

Paper still works, maybe oblige the airlines to come up with a general information upon booking confirmation, as a first step, so everybody can print it out, with their ticket. Also, I think the app they have in Europe is very good. What they don't have, at least at this state is, I used the app with was, they didn't have a database, or you couldn't enter your flight, for example, and check if that flight is eligible for a compensation, or you would be. So, maybe add that to the app. But, also maybe come up with a general database that's easily accessible online that people can just check.

You will not always have the time to think about it at the airport, because people have kids, and partner, or somebody else picking you up, gotta rearrange hotel, bookings, whatever. You're not going to think immediately about compensation. But, if you have a chance to do this two or three days later when you notice you've lost a day or two of your vacation, or even business trips, you might do it, or you might have a secretary to do it, or your partner. Go there. And, also oblige the airlines to notify the passengers themselves. Let them hand out a sheet of paper saying, "I'm sorry, your flight with schedule X has been delayed for four and a half hours, or you're going to arrive four and a half hours late, and the reason for this is technical issue, or we had a maintenance issue, or radar, whatever." Just, because the passenger does not have insight. It is the airlines who know it, and it is you who know it. How do I get to that piece of information? And, that is the easy thing, but we've already also raised the question of condition and everything, but that's probably a bit detailed for this forum now, also the time is over, so ... Thank you.

Scott Streiner: 22:39 Thank you very much. Couple of questions. The first one is actually going to be very general. Given your experience, and without getting into too much detail, but just kind of at a broad level, what do you think has worked best, and what has worked least effectively in terms of the European regulation?

Chris: 22:58 I think it's gotta be a bit of a mixture. You've gotta have an enforcement, a regulatory body who makes sure that there is maybe even a fine, an administrative fine, whatever you want to call it, but also what does work well is if you have lawyers, let me call it civil legal system that helps people enforce it, too, meaning that they have easy access to it. And, obviously that's a climate of the market. You've gotta see if there are actually people who are willing to do it, and whatever. But, I mean, to address you, I think you're the one who has probably biggest pressure point on airlines. So, in terms of saying, "Okay, you gotta do this, and we gotta follow it up," and you probably need personnel to follow it up, and that's something, I know that's above your personal scope or influence. So, I think it's a mixture of both, but we notice that they mostly only [inaudible 00:23:56] if there's a lawyer involved. As soon as I read an email, or I sign a letter and I send it off, they notice my status, they're quite happy to pay.

Omar : 24:05 And ...

Scott Streiner: 24:05 Go ahead.

Omar : 24:08 I just wanted something. We have one flight, three different passengers, three different PNR numbers, booking reference numbers, and two are paid, one is rejected because of extraordinary circumstances, from the same airline. And, when they say no, even if you provide some evidences and proof, they only way is to go to court. And, according to European Union regulation, you have to sue them in the defendants side, or the flight is from Paris to London, either in France or UK. And, as a Canadian citizen or a US citizen, or thinking about the Latin American and other Asia people, it's not easy for you to sue an airline for just 600 euro, and I think it's the most difficult part for them to chase their rights.

Chris: 25:02 Just briefly a remark, so maybe if you had a general database, or I could just enter in my flight number, and I can print out whatever you say has happened in terms of the duration of the delay and the cause of the delay. This would, I could imagine, be a way in, when helping my case, no matter if I'm using a lawyer, if I'm doing it myself, saying, "Look, this is your authority, this is your regulatory body, and they say it's that duration, they say

it's that cost. That cost falls clearly under this and that regulation." So, yeah.

Scott Streiner:

25:33

Takes sort of the key information. Just one other question from me. The wear and tear case, technical failures, so as you noted, the law as passed by parliament here, lays out with respect to flight delays and cancellations and denied boarding three categories, right? First category is an event which is fully in control of the airline, and there we'll be setting minimum standards of treatment, food, water, et cetera, and minimum compensation. Second category is safety related, including a mechanical malfunction, and there it's just minimum standards of treatment, no compensation. And then, the third is, out of the control of the airline, and there the airline's obligation is help the passenger complete the itinerary. So, you're correct to say that distinguishing, triaging between the first category and the second category's going to be important. Passengers are presumably going to look to have events identified more often as being in the first category, because it's compensatory, airlines maybe less so, and we're going to probably get into some debates about what falls into which category. Does compensation exist or not exist.

So, do you have any suggestions around the criteria that we might apply in the regulations to do that training, to distinguish between a genuine safety related event and mechanical malfunction that justifies making an incident non-compensatory, versus other events which should, in fact, be triaged into the first category and be deemed to be fully within the control of the airline, and not safety related?

Omar :

27:07

As Chris mention, the technical side of delays is 80%. 80% of the delays are because of the technical disruptions. And, with the European Union airlines, I'm pretty sure that when you apply for a claim, they will probably say that it's because of the technical issue, or security issue. And, the court decision is very clear. If it's a technical problem, it's the airline's problem rather than a passenger problem. And, the inconveniences to the passenger, they have directly affected with the inconvenience, and I think that they have to be compensated because of this. And, if you're running a bus, if you're running your car, it is your responsible to make it running, and for the airline, you have to foresee that there will be some problem, and we say it as predictive maintenance kind of thing. And, if you say that technical disruption will not be compensated, it will be an easy way for airlines to play dirty.

Scott Streiner: 28:24 Well, now, to be clear, the legislation already says, if it's a safety related event, including mechanical malfunction, it's non-compensatory. So, we make the regulations between the framework established by parliament, but we can think about whether there are criteria to allow for the most consistent possible categorization, so we don't get into a lot of disputes that we have to adjudicate about whether an event falls in the category one or two. But, the existence of those categories is written into the law.

Chris: 28:50 Yeah, and I see the trouble you're running into with that one, actually. That was the thing that just jumped right at me when I saw that legislation. To be frank, personally, we know the court decisions in Europe, I don't think you can come up with a certain, overall, general set of criteria. That will not be possible. Because, you're aware of it. I mean, the major issue is always safety, because ... My example is always the cargo company, like running a truck, or a bus company, too. But, I mean, for them it's always easier to pull it to the side of the road than just land a plane. And so, this is why you have different and more diversified set of safety measures, and people who can decide if it's safe to start the plane, or if it's safe to keep it in the air, if it's safer to land it, or keep it grounded in the first place.

So, you got the air control, you got the airline, but, the last instance, you got the pilot. So, the problem is, I see from your side, is that on the one hand, these people make decisions, and they make decisionS on life or death, if it boils down to that one. And, they're trying to make these decisions, and you don't want to weigh in on their decisions, because they should not make them in any kind of way with regards to any kind of personal inconveniences, and/or economical thoughts. However, you don't want to get airlines to, being cynical again, to cut short on the maintenance, or come up with that argument all the time.

So, I think, for example, if it's saying air control, or it's the airline pulling it themselves because they say, you might more be inclined to come up with something that is sort of not safety related, necessarily, at least with the airline. With the air control, you might always argue the case, you can argue the case. If it's the pilot, it's probably the most difficult case, because he's the closest one to the airplane, and he can see it. I would say that what you might want to do is take the timely pressure out of that case, meaning that particular flight and say, "Okay, we'll look into it." If it's an issue like a tire that, say that just as an example now, the plane has been maintained two weeks ago. And now, they notice that the tire is ran out, and

they know that the next scheduled maintenance is just in another two weeks, or another 30,000 air miles down the track.

And, it was foreseeable for the airline that that tire, break, whatever, would not be able to cover that distance to the next maintenance. However, they were trying to go the distance, and knowing that the tire would have to be changed in between, or the plane would have to fly insecurely. That is obviously something that needs investigation, and that is obviously something where the airline will try to sort of, whatever, argue the other case. But, if you take it out there, and you make a decision whether it's a safety issue or not, even if it's two, or three, or four weeks down the track, because then you have all the documentation from the maintenance, and you can check it, and you can talk to the ... maybe if it's a major kind of thing, whatever, even talk to the mechanics, and say, "Okay, you should've changed the wheel, because it was foreseeable that that wheel would not go the distance to the next scheduled thing."

So, that is a more clear case for me. Or, even that their maintenance schedule, their airline maintenance schedule should've been broader, or more thorough, in order to cover that. So, this might be something that's a bit of an in between kind of thing where you would weigh in with your professional judgment, and you would take away the burden of argument and/or proof from the passenger. But, everything in between, as I said, it's going to be hard. But you, as a regulatory body, might be somebody who could be in between to sort of, at least, define the cause, or put it under one of the categories.

Scott Streiner:	32:53	Okay, good, thank you. Liz, any questions?
Liz Barker:	32:53	Thank you, no.
Scott Streiner:	32:54	Thank you very much, gentlemen. Our next, and final presenter for the day, is, gotta make sure I read it correctly, is it Elser?
Elser.:	33:04	Elser .
Scott Streiner:	33:04	Elser. Welcome, Elser, or Elser.
Elser.:	33:15	I want to thank the chair and vice chair for giving us this opportunity. As was said, my name is Elsercher, and I am a member of the Alternative Dispute Resolution Institute of Canada, and I come here as a representative of the government relations committee. We look to assist the public, business, and

non-profit communities, and government, at all levels to understand and value the incorporation of ADR processes into dispute resolution mechanisms. Over the past few weeks you've had the opportunity across Canada to hear from our affiliates in different provinces or regions within this country.

And, they've tried to give examples and principles as it relates to the effective consumer based conflict resolution. We have incorporated many of their submissions into this document, and will submit a formal document at the end of August. My training, I'm a chartered mediator in Canada, but I'm a social worker and policy analyst with specialties around diversity and inclusiveness. And, we're optimistic that you have really made an effort to engage various stakeholders. Our last presenters talked a lot in response to your question around triaging, and as someone that works in a variety of fields, I would say that, in many instances where there is dispute resolution, what you want to do is assess a situation thoroughly.

If it was insurance, you would have reports from doctors, and so on, bearing witness to the status of that situation, that therefore informs the people in adjudication processes. Of course, with ADR, what we are looking at, I think, is three things that we want to stress. One is, ODR, and the use of technology in mediation, whether that's online through artificial intelligence, telephone mediation, or in person if need be, or video conferencing. We want to be mindful across Canada that yes, we have many large urban centers, but we certainly have a lot of small, rural communities, northern communities, where people simply cannot access a service in a city center. So, it becomes an economic hardship for them just to get compensation or fairness.

And so, that's one of the things we want to highlight. Another thing we would like to highlight is that education and training needs to be age friendly. We've met with individuals here who are from more vulnerable communities, whether that's because they have a disability, sometimes it's individuals who have language barriers, and so you want to make sure that once you've created the content, that you actually have stakeholder reviews of that content so that it's culturally appropriate. Things can be determined or understood in different ways. And so, ensuring that it's culturally appropriate is useful. We've talked about minors traveling. We've talked about some of these bump it stickers. How does a minor know that there is an infraction of their rights?

And so, if it isn't age friendly and simple, then it's going to be very, very difficult for people to communicate, or for their caregivers in advance to communicate. This gentleman spoke also about, when do you get education and training? If I give you another example, or context, you go to a pharmacy, you buy a product, generic or otherwise, and they print out this bit that goes in your bag. That's when you get to talk about it. You could be younger, you could be older, and it is at that point, that entry point, that you then speak to another individual who provides you with support, whether that's because of your disability, your age, or otherwise. And so, at that point, the individual receiving service becomes aware of their rights. It's a simple user friendly plain language format.

People talked about technology, things like Siri on your cellphones, that kind of thing, where you can get voiceovers. So, it's at the initial point of contact where you're not flustered and freaked out by an experience that you had in transportation, but you're a little bit calmer, and you have that opportunity. One of the things that I wanted to speak to on behalf of ADRIC, is examples of collaboration. We have collaborated with various partners, including Health Canada, around calls or rosters for chartered mediators, with CTA itself provider arbitrator assessments, the National Energy Board, helping them to develop a roster of mediators.

When we talk about access, we want to make sure that the people assisting you that are outside of the court system have credentials. The individual who's receiving transportation wants to know that they're trustworthy. And, one of the things that ADRIC does is credential mediators, arbitrators, or meta-processes. So, I think that is also very important, because then what you have is universal access to a fair service that has been approved. So, that's key for people in transport to rely on a service they can trust. And, we know that CTA brings a lot of expertise. When we talk about ODR, and we look at places like Ontario, AODA legislation, one of the things that happens with those pieces of legislation, again, is that they're universal in terms of web content, in terms of customer service standards. Those are critical, and certainly across Canada, it's not just Ontario that has AODA.

But, if I think of a workplace, very often somebody starts a job, depending on the job, they have to do WHMIS, they have to do AODA, they have to do health and safety. Well, in this industry, certainly, somebody starts a job, this gentleman and his wife spoke about compulsory training. There should be some kind of a checklist where you go to that job, these are the training

formats that are available, you need to do it so that you understand how to deliver a standard of customer service that benefits the community at large. So, that is very important, as well. It is good to hear that some of the work that started 20 years ago, Liz, with yourself and others in the community are being racked up as our chair has advised. The other thing that I wanted to speak to here is that mediation mechanisms actually be built into the regulation, and that there is an opportunity to opt out so that individuals can say, "Okay, I don't want to go this route, I want to go another route," but at the very least that the regulation spells out what kind of access to service they will have. Sorry?

Scott Streiner: 41:11

No, no, continue.

Elser.: 41:11

Okay. The current Public Service Employment Act empowered the federal public sector, labor relations, and employment board to provide mediation services at any stage of a proceeding in order to resolve the complaint. In addition to the mediation provision, the board has also adopted the public service staffing complaints regulation, wherein the board is automatically required to schedule a remediation for a complaint that is filed with it. If a party does not want to mediate, it must inform the board within a prescribed timeframe. So, again, that those kinds of thresholds for time be provided.

Entrenching, as I said, mediation processes, or ADR process, rather, would provide clarity to air passengers and air carriers, rather than referring them to another agency or legislation, another set of rules or documents. Enforcement proceedings can be costly, and if an administrative monitoring penalty is imposed, then there's a risk of appeal to the transportation appeal board. So, the idea would be that they have their first option is mediation, or met-arb, a way of getting a ruling and judgment around the issue up front. Just trying to see if there's anything key that I've missed here.

The primary consideration in providing guidance ... So, your first question was, what kind of guidance would be helpful for passengers on how to make a complaint to the CTA relating the new air passenger protection regulations. The primary consideration in providing guidance is to make sure the information is readily available, easy to access, easy to understand, travelers are from various diverse backgrounds and languages, and have various social and economic status that impact communication. So, access to information and following protocol or process is paramount. That guidance should be

provided through multiple mediums and at multiple intersections. So, I did speak of the point of entry, such as buying a pharmaceutical product, but then there's other points of entry, obviously, that can be used. And, in terms of just a general recommendations ...

- Scott Streiner: 43:45 We're getting close to time.
- Elser.: 43:46 Okay. Is, really that if it's not processed through mediation, it should be quickly referred to a final and binding arbitration process.
- Scott Streiner: 43:59 Good. Thank you, Elser Lee. As you noted, your colleagues in other cities have also made some presentations on ADR. I want to ask you a question around information provision. Because, of course, the objective here is to ensure the passengers' entitlements are respected, while at the same time, this is your bread and butter, trying to avoid, as much as possible, the need for more formal processes which can be costly and time consuming. When do you think ... are there particular points in time in the travel experience where passengers are more likely to be receptive to information about their rights? Because, you talked about the inserts when you get some drugs from the pharmacy. I mean, another example would be the I agree form when you go onto a website. How many people click on I agree after reading all the information on that form? I'm going to guess nobody in this room, although maybe somebody here takes the time, most people just go click.
- Elser.: 45:00 Mm-hmm (affirmative).
- Scott Streiner: 45:00 So, the question is, what's the best way, in addition to sort of plain language and accessibility, simplicity, when are the best points in the travel experience to actually get the passenger's attention so that people genuinely absorb the information on their rights and on the recourse available to them?
- Elser.: 45:18 That particular question is not something that has been processed by ADRIC, but to answer it, I think there are people who would see it at the first point of contact. They're booking their flight, and it's the idea that there's often, we talk about a bill of rights, and if there's something like the rights of passengers, they can click on it and get that information, print it, vet it. So, when they're getting their ticket, I think another point is, when they're on the flight. If you have your headset, and it may be that it's a compulsory little review you have, little video. If you want to watch a movie, the first thing you see is, what are my rights as a passenger, and what are my

responsibilities? And, again, you do that in a user friendly way, in an accessible format, but it's almost like you have a captive audience, because they want a service from that medium.

- Scott Streiner: 46:17 Right, good. Liz, any questions?
- Liz Barker: 46:19 No questions, thank you.
- Scott Streiner: 46:21 So, just as you wrap up, I will just clarify for your benefit, because this is of interest to you, but also for others in the room who may be interested. So, at the CTA, the number of air travel complaints we receive has jumped dramatically in recent years, as a result, at least, in large part of some public information efforts that we undertook, so people know that we're here to help. We've gone from about 800 complaints a year to about 6,000. But, what we do is, we use very informal facilitation services as a first step, followed by mediation where the parties agree, and we only go to adjudication if facilitation and mediation are unsuccessful. And, we actually resolve upwards of 95% of all of those 6,000 complaints a year through facilitation and mediation. So, we agree with you, that those services are essential. But, as these new regulations come in, we'll need to continue to think about how do we ensure that, in this new world, where there's a common set of rules, the services are as successful as they've been to date. So, that's something we'll be thinking about.
- Elser.: 47:16 Okay, thank you.
- Scott Streiner: 47:16 Okay, thank you, Elser Lee. So, I'd said at the beginning of the session after the break, that if we had a few minutes at the end we'd take any further questions or comments from the floor, we have a couple of minutes, and we have some handheld mics available. Sir?
- Audience: 47:34 Thank you. I'm representing the executive of the CCB, Canadian Council of the Blind. I haven't traveled since I have been in my wheelchair. I have a double whammy, vision and physical. Just to give an example, two years ago, our group had a cruise on the Ottawa River. I was denied access, since I was in a large electric wheelchair. I petitioned, and this year I was allowed to go on with my new collapsible wheelchair. But, the thing is, do, if I own a plane nowadays, do they remove a seat and place my wheelchair in its stead, or will they make me collapse the wheelchair and get in a standard seat, and put my wheelchair in the luggage department? That's one of my worries. And, I have a new collapsible, it's very unique, there are few in Canada. I'm told by Canadian Care that it's the only one in Ontario, and it's a

special one coming up from the States. It's not recognized by our OHIP, so it's not compensated, when you buy it you have to pay out full cash. So, it'd be a while before new ones will be in here. But, my worry is, I would like to travel, but since I'm low vision, and can't walk, what are my prospects?

Scott Streiner: 49:12 So, it's an excellent question. I talked a little earlier, as you heard, about the work that we've been doing on accessible transportation regulations. One of the things that became clear in the course of our consultations on those regulations is that the transportation of mobility devices on aircraft is a significant and growing issue. And, I say it's significant, because of course, for persons with mobility impairments, a wheelchair is an extension of themselves, it's essential for them to actually be independent and have full access to the same quality of life as others. It's a growing issue, because as you know, wheelchairs are becoming more customized to the individual, more technologically complex and therefore vulnerable to damage, and in many cases heavier and larger. So, what we're finding is that it's getting harder for airlines to actually transport wheelchairs and other mobility devices safely, which is frustrating for the travelers, of course.

Audience: 50:12 This one only weighs 56 pounds.

Scott Streiner: 50:15 The fact that it weighs 56 pounds and it's collapsible is remarkable, because we've heard in some of our consultations about 400 pound wheelchairs.

Audience: 50:22 My other one is.

Scott Streiner: 50:22 There you go. And, you know, we heard one person came and spoke to us at our session in Winnipeg about the damage that her 400 pound wheelchair sustains pretty much every time she travels, and, she talks about look out of the window of the plane at the conveyor belt and watching the wheelchair get damaged in some way or the other, because it's hard for the ground handlers to pick up, the conveyor belt's not made for it, sometimes the cargo door isn't really big enough for the wheelchair. So, we recognize that this is a big issue, but we also don't think it's an issue that's going to be easily resolved just through regulatory rules.

If we say, "You shall transport every wheelchair no matter what, or you shall make the cargo hold this big," airplanes can't be redesigned in 20 minutes. So, we convened on June 12th and 13th, the CTA convened a multi-stakeholder session on the specific issue of the transportation of mobility aids, which

brought together airlines, aircraft manufacturers, Bombardier, Airbus, and Boeing, wheelchair manufacturers, regulators, and representatives of persons with disabilities. And, we started a conversation about engineering policy training solutions to some of these issues, and that's going to be an ongoing process that we're going to sponsor and drive forward.

The hope is that, with dialogue, we'll be able to come up collectively with some solutions, whether it's more collapsible wheelchairs, better packaging of wheelchairs, better training for airline staff, we think that all the stakeholders want to find a solution, so we're going to drive towards some non-regulatory solutions to these issues as well, so stay tuned. And, you're more than welcome, if you're interested in more information, we're happy to have some of our staff fill you in, tell you how you can give your input.

Now, you asked at the outset about removing a chair. At the moment, as far as I know, there is not a practice among any airlines I'm aware of, of removing seats and allowing people to stay in their wheelchairs, in part, I think, because the airplanes aren't designed that way, and in part because of safety concerns. But, there is an initiative underway in the UK to explore that option, to explore the option of people staying in their wheelchairs on a plane. We're monitoring the progress of that option, but our sense is that that's a longer term solution, if it ever materializes, which is why we've decided to advance the conversation about storage at this stage.

Audience: 50:22

All right.

Scott Streiner: 52:42

Okay? So, that's where that's at. All of that to say, it is an issue, no question. We are working on some solutions which we hope to be able to implement in the short to medium term. Lots of people who travel in wheelchairs successfully and safely travel today on flights, but there's no question that this is a challenge, and it's one that we have to collectively tackle.

Audience: 52:42

Well, they probably can walk.

Scott Streiner: 53:02

Right, well, that's right. Oftentimes people in wheelchairs are still able to get up and switch to the travel wheelchair, and switch to the ... exactly, exactly.

Audience: 53:02

Thank you.

Scott Streiner: 53:12 Thank you, and again, happy to provide you with more information on that initiative. We've got a hand over here, and a hand over there. You pick, John.

John: 53:19 All right.

Scott Streiner: 53:21 Don't take it personally.

John: 53:23 From you, and then we'll go back across.

Audience: 53:26 Thank you, Mr. Chair. I just wanted to add a comment to the question you directed to these gentlemen about criteria the regulation drafters might take into account when trying to channel the delay cause into, say if you're not ... and, remind the drafters of the regulations that this is not going to define what is safe or not safe. I'm sure the safety of the airlines is well regulated, heavily regulated, and the Transport Canada governs all that. So that, if the regulations are simply recognizing that characterizing something as safety related or not is strictly for the purposes of passenger compensation and passenger treatment, that might give them a bit more room, and they might consider, in that context, defining a list of delay causes that will not be considered safety related for the purposes strictly of this regulation. Because, not naïve, I would suggest, as these gentlemen suggested, to think that airlines won't try to characterize everything as safety related in order to limit their exposure, so that if the regulations carved out a number of generally characterized delay causes, it would not be considered safety, that would help enhance the passengers' position.

Scott Streiner: 54:29 Actually, that's actually a very intriguing idea, that you would simply sort of back certain things out, and kind of help to send the signal that way. And, I will simply agree with you. I mean, I think everybody agrees, safety is non-negotiable. So, there's nothing about the consumer protection regulations that should or will compromise safety. It's a question of triaging around the availability of compensation. Thank you for that.

John: 54:49 Who was ... Here you go.

Audience: 54:57 The item I want ... Excuse me ... The item I want ...

Scott Streiner: 54:57 Yeah, it's working, it's working, yep.

Audience: 54:59 It's working?

Scott Streiner: 55:00 Yep.

Audience: 55:02 The seating in the aircraft, period, goes back to airlines trying to squeeze in as many bodies as they can. It becomes actually a safety commitment when you go down. You're talking about a wheelchair, you have a hard time getting a carryon suitcase down the aisle of an aircraft, and plus a person that happens to be a little bit oversize, has a difficulty. And, as far as I'm concerned, with a background in aviation, I think it's a safety management problem, and it should've been addressed years ago. But, through Transport Canada's deregulation back in '87, they took away all the rights of people in any way, or the airlines, to actually, other than fight their way through, they're all starving to death right now, basically what it amounts to, and they won't budge on anything, it's a dollar factor.

Scott Streiner: 56:10 Mm-hmm (affirmative). So, never like to say, "I can't help you with that," but as I said in my introductory statement, there are some matters that parliament's given us the authority to regulate, and some where we simply don't have that authority. And, when it comes to seat pitches, and this is not the first time people have raised seat pitches in these sessions, we haven't been given the authority to do anything around that. Now, when you come at it from a safety angle, you're concerned that it compromises safety, that's not our matter, but it is a Transport Canada issue. Transport Canada regulates for safety, and we do have some observers in the room from Transport Canada, so they can certainly take some of that back-

Audience: 56:47 Transportation Safety Board has brought it up before, Transport Canada doesn't pay attention to the safety board any more than they pay attention to you guys.

Scott Streiner: 56:59 Ah, well we're an independent tribunal so we-

Audience: 57:01 [crosstalk 00:57:01], that's exactly what it is, they do their own little thing, and the space cadet's still up there, he's not doing what he's required to do, he's more concerned with passenger rights and smiling on the television cameras.

Scott Streiner: 57:13 Well, what I would suggest then, nevertheless, notwithstanding your concerns [crosstalk 00:57:16]-

Audience: 57:16 I've already written them a few times.

Scott Streiner: 57:16 I was going to say, it's important-

Audience: 57:20 And, I've already sent out a letter to state that parliament should look after the whole aspect of Transport Canada,

because things have been going downhill ever since the late '50s, because I've been there since the late '50s, and I know what I'm talking about. Thank you.

- Scott Streiner: 57:38 Thank you.
- John: 57:41 Others?
- Scott Streiner: 57:42 Any other comments, any other questions? Going once ... John's there.
- Audience: 57:55 I have to travel with a companion. Does my companion travel free, because he has to look after me?
- Scott Streiner: 58:02 So, under the one person one fare adjudication decision that the CTA issued ...
- Liz Barker: 58:02 2006.
- Scott Streiner: 58:10 2006, Liz recalls, several Canadian airlines are required to allow somebody who requires an assistant to travel, to pay one fare, in other words to buy one seat, and the assistant flies at no additional charge. That currently is only in respect of those several airlines, and only in respect of flights within Canada, because that's what those cases dealt with. We're now looking in the context of this accessible transportation regulation that we're writing, whether that principle should be extended. Should it cover all airlines flying within Canada, should it cover Canadian airlines even if they fly abroad, should it even cover foreign airlines? So, that's one of the questions that we're thinking about in the context of the regulation.
- Audience: 58:51 Well, I know years ago when I could walk, and could see a bit more, I was a companion of many disabled, mental disabled individuals, men, from Toronto, when they went on trains. And, my transportation was looked after, their single fare paid for me, and even for the hotel room when we arrived at our destination. So, I'd wondered whether the same thing was with the airline.
- Scott Streiner: 59:19 So, it does, as I say, with respect to certain airlines within Canada, that it may be extended more broadly once we make this new regulation.
- Audience: 59:19 Thank you.

Scott Streiner: 59:27 Thank you. Okay, folks, well thank you all very much for coming, it was a fascinating session, very rich, lots of really helpful input. We are reconvening for those who are here as observers and interested, at six o'clock. We have four presenters between six and eight, so you're welcome to come back, if you wish, and to observe that session, and on Liz's behalf and my own, thank you for joining us this afternoon, and stay cool. Take care.

Séance du soir/Evening session

Liz Barker: 00:00:03 ... Clearly Jordan ... and he's late?

John: 00:00:11 Yes. So we're here. Everyone- Can I talk to you about that?

Liz Barker: 00:00:17 Yeah ... So he's an observer now and he's late. Okay, so we're on to number three.

Scott Streiner: 00:00:21 All right ... All right folks. Good evening everybody. I'm Scott Streiner, Chair and CEO of the Canadian Transportation Agency, the CTA. I'm accompanied this evening by Liz Barker, who's the CTA's Vice-Chair.

We're glad that you've come out this evening to join us for this discussion on the important question of what should be in the new air passenger protection regulations. Just so that you know, we have translation services available. So, you are welcome to make your presentation or pose your questions or offer your commentary in the official language of your choice. We will ask, because we have translation services, that you use microphones to do so. So either the podium or a handheld mic or whatever works best.

Air travel is integral to modern life. Canadians get on planes to seek medical treatment, to see family and friends, visit new places, do business. We all know that 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 we have no control over the situation and partly, it's because we may not have information on the reasons for the disruption, or we may not know what our rights are or who we can turn to for explanations and recourse.

The new air passenger protection regulations will help address these issues. These regulations will require that airlines communicate with passengers on their rights and the recourse

available to them in a clear and concise way. They will set minimum standards of treatment, food, water, accommodation- things like that- when: Your bags are lost or damaged, when your flight is delayed or canceled, when you're denied boarding, when you're traveling with children who are under the age of 14 and need to be sat near you, or when your plane sits on the tarmac for more than three hours. The regulations will also prescribe minimum levels of compensation where a flight delay or cancellation or denied boarding is within the control of the airline, or for lost and damaged bags.

Finally, the regulations will require that airlines have specific terms and conditions for the carriage of music instruments.

Welcome ... Just let Terry get comfortable.

Welcome. This is going to be the first time that Canada will have a single set of standard minimal obligations that every airline flying to, from, and within the country must follow. Parliament has given the CTA the job of making these new regulations. We are Canada's longest standing independent specialized tribunal and regulator. We've been around since 1904 and we take this new responsibility to craft these regulations very seriously. We know the Canadians rely on air travel. We know they wanna have their say about the content of the new regulations and we also know that they wanna see those regulations brought into force without unnecessary delay.

We are seeking Canadians input from coast to coast to coast. That's why we're here today. This evening session here in Ottawa actually is the final in-person consultation session that we're holding on these new regulations. This is the 8th city where we're holding such consultations. We've previously visited everywhere from Vancouver to Yellowknife to Halifax. We're also holding a call-in session tomorrow, for folks who wanna give us their input verbally, but weren't able to attend one of the in-person sessions, and we've set up a consultation website: airpassengerprotection.ca, where we've posted a discussion paper, a plain language questionnaire that people can complete, and the link for sending in written commentary.

We're off to a strong start. About 16,000 people have already visited our website and about 3,000 have completed the questionnaire, as well as some airport surveys that we're conducting in airports across the country. All of this, since we launched the consultations on May 28th, just 5 days after the bill that gave us the authority to make these regulations came into force. We're encouraged by this high level of engagement

from Canadians and are looking forward to hearing from those of you who signed up to present today, and any others who wanna offer commentary or pose questions from the floor.

Once the consultation process, which is set for three months, concludes at the end of August, we'll consider all the feedback we've received and draft the regulations which will then require the approval both of the CTA and the Federal Cabinet.

Now finally, before I begin, just a couple of points on process for this evening. Liz and I are here mainly to listen to your advice and your opinions, and each presenter has up to 10 minutes to make their presentation, after which we may pose some questions to you on specific issues. You're free to offer any information and suggestions you wish, but please keep in mind that we are regulating within a framework established for us by the bill that became law on May 23rd - A bill that was of course crafted and passed by Parliament. So there may be some issues that you'd like to see us deal with that simply fall outside the scope of our regulatory power and if that's the case, we'll let you know.

We'd also ask that during this session, we maintain appropriate decorum. We certainly don't want these consultation sessions to be unnecessarily formal, but we've striven across the country, as we've held these sessions, to ensure that the atmosphere's appropriately respectful, so that everybody feels comfortable bringing forward their ideas and engaging in a meaningful conversation.

With that, I'm going to invite the first of our speakers this evening, to come up and make their presentation as I look around for the list. I will turn to Liz, who will say that it's Terry! Terry, you're the first presenter this evening. Would you prefer to use the handheld mic?

Terry:	00:07:04	I'll take the handheld mic.
Scott Streiner:	00:07:06	All right. The floor is yours.
Terry:	00:07:11	Thank you, Mr. Scott, for the introduction. I do wanna speak about the air carriers, problems that persons with disabilities have on air carriers, and I truly hope that the CTA, with it's wisdom in drafting regulations, will take into consideration historical problems and help resolve those historical problems.

First, I want to talk about service dogs on aircraft. Right now, what is happening with service dogs is that air carrier has one protocol that's being used. WestJet has another protocol. Porter has another, and the list goes on. So, people who rely on service dogs, as a result of their disability, either has to pick one airline and go with that airline regardless or fill out a number of different procedures in order to take their service dog, which they're entitled to do, on the aircraft with them.

I don't think CTA wants to prevent Canadians who use service dogs from exercising their rights to be accompanied by their service dog in the cabin of the aircraft which, by law, they're entitled to do.

Right now on air carriers, with service dogs, the air carrier appears to be deciding what space is best for the service dog. I know there was a protocol for small, medium and large dogs and how many square inches are required. My experience- I will speak from my personal experience- is that the air carrier wants to put me in the bulkhead. If you've been on a plane and sitting at the bulkhead, there is a little more foot space than if you're sitting where there's a seat in front of you, but the bulkhead cuts out a lot of space that a dog could use under the seat in front of you if we are allowed to sit there.

I can tell you that my guide dog, which is a standard poodle, is quite large, but he can roll into a pretty small ball and fit very nicely under that seat in front of me.

The other areas on aircraft for service dogs receive the best comfort: In some of the Airbuses, there's rows of three seats on either side, except for row 40 where there's two seats. Where that third seat is missing, it is a very nice space for a service dog to go, but it's the last row and air carriers are reluctant to put people back there.

I guess my advice is in the regulations, the regulation needs to be worded in such a way that a person traveling with a service dog does have some say as to where they sit and provide the best comfort they can for their service dog. That the air carrier should not be able to dictate where you sit.

I will change the subject to persons who rely on mobility aids. I didn't introduce who I am because I know you know of me, yeah. I am a member of Citizens With Disabilities - Ontario. I'm the Co-Chair of the Council of Canadians with Disabilities Transportation Committee and I have a long experience of dealing with persons with various types of disabilities.

What I'm hearing from the community of Canadians who use mobility aids is that air carriers should follow the same procedures that VIA Rail is now following: That a person with a mobility aid should have the right to travel on the aircraft with their mobility aid. So if they're in a scooter or a wheelchair, there needs to be space on the aircraft to accommodate that.

Right now what's happening- and I know the CTA, if you do a review of your records, which I know you do- You will find that there is a lot of broken mobility aids when people travel who require mobility aids. That means that a person, who relies very much on their mobility aid to get from A to B when they're traveling, when they arrive at their destination, cannot use their mobility aid because it got broken in transit. That has to be prevented if at all possible, or minimized to the very smallest majority of travelers. I can tell you, from my own discussions with various meetings that I attend, that a person who is in a mobility aid- a wheelchair, a power chair- they rely as much on their mobility aid as I rely on my guide dog. If somebody all of a sudden took my guide dog away from me, I would have no idea as to where I'm going because my dog is my eyes ... The same as a mobility device is the means of transport for a person who has a mobility disability.

It's my belief that the CTA can write some very good regulations that will allow Canadians the leading edge of accessible transportation in the air industry. I think the time is now that the CTA should take what CCD has been saying for almost four decades now. CCD was started in 1978 as an organization that primarily had as it's mission to create some accessibility in Canada's transportation network. Every year, you could look at reports that came out of government and came out of CCD, stating the words that "Yes, we know it needs to be done" and "Yes, we do support accessible transportation" ... and you read that in 1978/1980, and all the way through to the last report that came out- 2017. So, I think the Minister did give CTA a mission- a very important mission- to try to get accessibility right for traveling Canadians, and I would like to see that the CTA, with their wisdom, in drafting the regulations, do their research, do their homework on their own files, and come up with something that really is gonna make a change. Thank you.

Scott Streiner:

00:15:01

Thank you very much Terry. So a couple of responses to what you said and then maybe a question or two for you as well, but first of all, a couple of responses ... and feel free to sit if it's more comfortable, whatever's better, whatever's more comfortable.

First of all, I just wanna echo some of what you said at the end. We've recently said at the CTA that our objective/our vision, is for Canada's national transportation system to be the most accessible in the world. We think that our goal should be no less than that in a country whose values include inclusivity and equality, but we've gone further and we said that we're committed to taking concrete action to turn that vision into reality. Because as you say Terry, most people agree on the vision, but it's action which actually gets us there.

So, we are actually- in addition to working on these air passenger protection regulations, which are general in nature but may have some disability/accessibility related elements- we've also been drafting a new set of accessible transportation regulations, which will integrate and modernize the two existing regulations and our various codes of practice into a single binding modern regulation and the Accessibility and Advisory Committee has been providing us with some input, among others, on these new regulations.

So Bob, your colleague who's here and sits on the Accessibility Advisory Committee, has been able to provide some commentary, and we're happy to keep CCD and other interested Canadians in the loop, but ... I think we're pretty confident that those new- or those modernized- accessible transportation regulations will move the marker, in terms of some of these issues.

Which brings me to the first of the two substantive issues that you talked about: Service dogs. So, we will be dealing with some issues around service dogs in the new accessible transportation regulations. Before I offer some comments on mobility, I do have a question for you on service dogs, which is ...

You know Terry, you point to the importance of seating and being able to choose seats that are appropriate. Do you wanna talk a little bit more about what's getting the way of your doing that now and how you think this should work? How, in practical terms ... What obligation would you suggest be placed on the airlines, by the regulations, to ensure that a passenger with a guide dog actually gets an appropriate seat?

Terry:	00:17:27	Again, I will speak to that, then I'll give you some concrete examples-
Scott Streiner:	00:17:31	Great!

Terry: 00:17:31 -from my own experience and ... I'll tell you that traveling Air Canada: They have a medical desk that people with disabilities who travel with any disability, have to go through the medical desk to make their reservations and at that point, the medical desk will assign seating. I had that seating that the medical desk put me in change when I actually got to the airport on the day that I was flying. The check-in agent says "Well, this is the best place for you. Their regulations say that you should be at the bulkhead. That's where you are." I get no say about that, but I did at the medical desk and what they put in the notes and the reservation get changed by other people down the line. Many people with disabilities who use service dogs are very new, particularly people with invisible disabilities who use service dog- like a PTSD/psychiatric support dog. They are not 100% sure as to where the best place is for them with their dog because they haven't traveled a lot, or people who are traveling for the first time may not know what is the best place. So I think there needs to be flexibility when reservations are made, for the person to choose the best seating arrangement, but at the same time, whoever making the reservations at the air carrier, should know and make recommendations to the person traveling as well.

In practice, that should happen. The Code of Conduct indicates that it should happen, but it doesn't happen in reality. Porter Air is a good example. I fly Porter Air, and they are supposed to leave the seat next to me empty if I'm traveling alone with my service dog, and most times it's not. So, my dog is very squashed under the very tiny space at my feet ... To say nothing of the fact that with my medical issues, particularly now, it is extremely difficult for me if I have to squish my legs and feet in order to make room for my guide dog, which I will do. And when I get off, even it's just an hour to fly to Island Airport in Toronto, I really have a tough time moving my legs for quite a while afterwards.

So, I think it is important that the regulations are there and they are enforced and followed.

Scott Streiner: 00:20:32 Do you think, Terry, on this- before I go on to mobility aids. Do you think if the regulations included a requirement that an airline, upon request and with the consent to the passenger, maintain a longterm record on the passenger's disability related needs ... Do you think that might help address some of the issues you've faced?

Terry: 00:20:51 I think it may help. I think it would certainly help the airlines and if they're able to cross-reference that database with other

people with similar disabilities, what the best accommodation of specific needs would be.

Scott Streiner:

00:21:08

Right. Right. Okay thank you for that. On mobility aids- again, a bit of background before just a question. So, while we were drafting these new accessible transportation regulations, issues around mobility aids kept coming up again and again. What became clear is that there was no easy regulatory fix to them. As you know, wheelchairs are getting larger. They're getting more technology complex. They're becoming more customized, so the risk of damage, on aircraft where the size of cargo doors hasn't changed- and you've got a couple of people, oftentimes, lifting them onto the belt. The risk of damage is growing. So, we decided to convene a forum to bring together stakeholders from the disability rights community, airlines, aircraft manufacturers, wheelchair manufacturers, regulators, et cetera ... to have a dialogue about potential ways forward.

And Bob, you attended I think both the opening session, which was more statements of intent, and then the workshop the next day. We are trying to move that initiative forward, so thinking our hope is that through a combination maybe of engineering innovations, better training, equipment- the addition of maybe some lifting equipment- that we'll be able to make some progress on the storage and transportation of wheelchairs and other mobility devices. The idea that you have, which is- and others have raised- which is to actually let people stay in their wheelchairs on the planes. There is an initiative like that, or at least some work on that as you may know, underway in the UK, but the timeline for that- The time horizon appears longer term, and as I understand it, there are some safety related issues that still need to be addressed, although that's not the CTA's mandate.

So we're monitoring that initiative, but at the same time trying to advance a discussion about the storage and transportation mobility devices until such a time as people can simply stay in their wheelchairs or on their scooters on the plane.

So that's the background. Now on that ... just one question, and it's really kind of an open-ended question, but do you have any sense around mobility devices- and Bob, you may speak to this later when you present- but around mobility devices in the transportation and storage, are there areas where the current training protocols are clearly lacking? Because there is required training on these issues, so do you have any sense- does CCD have any sense- as to where the gaps lie?

Terry:

00:23:37

That is an extremely interesting question. First, I wanna tell you that I am aware that Bob did attend the sessions in Toronto. I believe they were June 11th to the 13th, I believe he was there. Bob and I did discuss some issues there. Bob and I are also ... We are Co-Chairs of the CCD Transportation Committee and we are co-chairing another accessibility group with VIA Rail to help VIA Rail get the standards and the measurements right for the retrofit and for the new fleet that VIA Rail is purchasing.

We had our first meeting on June the 6th. Bombardier were actually attending that meeting as well, and there were a list of 55 changes that came out of that meeting that delayed the soft mockup, that VIA Rail and Bombardier are taking very seriously and making changes accordingly.

So, when you asked me "What are the standards at this point?" I can't tell you, because they're not in writing as of yet, but we are diligently working on making sure that whatever measurements are required are there, turning radius, everything. So ... that, I would hope, we would be able to get to you before the end of August. That's a timeframe based on the fact that Bombardier are working for a soft mockup and a new target date for that, but by the time that target date comes around, we should have the full list and suggested changes to the blueprints that Bombardier will be building to. So we should be able to provide you something.

I do agree with you, full-heartedly, that Bob is probably in a better position to speak more directly to mobility device issues because Bob lives them daily. I give you second-hand information from what I pick up in all the meetings that I attend related to people with mobility disabilities, and I guess I bring in some of the experience I have in fighting claims for people with disabilities who have experienced damaged mobility devices because of travel. That's just where I'm coming from, but something definitely needs to happen because damage to mobility devices- and it doesn't matter whether it's a small, regular wheelchair that's driven by the person pushing the wheels or a motorized wheelchair or scooter. There seems to be more and more damage happening to mobility devices and that totally puts the person with the disability in an untenable position when they reach their destination. What are they supposed to do? I don't have the answer.

Scott Streiner:

00:27:05

Yeah. Yeah. Thank you very much Terry. We've actually heard at pretty much, Liz, every one of our public consultation sessions, or most of them, on this specific issue. So clearly it's on the minds of Canadian travelers.

Terry: 00:27:18 Good.

Scott Streiner: 00:27:19 All right.

Liz Barker: 00:27:19 Thank you.

Scott Streiner: 00:27:20 Liz, did you have any questions for Terry?

Liz Barker: 00:27:21 No questions [crosstalk 00:27:22].

Scott Streiner: 00:27:22 Okay. Thanks very much Terry.

Terry: 00:27:24 Thank you.

Scott Streiner: 00:27:24 Our next presenter is [Frederick 00:27:27]. Frederick, welcome.

Frederick : 00:27:29 Hello ... Well thank you for allowing me to present here today on the matter of air passenger protection. So, I'm here as a concerned citizen who visits the internet a lot.

Scott Streiner: 00:28:25 We're glad to have you.

Frederick : 00:28:25 Thank you. Before I jump to the substance of my presentation, I'd like to seek some assurance from you that my comments will be considered carefully.

Scott Streiner: 00:28:39 You absolutely have our assurance. We're actually- Liz and I- are the head and the vice-head of the organization and we've chosen to personally travel around the country to hear these presentations, so that we can take them into account when decisions are being made. So absolutely.

Frederick : 00:28:52 Okay, thank you. So recently I read some troubling allegations about the agency. I hope you'll be able to assure me that none of these are true.

Scott Streiner: 00:29:02 All right.

Frederick : 00:29:04 These current consultations are for the Canadian public, correct?

Scott Streiner: 00:29:10 We have a consultation- Well, I'll let you finish- We have a consultation process underway with several streams, but go ahead.

Frederick : 00:29:15 Okay. So I'm interested to know how and when did the agency consult or will consult the airlines that will be affected by the

regulations that would be made ... and what consultations took place between the agency and the International Air Transport Association- the IATA- with respect to the regulations?

Is it true that in 2017, a little more than a year ago, that the agency had already consulted with the IATA about the regulations that would be made? ... For example, in June 2017, the IATA filed an affidavit in the Supreme Court of Canada, which states, in reference to Bill C- 49 that- and I quote from the affidavit: "The agency has sought IATA's input with regard to the regulations it will draft. IATA is actively participating in the consultation process, with Transport Canada and the agency on this topic." ... In fact, I have a copy of the affidavit here. I could hand that over to you and ... Do you need two copies? Sure, here you go.

Scott Streiner:	00:30:31	We'll leave one with staff.
Liz Barker:	00:30:32	Sure.
Scott Streiner:	00:30:33	Thank you.
Frederick :	00:30:37	Maybe you want to turn to paragraph 25 in there. That's where the quote comes from and ...
Scott Streiner:	00:30:45	I see you've highlighted it.
Frederick :	00:30:46	Right. I've highlighted it for you, that's right. Are you familiar with this affidavit? I see you're nodding yes. It was filed in the matter of Delta Airlines and Lukács, where I understand that the agency was an intervener. Is the cited statement true?
Scott Streiner:	00:31:07	Whenever you wanna pause, I'll go through all of your questions.
Frederick :	00:31:09	Oh, okay ... Maybe pause now for that one.
Scott Streiner:	00:31:17	Sure. So why don't they answer the various questions you've asked? So how are we consulting? The consultation process has several elements. We're holding in-person consultation sessions. This is the last of our in-person consultation sessions in eight cities across the country open to the public. Anybody who wished to register, like you, was able to do so and we were, I think, able to accommodate every person who asked to come before the Vice-Chair and myself, end up here, so that's one part.

Tomorrow we're holding, as I mentioned in my introductory comments, a call-in consultation session, for those that wanna offer their comments verbally but were unable to attend one of these sessions. Then there's the online consultation process through our consultation website, airpassengerprotection.ca, which includes a questionnaire and an opportunity to send in a written submission.

Finally, we're holding randomized passenger surveys in 11 airports across the country and holding bilateral meetings with experts and stakeholders with particular expertise or interest in the area, that includes- to come to one of your questions- airlines, airline associations, consumer protection associations, consumer protection representatives and academics with expertise in the field.

So that's how we're consulting. So it's a multi-pronged consultation process intended to capture as much information as we can. Sometime in the fall, we're going to try to put out a What We Heard summary document, just to encapsulate the key input that we heard. So that's the process.

You asked about IATA, generally in that about this affidavit. So generally, I frankly don't recall when IATA is going to be part of some of these discussions, but I'm sure as one of the airline associations, that our staff- who are holding some of these bilateral discussions with key stakeholders- will be sitting down with them. I frankly don't recall the timing.

As far as the 2017 meeting referenced in this affidavit, let me say a couple of things ... Frederick, right?

Frederick : 00:33:08

Yes.

Scott Streiner: 00:33:10

Before the bill, that gave us the authority to make these regulations, passed on May the 23rd of this year, we held no consultations and no discussions on the content of the air passenger protection regulations. We are a regulator that believes that it's important to engage with a wide range of stakeholders. We engage regularly. We like to keep our ear to the ground to understand the lived realities of the various parties whose lives we affect. That's why we have an Accessibility Advisor Committee. We meet every year with representatives of disability rights groups. We meet regularly with representatives of consumer protection associations, railway companies, shippers, and we also meet with representatives of airline associations.

So we met with IATA in 2017. I don't remember the exact timing, but I assume that the timing cited in the affidavit is correct. We might- at that meeting- have talked about the consultation process- timing of a process that would be undertaken after the bill came into force, but conversations about the content of these regulations began on May the 28th, when the public consultation process was launched.

Frederick : 00:34:20 Oh okay and ... thank you. For my second major point, I also found a news report alleging that the agency had tipped off Air Transat with respect to the outcome of the tarmac delay inquiry. Is that true?

Scott Streiner: 00:34:40 ... Any more questions on the Air Transat inquiry, or just that one?

Frederick : 00:34:42 Yes there's more, yeah.

Scott Streiner: 00:34:43 Okay, so do you wanna go through the Air Transat ones and then we'll ...

Frederick : 00:34:46 Sure, okay.

Scott Streiner: 00:34:47 Frederick, we're happy to take these kinds of questions. The only thing is I'm gonna caution you around timing, because we are trying to keep everybody to 10 minutes, so you're at six. You're at about six or seven.

So the Air Transat related questions.

Frederick : 00:35:01 Two of them: Did the agency provide confidential copies of the decision before it was released to the public? Did the agency provide confidential copies of the decision to the affected passengers before the decision was released to the public?

Scott Streiner: 00:35:15 Okay. That's it on-? Oh!

Frederick : 00:35:17 There's more actually.

Scott Streiner: 00:35:18 Go ahead.

Frederick : 00:35:18 According to an email sent by Miss Elizabeth Barker, the secretary of the agency, to someone apparently at Air Transat, and I quote: "You should be aware that the matter is also under review by a designated enforcement officer and a notice of violation may issue this afternoon as well."

Is it the agency's practice to tell airlines in advance that a notice of violation may be issued against them?

Then, moving on to my last point ... this is about one of your senior staff at the agency. Are you aware that one of the agency's staff is a suspended lawyer? This person was suspended by the Law Society of Ontario for professional misconduct back in 2004 and was never reinstated. Are you aware of that? Do you consider it appropriate to have a person with an unresolved record of this nature in a position dealing with sensitive matters relating to the rights of passengers? What assurance can you provide to the Canadian public that this person does not engage in similar acts of professional misconduct in his dealings with passenger complaints? Well that concludes my presentation.

Scott Streiner:

00:36:37

Okay. So Air Transat. It is common practice among regulators to provide copies of decisions to affected parties, to the parties that are the direct focus of findings and against whom findings may be made, in advance of the public release of those decisions. That's a common practice among regulators.

The only party who was potentially a target of corrective actions and negative findings in the Air Transat inquiry was Air Transat. The decision upon issuance to Air Transat was final. It was not a confidential copy, in the sense that things might change. The decision was final. It was issued to Air Transat. So what happened in that was not that Air Transat got an advanced copy. Air Transat got a copy when the decision issued, we then released to the public several hours later. Part of what happened during those several hours was that our designated enforcement officer made decisions around the penalty to be imposed. The designated enforcement officer is the person at the CTA who's able to actually impose fines and they can only do so when the decision is formal and final. So the decision had to issue first in order to be formal and final.

We made the assessment, which I think was absolutely correct, that the public would be interested in seeing the full package- both the decision in respect of whether Air Transat had respected it's tariff, and the designated enforcement officer's decision around a possible fine- and therefore we made the assessment that we would wait several hour so that she could then make the decision on the fine in order to issue both the decision and the enforcement officer's decision on the fine together.

So that's in respect of Air Transat. In respect of the public servant to whom you refer, I will simply state that we have a long standing tradition in Canada of protecting the reputations of public servants. Public servants are, by convention in Canada, expected to remain relatively anonymous. They are not generally empowered to respond to attacks on their reputation. The individual in question had issues- apparently, I haven't looked into it- with the Law Society that long predated his retention as a public servant and he has performed, and continues to perform, his work with excellence and is not actually serving in that role as a lawyer, so I'll simply say ... I think it's always unfortunate when public servants are targeted and it's my responsibility as head of the organization to ensure that their reputations aren't inappropriately impugned.

- Frederick : 00:39:14 Yes. Well, I just have the public information printed out from the Law Society.
- Scott Streiner: 00:39:18 Great. Not interested. I'm not criticizing you on this. I'm simply stating that as a general statement, it always concerns me when public servants- who, by tradition in Canada, remain anonymous and perform their duties with loyalty- are in any way subjected to any kind of personal attack. So in this particular case, as I say, all of this long predates him being hired as a public servant and he's not actually practicing as a lawyer at the CTA and he has-
- Frederick : 00:39:45 Him or her? I haven't [crosstalk 00:39:47]-
- Scott Streiner: 00:39:46 Him, and he performs his duties with excellence.
- Frederick : 00:39:50 Mm-hmm (affirmative). I have these documents [inaudible 00:39:53] ... Okay. Well thank you very much.
- Scott Streiner: 00:39:56 Thank you Frederick. Next up we've got Bob, Terry's colleague from the CCD.
- Bob: 00:40:04 Thank you very much ... Oh [inaudible 00:40:08].
- Scott Streiner: 00:40:09 Oh, Bob. We'll just give you a ... We'll set up a mic for you in a way which is appropriate and comfortable.
- John: 00:40:15 It's over here.
- Scott Streiner: 00:40:17 So are we gonna use the podium?
- John: 00:40:21 I don't know if we have [crosstalk 00:40:21].

Bob: 00:40:21 [crosstalk 00:40:21].

Liz Barker: 00:40:21 [crosstalk 00:40:21].

Scott Streiner: 00:40:21 It's the best stand we've got- Yeah, we've got one on a ...

Bob: 00:40:21 We already did this one?

John: 00:40:25 Yes. Do you have a side preference? Would you like it on the right side or the left side? All right ...

Bob: 00:40:32 Do you want the [inaudible 00:40:32]?

John: 00:40:35 [inaudible 00:40:35] ... Let me just make sure it doesn't fall down because it will ...

Scott Streiner: 00:40:47 Do we have another kind of [inaudible 00:40:48]? ... [inaudible 00:40:48] ...

Bob: 00:40:47 Okay.

John: 00:40:47 Are you good?

Bob: 00:40:47 I think. Hopefully persons can hear me ... ?

Scott Streiner: 00:40:47 Is the mic on?

John: 00:41:00 Let me turn it on so [crosstalk 00:41:00].

Scott Streiner: 00:41:00 Yeah.

Bob: 00:41:00 Sorry.

Scott Streiner: 00:41:01 They won't be able to hear you till we turn the mic on.

Bob: 00:41:03 Oh ... There we go. All right. Testing? Oh that's better. All right Bob, I hear myself.

There's a number of issues that I wanted to speak to you. Some do involve the passenger bill of rights directly, but I do wanna make one point that I'd like to have my points heard in the jurisdiction that the CTA does not have on this issue, which lies with Transport Canada, which is here listening, so-

Scott Streiner: 00:41:38 Yeah, we've got some observers from Transport Canada, so-

Bob: 00:41:39 Yeah, so. I would-

Scott Streiner: 00:41:39 Please, go ahead.

Bob: 00:41:42 Because the points do relate partly- Well, it's not necessarily just policy, but it's jurisdictions that the CTA does not have over your airline operations and things like that. So, anyway. I'll continue ...

Anyway, Terry had started to talk about the mobility aids and the point I've been making is: A mobility aid is not just a mobility device. It's a seating system, which has to be thought of ... It's like a highly tailored suit or a wedding dress. You wouldn't think at the destination wedding, you go somewhere and be lost in luggage, or damaged or this kind of thing.

The present regulations say a suitable replacement should be supplied. Well, there is really no such thing. Especially depending on- And I'm not talking about some of these ... I call them hospital chairs, or something. It's just a, you know, a Sears. Use Sears \$200 kind of thing, but it's something people actually with disabilities live in daily, and the consequences of damaging that device is- It could help pressure sores, uncomfort ... the list is just about endless.

The point is- and we did discuss this at some of the Toronto meetings- that it- really extreme care and training, which I believe some of the training is still lacking as well. We've seen videos and the way handlers put them on the conveyor systems and things like that, aren't adequate for the needs that require. You made the point earlier that the devices are getting bigger, but not all of them are. Some are getting bigger but they're getting lighter as well too. This one, for example. It's larger but it weighs 40 pounds lighter than my previous chair that I had. Just to clear up misconceptions that they're all heavier. I'll just leave it, I think, at that ... but anyway.

The point was that there's no such thing as a suitable replacement. Any kind of repairs or things like that need to be made in an extremely timely matter. We did hear that there are some companies that can react and respond fairly quickly, but if you're just going through an airport, it's pretty hard to ... You still get to the other end and you still haven't got a device that works or ... Footrests are all bent up and things like that, so it's important to try extreme care.

We've seen videos of baggage handlers just throwing people's bags from the cargo door just down on to rails and things like that, so. Things like that should be really enforced, like

adequate training, because we don't see it now and there is a regulations presently for the training of new airline staff.

Another point I want to make is the pitch, for example, of the- Terry started on this but- the pitch of the seats. People are getting ... just by evolution I guess, well and size. They are getting larger and heavier, but they're also getting taller. Taller and in stature, so the airlines right now, they just wanna pack as many seats as they can in there, so we end up with issues like the service dogs, service animals, that kind of thing and there's just no room in between.

Our executive coordinator of our organization, he's 6 foot something and he got a hip replaced and he's gotta have his knees up on the seat. So you don't have ... It becomes a real problem, and then of course they charge extra for a seat to fit the size of the person. [inaudible 00:46:46] in fact, the seats don't fit people basically ... and of course they "You want an upgrade? Well that'll cost you." So I'll just leave that one.

I did want to- and I'm gonna mix a bit of both of what is within the CTA's jurisdiction and what is not, which is under Transport Canada, because it's not just the policy. We have issues with it, but it's also other regulations that need to be [inaudible 00:47:25] taken into place.

For example ... and I'll just talk about some of the reasons that these need to be addressed. For example, some people who are diabetic, for example. They need to bring- especially on a longer haul flight- usually- I mean, you could pack in an ice bag or things like that for short hauls, but if you're doing an international flight ... usually, I believe, some people ask for the cabin crew to put it in the onboard fridge, but if the plane is sitting for another three hours plus, with or without the cooling system and the refrigerator working, washrooms, lights ... that runs off a generator and that generator also runs off the main fuel supply. The pilot has to plan to carry additional fuel.

Presently they plan for a certain amount. There's a requirement, I'm not just exactly sure what for commercial aircraft. I used to be a private pilot. This is years ago, but we used to have a requirement for small aircraft for 40 minutes fuel to an alternate or ... but for a commercial aircraft, different things come up. Weather, a NOTAM [inaudible 00:49:06] go up at any point and they're not aware of it. When recently, an airline was telling me that happened to them and they had to choose an alternate because he didn't have the planned fuel to fly around it.

So, one of my points is gonna be that- and unfortunately it's not within the CTA's jurisdiction, but it is within Transport Canada. Not policy, but I guess it could be the regulations and the CTA doesn't issue regulations on aircraft operations, but ... If they're looking at three hours, then they probably should be carrying an extra three hours fuel. Plus their additional reserve, but that's under Transport Canada. Of course they are listening and I just need to make that point.

I've been on an aircraft in the states, planning to come back to Ottawa ... I forget if we went through Toronto or not, but there was some weather moving in- just as an example- some weather moving in for the south. We were number 20 in line and there was about 40 and just ... We were two hours, at this point. The aircraft that was running, it was a hot day of course, and you could imagine an aircraft sitting on the tarmac with no air conditioning the last couple of days of this week ... but anyway, it lugged the aircraft. They don't even hit the three hours that's being proposed. They already had to turn around and go back to the ... for refueling at two hours, because you still have to have the reserve on board.

This is a little out of our area, but it's just to highlight my points about it. Something we deal with, you know what I mean? We do have issue with the three hour regulation and we just want, again, go on record of that it should be that the 90 minutes as before, or- well, and I'll get to the other coming up here very shortly. In fact I should talk about it now.

We were talking about seating systems. For persons with disabilities ... For example, their mobility device like a wheelchair- is highly ... It has to be a professional. It has to take measurements and basically build from the ground up. Or you might buy the bottom, but the seating system is all custom made.

When people are still sitting in a conventional aircraft seat, you don't have the same seating system and it's very uncomfortable. People will tend to try and make do and put up with it, but their extreme discomfort and things like that. They can plan for that, but when it's longer, it's not sitting in their conventional seating system, it's very, very difficult. Like I said, it's [inaudible 00:52:36] point there. I'm gonna try to speed it up because I'm [crosstalk 00:52:40].

Scott Streiner:

00:52:41

You're pretty close to time, but we'll let you finish up.

Bob:

00:52:43

Okay. I spoke about the tarmac. Also, again it just brings in about the amount of time ... three hour. People, a lot of times, will- because they can't get to the washroom, even if there's nobody to assist them really on board, so frequently what happens ... people dehydrate themselves. They start the day before, so they're dehydrated which brings in a health and safety issue of ... You can kind of plan a little bit but at some point, you have to go. That causes all kinds of other things I won't go into but it does ... pressure on your kidneys. It's a real health and safety issue. So, I wanna make that point.

One of the other things. A lot of people are claustrophobic. They're okay as long as they're moving and they're [inaudible 00:53:50], time to start thinking about it ... sitting on the tarmac again, they start climbing the walls. It can be a real debilitating disability and it's that disability you don't know who's gonna have ...

I just came back on a flight from Toronto recently and the lady in front was going through panic attacks because- That was on the plane. We were already moving, but that's a similar thing, so. My point again is about the claustrophobic kinds of issues. We wanna make sure that there's ... People make plans. They have to make arrangements for ground transportation pick-ups and things like this. So if someone were to get bumped, it's not just the bump off the plane, it's all the other arrangements at the other end. Hotels. There's a number of cities that don't have really ground transportation, so there's been arrangements made, some of them don't make it within that window, you may lose your ride.

About the dispute resolution system, the agency does have the fairly broad powers and authorities, and we would like to see them be able to issue cost for damages and things like that. A pressure sore could take you out of commission for six months or a year. There's no recourse and things like that, so ... if it could be shown it was a direct cause of that and it frequently happens. I've had it myself- luckily not very bad- in my years, but you develop a pressure sore ... sometimes there's ways to get around it, but the other times there's not, you're bed-ridden.

Again, the actual enforcement needs to be stronger, and of course the new bill on disability rights ... whatever the name is now. We keep changing it. It's a title in progress, but it needs adequate enforcement and the new bill says that, so it may have quite an impact. One of the things ... it's going into a consultation process too, but it refers to the CTA. It does not

refer to Transport Canada as a policy maker and ... recognize CTA as a regulator to put the existing but they'd have no authority outside of their jurisdiction. As I say, Transport Canada over passenger in-cabin kinds of things.

The CTA can't change, on its own, the three hour rule or back to where it was. There's some airlines are even applying, in their [inaudible 00:57:11], for an extension on that. They want four hours, so ... we highly object to that, but I'll leave it there.

Scott Streiner: 00:57:19

Okay. Thanks Bob. So a few reactions and then a couple of questions. First of all, you indicated that you understood that some of these issues were outside the scope of our jurisdiction in these regulations, but just to underscore, I mean again ... We're gonna make regulations within the parameters that Parliament sets. Parliament did not include issues around seat pitch, at least not explicitly in the regulations. We have had one or two presentations and more comments along the waging these sessions around height. One person asserted that being very tall is a form of disability and should be considered as such in the context of seat pitches, so we'll need to reflect a little. Especially if we get any formal complaints in this regard as to whether or not we can consider seat pitch issues in that context, but we do not have the authority from Parliament to regulate seat pitches in the context of these regulations.

Similar comment around the tarmac delay, and again, I know you indicated that you understand this, but there was lots of discussion before parliamentary committees on whether to change that number. I will remind you and others in the room, again, that up until now, there's been no common obligation around tarmac delays and disembarkment. There's a lot of talk out there about, well, at 90 minutes. Now the airlines disembark at 90 minutes. In fact, some airlines agree to do that in their tariffs, but that's something the airline has chosen to include in its terms and conditions of carriage. There's no rule that says 90 minutes.

These new regulations, Parliament has decided that the special provisions around tarmac delays will kick in at the three hour mark, after a lot of debate. Nothing precludes the airlines that have a 90 minute rule now from retaining a 90 minute rule. The regulations set a minimum. They don't say you can't do better than the minimum, so Parliament has said the minimum point in time at which special requirements around tarmac delays kick in is three hours. So that's what we'll work with, but this will be the first time that there's any minimum. 90 minutes was a practice among some airlines, but not a minimum.

I'm gonna come back to that to ask you a question. Just one or two more comments, and then back to some questions. With respect to your comment on being able to provide costs for damages and a stronger enforcement rule, in fact I think the proposed Accessible Canada Act does exactly those things. As an organization, we've been calling for years for an alignment of the remedies available to people making claims under the Canada Transportation Act to be aligned with those under the Canadian Human Rights Act. We were very pleased. We've publicly called for that for several years. We were very pleased to see that the Accessible Canada Act does that, and it also enhances our enforcement program in several ways. So we think this is good news for being able to advance our accessibility mandate.

Just a small side comment. You said there's no reference to Transport Canada's policy making role in the legislation. Just as a comment, I don't think I've ever seen any bill that references the role that policy departments playing/giving advice to ministers. That's just understood to be their role. So I don't think it's unusual that that's not referenced, but of course Transport Canada's the primary source of policy advice to the Minister of Transport. That's how that works.

So now to questions. Given that we only have the authority to make special rules in respect of tarmac delays from three hours on, do you think that there is any accessibility angle or lens that should be applied to that? In other words, should there be any specific provisions or requirements for airlines- at the three hour mark or later- that relate to the standards of treatment, as the bill calls it, for persons with disabilities who are on the plane?

Bob: 01:00:56 I mean it depends too all on kind of disability. It's so wide and varied and people have different requirements that they may self-identify, they may not. It's probably- May get to be more than just food and drink and things like that. It may get to be an issue of a washroom but ... Some of the present technology- and not all aircraft have to have a on-board boarding chair. In fact the washroom with an attendant ... they're pretty small right now. Basically unusable. It's kind of a joke in our world, but ... I'm not quite sure how to answer that, but yes [inaudible 01:01:54], because there's just so many different types and you have to ... When someone asks for accommodation, I guess, just do the best to ...

Scott Streiner: 01:02:02 I guess maybe that's one way we could think about going, is just have a signal in the regulations of needing to think about the

accommodations that may be required by persons with disabilities and enduring an extended tarmac delay.

Bob: 01:02:13 We would like to see everything looked through a disability lens. Of course it wasn't in the new legislation. A disability lens ... a [inaudible 01:02:25] for example, the AODA, which is useless, but that's another issue. Think of it ahead of time and ... Think ahead.

Scott Streiner: 01:02:36 Right. So on that, again, bringing a disability lens to bear. Just one more question. With respect to involuntary denied boarding, so bumping. We raised the question on our discussion paper of whether there should be some categories of passengers- if there's a situation where there's too many people for the plane because there's been an equipment change or it's an overbooking situation- whether there are categories of passengers that should not be bumped or should be bumped only as a last resort, if no volunteers are found to take a later flight.

Do you think that some or all persons with disabilities should be included as somewhat protected from involuntary bumping?

Bob: 01:03:19 ... We go on the principle of inclusion, same as equal, so that's a hard question from an equality point of view, but on a practical point of view, because some of the points I highlighted like arrangements to the other side.

Scott Streiner: 01:03:39 Yeah, that's what I meant.

Bob: 01:03:39 They may be sitting at the airport for however long, not being able to get wherever. Not everywhere's like Ottawa, has a taxi system ... It hasn't always been that way either. It's only been a number of years now that that's been available. I guess to answer your question I would see it would be the last resort, but I hate to put that out there because the principle.

Scott Streiner: 01:04:15 I wonder though whether- Not to engage in too much of a philosophical debate at 7:09 at night, but I wonder whether if that doesn't actually advance substantive equality. If you say the impact on people with certain disabilities are disproportionate if they're bumped, then by protecting them from being bumped, I actually think it might be an equality advancing step. So I understand your point, but as we both know- is you know better than I- sometimes the same treatment doesn't constitute equal treatment. In this case,

maybe the same treatment would not constitute equal treatment, so I think it's something we're gonna reflect on.

Okay, thank you Bob. Liz, any questions for Bob?

Liz Barker:	01:04:50	Bob, I just had a point of clarification for you. You indicated that carriers are charging more for seats that fit the person. Do you pay extra for seats that accommodate your needs?
Bob:	01:05:05	Luckily I'm not 6 feet, so I don't ... I-
Liz Barker:	01:05:08	So you were referring to tall people.
Bob:	01:05:10	More taller people or even obese people. I shouldn't say obese, just the average person is getting bigger. Not just obese people. I personally haven't had to bump up but I've been able to, I guess, take the small economy seat, but if I have an attendant flying with me who is someone taller, it's gonna be an issue. So ... as I say, they try to pack as many seats in there and if you want, say ... They're not seats for little kids like in a daycare. That's what it's getting to. As I say, the reality is, people are getting taller from evolution. If you look at an old pair of armor from the Middle Ages, people are only like 4 feet high. It's not the case anymore. It's just nutrition ... Some of the basketball players ... I mean. I think it speaks for itself.
Liz Barker:	01:06:17	Okay. Thanks Bob. Yep. Thanks.
Scott Streiner:	01:06:19	Thanks Bob. Okay. Thanks for your presentation. Terry did I see you put your hand up there?
Terry:	01:06:23	Yes.
Scott Streiner:	01:06:24	Can I just ask, I think what I will maybe- Is it directly on point? If it's directly on this issue, we'll pass you the mic. Otherwise maybe we'll wait till the end.
Terry:	01:06:30	Directly on [crosstalk 01:06:31].
Scott Streiner:	01:06:31	Directly on the point? Okay, so here. John is gonna bring over the microphone for you.
Terry:	01:06:33	Okay, thank you.
John:	01:06:33	Here you go.
Scott Streiner:	01:06:37	Go ahead.

Terry: 01:06:38 Thank you. The one point that I wanted to make, Mr. Scott, is the fact that some people with medical disorders like diabetes, if they're bumped, their eating pattern, their insulin, everything gets thrown off and that can cause considerable problems.

Scott Streiner: 01:06:58 Yeah. Thank you Terry. I don't think necessarily we would contemplate a sweeping exclusion if there is involuntary bumping, which by the way is a practice that we hope to be able to minimize by setting out some compensation levels in a way that will encourage airlines to find volunteers, so hopefully there'll be very little bumping of people to later flights without their agreement. I'm not sure we would ever look at a sweeping exclusion of everybody with a disability, but we might focus in on certain conditions where that bumping could have real implications like somebody who's waiting for transportation on the other side. They have a mobility impairment or somebody with diabetes. Thank you Terry.

[Yves 01:07:35]. Yves. Our final presenter this evening, and Yves, our final presenter after eight cities across the country where we've held these sorts of sessions.

Liz Barker: 01:07:46 No pressure [crosstalk 01:07:47].

Scott Streiner: 01:07:47 No pressure whatsoever!

Yves: 01:07:49 I've been away and I just found out last on TV about this, so.

Scott Streiner: 01:07:54 Terrific! We're really glad that you're here. We enjoy presentations from all sort of presenters, but-

Yves: 01:07:58 I just officially have been forced retired, at four days ago, so I've been really, really busy for the last three months.

Anyway, the first thing I noticed is when I saw your pamphlet today and I was reading, and when I went back home, because I came early this morning, is that I didn't see anything about teenagers or kids traveling. They don't have a credit card. What do they do for food and for earphones? Because I normally sit in business class, so when I see little kiddies come by, I give them the earphone set that they give me because I have my own. That's just a small point.

And just because of Bob, I was looking up- because I just came back from Europe. A 767-300- when I looked up where I was gonna be sitting- Air Canada has 39 seats, and if you fly Rouge, it's 49 seats. So you really get jammed in there.

Okay, now to the main points. This winter I traveled to Cuba extensively for charity. My wife and I go down with 12/14 suitcases and whatever, and they get damaged and they get replaced. I have no problem with that, except that this past winter, somebody filled the reservoir with water in Toronto. After, this seems to be a thing that pilots says "We're very sorry but it's too dangerous to fly. You have to get off." Eight hours in Toronto, we had a \$10 coupon. I'm in business class. There's no problem. I can go to the lounge, but what about the other 200 passengers who have a \$10- and they got three kids or whatever going on a holiday? Plus you're missing a whole day of your holiday. \$10 compensation is definitely not enough for eight hours stuck in an airport, with kids running around and crying and whatever.

It was mentioned IATA? Well, my background is military RCMP and I was a security officer at part of IATA for a little while, and I went to a conference in South Africa and as far as I was concerned, it was a joke. If I had been a terrorist, I could have every country in the world right there. Put a bomb- and no security whatsoever. I saw people grabbing all kinds of material, walking away with it. They were escorted out, but they were left with all the material they could want to take. Security was zero. Not acceptable in my business.

Then if you have a problem- because I travel Air Canada because I can bring my wife on points, whether it's Air Canada, Rouge, Vacation, whatever- they just pass the buck from one end and another. "It's not my fault. You have to call this. You have to call that."

The biggest point I have is at April, we went down- my wife and I- to Cuba for 16 days. I called Air Canada before I left. "Everything okay?" "Yep! No problem." I paid for my son for Edmonton and his wife to come down for a week, where we down there for 16 days. On Wednesdays, you look at the catalog for Air Canada and it says "The bus will pick you up at 4:30 in the afternoon." After an hour and a half, no bus. Start making some calls or whatever and then we finally got ahold of the Cuban agent who says "Oh! Air Canada decide to close the season. No flights! No Canada flights. None!" So, now I'm stuck and they said "We'll try to get you on a Sunwing flight or a WestJet flight." I was already on the phone with my travel agent. She said "There is nothing. The flights are full. I got you on a WestJet flight tomorrow."

So the manager of the resort, in his car, took me to a friends house 45 minutes away, gave that guy the day off so he could

drive five hours to drive me back to Varadero, so I could fly to Toronto. My wife had a ticket to go back to Varadero, Toronto, Montréal because our car was there, and it was very late so she had to get a hotel. I'm stuck in Toronto because the next day, if I'd come back early, had a board meeting in Washington. So now I have to buy a ticket to go to Washington from Toronto. I lose my airplane miles, plus I have to pay extra for changing my flight.

So it was just like ... and I did look it up today. They did respond from Air Canada, just this "We have reached blah blah blah. We are [inaudible 01:12:36] confer. Contact Air Canada if you have this form." What form? I couldn't find it. I'm \$3,552 in the hole.

Those are points that ... Even the flight from in the wintertime, lost the whole day there and basically, that's all I have to say.

Scott Streiner: 01:13:04 Thanks Yves. Thank you.

Yves: 01:13:04 Am I ... ?

Scott Streiner: 01:13:05 So, I wanna zero in a bit on your experiences with-

Yves: 01:13:10 I've had 40 flights so far this year.

Scott Streiner: 01:13:12 You're an experienced traveler. You're like our one-man focus group going around and just testing all the different flights.

First of all, you should know, just as in a side, that if you have an issue with an airline, that you're not able to resolve directly with them, then one of the things the CTA does in addition to making regulations is deal with complaints. So you can always turn to our staff. There's information on our website if there's an issue you can't resolve.

I wanna zero in on the eight hour flight delay and then the cancellation. So the law [crosstalk 01:13:42]-

Yves: 01:13:42 The eight hours was- and they said "We have to get a new plane." And in fact, they put the plane in a hangar. They lied to us.

Scott Streiner: 01:13:51 [crosstalk 01:13:51]?

Yves: 01:13:51 Because the same airplane came because my cookie wrappers were in the same pocket seats.

Scott Streiner: 01:13:57 You think it's statistically unlikely that somebody else left those cookie wrappers in the [crosstalk 01:14:02]?

Yves: 01:14:02 No [crosstalk 01:14:02]-

Scott Streiner: 01:14:02 Okay, that seems like a reasonable argument. So what the law says is, when it comes to flight delays and cancellations as well as denied boarding, the law says "Look. There's three categories."

The first category is something that's completely within control of the airline. In that case, you, the CTA, can make regulations setting out minimum standards of treatment, so that would be like food, water, accommodation, and also compensation.

Category two is it's within the control of the airline but it's due to some safety concern, so there, there's gonna be minimum standards of treatment, food and water and things like that, but no compensation.

The third category is it was out of the control of the airline. Volcano explodes in Iceland and then, all the airline has to do is get you to your destination.

So that's the framework the law is set out. My first question for you is- one of these we have to think about is, so what do we deem to be safety related that pushes something into category two as opposed to fully within the control of the airline?

Yves: 01:14:55 I agree. It's safety related.

Scott Streiner: 01:14:57 No compensation.

Yves: 01:14:58 The reservoir of water was not supposed to be filled because it was broken, what the pilot said, and that after the safety briefing, they're ready to go, he comes on and he says "Sorry. Everybody has to disembark. We can't fly. It's too dangerous."

Scott Streiner: 01:15:13 So let's assume that that falls within category two. One of the things we're thinking about is how do we decide sometimes if something's in category one or category two, but what do you think? You found \$10 to be ridiculous, but what do you think would have been appropriate for the airline to do in that situation? Just ... yeah. We won't hold you to specific numbers too much, but ballpark. What do you think the airline should have been obligated to offer passengers in that situation?

Yves: 01:15:36 ... A decent meal voucher, a nicer place to sit and ... With three kids or whatever, I've seen people going on holidays with three/four kids and they have one week and they've already lost one day. They need to be fed properly.

Scott Streiner: 01:15:58 Right ... and what if it had been for a reason that was within the control of the airline? So let's assume for the moment that the flight was canceled because the- I don't know- the airline mucked up the booking procedures for crew. Okay, so then we could also-

Yves: 01:15:58 I've seen that.

Scott Streiner: 01:16:16 So then we can also order compensation. What do you think is a fair level of compensation for people- monetary- for people that are delayed eight hours?

Yves: 01:16:23 I read in some of your thing there that a one-way fair compensation would be okay, except in my case, it was like two flights that coordinated that didn't match, so I had to pay for an extra flight on top of everything and two hotel rooms and everything else ...

Scott Streiner: 01:16:47 It adds up.

Yves: 01:16:48 It adds up. Well, like I said, \$3552. \$195 US dollars for a taxi to go from Caibarién to Varadero. It just keeps adding up.

Scott Streiner: 01:16:59 Right. Okay. So that's on the delay, thank you. On the cancellations. So you're coming back from Cuba, only boom. No more flights.

Yves: 01:17:09 No. No notification. Nothing.

Scott Streiner: 01:17:11 Nothing, and as far as you understood, it was an operational decision made by the airline. as far as you know.

Yves: 01:17:17 Yep.

Scott Streiner: 01:17:18 Okay. So in that situation, if it were proven to be the case, and the airline had full control over the situation, you would be entitled to compensation for a cancellation. I'm gonna ask you the same question. What do you think is the appropriate level of compensation for somebody in that situation?

Yves: 01:17:30 For the amount of money that I spent and wasted ... I know it's all about money in the airline business, so for me if they'd had

said- for the reserve that I go to- that would cover one week. So give me another week somewhere to compensate for that, then you don't have to give me the cash.

Scott Streiner: 01:17:30 Right, and if it is cash?

Yves: 01:17:52 Well, the amount that it costs me to get back home.

Scott Streiner: 01:17:57 Okay ... Okay, Liz, any questions?

Liz Barker: 01:18:02 No questions from me, thank you.

Scott Streiner: 01:18:03 Okay. Yves, thank you for coming out. As I said at the outside, it's good for us to hear sometimes just from travelers who hear the session, and come to share their stories.

Yves: 01:18:11 Well you got 65,000 miles of flying this year.

Scott Streiner: 01:18:14 That's several times around the world. Thank you very much for joining us.

Okay. Ladies and gentleman, that concludes our evening session here in Ottawa. Thank you very much for joining us this evening. As I said a little bit earlier, we expect to be putting out some sort of a summary in the fall of the key points that we heard during these consultation sessions, so you can keep your eye on our website for that. If anybody is interested in filling in our questionnaire in addition to having joined us today, or sending in a written submission, go to airpassengerprotection.ca. Thanks very much.