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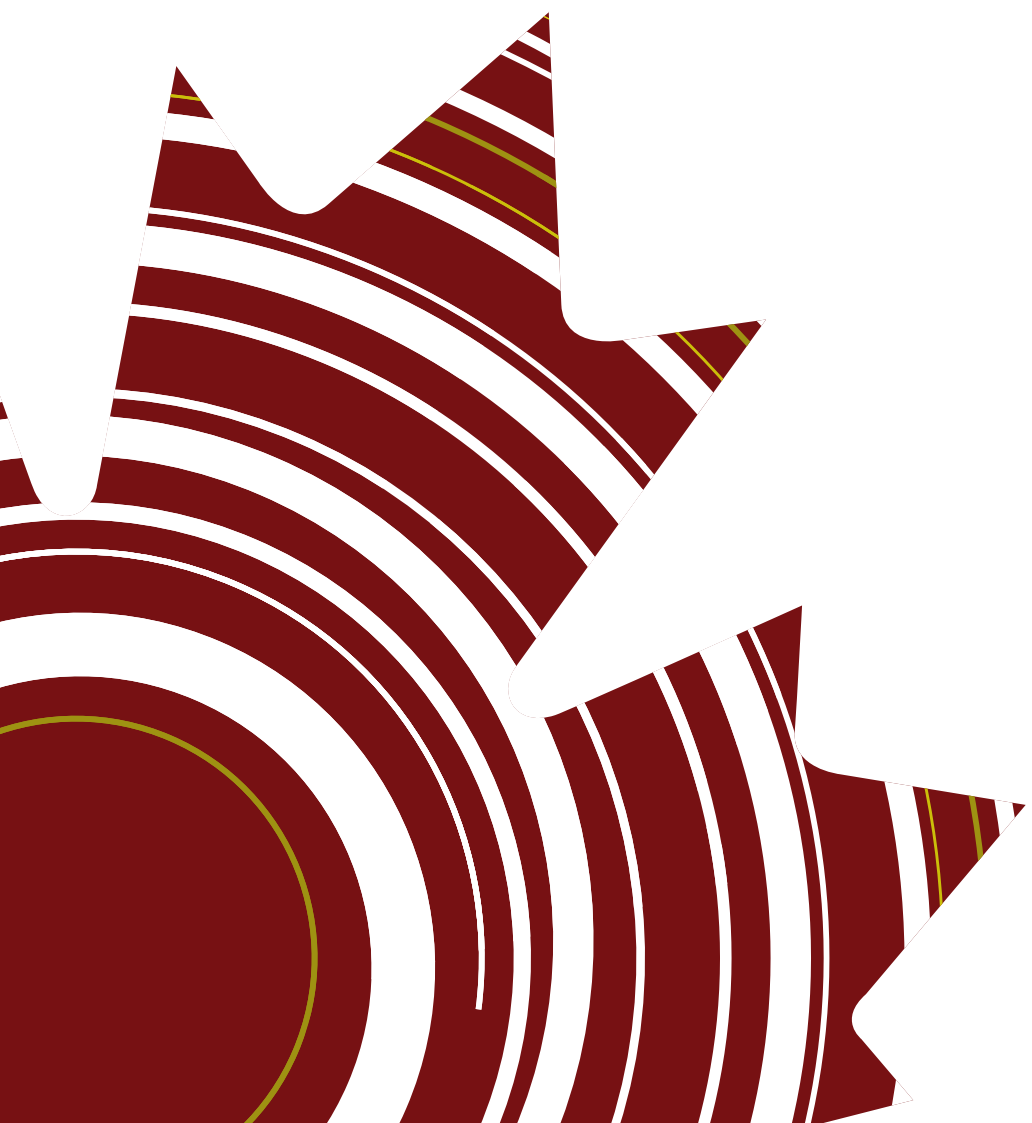
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# Vancouver

Le juin 18, 2018/June 18, 2018

## Séance de l'après midi/Afternoon Session

### Partie 1 / Part 1

Scott Streiner: 00:00:15 Great. Okay, well good afternoon, folks. I'm glad to have had a chance to meet most of you coming in. Again, I'm Scott Streiner, chair and CEO of the Canadian Transportation Agency. I'm joined today by Liz Barker, the CTA's vice chair. We're glad that you've all come out to join us, to discuss the important question of what should be in the new air passenger protection regulations. Welcome. Just so you know, we have translation services available, and you're welcome to make your comments in the official language of your choice. For that reason, we'll also ask folks to speak from the podium, so that there's a microphone and the translators can hear you. If, for any reason, you're uncomfortable doing that, I think we've got ... Sebastian, we've got some portable mics as well, correct?

Sebastian: 00:00:15 Yeah.

Scott Streiner: 00:01:07 So if you prefer to speak from your seat, we can give you the portable mic, but the podium may make things easier. Air travel is integral to modern life. Canadians get on planes to see family and friends, to visit new places, to access medical treatment, and to do business. Now, most of the time our flights go smoothly, but when they don't, the experience can be very frustrating. Partly, this is because we often feel we have little control over the situation, and partly it's because we may not get much information on the reasons for flight disruption. Maybe we're not sure of what our rights are, or we don't know who we can turn to for explanations and recourse.

The new air passenger protection regulations will help to address these issues. These regulations will require that airlines communicate in a straightforward, concise way with passengers regarding their rights and the recourse available to them. The regulations will establish the minimum standards of treatment

to which passengers are entitled if your flight is delayed or canceled, if you are denied boarding, if your bags are lost or damaged, if your plane sits on the tarmac for three hours or more, and if you're traveling with children who need to be seated near you. The regulations will also prescribe minimum levels of compensation if a slight delay or cancellation, or denied boarding are for reasons within the control of the airline, or if a bag is lost or damaged.

Finally, the regulations will require that airlines have terms and conditions of carriage with respect to the transportation of musical instruments. This will be the first time that Canada will have a single set of standard, minimum obligations that every airline flying within, to and from the country must follow. Parliament has given the CTA the job of making these regulations. We're Canada's longest-standing independent and expert tribunal and regulator. We've been around since 1904, though I hasten to add that neither Liz nor I has been with the organization since 1904. We take this new responsibility, the making of air passenger protection regulations very seriously.

We know that Canadians rely on air travel. We know that they want their say about the content of the new regulations, and we also know that they want to see the new rules in place without unnecessary delay. We're seeking Canadian's input from coast to coast, to coast. That's why we're here in Vancouver today, why we held the first consultation session last week in Toronto, and why we will continue from here to Calgary, Yellowknife, Winnipeg, Montreal, Halifax and Ottawa for public consultation sessions. It's why we're conducting airport surveys at 11 airports across the country, and meeting directly with key stakeholders, and it's why we've set up a consultation website, [airpassengerprotection.ca](http://airpassengerprotection.ca), that contains a discussion paper, a user-friendly questionnaire, and the link for sending in written submissions. We've already had about 10,000 people visit that website, and about 2,000 have completed the questionnaire and the surveys. We're encouraged by this high level of engagement since we launched our three month consultation process back on May 28th, and we look forward to hearing from all of you who have come to speak with us directly today. Once the consultation process concludes at the end of August, we will consider all the feedback we've received, and we will draft the regulations, which will then require the approval, both of the CTA and of cabinet. Welcome. Just before we begin, a couple of comments on process.

The Vice Chairman and I are here mainly to listen to your views and advice. Each person who's registered to present can take 10 to 15 minutes to make their presentation, after which Liz and I may pose some questions. You're free, of course, to offer any information or suggestions that you wish, but we would make two requests. First, please keep in mind that the CTA can only make regulations in those areas where Parliament has given us that authority. That authority covers a lot of subjects. I've spoken about them a few minutes ago, but still there may be some issues that you'd like to see dealt with, where Parliament simply hasn't given us the power to regulate.

Second, we'd ask that you maintain appropriate decorum. We don't want these consultation sessions to be unnecessarily formal. We one people to feel comfortable, but we do want them to be appropriately respectful so that everybody feels comfortable bringing forward their ideas and engaging in a meaningful conversation. Last but not least, I'd like to remind any media in the room, and in fact all participants, that once I complete my opening remarks in just a few seconds, no further recording is permitted. Thank you very much. I will now invite the first of our presenters to come forward, and on my list the first presenter is Rick. Have I pronounced that correctly, Rick? Welcome. The floor is yours.

Rick:

00:07:09

Thank you. Good afternoon. My name is Rick. I hold a diploma in travel consulting from MacEwan University, and a BA in recreation and leisure studies from the University of Alberta. I have worked in the travel industry for 27 years, most of the time as a retail travel agent, and more recently as a consultant specializing in the LGBTQ2 market. When it comes to advocacy on behalf of air travelers, there has historically been no greater activist than the retail travel agent. We provide unbiased options on fares, routing and carriers. We review the rules of carriage with the customer, and ensure proper documentation for boarding and entry into foreign countries.

We're available to assist with unexpected emergencies and delays of every kind. Up until about 20 years ago, we did all this in exchange for a very small percentage of the airfare. Indeed, before the advent of the Internet, airlines gratefully paid us commission, knowing that we provided these services at a far lower cost than having their own reservation staff do the same job, but with the Internet and electronic ticketing, and following deregulation that was driving legacy airlines into bankruptcy,

carriers could suddenly sell directly to the consumer at very low cost. Travel agent commissions were first slashed, and then largely eliminated. We could still issue tickets, but with little or no compensation.

More recently, legacy airlines, mainly in Europe have instituted a surcharge on tickets issued through travel agent computer reservation systems. This both offloads the cost of ticket distribution to the agent and consumer, and further discourages the involvement of the travel agent in ticket issuance. IATA, the International Air Transportation Association, has further complicated the airline travel agent relationship. With the advent of electronic ticketing and online banking, ticket sales reporting now happens in real-time, rather than in the previous weekly paper report. This means that small errors, which previously would have been rectified by voiding and reissuing a ticket are no longer plausible.

A spelling error in the passenger's surname, or changing that nickname the client first gave you to the one on their passport now often results in penalties. IATA appointments, the authorization to issue airline tickets, have also become increasingly hard to acquire. Using isolated instances of fraud as an excuse, a travel agency now must meet incredibly high financial standards. For a small agency, these requirements outweigh the benefits of being able to issue tickets, and many have abandoned their appointments, which again undermines their supportive consumer role. IATA's behavior isn't so surprising. After all, it's the sum of its member airline's will. Its mandate is to serve its members, not consumers.

I don't want this to sound like so many sour grapes. The world has changed, and the retail travel agency model has adapted by charging service fees, and concentrating on other travel products like cruises and tours. However, the net effect has been to undermine the travel agent's role as consumer advocate. Well over 50% of airline tickets worldwide are now sold directly through the Internet, both on the airline's own dedicated website, and through OTAs, Expedia, Travelocity. OTA stands for online travel agency. This represents millions of lost opportunities for travel agents to improve the traveling consumer experience.

In the Canadian domestic market, some token commissions remain, but only as a result of competition in the marketplace.

So long as one airline offers travel agent compensation, the others do the same, but even this has diminished over time, with each carrier playing a game of chicken with their competitors to see who can be the first to reduce or eliminate commissions for certain routes or classes of service. So long as consumers continue to migrate toward direct booking, this will keep happening. Without travel agents to explain the consumer's options, and to caution against making choices based on price alone, the air travel experience has slowly degraded.

Fare rules have become more inflexible, with change and cancellation penalties sometimes being more than the original fare. With price as the only obvious deciding factor, consumer behavior has driven airfares to even lower levels. You'd think this was a consumer win, but to compensate, airlines now charge for what were traditionally free services. Meals, checked baggage, entertainment, seat selection and more. The airlines call this "unbundling," but it's really just a means of obscuring the real cost of the trip. The overall effect is the slow and insidious downward spiral in consumer service.

Legroom has shrunk to the point where a whole new class of service, premium economy, has been invented. For an added cost, passengers now get the legroom they once enjoyed a decade ago at regular economy levels. Taking inflation into account, airfares are lower today than they were decades ago, but it's an illusion. Fares may be lower, you are also getting less. Airlines aren't charities, and their return to profitability has less to do with improved efficiencies and more to do with this new unbundling business model and cramming more passengers into a plane.

Had the travel agent been more engaged, if consumers had access to their wealth of product knowledge and made informed choices about what they were actually buying, perhaps things would be different. Travel agents sell on value, not price. It's the difference between buying a \$20 shirt that only lasts three washings, and a \$100 shirt that still looks good after 50 washings. The federal government and this agency could do no greater service to the traveling public than to find ways to reengage the retail travel agent into air ticket purchasing. Maybe this means reinstating commissions. Maybe regulations that require mandatory consumer-centric

engagement before, during and after the purchasing process, much like travel agents already do.

Or licensing, requiring any person or entity that distributes airline tickets to meet proficiency requirements as is currently the case for insurance and other financial products. It could also mean giving ACTA, the Association of Canadian Travel Agencies, a more significant role in all of the above. ACTA is already an established consumer advocate, and making the designation of CTA, certified travel agent, an actual requirement to sell travel. For now, CTA is strictly voluntary, since there is currently no domestic standard for being a travel agent. Maybe it means something else entirely, but for certain what's happening now cannot be allowed to continue. Thank you.

Scott Streiner: 00:16:02 Thank you very much, Rick. Thank you for getting us started. I've got a question or two for you, if you don't mind waiting at the podium.

Rick: 00:16:08 Sure.

Scott Streiner: 00:16:10 The vice chair may, as well. I want to start with some of the ideas that you've put out there around communication. You've suggested that part of what's happening is that consumers, I don't want to put words in your mouth, but I think what I heard you say is, in a sense, don't entirely know what they're getting anymore because they used to have a travel agent, those who moved away from travel agents, a travel agent would serve as an interpreter, would bring their expert knowledge and help the consumer understand what they were getting. So, one of the things that the changes to the legislation now allow us to regulate is communication by the airline to passengers around their rights and the recourse available to them.

Are there any specific areas where you think, or specific topics that you think airlines should be required to communicate to their customers on?

Rick: 00:17:02 Well, it's interesting because in order to get commission on those few fare levels that exist, travel agents are still required to go through a travel agent portal to the airline's website, rather than through the traditional commuter reservation system. We get to see, more or less, what the consumer experience would be booking the same thing. We just see a little bit more than the consumer would, in terms of our identity is on the screen and



some other things. What I can tell you from that experience, and just from having bought airline tickets myself as a consumer is that there is a little box, "I have read the terms and conditions."

The thing, of course, is that legally that covers the carrier's responsibility to communicate, but it really doesn't happen. You could make consumers have to sit through a five minute recorded message, just as if somebody were talking to them across the desk were on the phone, which is the travel agent experience, before they could actually check that box, instead of having to go. And it would be in a simplified language rather than the legalese that they now have to wade through. I'm fortunate in having a good education, but the average consumer reads at a grade 10 level, maybe even less, and some of the jargon that's in that legalese is very difficult to parse.

Scott Streiner: 00:18:35 Right. That makes a lot of sense. Are there specific subjects that you think? Let's say, for the sake of argument, that we said in the regulations that at the time of purchase or prior to purchase, certain information had to be communicated and communicated in a plain language way. Well, as you've noted, the terms and conditions of service in fact can be quite lengthy. What would you have us zero in on? What do you think are the key things that the consumer needs to know before they check the "I agree" box?

Rick: 00:19:07 I think the average consumer wants to know what's going to happen if they either need to change or cancel their booking. What's the penalty, and what's the process? As I said, a \$69 seat sale to Calgary does you not much good if the change penalty is 100 bucks, right? And if you really have to listen to that or read that, before you complete your booking, you're going to maybe make a different decision knowing that, "Oh, I wasn't too sure I really wanted it. This is a win because I got an email and it had a seat sale in it, but I don't really know if I can get the time off from work. Oh, I would have to pay 100 bucks on a \$69 fare if I couldn't go, or I would lose more money than I really thought that I would be?"

I think changing cancellation penalties and procedures are the number one. After that, whatever is in the Warsaw Convention and stuff like that. The average consumer, I'm sure there's maybe 10% of consumers that would want to get down to that kind of nitty-gritty.

Scott Streiner: 00:20:12 One of our experiences at the CTA, one of our observations from our experience administering the law is that part of the issue is having a set of basic minimum entitlements, minimum rights, which is what we're going to be in the process of creating through these regulations. Part of it is just people knowing that they have those rights, and what the recourse is. And so, we are thinking a lot about communications obligations that we'll create through these regulations, in addition to those minimum entitlements. I just want to turn to one other issue you raised, which is the price and the different elements of the price.

We already have some air price advertising regulations, as you may know, that require the airlines, and anybody selling tickets to put the full price of the ticket with all the surcharges and fees up front. Those different elements can be represented later on, but you can't advertise a partial price. You have to advertise the full cost. Do you think that that rule should be retained as-is, or would you introduce any kind of flexibility to it? Because one thing we've noticed, and I don't know if you have in the travel agent business as well, is that abroad we're seeing a move towards, for example, things like silent auctions on tickets where people don't know the final price because they bid for tickets.

Our current regulations may make that different, so do you think there should be any flexibility on all-in price advertising rule, or should we keep it simple and strict?

Rick: 00:21:35 Well, there is a difference between a published fare and a consolidated fare, and an auction fare, and all of those other things. It's going to be, it's very easy to put that regulation in force for a published fare, because it's the fare that goes in the newspaper, or an email blast, or on their website. But consolidated fares, of course, are much more flexible, and they are a side door for airlines to compete in the marketplace where the playing field isn't level for them, you know? They're competing against an airline that offers a nonstop, and they have to do a connection. I don't want to get into the intricacies of consolidated fares.

The auction thing, and Priceline, and their model, that's outside of my experience. I don't want to speak on it. What I will do is take the opportunity to talk about how a fare now breaks down, and what the consumer assumes or doesn't know, and that's that it started pretty much after 9/11, when insurance

surcharges started to go on to tickets, and fuel surcharges started to go on to tickets. There are departure fees, and yada yada, that different countries charge. So when I'm talking about commission, what little commission there still is out there, the airlines have also been chipping away at that by no longer calling.

It's \$500 plus tax. In that \$500, they've now separated out an insurance fee, and a fuel surcharge, and a departure fee, and this, that. We don't get commission on that, so it's another way that, even when they do pay commission, they're paying commission on less and less.

Scott Streiner: 00:23:29 On a smaller base.

Rick: 00:23:29 It's a smaller amount of commission, a smaller percentage, but it's on less and less of the ticket. I think that if those are the real costs of doing business, if that is what the fuel costs, if that's what their insurance costs, and that's what it costs for them to go to that airport, that should be part of the fare. It shouldn't be separated out, because now even the consumer is being gypped because, how does that affect their change or cancellation penalties? Are they only going to be able to make those changes based on the base fare, or is it going to include or exclude all these extras that the airline is tacking on, and not calling fare when you look deep into the system like a travel agent can, and the consumer cannot?

Scott Streiner: 00:24:18 Thank you very much, Rick. Liz, any questions?

Liz Barker: 00:24:19 No, I don't have any questions.

Scott Streiner: 00:24:22 Thanks very much, Rick. Our next presenter is Elton, have I pronounced that correctly?

Elton: 00:24:32 Perfect.

Scott Streiner: 00:24:33 Literally you just walked in the door as I said your name. It's like a Broadway play or something. Okay, welcome.

Elton: 00:24:43 Thank you very much.

Scott Streiner: 00:24:44 So Elton, as I understand, I'll let you present yourself, but you're with the ADR Institute, and you actually have a PowerPoint presentation, correct?

Elton: 00:24:44 That's correct.

Scott Streiner: 00:24:51 So that you know, we've asked each presenter to keep themselves, their presentation to somewhere between 10 and 15 minutes, after which the vice chair and I may pose some questions.

Elton: 00:24:59 [inaudible 00:24:59].

Scott Streiner: 00:25:00 Excellent.

Elton: 00:25:06 Thank you.

Scott Streiner: 00:25:06 Okay.

Elton: 00:25:06 Good afternoon. My name is Elton. I am the president for the ADR Institute of BC, and in this capacity, I'm here with my fellows Bob Springer and Brin Hamilton, executive director and vice presidents, respectively. What I'm going to talk about here is dispute resolution. When things go wrong in an airplane, in an airport, or with air travel, what is it that you do, and how do you resolve those issues? In our view, the way you address the dispute and the process that you put in place is one fundamental right for the passenger. Our presentation is divided into who we are, what we do and what's important, and I'm really going to skip that and be very brief, how ADR can help passengers, and recommend dispute resolution process, and question and discussions.

Before I start, just on a personal note, I am Brazil born and Canadian by choice. For this reason, I have this very odd accent. If for some reason my words are not clear, please interrupt me right away, and I shall repeat. The ADR Institute of Canada is probably the most relevant ADR, or alternative dispute resolution organization in Canada. I'm not going to bore you with the details. I realize CTA has a very competent ADR area, and it's completely unnecessary for me to go on about that, then I will on your behalf just skip that.

I will also skip designations, what they mean and so on, because it's already in my written submission, and talking about ADR BC, the relevance is we are the local branch of ADR Institute of Canada, and we've been around for almost 40 years now. This is the important bit, and now we start talking about what drove us here. At ADR BC, what we do is we do is we focus for ADR. We

try to make ADR the most popular way to resolve disputes. We want to give quality service is by establishing professional education and training, and we provide of course for this opportunity for members so that you understand exactly the interest in the organization that I represent.

On a very personal note, I am very proud to do that work, because that work has a lot of positive social impact. We promote access to justice. We make dispute resolution services accessible and affordable to people. We deliver high quality and reliable dispute resolution services to clients and citizens. We reduce court delays by resolving disputes without needing them, and in doing all of that, we support human resources and human rights. Now, going to what really brought me here, and now I'm going to slow down the presentation, since we already skipped everything else. The way the document that we have been circulating has been written, it's left the way we resolved disputes to session 13, and described it as a two step process.

One, raise ... Actually, a three step process. You raise the issue with the agent, with your airline. Second, if you're not satisfied, you file a complaint with CTA. Third, the enforcement option after has the power to apply penalties, or volume penalties, or monetary penalties as far as I understand. He asked us a few questions, which I'm listing here, and it's unnecessary that I read them in our PowerPoint. Now, the way we see that is, this three step process might improve the use of ADR. There are a few reasons for that. First of all, when a passenger raises an issue with an airline, the passenger is stranded in an airport, or shortly after his trip or her trip, and needs an immediate resolution.

Whereas the airline, it's their business to be there, and therefore there is a huge power imbalance there, which translates into the following. For the passenger, it's very important to resolve that issue right now, immediately. For the airline, it can wait. Time is what unifies us all. Time is what defines who has more power, who has less power. The one with more time to resolve a dispute will have more power. Now, if you don't have your expectations met at the airport, you can then file a complaint with CTA, which we have pretty much nothing against in terms of the concept of it. However, we believe that we must consider that it's an asymmetric relationship when you go and you present those bill of rights.

What you're going to do is train five people to file your complaints, which might have an operational impact on CTA's capacity to process those requests. Justice, part of access to justice is to process requests very quickly, because if justice takes too long, it's really not justice. The second is, the process itself may lack flexibility or more creative dispute resolution processes. I say that because, purely from a philosophical standpoint, life doesn't fit into pieces of paper. We may codify, and believe me, I am trained in law in the civil system, by people who believe in [inaudible 00:31:15]. I do not believe that we can predict any and every order, any and every possibility there, and every other possibility or avenue for dispute resolution in case of things not working. Third, the fact that you have admission and monetary penalties is positive on one hand, but while they may incentivize prevention of similar cases in the future, it doesn't address the past, and also penalties are not designed to incentive for the betterment of the service. It's incentivized just to punish. Now, before we dive into talking about how a dispute resolution system would be, I think we should talk about the principles that involves. A good dispute resolution system should address a few points, in our view, and when you talk about passenger rights. First of all, it should resolve power imbalances.

As I mentioned, the power imbalance manifestation is how quick each party wants, needs or wants a resolution. The fact that you have a corporation on one side, and a person on the other side means that this power relationship is very imbalanced, because they have completely different expectations on when it's important the dispute should be resolved. Also, by building a good and fluid dispute resolution system, we incentivize the airlines to voluntarily and effectively cooperate. What we want is not that there are disputes. We don't want the issues. What we want is to make sure that we build a system where airlines are rewarded when they address the issues and they resolve the complaints.

The third point is that it should provide passengers the option to administrative review of the appeal, which means once you file the paper, and the airline gives its answer, if you're not satisfied, perhaps before looking for that somewhere else, we should have some administrative review conducted by an independent panel or persons. The fourth point is, it provides passengers with the opportunity to benefit from a third-party intervention. That means, if you, after reviewing, after having

the administrative appeal reviewed, you're still not satisfied as a passenger, you can benefit from the possibility of having remediation.

Finally, and that's a very important point. Any dispute resolution process that's designed for air passengers should deliver an outcome. That outcome should be binding, and that outcome should be final, and it should be in a short time. The rules to arrive at an outcome should be clear. Otherwise, we don't really have how to enforce our rights. A well-designed dispute resolution, in conclusion, is an important passenger right. Talking about power imbalances, if you take a look at that, it's really, if you're stranded in an airport, because your flight has been canceled. Even after that point is resolved, you will always have a power imbalance, because you, as a citizen, you have other things you should do with your life, and that's not your business.

The airline, on the other hand, does that 24/7. By not balancing those powers, we then create an asymmetric relationship, which translates in unfairness. What we propose, and that's in our written submission, is that we break down that step by combining two different disparate resolution processes here, or three, actually. The first one is, sorry, in four steps. The first one, the passenger will raise the issue with the airline. The airline processes the issues, and makes initial determinations. It might be the airline has a point, it might be the problem just goes away. Determinations may or may not satisfy the passenger, which is life at its fullest.

If not, carriers should offer independent, third-party adjudication for alternate appeal. We today, so that we give an example, today we developed a process that does just that. It does for tax matters, in a city in BC. The idea is, the passenger has the right to request that, or in this case the citizen. The panel is appointed independently from the parties, which means in this case the city I'm referring to, and reviews the complainant's complaints and the process through which the city or the passenger of the airline arrived to that conclusion, and issues a decision, an administrative decision. Still, there is a possibility that the passenger doesn't want it, but please note if you start with 100 cases here, you're going to have one here.

100% here, you're going to have 5%, and then on and on. That goes reading out the process, and at the end of the day, very

few of them will get to the end of the line, because there is satisfaction on the consumer side. But if they're not satisfied, what we do is we initiate med-arb. Med-arb is the combination of mediation and arbitration, and the idea is that the carriers have the obligation of participating in the med-arb, and passengers have the option. It's a very important distinction here. The idea is, you offer them finality, meaning there will be an outcome within a very predictable timeframe, with very simple rules that are clearly understood by passengers and by airlines.

However, they will have the opportunity to talk about them before. Then if a passenger wants to take on this option, exercise this right, then they go into mediation. They explore those opportunities, and then we can, that process can be designed, and can be designed so that it can use technology to get economies of scale. You can reduce the operational impact, and everything else that comes with it. If the issue is not settled, it goes to arbitration. The advantage of arbitration, if the rules are simple enough, clear enough, and the process is good enough, there will be a deliberation. You will have an award, and that award is final.

Going back to the questions that have been asked, we really believe that the first point is that more important than how the information is presented in which meeting and so on. More important is that we designed first a very comprehensive and understandable, civil dispute resolution process, and that we communicate in very transparent and clear terms. The second is, the kind of agreement, the kind of punishment, if you will, that can be exercised by AMPs. We believe that by having a more comprehensive dispute resolution design, you can explore other options in a more creative environment. There must be more than a thousand ways to lose your luggage, more than a thousand ways to miss your flight. Each and every single one of them will have different consequences, and this process will address those. We therefore recommend the combination of independent education and med-arb to deliver better solutions to address the passenger issues. And with that, the presentation is concluded, and I invite my colleagues who are present here to also participate in a Q&A session.

Scott Streiner:

00:39:53

All right. Thank you very much, Elton. Just by way of some context for you and for others in the room, the current approach that the CTA takes to dispute resolution around air



travel complaints is also, in a sense, it's also a three-part process, a little bit different than what you've laid out. But where a passenger is unable to resolve an issue with the airline, the expectation is always to first try. The first step is facilitation, which is an informal process done by phone, to see whether or not a resolution can be found. The second step is mediation, and the third step is adjudication, where the CTA can issue binding rulings.

About 95% of air travel complaints are currently resolved through facilitation and mediation. So, in terms of the use of informal dispute resolution, our numbers are fairly high. But we share the objective that you've laid out of ensuring timely, accessible dispute resolution services for people. We've seen a significant jump in the number of air travel complaints in the last several years. We used to get about 800 a year, we started to, we undertook some public information efforts to make sure people knew that we were here to help, and the numbers jumped to about 6,000 a year. We're very conscious of the fact that we've seen a dramatic increase in the number of air travel complaints, and that could continue, or even be reinforced by the introduction of regulations.

My first question for you is, you've talked about an adjudication step before mediation or med-arb. What you mean by adjudication? What is it? Because to me, that's a little counterintuitive. To me, it seems that you escalate towards adjudication, because in our terminology, adjudication is the final step, and it's a binding, quasi-judicial decision. You've got it earlier in the process, could you explain why?

- |                 |          |  |
|-----------------|----------|--|
| Elton:          | 00:41:49 | Yeah. It comes from an experience that we had with one major city in Canada, which I am not allowed to use that for something that might be interpreted as procuring service, and I'll keep that confidential. In any case, what happens is we create an independent panel that will do a documents-only review of the process and the fairness of the decision. |
| Scott Streiner: | 00:42:14 | Right.   |
| Elton:          | 00:42:14 | What that does is that it gives the city and the taxpayer the certainty that ...   |
| Scott Streiner: | 00:42:18 | That there's a case.   |

Elton: 00:42:20 That there's a case.

Scott Streiner: 00:42:21 Okay.

Elton: 00:42:24 And then they issue a decision, and in that case it's a panel. We have our first panel, and then we have a reviewer, and sits in those. Sees in those, the merits of the case according to an independent adjudicator.

Scott Streiner: 00:42:36 Okay. So it's a bit to assess merits, assess the strengths of the case?

Elton: 00:42:42 That's correct.

Scott Streiner: 00:42:42 So it's a bit like what are facilitators sometimes are. Facilitators will sometimes take a look at a claim brought forward by a passenger. It's not a formal adjudicative process, of course, but they may give an informal assessment of how strong the claim is. Okay, that's very helpful. Thank you. My second question for you is on AMPs, administrative monitoring penalties. So again, for the benefit of others in the room who may not have the same background, the CTA's enforcement officers who are public servants, they're staff of the organization, can in some cases impose AMPs, which are basically fines for noncompliance with statutory obligations, with laws and regulations.

So, one of the questions we're asking through these consultations is, should they be able to impose those sorts of fines for noncompliance with air passenger protection regulations, none, some, all? You seem a little bit hesitant on that, Elton. You seem, you didn't quite say, "No, they shouldn't," but you seem to feel that administrative monetary penalties are more punitive, and may not create the right incentives for consumer service. Could you elaborate on that? Because we've heard from other presenters the argument that broader application of administrative monetary penalties would help to create incentives for airline compliance with the regulations. You seem to be taking a slightly different view. Could you elaborate?

Elton: 00:44:04 Okay. First of all, I am in favor of AMPs. I just don't feel that it's the perfect tool, or a good tool to improve service. The reason is, part of my career was to run companies. The way the airlines, or a corporation will ultimately see penalties is a cost-benefit analysis, right? That's the first bit. The second bit is, if you don't

build towards the process, you don't incentivize the airlines or the corporation to understand more of what the issues are. By building more flexible solutions and creative solutions, the airline can identify patterns more easily. By identifying patterns, they will then prevent the problems from happening. Our goal, I don't want that presentation should be seen as a self-serving presentation, because our goal is actually not to have the disputes.

- Scott Streiner: 00:44:56 Right, of course.
- Elton: 00:44:57 Our goal is to provide incentives so that we can address them prior to that dispute escalating.
- Scott Streiner: 00:45:08 Sure. The ideal scenario is that there are clear rules, and they're respected, and there are fewer complaints for your members to resolve, and fewer for us because people are having a better travel experience. So, do I hear you correctly that you're not suggesting that AMPs shouldn't be applicable, but they should be a bit of a last resort? Is that what you're suggesting?
- Elton: 00:45:28 That's correct.
- Scott Streiner: 00:45:28 All right, thank you. Liz, did you have any questions for Elton?
- Liz Barker: 00:45:32 No, you asked them all.
- Scott Streiner: 00:45:34 Okay. Thank you very much.
- Elton: 00:45:35 Thank you very much, and welcome to our city. Have a good day.
- Scott Streiner: 00:45:38 Thank you. Our next presenter is Greg, if I'm pronouncing that correctly. I'm basically asking each time. Last names are notoriously.
- Greg: 00:45:52 Yeah. Thank you, Mr. Chairman. My name is Greg, Consumer Association of Canada.
- Scott Streiner: 00:45:58 Welcome.
- Greg: 00:45:58 Unfortunately our president, Bruce Cran, couldn't be here today, and one of the unfortunate things is, I end up representing him in Vancouver, because this is where he lives,

but he only fails to come to these things. But he had no other option today.

Scott Streiner: 00:46:13

Well, we're glad to have you.

Greg: 00:46:15

I wanted to reiterate what you've already heard, and I'll just take a few minutes. Today, we're not going to be as specific as we might be further on, but to talk really about general principles. The most important of which is the restoring of the balance that others have talked about here this afternoon. If we're going to be world leading, that balance needs to be there, and we need to have a world-class system of compensation and standards and obligations of care, reporting, communication to passengers. I think it's also important that a passenger exiting Canada on an international flight, for example, should be treated, or just across Canada should be treated no less well than a flight going from Vancouver, or from Montreal to Paris.

If I take a non-Canadian carrier, I shouldn't be treated better than if I choose a local, national carrier. Also, as a general caution, people generally don't complain. We know this. Rising levels of statistics and complaints in any field really mask the underlying reality that consumers don't complain. The transaction costs are too high, they fear the process, they fear the imbalance in the relationship, but one of the real, fundamental principles we want to speak to is timeliness. I would hope that the regulations would encourage airlines to fix in real-time the problems that passengers are experiencing when they travel.

Just to put it in context, I travel internationally, mostly Hong Kong and China, many times a year, and probably 6 to 10 times a year from Vancouver to Toronto. Consistently, on every flight from Vancouver to Toronto, you find people either on that flight originating in Vancouver, or Australia, or wherever the plane is coming from, with minutes to get to their connecting flight, and little recourse but to fight their way through the airline to get out the door. There's got to be a way that airlines today could accommodate that, because fundamentally, not everybody is a premium paying passenger. Not everyone is buying up, as we've heard this afternoon, the ability to have a cheaper cancellation.

Airlines configured both the baggage, and they configured the cabin, and so to some extent, they've created some of the same problems we're hearing across the globe of over booking,

delayed flights, etc. But also, I want to reiterate our concern that there is a role, and I realize bill C-49 includes that, for consumer advocates. One of the weaknesses we have in Canada, across the Western world, is from the '80s, the diminishing of the role of consumer advocacy and consumer voices. We're now contract takers, and we're all accepting. You can't even read an article on the Internet today without clicking "I accept the terms and conditions."

What's worse is when we travel, we're traveling not just for pleasure. We're also traveling for business, and we're trying to cut our time and our costs. Airlines need to respect that. So, the first principle that I feel needs to be enshrined in the regulations is fairness to the consumer. Consumer fairness has to be paramount, and I said, and I stated our second principle, I got it out a bit early, that not all passengers are premium-paying passengers. So those that can't afford that, or their organizations don't support that, they have to be taken care of. Thirdly, accountability, and reporting and justification.

Traveling a lot, I actually know some people that work at gates across Canada, and they report a mechanical delay, a safety issue, which we understand. Then later on, when I run into my friend on the street, I find out that they actually saw the pilot coming in late. Whatever these regulations are, the airlines must justify, and document the delays that they claim to be safety, or they're just going to take this mechanical provision and shaft passengers as they currently do now. As one of my colleagues said, when we wanted to come back to Vancouver on an earlier flight from Toronto, because our business was finished earlier, he said to the airlines, "I don't charge you \$75 when you change my flight, but you charge me \$75 to let me go at four instead of six, and we're probably doing you a favor because the six o'clock flight is usually overbooked."

So the fourth principle, the provisions of compensation, if they are to be world leading, must be equal to or better than the best in class, and probably that's the EU or the United States. Consumers, of course we want to pick and choose, but clearly the next principle has to be a disincentive to airlines to overbook, cancel and delay just for their own convenience, which does occur too often. That disincentive will create the culture change we're not experiencing now. If we were, we probably wouldn't be crammed in. I'm 5'5" and a half, and I feel crammed in on an airplane, and I'm paying flex.

And so, I pay up the ability to make sure that if I need to change, I'm not getting really shafted. Transparency. I think airlines need to be accountable, need to publicly report, as well as the regulation should state, and require public reporting around their performance. I know there's websites out there like Skytrax, and I look at the ratings there and I think, "My God, the ratings are far too high." Far too high. I think most consumers will claim that. I never meet people, not that I want to sit in an airport and debate, and talk about how bad air travel is, but I never meet people anymore that say air travel is a wonderful experience.

Towards the end here, ease of access to redress. We live in a digital time that's unprecedented, and we are now seeing blockchain developments where people can have a token that can spread a contract around the world, that's no longer assailable by hackers, etc. We need regulations that will incent the airlines to be able to deliver a standard of care and an obligation to compensation in real time, in the consumer's way of choice, including right to my phone so I can download it and act upon it. So, in the regulations, when we talk about I'm delayed and I'm canceled, there should be an obligation in these regulations that the airline must offer.

And instantaneously, when there's a major problem, consumer access, whether it's an app, or whether it's a pamphlet being stuck in your face, consumers need to know what's next in real-time. I can't stress that part, that we need a change from the kind of mentality that pervades, it's kind of like moving cattle. People, I think, need to be treated better. The airlines will benefit, as your own documents and reports show, if they provide adequate services, and Canadians won't choose other carriers because they're getting better service. That's what's happening today, or at least what the perception is.

Even if it's not better, the perception is that other carriers are better than Canadian carriers, so they choose them. Things like auctions, just final comments, you raised a couple of questions on auctions on tickets. We have no problem with that, but all-in price advertising has to be there. Delays and cancellations can't leave the non-premium paying customers behind. I think that's really fundamental. So, whatever the processes are, they need to be fair, fast, friendly, efficient, and an emphasis on acting in a timely manner before someone has to make a complaint. We have no problem with facilitation and other things like that, but

passengers on Canadian airlines shouldn't have to resort to these things.

These things should be the court of last resort. Anyway, I thank you for your time. We may file a more detailed submission later on, before the July 5th public process. Thank you.

Scott Streiner: 00:55:49 Thank you. Thank you, a very interesting presentation. It actually prompted a couple of questions in my mind, Greg. Just a quick response. In fact you, and anybody else in the room who's interested in filing a written submission are welcome to do so right up until the end of the three month consultation process, August the 28th. So, our public consultations end, public consultations in the sense of these in-person sessions conclude in early July because we wanted to try to get them done before summer vacations kicked in, but you and everybody else are welcome to submit written advice right up until August 28th. I'm going to, when I posed questions to the previous person, I then turned to my colleague and asked her if she had any questions and she said, "You took mine." So I'm going to turn to my vice chair, Liz Barker, first and ask if she has any questions for you, so I don't steal hers.

Liz Barker: 00:56:39 I just have one. You made reference early on in your presentation, Greg, to timelines of solutions as critical. I'm just wondering if you can expand on that a bit, what you meant by that.

Greg: 00:56:48 Well, the principle of timely, as close to real-time as possible for things like your flight is canceled. The hotel, the travel, the meal vouchers, consumer choice there has to be offered in real-time. But in terms of the overall process, if it goes to adjudication and through that format, as quick as possible, obviously. But once it gets to that, it does take time. But really, the emphasis that we want to stress is solving those problems in real-time, and making sure consumers don't have to make that complaint.

Scott Streiner: 00:57:31 That almost makes me think, Greg. I'm quite struck by that point, what you reiterated several times. It almost makes me wonder, we'll have to think obviously about the scope of our regulatory authority, but whether it would be to everyone's advantage, airlines as well as passengers, for the airlines to be required to communicate to passengers in real-time, while events are unfolding, matters such as, and again, I'm just musing out loud here. Matters such as there's a delay, why is

there a delay? When is the flight expected to depart? What are you entitled to while you're waiting? I mean there's, I think, based on our observation of complaints, that even that would help to lower the temperature, right?

Part of the reason travelers get frustrated, as I said in my opening remarks, it is just that they don't know what's going on. We'll think about what the scope of our regulatory authority is, but that idea that you should tell people what's going on while it's happening is striking.

Greg: 00:58:26 And develop, like I said, the digital economy. If it's a refreshment, these guys can get to the point where they can think about their business a little differently. And if I want on my phone, my smartphone, give it to me that way, as opposed to, if somebody else doesn't have that, give it to them another way. But definitely, when people are stuck for long delays at the airport, they need to know what's happening. And so, that will incent the airlines to put people in place, in real-time, that can make decisions and solve problems, because we all know that airline boarding ... I mean, Toronto is a classic example.

I can't remember the gate, but there is a flight to Calgary, and there's a flight to Vancouver all boarding simultaneously, and half the time I'm lining up for the wrong plane. These are stressful conditions, and when the plane gets delayed or canceled, then you have a huge problem.

Scott Streiner: 00:59:26 Right. I want to ask you on one or two of the other points that you made. You talked about an issue which has been raised several times, raised before Parliament when the bill was under consideration, and then raised with us since we started our consultations. This is the concept of safety-related delays. Again, I'm going to offer a little bit of background for folks in the room who may not be aware, but what the law says is if there are three categories of flight delays, or cancellations, or denied boarding. One is when those situations are fully within the control of the airline, and then we'll be establishing minimum standards of treatment. Food, water, accommodation, and minimum compensation.

The second category is where it's within the control of the airline, but it's safety-related. In that case, we only have the power to establish minimum standards of treatment. There is no compensation, according to the law, if it's a safety-related



delay, or cancellation, or denied boarding. Then the third category is matters that are completely, reasons that are outside the control of a carrier, like a volcano exploding in Iceland and grounding all flights, in which case the carrier's only obligation is to eventually get you to your destination. Those are the three categories, and Greg, I think what you're referring to is a concern that some have expressed about how different situations get triaged, particularly between category one and two, right?

- Greg: 01:00:48 Yes.
- Scott Streiner: 01:00:48 Within the control of the airline, versus within the control of the airline but due to safety reasons, like mechanical malfunctions. We've asked through the consultations whether Canadians have any ideas on the kinds of criteria that we might apply in order to be able to distinguish between events that are fully within the control of the airline, category one, and those that are safety-related. Do you have any suggestions on that?
- Greg: 01:01:12 No detailed suggestions, other than to say that the airline shouldn't be able to fake this stuff.
- Scott Streiner: 01:01:19 Right.
- Greg: 01:01:19 And feign safety issues, because they could have a fly on the windshield. I used to be in crisis management, so I know that somebody in the room will say, "Hey, there's a fly on the windshield, let's claim safety." They need to be able to document, justify why that happened, because quite frankly, if they have a safety issue, a mechanical issue that's not foreseen, they still should be obligated to treat people reasonably well. With refreshments, if need be, and certainly timely communication of what's going on and when they can see it fixed.
- Scott Streiner: 01:02:03 Yeah, I'm sure everybody agrees. Safety is nonnegotiable, right? We all agree, there should be absolutely no erosion in the highest safety standards. The issue is simply, as you say, making sure that we identify which cases fall into which category.
- Greg: 01:02:18 Yes.
- Scott Streiner: 01:02:19 Based on objective evidence and criteria. My last question for you is, you talked about a disincentive for things like

overbooking, cancellation delays for the airline's convenience, I think I'm quoting your words correctly.

Greg: 01:02:32 Yeah.

Scott Streiner: 01:02:32 So we've asked through our consultation process whether Canadians think that the minimum level of compensation that would be due to a traveler who was moved to a later flight, bumped without their consent for reasons within the control of the airline like overbooking, whether we should set those compensation levels especially high in order to create incentives for airlines to try to find volunteers. So the practical case is, the airline sells more reservations than there are seats on the plane because they're counting on a number of no-shows. It doesn't happen, everybody shows up at the airport, so now they've got to move some folks to a later flight. Our thinking is, maybe if the compensation level is particularly high if someone is bumped against their wishes, maybe if that's the way we set out the regulations, then the airline will actually work hard to find somebody who will volunteer to move to the later flight for somewhat lower compensation, and everybody comes out happier.

Do you, I guess A, although I can probably anticipate the answer, do you think it makes sense to set a higher level of compensation in those situations? And B, do you have any thought on what kind of, where we should set it in order to create the right incentives without it becoming kind of ridiculous?

Greg: 01:03:42 Yeah, it should be ridiculous, but it should be at the high end, to disincent that happening.

Scott Streiner: 01:03:48 Involuntary bumping?

Greg: 01:03:50 But incenting the airline to do everything possible to get a volunteer, and to compensate the volunteers properly. But some of the incidents where I've seen, "Would you take a different flight?" And it's going to go through Calgary, and now you've got another problem, out of the US. They're not offering anything. They just need you to take a different plane because they've got too much cargo. So, that might be something we'll have to think about and get back to you on. I don't have the detailed answer today.

Scott Streiner: 01:04:20 That's fine, that's fine. Because it's something we're reflecting on, right? How do you create the right incentives? If an airline, for reasons within its control, needs to move some passengers to later flights, how do we create conditions so that they'll find the student who's leaving for her gap year trip, who is more than happy to move to a later flight for relatively modest compensation, as opposed to bumping the person who's got to get to their big family event, and then ends up very frustrated? We're trying to think about, how do we create the right conditions for, to make sure there's an incentive to look for volunteers. Go ahead.

Greg: 01:04:51 The number has to be high enough to disincent them from doing it, but also to make sure that now if they are forcing someone off, that they aren't forcing off the student that got the whole year to take a tour, and would like some compensation. But clearly, if there's a disincentive through this, because the culture change isn't happening in the airline industry the way I would think it should happen, because we all have to accept the conditions. We all have to take the plane. We have no choice. There's only so many carriers that are going to fly to the places Canadians want to go, so we end up in a bad situation where we don't have the power as consumers to really enforce. And they know, as other businesses know, that people don't complain. It's very difficult. I'm a director of the Canadian Motor Vehicle Arbitration Plan, and we have a very similar experience in people there not knowing about the program, and not knowing that there is something accessible to them.

Scott Streiner: 01:05:58 Right. Good. No more questions from me. Liz, any from you?

Liz Barker: 01:06:01 No more from me, thank you.

Scott Streiner: 01:06:01 Okay, thank you.

Greg: 01:06:03 Okay, thank you, and we might put something in more detailed later on, or I'll put in at least what I've put out today.

Scott Streiner: 01:06:10 We welcome that. Thank you very much, Greg.

Greg: 01:06:11 Okay, thank you.

Scott Streiner: 01:06:13 Ladies and gentleman, maybe we'll take ... We've got time. We've got two or three further more presenters, maybe we'll just take a quick, five minute break so folks can stretch their

legs, grab some water if you want outside. We'll keep it short to make sure there's enough time for conversation, and we'll reconvene at about 20, 25 after. No later than that.

## Partie 2 / Part 2

Scott Streiner: 00:00 All right, welcome back folks. Our next presenter is Lisa who will be presenting and she has interpreters with her, we have interpreters here who will provide ASL interpretation through the presentation and the back and forth with the panel.

Lisa: 00:23 Great, thank you for this opportunity to share my comments. First of all an introduction I am deaf have always been deaf. And I am someone who travels by air a lot about six times a year I go across the country. I am the director on many boards for several associations including the Canadian Association of the Deaf. And just a few comments before I actually begin, this month in the House of Commons they are going to introduce federal accessibility legislation and to my knowledge this will be directly applicable, and it will include the recognition of American Sign Language, ASL and LSQ, the Quebec sign language as official languages. And so I think that the airline passengers Bill of Rights and the various rules that are provided to the public will have to be provided in those two languages as well. I am here as a deaf person and also speaking from the experiences I know of people who are deaf like myself, but also deaf, blind, and hard-of-hearing persons as well. For us the main barrier is communication because we do not hear.

So for example, arriving at the gate, it's not always clear what time one is to board. There might be sign up at the gate that says boarding but I've noticed that they never put it up in writing pre-boarding, which is an option I would like to know about as it being the time for pre-boarding. If there's a delay, or a change, a cancellation, or some of the information like that, usually just the word delayed or canceled is all that is visually accessible, and perhaps there's a spoken verbal announcement coming over the PA, but I don't have access to that and so I don't know the reason for or the length of the delay. And so I may be forced sometimes to approach a stranger, which I don't really want to do and ask if they would be kind enough to fill me in and they're not always kind enough. And so I don't know if

there's a possibility of some sort of ticker, digital readout signs at the gates that could provide more information to be read visually.

And again I'm speaking as a person who is deaf I do not have any other physical disability, and what often happens is there's an assumption made that I need a wheelchair, an airline and/ or airport staff both will approach me with the wheelchair and I'm insulted by that, it's very offensive. Other things that have happened to me is I've been handed information in Braille, I am deaf, so I feel that in consideration of those sorts of experiences there should be more training for airline company staff as well as airport staff. I think they need to be better apprised of the needs of various types of people and they need ongoing training more often and updated. Boarding the plane with the flight information that they review at the beginning when you see it on the screen in front of your seat there is captioning, but that is not good enough because that means that a deaf person is reading the information in English, it is not provided in sign language, American Sign Language nor LSQ, so I would suggest that having a picture-in-picture having an interpretation an interpreter show up in a bubble on the screen, providing sign language interpretation of that safety information would be the way to go.

And a passenger should have a choice of perhaps selecting between ASL and LSQ if it was not possible to have two bubbles and two interpreters on the screen. Often during a flight text will show up on the screen that says passenger announcement, which I understand is the pilot or someone working on the plane is making an announcement, but I don't know what that announcement is, I have no access to it. A suggested solution might be could you provide a deaf passenger with a tablet where we could access in a different form other than auditory what that announcement is. I know these announcements I guess are sometimes about how high we are up in the air, the time of arrival, the weather where we're going but we as a deaf person I have no access to that. All of this lack of access creates a level of anxiety and that can pervade for the duration of a flight as a deaf passenger, and particularly if you think of the experience of a deaf person traveling for the first time by airplane can be very anxiety-provoking and puts us on hyper alert where we're looking around ourselves all the time, we're peering out the window trying to get clues from what we see people around us doing.

I wonder if there could be pre-recorded announcements in sign language, again maybe provided on a tablet to a deaf passenger. Now I know when I think of the comparison between an older aircraft and a new plane ... well I do know that for sure there are no closed captions on the movies, the in-flight movies and this really leaves us out as deaf people from the ability to entertain ourselves and pass the time as other passengers can by watching a movie. And I know from talking to people that this is across the whole continent, this is a problem and my understanding is that it's somehow within the purview of Hollywood producers and distributors and there isn't an agreement between the airline companies and that industry to make sure that captioned movies are available in flights, and there should be. I do want to say a note of congratulations to YVR, they have gained a positive reputation for being a model in that they have on screens in the airport welcome in ASL in sign language that deaf passengers can see on screen. That's only at YVR and it should be in more airports across the country.

And we did also appreciate that YVR had during accessibility week, they had their logo, which was the English alphabet YVR, which changed to the handshapes for what the letters Y-V and R, that was cool, that was good. We felt included as deaf people when we saw them make that gesture. And it would be nice if other airports as I said in Canada would follow suit and have messages in sign language on screens. Now I'm thinking about the space between once you leave the security line to go to the gate, often if the board that you one would read to see departure times I'm thinking also of people who do use wheelchairs is those boards are far away from where you access the gate, so as someone who needs to read that board they're usually very inconveniently placed, another barrier. So I really hope that you'll take these things into consideration and bring down some of these barriers to access, thank you very much for listening.

Scott Streiner:	09:32	Thank you.
Lisa:	09:35	You're welcome.
Scott Streiner:	09:38	Thank you very much for your input. One of the questions that we've been reflecting on is whether there are aspects of the passenger protection regulations that will need to be considered or adopted in light of disability related needs. So Liz and I appreciate your coming today, just so that you're aware in

addition to the work on these passenger protection regulations the CTA has undertaken an exercise to create a set of accessible transportation regulations that will focus on a range of accessibility related issues, and are being developed with the new national accessibility legislation, which as you noted is expected to be tabled soon in mind. So we're both working on accessible transportation regulations, which will be fairly extensive and cover some of the issues you've raised and also thinking about accessibility in the context of the more generic air passenger protection regulations.

So we may have a couple of specific questions for you again I'm gonna turn first to the vice-chair and see if she has any questions for you and then I'll pose a couple as well, Liz?

- Liz Barker: 10:51 I guess a question that I have is whether you're aware of the agency's communications code of practice respecting communications within terminals and by air carriers?
- Lisa: 11:09 No, I'm not.
- Liz Barker: 11:10 No, I was just going to ask a question part of the agencies regulatory modernization initiative is to embed that code and update that code, and then embed it into regulations to make regulatory standards related to communications and terminals. So if you're not aware of the code then I have not further questions, thank you.
- Lisa: 11:32 Oh well that's great, thank you again.
- Scott Streiner: 11:36 Lisa, you talked about making sure that deaf passengers get updates in the same, in a manner which is accessible to them. And our previous presenter, Greg Bashan, talked about real-time information going to passengers and through a mechanism of their choice. Do you think that those two ideas could be married like do you think that there's a possibility that if we required-
- Lisa: 12:06 I do, yes, exactly.
- Scott Streiner: 12:09 And I mean of course each deaf person is going to make their own decision, but what would be some of the means of communication for real-time updates from airlines that you think would be most appropriate for deaf travelers?

Lisa: 12:25 Two things come to mind like the tablet idea that I mentioned where information could be passed to a deaf person in that form, if it were I don't know it's not possible to have a holograms, I realized, to show up on the tablets, but how to have these actually be real-time. Some things what could be pre-recorded with some thought for some standard messages that come up often. And then the other thing is to resort to text-based, so information that deaf passenger could read in English, but then also the use of pictures maybe certain pictorial images could get across some information. Thinking of the police, when they pull someone over a driver, they are currently working on having something on paper that is prepared in advance that has pictures and short messages that an officer could use, show it to the deaf driver, and point, and that would be a clear indication of why you're being pulled over, driving too fast would be one common answer, etc.

So perhaps with that same approach the airlines could have messages that are ... I can't think of an example like I don't know what propeller is not working, and de-icing is happening, that thing. And maybe if it was pre-made than simply pointing to that information would work.

Scott Streiner: 14:06 Almost like a menu of standard situations that could arise?

Lisa: 14:09 Yes, exactly a menu.

Scott Streiner: 14:11 Right, that the airline can then turn to. I also want to come to your point about training, now the training will be covered off more in our accessible transportation regulations and the passenger protection. But certainly in the CTA's experience a significant proportion of the complaints we see on accessibility issues relate at least in part to staff simply not understanding how to provide accessibility related services. They're well-meaning but you've noted a couple of examples they simply, they missed the mark despite, best efforts. Do you have any advice for us on in addition to simply requiring training in a generic sense what sorts of training requirements can help ensure greater awareness and more appropriate responses to passengers needs?

Lisa: 15:03 Maybe some training in basic communication and sign language, a way to at least greet people maybe some emergency related vocabulary, just training and how to use pre-made visual materials and just don't assume that all disabilities



are the same, take the passengers lead, how do you identify, tell me what your disability is as opposed to miss labeling or categorizing people. I do understand that they are well-meaning, but it happens too often, it's annoying and I'm really quite fed up with it.

- Scott Streiner: 15:50 Would you favor having a permanent or a long-term record held by the airline included in the passengers profiles something about their disability and the disability related needs if the passenger agreed. I mean there's some clear privacy issues, but do you think that could help?
- Lisa: 16:18 Well perhaps having the option to be identified in a profile, yeah perhaps. I do tend to make that known myself, but having the option for it to be in a passenger profile before boarding, before getting to the airport, yeah that's something to think about.
- Scott Streiner: 16:37 Okay, all right, Lisa, thank you very much, if you are interested in more information on some of our work on accessible transportation in particular, please let us know you can come chat with Liz, or myself, or some of our staff and we can connect you with some of the folks working on these issues at the CTA.
- Lisa: 16:51 Sure thing, I'm also aware that our president of the Canadian Association of the Deaf has gone to one of your consultations, and so definitely I think between the two of us we should file something with you before August.
- Scott Streiner: 17:09 Absolutely, in fact last week for your benefit as well as that of others, we held our annual accessibility Advisory Committee meeting, which both Liz and I attended to hear both from disability rights groups and industry so we want to continue that dialogue.
- Lisa: 17:24 Yes, that's great thanks again.
- Scott Streiner: 17:29 Okay, I do not know what just happened. Okay thank you very much Lisa. Our next presenter is George I'm gonna make sure I try to get the last name, Henryford, did I pronounce that right, George?
- George: 17:48 Hogerford.
- Scott Streiner: 17:49 All right I wasn't too far off anyhow, so George, welcome.

George: 17:52 Thank you, I myself am a BC government regulatory lawyer so I appreciate the opportunity for comment on these sorts of processes. I'm speaking on my own behalf. And I'm speaking we need for better accessibility for extremely tall people. I myself I'm 6'7, this is the 99.97% percentile for height. Some may say, oh well it's really great to be tall, but I can assure you that in an airplane and particularly an economy class that-

Scott Streiner: 18:27 Less great?

George: 18:27 Yes, it can be downright awful, it is very difficult for example for me to get into and get out of a seat. If the person in front of me puts their seat back down the back of the seat crunches down on my knees, which creates significant pain. The tray table does not lay flat over my knees, the height of the seats are low which causes me a lot of knee joint pain and pressure during the flight. I have extreme pain from leg cramping and longer flights particularly over two hours because I can't shift around. The width of my shoulders extends into the next seat and with respect to I have some osgood-schlatters, some of the bones and my shins are often grating against the tray table bar that's underneath the tray table, which causes additional pain. I'm at risk of thrombosis from planes and two of my immediate family members have those issues. And it's just difficult for me to move around, I can't really function in a plane, I'm sort of like Tyrannosaurus Rex arms. And I'm not alone and I think the way that the airlines have continued to shrink the space between the seats, the width of the seats, it's just creating a very troublesome problem for tall people.

Formerly airlines would set aside emergency exit rows for tall people and people with children, and the bulkhead as well. But now there's no accommodation you either have an ability to pay up for those seats or they're not available. And I think it's now time for the airlines to accommodate tall people, some suggestions that I have include going back to reserving the emergency exit and bulkhead seats for only those that need them, so people with young children and tall people. Potentially if need be moving tall people to Economy Plus with no additional fare, more significant changes could include reconfiguring the planes to have rows for tall people and rows for shorter people, and mandating seat sizes and widths that are more accommodating for tall people. Now I appreciate that the scope of the Act changes may limit the accessibility recourse at this time, so it sounds like you're also doing some

accessibility regs. This may also fall into the tariffs as you define the tariffs.

But I suggest that the first two points in terms of reserving the emergency exit row and bulkhead seats and maybe moving tall people up to the Economy Plus equivalent would be able to accommodate tall people more easily. And I would suggest that this would be the sort of thing that would be appropriate for people that are 6'4 or above and for flights that are longer than two hours. I appreciate that it's arguably too onerous for some of the small local carriers. I note that air north when I fly up to the Yukon or the Northwest Territories is able to do it, they have me on file and they accommodate me every time, and I don't see why other airlines can't do that and create as you mentioned earlier a file for people that have certain kinds of accessibility issues, and that's that's all I have for today, thank you.

- Scott Streiner: 21:51 Thanks a lot George, as the father of a couple of boys who are in the 6'2 to 6'3 range, I'm not sure they'll agree with your cutoff there for the commission. I'm not sure actually where that DNA came from, but that's a whole other discussion. I got a question for you, but Liz any questions for George?
- Liz Barker: 22:07 No, I have no questions, thank you.
- Scott Streiner: 22:10 Well so George yes we're working on accessible transportation regulations and this might fall in that area as opposed to the air passenger protection regulations. So I have a question just a fact or the drill down a little bit, so you said in the past essentially the exit rows the bulkheads, your experience was you would get those almost as a matter of course [inaudible 00:22:36]-
- George: 22:35 When I check in, yeah, or potentially when I go to the counter.
- Scott Streiner: 22:39 They say there's a very tall guy we're gonna put him in seats, and to the best of your understanding, I'm not trying to put words in your mouth, but because that's now become a revenue generator for many airlines I think that opportunities not there anymore?
- George: 22:50 That's correct outside of sort of the regional airlines like potentially Canadian North might do it for me or air north.

Scott Streiner: 22:59 And do you find when you do make these sorts of requests like when you're at check-in or whatever, do you find ... I don't want to ask to leading your question, but is there a change in your experience of responsiveness? I'm setting aside the fact that those rows are no longer available free of charge, but do you still get a sense of that efforts are made or are we now in an environment where that's not your experience?

George: 23:23 They might say, we'll go look for an aisle for you or something like that, but I mean an aisle doesn't really help me that much because then my foots out in the aisle and it gets run over. So I think that there is some understanding of the issue from the check-in staff, but there's no real way for them to accommodate.

Scott Streiner: 23:41 Yeah, it's interesting just a comment, this isn't the first time that the issue of sort of particularly tall passengers has been raised with us. We have some adjudication at the CTA from the past that's dealt with it with other physical features like people who are functionally disabled because of obesity. I don't know that we've ever been asked to rule, certainly not in my time I'm looking at who before being vice-chair was counsel with the agency. But I don't know that we've ever been asked to rule on whether height gets captured under accessibility rules, but it certainly come up in these kinds of forums more than once.

George: 24:18 There was a case that brought it, and I don't know the exact form that it was but it related to considering height to be a disability and they found that height did not ... with respect to the evidence that was given, did not meet the definition of World Health Organization definition.

Liz Barker: 24:34 I didn't meet the health impairment aspect I think.

George: 24:38 I know there's a three headed test and then-

Scott Streiner: 24:41 That's right, which may evolve depending on what's in this new accessibility legislation, which is coming forward. Okay thank you George it's not the first time as I say that the issue of height has been raised with us, it's tricky because it's not the sort of thing people think about when they think about disability normally, but clearly the experience for you and other particularly trial travelers is challenging so we'll continue to reflect on this.

George:	25:01	Okay, thank you.
Scott Streiner:	25:02	Thank you for coming forward. Our third presenter this afternoon is Raymond. Raymond, the floor is yours and we had chatted a little bit of break. We do have some time so please don't feel rushed in terms of your presentation, we want to make sure people have a chance to go over the various topics of concern to them so welcome.
Raymond:	25:24	First of all I come to you is just a traveler problems in flights, etc, with relatives, friends, acquaintances, not here is representing any business or any organization or anything else like that. I was going to have many points that I was going to put together for this, but the format wouldn't do justice to any of them at this point. I would prefer to mention a couple respond to a couple of the questions you had on previous presenters to lead me into some of my points if that's acceptable?
Scott Streiner:	26:05	Sure.
Raymond:	26:05	<p>The first one I'd like to comment on is Lisa and Greg from the consumers association. We're talking about the necessity of informing the passenger at the time of delay and presenting their options to them what the airline is required to do, what they can do for them in real time while you're making decisions, especially important if you're in destination and you're trying to get back home, it's a little better of course if you're on your outbound and things can be adjusted. I wonder to myself after listening to her is how a deaf person accesses that information, even on top of what she was talking about before. And I've been through YVR a lot, I live about five minutes away, we've been picking up relatives for years, familiar with the airport, but if people can't communicate it's very difficult. YVR is trying I understand that, I see what they're doing with various things, it's great, but that's a real concern. Brings me back to airlines indicating to you when you have flight changes and notifications pre, when they're making changes pre your first flight let's say or for that matter on the return.</p> <p>Some of them have systems and which they'll put something into your phone to advise you of it, somebody doesn't have a cell phone with them these days or working on a computer especially in destination, do you have wireless, etc, how do you access this information? Telephone lines aren't necessarily all that good from some of the foreign countries that you're</p>

dealing with you may not have access. With those type of delays it's impossible if you're in let's say the Dominican, Cuba, whatever, you're not speaking Spanish it's impossible to get any information on that when you're there, waiting, as times gone on there's no advance, there's no notification, nobody is really telling you what you're doing. And when they do work, when they are in place and somebody does have a cellphone, the airlines are communicating some of this information after the fact to you. They're telling your your plane is going to leave at 8:30 instead of 5:30. Well, by the time the notification is coming to your phone you're in the air, you didn't have any opportunity to react or anything else like that.

I know they have to make flight changes however sometimes the airlines will change itineraries before you fly, okay? If you have a question as to whether you're going to accept their alternative or not, your only option is to cancel basically these days. They will not accommodate you in any other way in most cases. If that's not convenient to you and they basically said, well that's your choice, we're adding stops or were changing something else. We've had to change our ... and that change was made on their behalf so that their business plan could be further accommodated, but you're not given any compensation for that if you have to change your plans. If you have to at the last minute now booked with another carrier and the ticket price is twice what it was before to get to your destination when which you have a hotel reservation for a period, which is non-refundable as well, there's no compensation for that.

There is also at times that the systems do not work, they add these stops while you're in destination. They've known that they were going to do this is an end-of-season flight for some of the airlines. They've known they're going to be doing this for two or three months. The group I'm aware of was not a destination wedding in Mexico, they were informed the day of their departure back to Canada that the plane would now be flying from Puerto Verta, to Regina, to Saskatoon, to Winnipeg, it was originally supposed to be Puerto Verta to Winnipeg, no compensation offered, no delay offered. It arrived 12 hours later, a lot of these people couldn't go to work the next day, the airline knew this in advance. However, you bring it up with them and their first comment is it's within our terms and conditions, we're allowed to do it. Okay, take us the court if you want to basically. Far too much of that, when there are rights within the terms and conditions or the Montreal Convention or whatever

applies to the particular flights, all too often let's take baggage for an example, okay?

You're allowed certain sdrs for baggage if it's lost or damaged or whatever else like that, and you're allowed a per diem per day while it's your not a lot of per diem every day and there the airlines convert it to a per diem per day. You're allowed to buy technically as to the law that I understand it, you're allowed to buy necessities. If you arrive somewhere your luggage doesn't, necessities to get you through the day. If I've got a business meeting to go to and my suits in the suitcase that's lost or whatever else like that the regulations allow you to go and buy that suit, go to your meeting, and conduct your business, not spend time at the airport running around trying to figure out when are you gonna get me my baggage and the rest of it. Unfortunately the airlines come back to you and they offer no, we'll give you an interim ... and what we'll allow you is \$100, or what will allow you is \$75 a day, then you've got to reapply for it the next day according to what they're telling you.

So it's disinformation as to the rules that the airlines are putting out to the passenger. They're trying to cut their losses, they're trying to slim down their losses. And if penalties were in place that said, okay this is against the rules. You guys are offering this, you can't make offers that fight the rule, you can try to get people to accept things or whatever else like that. But when there's a lot there and the customer does not have to accept that, right now you got to go back after them in small claims court after you get back if you want to recover it. I mean there's no other way of doing it as far as I know. I look at the regulations, when it comes to lost baggage, damaged baggage, all the rest of it I look at what they're supposed to pay you under the conventions, etc, it's actually better for the luggage than it is for the passenger for delay, and compensation, and everything else like that. Does that make any sense whatsoever?

No, it depends where you fly from as to what compensation you get if somebody is, for instance, if you're flying out of Quebec and you're flying down to Mexico, if you're flying for Vancouver because in Quebec you miss a day of your holiday, okay Quebec law states that they got to compensate you for that day of law, that's not in the regulations as far as all of Canada is concerned under your jurisdiction as far as I know. That's big dollars, people have rearranged their schedules, rearrange their work

schedule. You come back from one of these countries and there's been a delay, which was in the control of the airline, and you can't go to work the next day because you're now arriving a day later, okay? You're not compensated for your wages lost, there's no way. These things were in the control ... and when they have a problem one of the airlines you'll always see up until now it's always whether, it's always weather, weather it's always the excuse. And if you don't have access to the real reason for the delay or the cancellation, how are you going to prove otherwise, how are you going to and go after your rights that do exist if you can find out what they are in the first place unless you've got something like there's an app out there for expert flyer, it's a paid prescription.

It's only good for 48 hours, but boom they're coding in, the airline's have got that information, why doesn't CTA have that information on all flights etc so that somebody can access it, hey that's not a reason that's allowed. This is why it scares me to see mechanical, listed as a reason that's going to be accepted as exonerating an airline from compensation. You bring up safety earlier in the discussion, I can see why ... you don't have to differentiate between safety, and mechanical, and the rest of it, okay, there's no question. The airline has many more obligations under safety, they've got to meet those anyways, it's how they're getting out of their obligations right now that they do have. And I can see it tomorrow the next thing that happens on a delay if mechanical comes in there every single one of those is going to be weather and mechanical now. It won't be we didn't have enough crew, we didn't have whatever, oh that was the flight that was the connecting flight before, that's not our fault, this only applies to your flight.

If you give them that window they're gonna take it. I'm also concerned when I look at decisions of the agency, and rulings, etc, when there's obviously been a problem and there's a complaint. It always seems that there's more discussion about it in the tariff, it is in the tariff, is the tariff reasonable, is it not reasonable? These things should be settled by law before anybody has a problem, an argument, an airline should be, hey it's there, you abide by it, you tell us why it's not ... you tell us why we shouldn't have to pay out this under the conditions. It's like they've got a get-out-of-jail-free card at the time. Someone else here earlier brought up the point of if you fly on a [inaudible 00:37:59] airline and you fly out of here to Europe and you fly back, and what your compensation, what you're



denied boarding all the rest of these things are. You fly on the [inaudible 00:38:10], I mean you're supposed to be making things competitive for Canadian airlines in the world and everything else like that. And they're looking at their competition, in other words by offering our passengers less rights when they're flying over there that's going to look good on us and we're going to get more customers because of that?

This doesn't make any sense I mean if the Montreal Convention confirms and unifies that the general overall rules for airlines to occupy in the world, why can't the rest of the bodies when they're flying in and out of their same countries have those applicable rules that are in there? If it goes above and beyond what the Montreal Convention requires, great, but that floor is there and it should never be dropped off of. It should apply to all the airlines that are going back and forth between two countries in particular. I ran a little test yesterday, I went out to YVR, excuse me. And I wanted to look at the old rules as they existed on tariffs, etc, you're supposed to be able to for instance have access to a tariff, because you want to know what's happening on a flight. This is talking about what Greg was talking about, you're trying to make the decisions in real time and an airlines telling you to refer to their tariff, you're at the airport? You can't even find it out there it's not accessible out there.

Yes, it's accessible on the CGA website but I mean how can I make a decision at that point in time on the basis of what they're offering me and what I'm supposed to be doing. You don't fly these routes every day. There has to be in place the schedule that's come up with as far as a number of penalties for certain offenses that are applied to this sort of stuff. If the airline can show they did it everything right and it was totally beyond their control, they did everything even if it wasn't beyond their control. They show that they took every reasonable measure did everything that they could to reduce the harm on the airline and on the passenger, then fine they shouldn't be fined. But if they didn't, if you don't have the enforcement in place, any business, any airline is going to try to nibble it back against the edges, you've got to have the hammer. And in our case in Canada it's the CTA that's got the hammer as far as I'm concerned. One more item and I've got many more, I'll be attending the session tonight for more information.

But I look at the mandate to strike the balance that the CTA is supposed to have between the airlines and air passengers. I would say 10 years ago that balance was like this, okay, certain changes were made it started to tip up, now were tipping back because we've got new ways of getting out of the rules that were in place. Interruption, disinformation, from the airline's, they're trying to nibble away at that core rather than enforce what's in place and lessen their losses that they're due to, some of them just ignore it like it doesn't exist. Some of them give you misinformation and try to limit their exposure. Another one that's good and that happens is I picked this up at YVR yesterday. This is Air Canada's latest interrupted trip information, these are your rights apparently underneath this. Well I already know on some flights that this is garbage, this basically says we never pay for a hotel under any circumstances, so who is this being given to?

Is this being given to people that it applies to, certain things, yes, they don't have to cover your flight, other ones they do. How many the ones that they're supposed to be covering a hotel and expenses for are they giving this brochure so that somebody will not know their own rights or get them enforced. And at the same time which I find a little insidious is on the back is, hey you shouldn't make that mistake next time, there's a spot here for here's the changes we're making in your flight you can write down your new flight number after you talk to them. And on the back it says next time you better buy on my way because you might have been covered if that should happen, it's a sales pitch. Far too many times that's what it seems to break down to. They're always trying to avoid what they have to pay. I had a couple of exchange students from China staying with me for a couple of years that we're going to UBC, solder business.

One of them did a term in Brussels flying back here, Brussels Airlines to Toronto to Vancouver, they lost one over the bags. She's coming here fortunately she arrives here, no bag, fill out the baggage claim form, YVR. Then you're now into their system and you're doing everything by internet, you can't phone anybody on a claim you can only ... you can't talk to anybody after you leave that airport. You can only do it by email, you can't get updates. You have to go with their updates then they send you the interim expenses form, you can spend \$100, okay? It's bogus, you can spend whatever is necessary. This is a student who's ... English is third language, she's being communicated to in English while she's not because I took it

over. But there's no way she can find out what the rules are and if she's being treated fairly or anything else, especially when they lost the charger in her luggage was the charger for her Mac, which is how she communicated at the same time.

The other thing I noticed at YVR when I was out there I went specifically to check on the tariffs, an airline had one, other airlines didn't have one, other airlines had offices in the structure, some didn't. Only the majors had the tariffs readily available, a couple of them, most of the other ones did not. In addition to this your nice presentation there of that screen at the front with air passenger projection and everything else, that was up about the information both in YVR whatever. When I was talking to the people and trying to get information leading me to where I can find this stuff and everything else. Staff at YVR is great, I asked what happens if somebody comes in on a flight from Mexico, they've been in Cancun for a week there was one arriving yesterday. What happens if they arrive in customs and they check through and there is really no charter baggage complaint desk or whatever else like that at YVR other than WestJet, that sort of thing?

I said what is that customer when they come into YVR they're missing a bag, what do they do now? Well there'll be some handling people around later that are contracted, but that's it. There's no form to fill ... no, no, if they come to us, if they come to us we direct them over to a telephone over there and there's an english-only system in, which you can phone the 1-800 number of the airline, which unfortunately does not operate 24 hours a day. I've lost my bag I can't even file the claim for it. Another situation that was brought to my attention-

- Scott Streiner: 46:34 Sorry, we're going on 20 minutes here so if you want to just-
- Raymond: 46:36 One last one.
- Scott Streiner: 46:39 Jordan says [inaudible 00:46:40].
- Raymond: 46:43 What applies to your flight, what are my rights on this specific flight in this specific itinerary? Do we need seat back pocket things, these are your basic rights from the CTA, this is how you file a claim, this is how you, whatever. This is your access, this is your information, yes, start with your airline but if you're not satisfied there's the information this is what you should be doing. If you're in destination who do I call, how do I call? Oh

you go see our rep, our rep that's there one hour a day maybe seven days a week is just visiting, selling tour packages in order to get you somewhere? It's entirely broken when you've got a problem at another situation. The Vive era bus was flying flights Calgary, Victoria, and Abbotsford to Mexico over the last spring. They had the occasion to divert one of their San Jose Del Cabo flights that was going to victoria to Abbotsford because of fog in Abbotsford. Passengers landed in Abbotsford much surprised to see them they were the staff at Abbotsford airport. No CBSA on duty of course that hour of the night, they weren't expecting anybody. The airport manager was very good to them; however, they had no information.

They all had to make it back to on their own, when they finally contacted Sunwing in the morning about 4:30 or whatever and CBSA did show up with somebody so they could even leave the airport, no 24-hour number. As I say throughout the night to get any information whatsoever, and they contacted us ... first thing is that this isn't our fault, we're not the airline. You sold us the package. Yeah, but you were on the Charter Vive [inaudible 00:48:38]. How do I contact them? Well you can do it by email. Contact the airlines, finally replies came back from the airline at some point for a couple of the passengers on Twitter, it was fog, it's not our responsibility, yet a diversion, you have to make your own way back. The flight stayed there, the reason it went to Abbotsford is Vive airbus was also operating some other flights out of Abbotsford; therefore, the pilots were familiar that would be their problem likely diversionary airport.

And they probably weren't licensed to fly into YVR, so that's why that probably didn't happen but the ball was dropped from there. Finally, some of the passengers were offered I'm told by Sunwing, \$150 fee through travel credit or whatever else like that as full compensation. But buy another deal with us and we'll give you \$150, but only to the adults not to the kids. And luckily some of these people could make other arrangements and everything else, but these guys were cabbng it in groups of sixth to the ferry over on the ferry. And now a situation like that, that's almost like it should be ... we got a look a ton of people, okay? How do they all complain, number one, how does the airline show that we've got all the complaints from all of the passengers everything else and this is what we're required to pay out under the circumstances. It should be reasonably cut and dry, it's not.

Anyways, I thank you for your time, you've been more than generous.

Scott Streiner: 50:12 Lots and lots of interesting points, don't go anywhere because I've certainly got a few question for you, that's a few if you exhausted yourself with the presentation I just need a couple more breaths. A couple of clarifications our response to some things you said in that I've got a few questions and Liz may as well. Just a few clarifications though, you've expressed some concern around the fact that safety issues including mechanical malfunctions could result in an incident being triaged into what I called category two where minimum standards of treatment, food, water, etc would apply, but not compensation and that weather could be used to triage into category three where it's out of the airline's control and therefore the airline only has to make sure the passenger [inaudible 00:50:56] itinerary, just for clarity's sake, that's in the law, so that's that's an area where the CTA when it makes regulations does not have discretion. The law has set out those three categories, what we can do is develop some criteria to make sure that that triaging is based upon evidence, is based upon reality.

In terms of the regulations and the tariffs again just to be clear up until today of course we've never had regulations on air passenger protection. Now we will and those minimum standards, those minimum entitlements for passengers will apply across the board. So you talked about there being a floor, no airline will be able to establish tariff conditions below the minimum standards that are established to the regulations. Of course, they can go higher if they want to show that they provide superb customer service, but these regulations will establish a floor in the areas that we can regulate below, which no tariffs can drop, go ahead.

Raymond: 51:55 And make sure that they cannot try to offer to passengers less than that to get it settled.

Scott Streiner: 52:02 Right, so you've raised concerns around disinformation a couple of times and I guess I as I noted in response to a couple of the previous presentations we have the authority under the new law to regulate around the communication of information, do you have any thoughts on what sorts of provisions we might put into the regulations to try to ensure that the information is always accurate? I mean I suppose we could simply make that statement the information shall always be accurate, but you

have any other thoughts on if there's issues with [inaudible 00:52:37]-

Raymond: 52:37 It should be accessible I mean if they can print out a set of coupons for you to use park and fly when you're booking a ticket electronically and everything else, certainly they can put in these are the things that you do in destination and everything else. If they can print out a receipt for your ticket at least they can provide you with a proper receipt that's intelligible that breaks down all the charges and everything else. If you look up a flight now just flight only, same airline, flying a route let's say Vancouver, Toronto, [inaudible 00:53:13] I'm familiar with this one. And you fly that on two different airlines, okay, yes the fares gonna be different, I understand that. But why are the taxes and fees different? Okay, and you got to dig a little harder than you used to find them but you can find them, okay? And when they print them out to you the descriptions of them aren't the same as well as what you're getting for that, and it's all got codes and everything else and they're all using different codes and applying. It's like they're shifting funds back and forth as to where they're gonna pay it out.

They're also still allowed to in packages put fuel surcharges in there and everything else like that and they're sort of hidden, okay? You used to be able to go on the website look up okay that routes, okay, the field charge is going to be this much, this much, and everything else, it wouldn't be broken out for you, but you can figure it out. Now there's no way you can ... I mean it's even more hidden than it used to be in packages, okay, because all the rules were not applied to packages that were applied by flight only, okay? And they take that opportunity to make it a little more opaque when you're trying to make decisions in comparisons.

Scott Streiner: 54:31 What do you think of the key so you've taught it about sort of passengers getting the key information they need, what do you think of those key categories because again a tariff can be a very lengthy document. What do you think like you talked about either something attached to the e-ticket or something in the seat pocket, what do you think are the point five or six topics, whatever it is, that absolutely every passenger should be informed on with sort of succinctly plain language summaries?

Raymond: 54:56 Emergency number 24 hours-a-day to the airline, okay? What do I do? I'm in this-

Scott Streiner:	55:02	Who do I call?
Raymond:	55:04	Okay, who do I call? 24-hour service, I shouldn't be wondering, okay? Correct information if they're going to state it on baggage rates, correct information ... I mean they're producing receipts that I think should be outlawed by basic retail law in the country because they're not explained properly. I used to be able to say up until last week when I made a phone call to check it out that there was only one packager in Canada that was playing by the rules that were basically governing flights and everything else and laying things out properly, so that you didn't see things like surcharges \$363 or whatever else like that and then they weren't broken out. The only one that was doing it absolutely correctly as far as I could tell was WestJet vacations, now everybody else has adopted the other model and they're all hiding stuff all over the place, fuel surcharges, this, that, the other thing, and not breaking it out when it comes to buying a package. So when you're trying to comparison shop on both the airline, and the destination, and that the hotel for that matter at the same time, you're trying to compare what you're getting for a ... you can't, it's impossible.
Scott Streiner:	56:36	Liz, any questions?
Liz Barker:	56:38	No questions, thank you.
Scott Streiner:	56:40	Thank you very much Raymond.
Raymond:	56:41	Thank you.
Scott Streiner:	56:43	So folks that concludes everybody who had signed up to present in this session. We have a second session this evening where I think we have folks that have signed up to attend but it's going to be more of an informal give-and-take as opposed to formal presentations. So first of all everybody in this room if you're interested is welcome to attend that session which starts at 6 o'clock, correct? So in this room from 6 to 8 or from 6 o'clock until up until 8 it may not take that long. We'll have a bit of an informal Roundtable with those that have registered to attend in any of you should you wish to come. But just before I wrap up is there anybody in the room who hasn't had a chance to present, who would like to offer comments before we adjourn for a couple of hours? Okay, thank you very much for coming, thank you to our six presenters for bringing forward information and we'll see some of you at 6 o'clock.

And please do track progress of this initiative [airpassengerprotection.ca](http://airpassengerprotection.ca), that's my last plug for the website. There is an easy-to-use plain language questionnaire on there that folks can fill in and we're looking to hear from as many Canadians as possible through this process. So tell your family and friends about it as well, thanks very much.

## Séance du soir/Evening session

Scott Streiner: 00:00 ... those of you who were here with us this afternoon. Roy, you are the only registered presenter for this evening. The official time for presentations was 10 minutes, but this afternoon we had a bit of flexibility, so we have people up to 15, so 10 to 15. Then we may ask you a few questions. There's only a couple people in the room, but we can have a bit of an open conversation if we want. Then some of us will have a flight to catch, which we'll hope to avoid any irony and we'll hope that that flight goes well. Trying to avoid irony in the context of these particular consultations. So Roy, the floor is yours for 10 to 15 minutes. Oh, and I should add actually ... So a couple things, Roy, before you come up.

Roy: 00:45 Sure.

Scott Streiner: 00:45 First of all, Liz Barker, Vice Chair, and I may pose some questions afterwards. So this afternoon, people like Raymond presented 10 to 15 minute presentation and then back and for the with some questions. Just by way of context, I won't redeliver this afternoon's opening remarks and have you sit through all 10 minutes of them, but I think as you know, we're here to hear from Canadians on the new passenger protection regulations which we're making pursuant to recent amendments of the Canada Transportation Act. So we reminded folks earlier today that those amendments give us specific authorities in specific areas in which we can make regulations. We're happy to hear from any presenters on any issues they want to raise, but there may be some matters where Parliament simply hasn't given us the power to regulate. If that's the case, we'll let you know.

The other thing that I should say in terms of the process, is this is the second of eight in-person consultation sessions we're holding across the country. Those will wrap up in Ottawa on July the 5th. But the actual consultation process will remain active



until the end of August. So we welcome written submissions in addition. Once the consultations are done, then we're going to have to take some time to digest everything we've heard, but we're going to move as expeditiously as we can to draft the regulations and then to have them approved both by the CTA and by Cabinet, because as you may know, they're subject to a dual approval process.

So with all of that as context, Roy, the floor is yours for 10 to 15 minutes. Welcome.

Roy:

02:18

Thank you for making me feel welcome. I appreciate the opportunity to address the CTA committee. Just before I get into my remarks themselves, I just want to emphasize nothing I say is intended to be personal. Everybody here is doing a very, very difficult job with pressures on all sides. I appreciate that, so please take these comments in the most constructive light possible.

My most important point is that in order to support Canadian workers, passengers should never be incited by better compensation levels on foreign carriers than on Canadian carriers. As such, each and every possible level of compensation, both financial and non-financial, should be reviewed annually with all of the carriers in all of the different geographies. The goal there is that I never want to be in a situation where I've decided to fly a Canadian carrier, for example Air Canada to Paris, versus Air France, or Air Canada versus Royal Air Morocco to Casa Blanca, or Air Canada versus El Al to Tel Aviv, or Air Canada versus Turkish to Istanbul, or Air Canada versus Korean to Seoul, or Air Canada versus JAL to Tokyo, or Air Canada versus American Airlines to Argentina, and find out after the fact that had I not picked the Canadian carrier, some provision under international law would've protected me with better compensation than for having chosen the Canadian carrier. I know I've picked on Air Canada, but I intend that to mean West Jet, Porter, Transit, whatever.

So my request is formally that there will be a review every year without exception, of the market space and the legal framework. That will trigger automatic adjustments to all the compensations both financial and non-financial that every carrier is required under the law to produce so that Canadian carriers and the workers that support those are never impacted

and the public never feels cheated by choosing the Canadian carrier. That's my first point.

Secondly, every passenger is entitled to open up any claim without question. That should happen both at the airline as well as with the CTA. From what I understand, the air transport regulations right now forbid airlines from misleading the passengers about this right, and yet we just heard conversationally over the news that West Jet employees at the baggage claim ... Or an employee, I should say, of West Jet, at the baggage claim was harassing an individual for opening up a claim, threatening to call the cops on them. That's outrageous. I am disappointed, actually, in the CTA that more and more of these incidents are coming to light that show that there is not proactive, vigilant enforcement by the CTA of these regulations.

But I would throw an olive branch to the CTA and say maybe you can help yourselves and Canadians by insuring that the regulations include at every baggage counter in every Canadian airport without exception, we post the law. Perhaps even summation of the law with, "Here's the law, and specifically your rights include A, B, C," in really simple form in English and French. So that as soon as somebody decides to call the cops you can just say, "It says right there I'm entitled to open a claim." I think that'll dissuade that type of things and reduce your burden going forward. That said, I do believe that every single person should be entitled to open a claim both at the airline counter, and at the CTA because there may be misrepresentations. There may be incompetence on the part of the staff. I don't want to begrudge anyone in particular, but human error happens, and I think the full set of the story can happen if we have records at both ends.

The third point I'd like to make is that the CTA needs to aggregate stats of all claim types, all resolution types, by airline, by quarter, and those need to be automatically published in open data format. Ideally in machine readable format so that our academics, journalists, data scientists, number crunchers, can grab all that stuff and display in on their websites and their research as they want. I think that would be a lovely thing in the sense of encouraging additional data science and analytics activity within Canada. There's a lot of hobbyists out there as you know, who are airplane nerds, perhaps myself being one of them, who would love that kind of stuff, and then repurpose it in a very useful way whether it's on an app or in a website to

allow Canadians to better judge which airlines deal best with complaints, which airlines are most on time on performance, which have the most baggage claims, whatever. But open data is a good thing.

The overriding point I'd like to emphasize here, is that if you don't measure it, you can't manage it. So I'd like that to be the mantra of the CTA. Explicitly. We must measure it in order to manage it. I would like that measurement to be public so that when the CTA is overburdened by requests, or political influence, or industry influence, or whatever, you can just point to, "It's all out here. Anybody can have it." That's the best way to mitigate that.

I've got two more points. I'm not sure what my time situation is.

- Scott Streiner: 07:35 You're doing fine. You're doing fine. You're in about seven minutes, so lots of time. Go ahead.
- Roy: 07:39 Awesome. This is a record for me. I'm normally quite long winded. Right. In preparing to make a claim, I feel that the passenger is entitled to the entire record of any phone, any email, any snail mail, any reservation systems, and any transcripts of face-to-face interactions between themselves and the airlines or their designated agents that the passenger has dealt with in the course of their travel from the very moment of reservation until final completion. Now my concern here is that often I've found myself in a situation where I'll talk to the reservations agent after there's been a misconnect or something else. Maybe I've ordered a special meal on a long flight as I do have a dietary restriction, and it hasn't arrived and I want that documented. They'll make their notes in the file and they'll say that it's documented, and I'll ask for a copy of that and they'll say, "I'm sorry. We can't share that. That's internal to us."

Now, my feeling is that anything recorded about me, including my complaint, should fall under PIPEDA, but I just don't want to have to go through that regulatory hurdle. And I don't want to burden you guys. You are the tax payer funded resource as well. You're very busy. It's frustrating for the passenger. It's frustrating for the bureaucrats. I hope you don't mind that term. And it's expensive. Let's just try to resolve these issues at the lowest possible levels. So I'd like the law be clear that any interactions that I make with the airline, I'm entitled to those,

no matter what form they make. That might require some computer changes on the airline's point of view such that when an agent enters a comment that they've interfaced with me, they do it in a different screen than when they want to editorialize about me and we haven't had that interaction, like maybe I've left them and then they want to add some other stuff. I think it's important that we, sorry, resolve these at the lowest possible levels so that we can mitigate interactions with the CTA.

Last but not least, and I apologize in advance for these comments, but it appears to me that there are indications of pre-existing bias by the CTA towards airlines leading to the perception that regulations have already been developed and are in someone's drawer right now before the consultations have even happened. I am led to believe this by an affidavit that was filed at the Supreme Court of Canada in the case of Delta Air Lines versus Gabor Lukacs. The heading of that affidavit says something to ... Sorry, it says quote, "[IETA 00:10:24] routinely assists with the development of aviation regulations and policies." Further down in paragraph 25 it says, "The agency," that's the CTA, "has sought IETA's input with regard to the regulations it will draft. IETA is actively participating in the consultation process with Transport Canada, and the agency, on this topic."

So to me, this provides an indication that way back in June of 2017, if not earlier, way before C-49 was passed or even tabled, the CTA and IETA had already consulted about what would be in the regulations, about which the public is only now being consulted. Consulting about regulations with industry only, in private, before the bill becomes law, I feel is wrong. Either you consult both sides, or don't consult either side before the regulations of the bill becomes law. After all, how would you feel about a judge reading the submissions of one party and writing a judgment based on that before reading the other side's materials? Even if the judge decides that they're willing to take into account what they've heard at testimony and start red-lining it, they've already preconceived their notions. They've already found the laws that are going to fit the narrative that they've been framed into by that conversation.

So I am worried that this consultation is flawed by inherent bias, and I'd like to hear the views of the committee, because that's just my own conclusion, and I'm very curious to hear what you

guys as the experts have to say. That's the end of my submission, and I really did welcome this opportunity. I feel wonderful to live in this country where we have this right. Thank you.

Scott Streiner: 12:04 Great. Excuse me. Thank you, Roy. Those are really good points, and no need to apologize, I mean you are ... Liz and I serve the public, and it is the public's right to ask questions including hard questions. Let me start with the last issue because it is obviously the most sensitive.

So you said that you thought ... I'm paraphrasing-

Roy: 12:26 Sure, that's fine.

Scott Streiner: 12:27 That it would be very inappropriate for the CTA to consult in secret on regulations before a bill was passed and before it was consulted in public. Let me say that we agree with you completely, which is why we never consulted on these regulations on the content of these regulations with IETA or any other stakeholder while the bill was still being considered. I'll back up. We meet regularly with stakeholders from a wide spectrum. We meet regularly with industry stakeholders, with consumer protection groups, with disability rights organizations, on the rail side with railway companies, with shipper organizations, because that's what an engaged regulator does. I mean, we don't want to be in an ivory tower. We want to understand what's happening out there. So we, as a regular matter of doing business, sit down and meet with stakeholders. These meetings are not secret. These meetings are held with stakeholders from across the spectrum, and it's just to make sure that we understand what's going on out there.

The discussion that you're pointing to, although I don't have perfect recollection of it, but was held as I recall in the context not of the air passenger protection regulations, but rather the updating of the air transport regulations, a different set of regulations, which was phase two of our regulatory modernization initiative. Those consultations were underway back in spring 2017. Any discussions that we had with any stakeholders regarding the air passenger protection regulations would have been limited to questions of process like, "How would we consult," up until the bill was passed. When the bill was passed on May the 23rd, we moved five days later, May the

25th to launch public and stakeholder consultations on these regulations which are underway now.

So I hope I've given you a very clear answer. I hope that that reassures you. Neither in my drawer, nor in Liz's, or anywhere else is there any secret-

Roy: 14:18 I don't know where the drawer is.

Scott Streiner: 14:19 ... is there any secret set of regulations. Of course we've started to sketch out the broad architecture of the regulations based on what's in the bill, but the question of the content, that's why we're here. We're talking to Canadians face to face to try to determine the content. We've got an online consultation process that includes a questionnaire. We're taking written submissions. We're doing airport surveys. The questions that we've asked in our discussion paper are open questions, and the answers to those questions will be determined once we've heard from Canadians and from stakeholders across the country.

Roy: 14:49 So just to follow up for my own clarity, it is a fair statement to say that no one from any other group, whether it's industry, or let's just say any other group, has had the opportunity to consult with you about these regulations ahead of these hearings. Is that correct or not?

Scott Streiner: 15:11 Nobody. We held no discussions that delved into the details and the content of the regulations when the bill was still before Parliament. Discussions around process, of course we had discussions around process.

Roy: 15:23 So let's put process aside.

Scott Streiner: 15:24 Set process aside. Detailed conversations about content, I can't say, you know ... I'm trying to think about your question. I want to make sure we're specific. In some meeting with the consumer protection association, if somebody said, "Well would you contemplate," something which now appears in discussion paper, "a higher level of compensation for involuntary bumping due to overbooking?" We might have had a hypothetical exchange like that. But detailed conversations about the content of the regulations began when the consultation process began.

Roy: 15:57 And what was the date of that?

Scott Streiner: 15:59 May the 28th.

Roy: 16:00 Okay.

Scott Streiner: 16:03 We are holding a series of meetings, public sessions, stakeholder discussions, surveys, et cetera, as a result through these consultation sessions. But I mean to put the matter quite clearly, we couldn't have had detailed conversations on the content of the regulations while the bill was still before Parliament because we didn't know at the end of the day what authority we would have. So discussions of ... Regular stakeholder meetings, yes. Some conversations about process, yes. A few hypothetical exchanges at a high level about potential content, probably. But anything like what you thought might have occurred, no.

Roy: 16:40 Okay. Thank you.

Scott Streiner: 16:41 Okay?

Roy: 16:41 Thank you. Appreciate that.

Scott Streiner: 16:44 So I'd like to now come back to some of the other issues you raised. I've got some clarification, some questions, and the Vice Chair may as well. I'm going to go through them in the order you presented them.

So you talked in your opening remarks, excuse me, about, and I think everybody could agree, not wanting to have Canadian airlines put at a competitive disadvantage by having different standards apply to Canadian airlines and foreign airlines. I just want to remind you as a matter of clarification, the regulations that we make will apply to all airlines flying within, to, and from Canada. So the regulations we make would apply to Air France as much as Air Canada. So just to-

Roy: 17:24 Can I just react to that?

Scott Streiner: 17:25 ... this doesn't apply to only Canadian airlines. Yeah, of course.

Roy: 17:26 So I am under the impression right now that if I were to fly Air France, depending on where my point of origin is, whether I've flown from Europe to Canada, or Canada to Europe, different

regulations would apply. Similarly, that carrier, because it is a European based carrier, might have different regulations even on the return there. So my comment should not be misconstrued as every carrier will be handled by Canadian law in exactly the same way. Obviously.

- Scott Streiner: 17:53 It's the application of E.U. regulations.
- Roy: 17:54 Well, not just E.U. If Morocco decides that it's going to come up with something, any jurisdiction, two things need to happen. The customer should never feel cheated that, "If only I had picked another carrier, then this would've applied." And similarly, there should never be an advantage given to any carrier depending on what colors are on their tail or where they've decided to leave from. Within the conference of every allowable legal and regulatory tool that we have, we should ensure complete parity both financial compensation-wise, and any non-financial compensation-wise. I'm just going to add to my testimony one more thing. Penalties as well. So if a European carrier is penalized, I don't know, \$15,000 for something and we just choose \$2,000, or vice versa, we over penalize, you get the [inaudible 00:18:51] that I'm intended.
- Scott Streiner: 18:51 And we are looking at practices particularly in the E.U. and the U.S. as sort of reference points for the purpose of these regulations. We haven't said we're going to necessarily peg everything right there. We want to hear from Canadians. But we're certainly, in the discussion paper that we've put out, we're certainly looking at E.U. and U.S. practices as a point of references as we consider our own standards.
- Roy: 19:13 I just want to push you further.
- Scott Streiner: 19:15 Sure.
- Roy: 19:15 So the E.U. and the U.S. are currently the leading standards and that's great. I have no idea what the situation is right now in Asia, whether Japan, or Korea, or other places have. But since we're starting this from scratch right now, I would like the framework to say, "Every year, we are going to do a review of everything on the planet. And if we know that Australia's way behind and doesn't even come close, that's fine, but let's check what the situation is Oceania." Let's not limit ourselves just to E.U. and that. You're in the enviable position right now of



basically starting from scratch with a clean slate. Let's start with the ideal.

- Scott Streiner: 19:53 Well and there are advantages and disadvantages to coming a little bit after others have acted. One of the advantages is you can learn from some of what they've done.
- Roy: 20:03 Is that what happens when I've run out of time? It goes back to, "Welcome, Bienvenue?"
- Scott Streiner: 20:05 Doesn't mean the clock reset. Doesn't mean the clock reset. Nice try. You talked about enforcement. So just a bit of ... I've got just a little bit of information for you on enforcement, but also a question for you. So we are in fact developing a modernized enforcement program right now. There's some information if you're interested on our website on the [cta.gc.ca](http://cta.gc.ca) website. Looking to modernize our enforcement program in part, with an eye to how we implement these new regulations. One of the things that we're doing, is that we are developing a data driven, risk based compliance approach which would allow us ... Because of course compliance resources are finite. We will never have enough enforcement officers to deal proactively with every single airline every single day. So what we're going to try to do, and it's sort of something you talked about, measurement. We're going to try to use data inputs to target finite compliance resources to areas where either the risk or the impact of non-compliance would be highest. So it's the traditional-
- Roy: 21:13 Best bang.
- Scott Streiner: 21:14 ... likelihood that the risk matrix, of likelihood and impact. So that's just for your information. And if you're interested in learning more about that new program, we can put you in touch with the right people. My question-
- Roy: 21:26 So the answer is yes. Thanks.
- Scott Streiner: 21:26 Sure. Happy to do it. My question for you relates to AMPs, administrative monetary penalties. So one of the questions we asked in the discussion paper, and in our questionnaire, is whether ... I'm paraphrasing, but whether Canadians think that these new air passenger protection regulations, whether all, some, or none, of those provisions, should be subject to administrative monetary penalties if noncompliance is found. I

think from your presentation, I can guess what your answer would be. But do you have any views on that question?

Roy:

21:55

Absolutely positively. I guess I would just really like to head these off at the pass, as soon as possible. I don't even want them to show up in your risk stats because I want the signage right at the baggage counter. And not just the baggage counter, the departure counter, at the security check in while I'm lining up in that line and I've got nothing better to do but stare at the person ahead of me, there should be some signage in addition to warnings about terrorism and all the other, the liquids, and all that kind of stuff. There should be some other signage that says, "You're entitled to these rights under Canadian law if you are bumped, tarmac delayed, whatever." Same thing on arrival, when I'm waiting for the baggage. Same thing at the baggage counter. But the most important place for this is at potential disagreement positions between airline staff and passenger staff. Let's just head these off at the pass. I mean if they're in English and in French, and ideally in another language, if it's applicable to that area. So for Vancouver, maybe Chinese as well. But I'm most concerned about our own citizens. Why would we get into a situation where somebody's got to have hidden camera to say, "Look. This guy threatened to call the police on me."

As it happens, this exact thing happened to me in Turkey, in Istanbul. I had an otherwise amazing trip, but I ran into a disagreement with their luggage people. Literally within two rounds, so I had one approach, a disagreement. I had one more time saying, "That's not good enough." A disagreement. After that, she picked up the phone and she called the police, and there it was. Foreign officers in a country whose laws I didn't understand, speaking broken English to me. Obviously at that point in time, I just said, "You know what? I'm just going to cut my losses because I really don't know what's going on." That could happen for foreigners visiting us. Let's just nip that at the bud. There's nothing easier than for me to be able to go, "But it says."

Scott Streiner:

23:53

And actually, I mean I think that in this afternoon's session, I said, it might've been in response to something you said, our observation is the administrators of the act as it was until it was amended, is that part of the battle isn't getting the right standards, although that is obviously important. But part of the battle is just to make sure people know because I think as

you're suggesting, the more people are aware of their rights, the more there's a common understanding between passengers and airlines about what the basic entitlements are, the standards of treatment, the compensation in different situations, the less likely conflict is, the less likely it is that people will have to turn to us in order to get their rights respected. So I think actually experience strongly suggests that what you're saying is true. We do need effective communication of rights and recourse to passengers.

Now the law gives us the authority to regulate in that area, to say to the airline, "Here's what you need to do to communicate to passengers." You've already given us some interesting ideas around postings and things like that. Are there particular elements of passengers rights, of the basic entitlements, particular areas that you think should be highlighted? Because obviously, we can't have an entire tariff put up on that posting. It needs to be simple. It needs to be concise. What would you suggest be the key elements of that communication?

Roy: 25:17 So while I would like a reference to the website, and maybe a phone number as well for people who aren't internet savvy. I know that number is dwindling, but isn't there yet. I would not like to see what is happening right now across Canada, which is airports that are just putting out, "You're entitled to passenger rights. Go to blah, blah, blah, CTA." Nobody is going to benefit from that at the point of friction. So I think the messaging needs to be tailored to the station where you post it. So if it's at the baggage area, it should say-

Scott Streiner: 25:17 That's an interesting idea.

Roy: 25:50 ... "Without question, you are entitled to make a claim." Boom. "Without question, you are allowed to get ..." I don't know what the laws are, but a meal voucher if your bags haven't been delivered or a toiletry kit. So first and foremost, what you're absolutely entitled, and in the context of the specific station that you're at. Secondly, I think that the public needs to be informed of the bare bones minimum and the absolute maximum, so the range of compensation that exists for, let's call it the most frequent types of infractions. I mean, you can't, like you say, list every single possible thing. But I would argue that you can probably figure out the top five and again, we're not talking globally, we're talking per station. So if it's at the transit counter, those are generally going to be misconnects. If

it's the gate agent that you've just deboarded the plane, that's going to be, I don't know, my seat didn't have video working. Or my meal that I ordered, which was a Kosher meal or a veggie meal or whatever meal, didn't come and I've starved for 12 hours. Whatever those most things are. You'll forgive me, I haven't gone into the minutia of just how much compensation, if any, I can get for not getting my meal. Perhaps none. But whatever those common things are in each one of those situations. What strikes me is certainly baggage claim. Certainly the security check point before I've gone through, because there's lots of time typically, where I'm just standing there looking around. The transfer desk or the customer service agent area within the secure area, and the ramp. Okay, so just as I'm boarding the plane, there's plenty of signage in that ramp for advertising HSB's great at taking that space. You've seen it. You can take one of those panels and dedicate it to this for English and one in French. Also on the other way out.

I would also argue that there probably needs to be a little bit of a different standard when it's international flights. So it's somebody that's arriving that's going to go through customs. There's further things that can happen along that journey, then that's something that they should be entitled to as well. Maybe take into account the language for cultural sensitivities. But my priority is Canadians.

Scott Streiner:

28:07

Okay. I have just one more comment, just a clarification for you. Then I'll ask Liz if she's got anything. So you talked about getting stats out there so the Canadians can make informed choices. So two points for your information, you may be aware, but as part of our annual report which is tabled every year in Parliament, we are required by law to include statistics on the air travel complaints that we receive by carrier and by issue. What we've started doing, is we've started to put those online. I'm not sure they're downloadable the way you've described, that they can be easily manipulated, but they're easily accessible to the public. Of course as you probably know, those complaint numbers have jumped dramatically in the last few years.

The second thing you should be aware of is that in parallel to our consultations on air passenger protection regulations, Transport Canada's holding consultations on regulations related to data. Data submissions by the airlines, performance data by the airlines, so if you haven't already done so, you might want to engage with our colleagues from Transport Canada on those

regulations which may also go some way to meeting the concern that you raised.

Roy: 29:07 I would love a pointer to the right people if you can do that for me. The area I'd like to emphasize-

Scott Streiner: 29:15 Right there. Literally right behind you. She's waving.

Roy: 29:17 Oh man. Thank you. One of the most salient points in my comment there, is open machine readable formats. So it's not good enough that they're downloadable. They have to be in a format that can be crunched by number crunchers using open source software. Because we will get not only the academics and the reporters and the data scientists here, we'll get people around the world comparing us, just the hobbyist as well as other regulators. That's huge and valuable, and why wouldn't we ... Well, I can think of many reasons why we wouldn't, but I don't think they would outweigh the public benefit of doing so.

The other thing is though I am aware that to some extent the CTA publishes stats, the question of how many passengers are actually being turned away and told their claim has been closed, like the West Jet situation, I'm not sure is one of those things that we're tracking. Again, we really-

Scott Streiner: 30:14 We can only report on the complaints that come to us. So if the airline has said, "No good," there's no way for us [crosstalk 00:30:17].

Roy: 30:16 Right. So what I would say is that I think you need to start tracking ... That's why I said we need to have the claim at the airport as well as to the CTA equally guaranteed. I think you need to start tracking those discrepancies because ultimately what we want to do is we want to avoid this friction at all levels. We want to change behaviors both on the passenger's side as well as the contractor's side as well as the airline's side, so that you guys are less busy.

Scott Streiner: 30:48 No, less friction. You always want complaints to the regulator to be a last resort. Less friction is better for all. That's all.

Roy: 30:55 Absolutely. The other comment I would make is that we have businesses right now like ... Forgot the name of the company. But there was a company in Montreal, Suze Airlines, and that's part of their business model. It's a fully legal company doing

their thing. They pay their taxes. That's awesome. But if we have to get to that position, that's just a real brutal situation. With all due respect to that business, I would like to put that business out of business by reducing the number of complaints.

One last thing, I'm sorry, this is where I normally exceed my time, and it was a surprise that I didn't. You mentioned tariff, and that's something I actually forgot to mention in my brief. The nightmare case is the one that's in the media right now where Air Canada unilaterally changed the tariff in terms of wait time, and that the passengers, while they could've clicked on the tariff and hunted and pecked through all that, wouldn't have.

What I would like to see, and I don't know if this is in your mandate, but I would like to find a way to squeeze it in there, is that if an airline wants to change their tariff, I think they should have to provide 60 days notice before doing so. And that should be indicated on the website during the purchase process. So something like a red exclamation mark at the bottom that says, "FYI. Tariff 16.3.5 on maximum tarmac delays will change on this date. Click here for more info." And you can get that. That's because I might be planning a trip 60 days in advance. To have unilaterally changed it without my knowing is terrible, but even if right there and then they had said, "Today we've changed our tariff," that's also a problem for me because maybe I don't have the time to compare tariffs between Air Canada and Transit and Porter and all those other guys. I need that time. It's also important for me if I've made my booking by Aeroplan, and I want to use my points as far in advance as possible, to have that heads up.

So there's never enough notice, but to me if we had 60 days notice, but explicitly in the purchase process if there was a call out that says, "This tariff is changing on this date. Here's the before and the after," and super clear, that would be helpful. So I'm sorry, I should've thrown that in there, but thank you.

Scott Streiner: 33:09

Liz, question?

Liz Barker: 33:11

I just have one clarification, Roy. You were talking about seeking parity between regimes so that Canadians aren't disadvantaged. But really, there isn't parity amongst regimes now. I think what you're seeking is that Canada always be on the cutting edge.

Roy:	33:33	Correct.
Liz Barker:	33:34	Either equal to or above the highest.
Roy:	33:37	Sure. I'd love above, but I'll settle for equal to.
Liz Barker:	33:39	Okay. Yeah, no. I just-
Roy:	33:40	I never want to feel cheated that I flew Air Canada and found out, "If only I'd flown Air France, I'd get better compensation financial or non."
Liz Barker:	33:52	So are you seeking equal to or better than on a regime by regime basis based on where Air Canada competes? So for flights to the E.U., they would be meeting or beating the E.U. requirements, but for flights to Turkey-
Roy:	34:11	Absolutely.
Liz Barker:	34:11	... they would be meeting or beating-
Roy:	34:12	<p>Yes. Or Oceania, or Japan, or absolutely. We never want to be ... I feel, we never want to be in a situation where a Canadian feels cheated that they chose a national ... I'm sorry, I don't want to make it seem like it's just Air Canada, a Canadian carrier and did the patriotic thing when they could've gone somewhere else and gotten a better deal on the compensation side, financial or non-financial. Similarly on the penalty side, I never want to see the Canadian carriers penalize less or penalized more, regime by regime, because that creates an inequity too. I appreciate the administrative burden that puts on the CTA in terms of the review, but I think ultimately this will push the industry in the right way. We're in this period of confrontation right now where, for economic reasons that are very clear, it's race to the bottom with low cost airlines now turning regular airlines into pseudo low cost airlines, and everybody trying to shave a little bit.</p> <p>There was just something in the paper the other day with United Airlines telling people, "I'm sorry, you can't use this bathroom. It's out of service." And everybody put up with the wait for the one remaining bathroom. Then finally towards the end of flight, somebody asked, "Why the heck was this bathroom unavailable?" They said, "Well, we didn't have time to clean it because the flight came in late and we had to leave in</p>

early." I'm not sure where that ends up falling into the situation, but it speaks to the race to the bottom, where in order to drive those efficiencies, we're taking shortcuts. If, in the E.U., that's not acceptable, and the Air France airline would get fined for that, we shouldn't let Porter Airlines or Transit get away scot-free or at less of a disadvantage, and vice versa.

Scott Streiner: 35:58 All right.

Liz Barker: 35:59 Thanks, Roy.

Scott Streiner: 35:59 Roy, thank you very much. Very thoughtful presentation.

Roy: 35:59 I can't thank you enough for the process.

Scott Streiner: 36:04 Yeah. Very thoughtful presentation. Thanks very much. So I think, do we have any ... We do have a flight to catch. I can see some, but not all the people. Well, I can see all of you. Does anybody have anything that they want to add before we kind of wrap up the session? With that, I'm going to thank-

Speaker 4: 36:04 Can I just ask you one more question?

Scott Streiner: 36:24 Go ahead. For sure. I'm just going to-

Speaker 4: 36:30 [inaudible 00:36:30]. Is right here okay?

Speaker 5: 36:29 Just for recording purposes, give him a handheld.

Scott Streiner: 36:31 Yeah, you can just have a handheld mic.

Speaker 5: 36:36 Yeah. Step up. There we go.

Speaker 4: 36:42 How's that? So I just wanted to add that I think it's important that we kind of make the distinction between running an airline and then regulating one. There are certain things that I think would be quite difficult for an airline financially to undertake, and I think it'd be important to consider that when making the decision. I think he brought up one point about how bringing all the data that an airline has about you and making that available to you in easy format at stuff like that. It's my understanding that the reservation system is different from the booking system, is different from the everything else. So that for an airline, financially, and even trying to put those systems together, that'd be quite difficult. So that's one point there.



Then I forgot my other, but the whole point is kind of making the distinction between regulating and then running.

Then now for my other point, it's probably not applicable under this regulation here, but it would be also looking at the minimum seat pitch. Especially they're looking at regulating that potentially because we are getting to a race to fill more seats on planes, looking at Swoop, Flare, and all those airlines. So looking at maybe possibly regulating that.

Scott Streiner: 37:51

Yeah. Thanks. Those are both really good points. One the first point, just a quick response. There's no question, I mean a lot of the folks who come out, come out Raymond and Roy generally fall into this category, and they say to us as the regulator, "Make sure that you're providing strong protection for passengers." Which we're committed to doing. But of course, ultimately what we have to have is balanced regulations that also take into account the operating realities of airlines. That's why we are consulting with, as I said earlier, Consumer Protection Associations, the traveling public airlines as well, because we've got to try to figure out how do we have the criteria ... The principles we've set out are clear, transparent, fair, and consistent rights for travelers that are still in the context of balanced and reasonable regulations that recognize the operating realities of airlines. That's going to be the hard work that Liz and I, supported by our staff, are going to have to do. Make sure that we, as much as possible, accomplish both goals.

Seat pitches came up earlier today as well. We had a very tall gentleman, he said he was in the 98th percentile, I think or something like that, Raymond? Come out and say, "This is really tough on me." You guessed right. Parliament has not given us the authority to regulate that in the context of these regulations, air passenger protection regulations. The individual who came out to speak raised it more as a disability issues, as an accessibility issue. We do have some regulatory powers in that area as well. So we'll continue to think about that from that perspective. But it's not the first time that this has been raised. Clearly it's a concern for many travelers.

Speaker 4: 39:25

Then, sorry, I just remembered my last point as well. That would be with regards ... I don't know again if this is within your mandate at all, but it would be with regards to carrier surcharges and making those ... Because I've seen those slowly

increase over the years and it's kind of like we had the regulation, I believe, so that airlines had to disclose where all the taxes and fees were going. So it's now becoming an ... Or now they can tend to hide those increased fees in the carrier surcharge. Just making that more transparent and clear. Either limiting that, I don't know if you can do that, or anything like that just to make it clear and easy for you to understand, because they have ... I was looking at an Air Canada flight, for example, a while ago and what happens when the T.V. breaks? They give you the 10% off coupon. I don't know if you've seen it. So I've gotten a few of those.

So I was comparing a price between two different destinations, and I can't remember exactly, but the 10% off just because of the carrier surcharge within the tax, didn't make it 10% off. They hid it so that the base fare itself was 10% off, but then the carrier surcharge either increased or remained the same, and that still goes to the carrier itself.

Scott Streiner: 40:35

So that's interesting. On the advertising of the air price, in fact, we have regulations that say the price that's advertised has to be the all in price. That regulation is in place, and we're asking through these consultations if anything should change in that context. Like should there be any modification to that regulation. I think you're the second person who's raised this concern that when more and more of the cost is in surcharges rather than the base fare, then things like discounts count for less and less. We're going to have to think about that one. It's a good point.

Roy: 41:10

Let me make him the third person, actually. Because I would like to second that. That was a great point. I fully endorse that. The only other comment I would make in on your earlier point, and I'm sorry, I don't remember your name. I think fundamentally while the airlines have to remain in business obviously, and you have to balance those out, along with open data, along with reducing confrontations, one of the other things is fundamental access to justice.

So the reality is that I have those rights to that information no matter how inconvenient it is for the airline to find it from this [inaudible 00:41:43] system to that [inaudible 00:41:43] system, but I got to resort to the whole PIPEDA scenario. So sometimes that goes smoothly, and sometimes that doesn't go smoothly. But it's always time consuming, and you don't need to

necessarily say, "Effective tomorrow this needs to happen." But you can say, "Fundamental access to justice and reducing confrontation, and reducing the wear and tear on the bureaucracy is primary in our goal, and we are now the set one year from today," or whatever the right timeline is to make that happen. But as long as we're making incremental progress in there in a way that is truly continually incremental. Not just, "Well, we're going to do 10% this year," dot, dot, dot, with nothing else. But if you said, "You know this is a five year plan to make this happen," or whatever it ends up being. Just that's the feedback in terms of the frame of reference. I learned from you. Thank you.

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|-----------------|-------|--|
| Scott Streiner: | 42:35 | Thanks very much. Thank you, Roy. Good? All right. Thank you everybody for coming. Thank you to our hardworking interpretation staff who baked inside that booth today. When we were warm inside this room, they were in a sauna inside the interpretation booth. Again, <a href="http://airpassengerprotection.ca">airpassengerprotection.ca</a> , that's the website. So if any of you wants to provide further input, either by completing the questionnaire or by sending in written comments, you can do so through that website. You will be hearing more about this process in the months to come. Thanks very much for coming out. |
| Roy:            | 43:13 | You don't have an easy job. Thank you very much. You also made me feel very welcome.   |
| Scott Streiner: | 43:13 | Glad you came out.   |