

Comments on proposed regulations published in Canada Gazette, Part I, Volume 158, Number 51: Regulations Amending the Air Passenger Protection Regulations

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Executive summary

About Unifor

Unifor represents 320,000 workers in Canada including 16,000 in the air transportation sector in virtually every job classification in the air, on the ground and around the airport.

Aviation workers are on the front lines of dealing with customer frustration in the event of a delayed or cancelled flight. They are the resource that dictates whether or not the airlines meet the APPR requirements. Workers have incredible insight regarding whether or not the APPR are requiring the right response to the untenable situation of having a flight delayed or cancelled.

Unifor members in customer sales and service, ground handling, aircraft maintenance, ancillary services, reservations and operations control all interact directly with the APPR and have first hand experience with its benefits and short comings.

Unifor position on the Air Passenger Protection Regulations (APPR)

Fines and refunds are not a consolation prize for a missed meeting, shortened vacation or delayed family reunion. The APPR do not require airlines to improve on-time performance, only reroute or deliver a refund when certain, very low, service standards are not met.

This is unfortunate for travellers and workers. For travellers because they are missing plans and incurring extra expense and for workers because they take the brunt of customer frustration during these frequent events.

The three items Unifor members are most concerned about in this consultation are the rebooking and refunds section, the communication and provision of information section and the section focussed on identifying exceptional circumstances.

04-Background

"The APPR are a necessary but not sufficient remedy to the chaos and frustration travelers have experienced in air transportation in the last decade. They will not minimize delays, lost baggage or flight changes.

The APPR do not effectively prevent cancellations, delays or overbooking and fines and refunds are not a consolation prize for cancelled vacations, delayed visits with family and friends or missed business meetings.

What's required is a revamp of how the industry treats workers and values all stages of service, including checking in luggage, ground handling, customer service in the terminal, onboard services, piloting and traffic control. Fulfilling the Air Passenger Protection Regulations and providing a hassle-free travel experience requires more workers and higher job quality in all segments of the industry.

Unifor's Air Transportation Workers' Charter of Rights and Freedoms articulates key rights that should form the cornerstone of a renewed and efficient airline sector.

Unifor recommends that government and industry address the following recommendations to truly build an industry that delivers for passengers and communities:

Fair Wages: Across the board, workers at all pay levels are struggling to keep pace both with the rising cost-of-living and with their peers in other regions. Employers must make the living wage the minimum start wage for all, and no matter the job classification, workers deserve fair pay.

Safe reporting: The air transportation industry is a complex web of corporations and diverse jobs working together to put planes in the air safely and bring them back to the ground. Workers are often the best placed to see problems and suggest solutions—but there should be more safe and effective reporting mechanisms for workers or their representatives to guarantee they will be heard.

Protection from contracting out: Significant contracting out and contract flipping has entrenched low-pay and subpar working conditions that, in turn, lead to lower quality

service. The Canada Labour Code should be amended to guarantee Full Successor Rights. Furthermore, the industry must both 1) Limit the number of ground handling companies to three at each airport in order to eliminate the constant rotation of providers and 2) Require airports and airlines to in-source work, moving service back with the original service provider.

Address work intensification: Passenger time spent in lines, on hold or on the tarmac are the direct result of employer decisions to under-hire and under-train while choosing to rely on over-time, short shifting or unacceptable workloads. The requirements of the government's passenger bill of rights cannot be delivered effectively without sufficient staffing, so the APPR must be expanded to ensure enough staff are employed and scheduled to perform the required work.

High-quality training: Employers have largely moved to an online training model without any on-the-job training. Few new hires are trained to handle more than the most basic questions, which means customers are forced to stand in long lines or remain on hold for hours to reach an agent who has the proper training. Trainees with learning differences do not have options to learn in ways that are most appropriate for them. Some employers are relying on an apprenticeship ratio that puts undo pressure on certified professionals. In the case of aircraft maintenance engineers, for example, overwork could compromise safety.

Harassment-free environment: Situations evoking the passenger bill of rights are generally unpleasant, which escalates incidence customer anger, which leads to harassment of airline staff— in person, on the phone and online. The federal government and aviation industry need to develop solutions to the growing problem of harassment, including a no tolerance policy with real consequences for violations. Workers need to know their employers will intervene and support them when harassment takes place and actively work to prevent and diffuse situations that cause frustration.

Fair scheduling: To make ends meet, a significant share of workers employed by airlines and contracting companies at the airport work multiple part-time jobs with unpredictable hours. It is common practice under some employers to extend a worker's shift without notice. Fair and predictable scheduling with a focus on maximizing full-time work must be a priority.

Healthy and safe workplaces: Workers cannot deliver a healthy and safe travel experience without a healthy and safe working environment. Expanding fatigue management rules, ensuring adequate time to train new staff, providing proper and

effective safety equipment, and preventing harassment are all examples of pro-active change the government and industry can oversee.

A say in technological change: Workers deserve to be notified and have input in technological change that affects their work or working conditions. This includes surveillance, algorithmic management, artificial intelligence, biometrics, touch-free technology and much more. Many employers entirely neglect to speak with workers about the work they are trying to replicate, augment or replace with new technology. This leads to poorly designed systems that don't meet customer needs and end up creating more work. Workers must be confident that the data their employers collect is protected and won't be unduly used against them. Technology needs to be kept in a state of good repair and upgraded when needed.

Description

Rebooking and Refunds

In the rebooking and refund section of the regulations, there is no attention paid to how the rebooked routes are arranged. Large, resourced airlines, seem to be relying on artificial intelligence and other algorithmic systems to reroute passengers.

These tools seem to be tuned to maximize profit instead of toward getting travellers to their destination as quickly as possible. It can be the case that travellers can find better routes for sale on their airlines website or a third party booking site, but cannot access that route via the rerouting system. Customer Sales and Service Agents are then forced to look a traveller in the eye and tell them there is nothing they can do, the airline's algorithm is in control.

This is frustrating for two obvious reasons. First, the client has clearly identified a preferred route and cannot access that route on their own without additional expense. Second, customer service agents have the tools to reroute to a preferred flight but blocked from doing so by a company policy that says the algorithm is always right and cannot be overridden.

Instead of providing superior customer service, customer service agents are stuck communicating with disappointed and irate customers for whom they can do nothing to improve the situation. Customer service agents are also stuck defending an automated system they know could likely deliver a better solution. In this way, airlines create a hostile work and travel environment. This is another untenable situation and runs

directly against the airlines responsibility to create a harassment free environment for its employees.

Recommendation:

1. Implement an algorithm transparency requirement such that travellers and agents can understand the reasoning behind a rerouting decision; and
2. Ensure customer service agents are empowered to override routing decisions to better meet customer needs in flight delay events.

Communication and Provision of Information

Air Transportation workers report that electronic communication of information does not meet the needs of many travellers. There continue to be extensive lineups to receive information verbally, despite information being communicated via the customer's preferred electronic method.

Stated another way, additional electronic communication has not been sufficient to address travellers needs and concerns in the moment of flight delays or cancellations. There continue to be many travellers that are not comfortable with electronic communication as the primary tool for receiving information. Further, when electronic communications are accessed and reviewed, customers still have many questions for customer service agents including needing assistance to navigate the electronic system which is often designed in a way that further aggravates the customer. The need for verbal communication from a human cannot be eliminated in these situations no matter how hard an airline or regulators try.

The consultation document states: ".....air carrier staff would be required to make audible gate announcements that would include informing passengers that additional flight disruption information is being sent to each affected passenger via their preferred electronic method of communication, and that passengers may ask an agent of the air carrier at the gate or on board to provide those details directly to them.

Electronic communication alone will not solve the problem that aviation workers are experiencing: a hostile work environment. Air carriers must be required to staff the gates and customer service counters with enough customer sales and service agents to meet certain customer service standards such as time waiting in line to speak to an agent. Without enough staff to provide verbal guidance to travellers, the APPR are an exercise in compounding frustration for workers and travellers alike.

When airlines skimp on staff and rely on ineffective electronic communications tools, customers are in a heightened state of anger which tends to lead to a hostile work environment for air transportation workers. Staff are increasingly dealing with complaints from disgruntled passengers about a system the customer sales and service agents can do nothing about which leaves everyone worse off.

Unifor recommends the regulations be improved as follows:

1. Introduce a mandatory service standard that ensures airlines staff enough agents and provide them enough resources to limit time in line to speak to a customer service agent;

Identifying Exceptional Circumstances

Unifor supports the approach taken by these regulations to hold companies accountable for flight delays and cancellations unless they result from exceptional circumstances, but the Canada Transport Agency must put financial and human resources towards enforcement to ensure that the regulation achieves its goal.

Unifor members see the results of airlines' choice to run a just in time business model that squeezes every ounce of passenger patience instead of building in resilience into flight schedules and customer service on a daily basis.

Under the current model airlines are incentivized to game the system, assigning reasons for flight delays based on communications and profit maximization strategies instead of honesty and with the customers' best interest at heart. Without significant enforcement efforts this amendment will not deliver the desired outcome. This should include oversight and consistent ruling on the determination and assignment of the reason for delays and cancellations. Otherwise, travellers will lose confidence and trust in the aviation system, and its oversight will be further eroded. The system is already extremely fragile – further erosion of quality and trust is untenable. It is in the interest of all stakeholders that accountability and transparency in the system are promoted in the interest of improving system reliability and the passenger experience.

In 2023, then Transport Minister Alghabra announced an additional \$75.9 million over three years to ensure the Canadian Transportation Agency has the resources to address passenger rights complaints, and strengthen the operation of the federal transportation network, enabling the Agency to efficiently deliver on its mandate for Canadians. Notice the funding did not include enforcement. It also runs out at the end of this year.

Unifor recommends:

1. The Canada Transportation Agency request additional funding in order to carry out its mandate, replace the funding the three years of funding that will finish at the end of this fiscal year and enforce the regulations such that fines and refunds are no longer necessary.