



AIR LINE PILOTS ASSOCIATION, INT'L

COMMENTS ON THE CANADIAN TRANSPORTATION AGENCY'S REGULATORY MODERNIZATION INITIATIVE

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Canadian Transportation Agency
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The Air Line Pilots Association, Int'l (ALPA) is a union representing nearly 57,000 airline pilots at 33 Canadian and U.S. airlines. Founded in 1931, it is affiliated with the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) and the Canadian Labour Congress (CLC).

As the world's largest non-governmental aviation safety organization, ALPA actively promotes and champions all aspects of aviation safety and security throughout all segments of the aviation community. It represents the collective interests of pilots in commercial aviation; serves as the collective bargaining agent on behalf of all pilots represented by the Association; and promotes the health and welfare of the members of the Association before Parliament, government departments and agencies.

ALPA devotes a substantial proportion of its dues income to support aviation safety. A network of more than 600 working airline pilots serve on local and national safety committees to carry out the Association's safety work. A staff of professional aeronautics engineers and safety experts assist them in initiating or participating in most of the numerous safety improvements that have made airline travel in Canada and the U.S. the safest mode of transportation.

In Canada, ALPA represents approximately 4,300 pilots at 10 airlines: Air Transat, Jazz Aviation, Kelowna Flightcraft, Bearskin, Calm Air, First Air, Wasaya, Canadian North, WestJet and Air Georgian. The Association is a member of the International Federation of Air Line Pilots Associations (IFALPA), an organization made up of pilot associations from over 105 countries worldwide and the voice for over 100,000 pilots to the International Civil Aviation Organization (ICAO).

ALPA appreciates the opportunity to comment on the Canadian Transportation Agency's (CTA) Regulatory Modernization Initiative. Our comments are directed to the question of whether or not Canada's Air Transportation Regulations should be amended with respect to wet-leasing. We believe the regulations and accompanying policy for wet-leasing should be amended to ensure that wet-leases of foreign aircraft are not used to displace or replace Canadian workers, particularly in connection with a labour dispute.

In 2014 the Minister of Transport issued Canada's Policy for Wet-Leasing. That policy included a limit on the number of aircraft that a Canadian carrier can wet-lease from a foreign operator for more than 30 days: no more than 20 percent of the number of Canadian-registered aircraft on the Canadian carrier's Air Operator Certificate (AOC) at the time the wet-lease application is filed. The limitation was a welcome step. ALPA believes that additional steps to protect Canadian workers and jobs are warranted.

First, ALPA believes that the 20 percent limit should apply to "full time aircraft" on an air operator's AOC. An air operator can "artificially inflate" the number of aircraft on their AOC by dry-leasing aircraft for a short duration which we believe goes against the intention of this policy. Therefore, we recommend the policy be amended as follows:

For wet-leases of more than 30 days, a number of aircraft equal to 20 percent of the number of Canadian-registered aircraft on the lessee's Air Operator Certificate (AOC) at the time the

*wet-lease application is made, **not including dry leases with a duration of less than 12 months,** may be wet-leased from foreign lessors.*

Second, ALPA believes that there should be a complete prohibition on the use of wet-leased foreign aircraft by Canadian carriers during the pendency of a labour dispute involving a carrier's flight crew (pilots and flight attendants). The prohibition should apply regardless of the length of the wet-lease. Having a limitation apply only to wet-leases with durations of more than 30 days ignores the fact labour disputes commonly last less than 30 days. Also, a complete prohibition is warranted because providing a Canadian carrier the ability to lease up to one-fifth of its fleet from a foreign carrier could allow it to undermine the bargaining power of its employee groups. At a minimum, the CTA should evaluate whether a proposed wet-lease would benefit one party to a labour dispute and, if the CTA determines that it would, the Agency should deny the application.

Third, ALPA believes that wet-lease applicants should be required to serve the application on the bargaining representatives of the Canadian carrier's flight crew so that the representatives may submit comments on the merits of the application. At a minimum, service of the application on the bargaining representatives should be a requirement whenever a wet-lease will be used during a labour dispute, whether existing or pending. As an alternative to service of the applicants, the CTA could notify the bargaining representatives of the application. In either case, the representatives should be afforded a sufficient period of time to meaningfully review and comment on the application before Agency action is taken.

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