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To Whom It May Concern:

The Air Line Pilots Association, International (ALPA) is pleased to provide comment to the Canadian Transportation Agency (CTA) on its proposed changes to the Air Passenger Protection Regulations (APPR).

Background

ALPA is the largest pilot union and nongovernmental aviation safety organization in the world and plays a significant role in addressing the safety interests of our more than 74,000 pilots employed by 42 air carriers in Canada and the United States.

ALPA Canada represents over 11,000 pilots at 20 airlines including Air Canada, Jazz Aviation (Air Canada Express), WestJet, WestJet Encore, Air Transat, Wasaya, Keewatin Air, Calm Air, PAL Airlines, Air Borealis, PAL Aerospace, Canadian North, Kelowna Flightcraft, Bearskin Airlines, Pivot Airlines, Morningstar Air Express (FedEx), Cargojet, Flair Airlines, Lynx Air, and Perimeter Aviation.

ALPA Canada – Aviation Safety Organization

ALPA is an essential resource in the management of aviation safety and provides a unique perspective on the impact of government policy and on the issues facing Canada's airline industry. Moreover, ALPA Canada is concerned with any initiative that has the potential to compromise the safety of passengers and aircrew.

It is ALPA's position that some flight delays - due to weather, unforeseen mechanical problems, or other unsafe flying conditions - are unavoidable and a necessary component of maintaining a safe air transportation system. Whereas airlines and their employees are required, through regulation, to minimize flight delays or cancellations (and to keep passengers informed of the cause and resolution), they should not, as a result, be penalized for maintaining operational safety.

Captain's Authority

ALPA is concerned with the CTA's proposal to eliminate the current safety-related exemption category that includes "*Safety-related decisions pilots make at their discretion*" (Captain's Authority) and replace it with a narrower list of "exceptional circumstances."

ALPA Canada asserts that the APPR must continue to recognize and grant exemption for Captain's Authority when it comes to the operation of an aircraft. This safety-related authority also known as "pilot in command" as per the *Aeronautics Act* "means, in relation to an aircraft, the pilot having responsibility and authority for the operation and safety of the aircraft during flight time." Further, as stipulated by the Canadian Aviation Regulations (CARs), this authority exists during the operation of the aircraft, or flight time, "... *from the moment an aircraft first*

moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight.”

Captain’s Authority is entrenched in legislation and regulation and must be included in the revised APPR. ALPA Canada stresses that the APPR must continue to recognize, as part of the exceptional circumstances list, the Captain’s discretion to make safety-related decisions, including the refusal to conduct any flight operations at any time unless the Captain is fully satisfied operations can be safely completed.

Pilots, and by extension airlines, should not be subject to punishment for ensuring the safety of the aircraft, passengers, and other crew members. Furthermore, the inclusion of “*Safety-related decisions pilots make at their discretion*” will not only ensure that Captain’s Authority is recognized, but it will also safeguard against the pressure to compromise safety to avoid penalties to the employer.

Summary

As the world’s largest nongovernmental aviation safety organization, safety is our top priority. In the context of Captain’s Authority, pilots and by extension their employers, should not be subject to penalty for complying with safety obligations.

ALPA Canada urges the CTA to continue to recognize Captain’s Authority. Moreover, the removal of this principle from the APPR contravenes the CARs and the *Aeronautics Act*.

ALPA Canada urges the CTA to ensure “*Safety-related decisions pilots make at their discretion*” is included in the APPR, to minimize external pressure when making operational decisions that may result in punitive measures to their employer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Perry', with a stylized flourish at the end.

Capt. Tim Perry
ALPA Canada President
Air Line Pilots Association, International