

Emirates' response to the air travel complaints fee proposal

Emirates is grateful for the opportunity to provide comments to the Canadian Transportation Agency (“CTA”) regarding the air travel complaints fee proposal.

Customer satisfaction is a priority and Emirates handles every complaint with diligence and care. Emirates fully supports measures ensuring that passengers receive fair and timely resolutions of their complaints. However, there are concerns regarding several aspects of the proposal, which Emirates would like to address in this response.

Emirates endorses the International Air Transport Association’s (“IATA”) response and highlights that the additional financial burdens imposed by the proposed changes will be ultimately borne by the Canadian consumer.

In addition to the comments made by IATA, Emirates would highlight the below:

1. Risk of misuse and increased costs

While the intention behind establishing a fee to recover the costs for processing eligible air travel complaints is understandable, the flat fee of CAD 790 per complaint may inadvertently encourage misuse of the process. Passengers might escalate complaints to the CTA in the hopes of securing higher compensation, knowing that airlines could prefer settling complaints to avoid incurring the extra fee. This could lead to a significant increase in complaints—many of which may already have been handled correctly by the airline—resulting in higher operational costs for both airlines and the CTA. Emirates would suggest considering a tiered or outcome-based fee structure, which would align more proportionally with the complexity and validity of the complaint.

2. Handling unfounded or resolved complaints

Emirates is concerned that airlines may still incur fees even in cases where eligible complaints are unfounded or have already been resolved. For example, in situations where the CTA considers a complaint to be eligible and then finds the airline to have complied with its obligations, it seems disproportionate to levy the same fee as for cases where the airline is found not to have complied with its obligations. Emirates proposes that fees should only apply if the complaint is found eligible and valid after investigation.

3. Proportionality of fees to complaints

The proposed blanket fee is significant, particularly for complaints of a lower monetary value. In many cases, the CAD 790 fee may exceed the value of the passenger's original complaint, making it disproportionate. This may encourage amicable settlements even when the passenger is not entitled to compensation, a refund, or reimbursement of expenses, simply to avoid paying the fee. A sliding scale of fees based on the value or complexity of the complaint could ensure fairness and encourage proper resolution of complaints.

4 November 2024

4. Fee apportionment when other parties are involved

In cases involving multiple carriers or travel agents, Emirates seeks clarification on how the fee would be apportioned. Airlines often find themselves involved in complaints where another carrier or travel partner may be primarily responsible. Emirates believes that in such instances, the party at fault should bear the costs, or the fee should be divided proportionally based on responsibility. This would avoid unfairly penalizing airlines that have minimal involvement in a given case.

In conclusion, Emirates fully supports the objective of protecting passengers' rights and improving the complaint resolution process. However, adjustments to the proposed fee structure could prevent potential misuse, ensure fairness, and reduce undue burden on airlines.

Sincerely,

Joanna Langlade
Assistant General Counsel