



Canadian  
Transportation  
Agency

Office  
des transports  
du Canada

# Supplementary Guidance: Evidentiary Requirement for Airlines for Complaints Relating to Crew Shortages

Canadian Transportation Agency

Canada

## **Disclaimer**

This is not a legal document. The explanations it provides are meant to help both airlines and passengers understand what would be expected of airlines if a passenger complained to the CTA about a flight disruption. Each complaint will be reviewed on a case-by-case basis by CTA Members, who are not bound by this information.

In case of differences between this guide and legislation, regulations, or CTA decisions, the legislation, regulations and decisions prevail.

In the context of air travel complaints filed with the Canadian Transportation Agency (CTA) that relate to flight disruptions, the CTA expects airlines to prove their narrative. An airline that claims that a disruption was within their control but required for safety purposes or outside their control has the responsibility to provide evidence to support that claim. Failing to do so may result in the CTA making a finding that the disruption was within the control of the airline when deciding if the passenger received what they are entitled to under the *Air Passenger Protection Regulations* and the airline's tariff.

When the reason given by the airline for a flight disruption is a crew shortage, the airline may be required to provide evidence to support its claim that the disruption was not within its control. This could include, but is not limited to:

**1. Documentation confirming the reason why the crew originally assigned to the flight could not fly – for example:**

- crew absentee records such as attendance or sick logs;
- crew duty time logs which show an expiration of the prescribed number of hours that crew members were allowed to work for safety purposes;
- incident logs or other records regarding crew-related inability to report for duty or unavailability for specific assigned flights. These records should provide details about the incident or a description of the circumstances and reasons why crew were unable or unavailable to work, including for what length of time. For example, in the event that crew were stranded at another location due to a weather event or a mechanical malfunction, the records provided should document the cause of any resulting flight disruption, whether any crew members

exceeded the length of time that they were allowed to work, and the length of time that they were subsequently off duty and/or remained stranded.

**2. Contingency plans prepared by the airline to address crew shortages which outline the measures that the airline would take to address the following:**

- situations that may cause crew absences or shortages that are part of day-to-day operations (for example, labour disruptions, meteorological and environmental conditions, computer issues and network outages, epidemics or medical emergencies, domestic versus international operating conditions);
- size of the crew workforce the airline has available at its disposal in relation to the scope of its operations at the affected location;
- availability and number of reserve crews and procedures for dispatching crews;
- recovery plans in respect of potential crew shortages.

**3. Reports confirming the efforts taken by the airline to find replacement crew and the reasons why they were not successful, despite implementing contingency planning measures – for example:**

- evidence that reserve crews were depleted;
- any information about unexpected or unplanned changes to the airline's workforce which may have impacted the availability of replacement crew.

## **Personal information**

This evidentiary requirement is not meant to capture personal information that isn't relevant to the dispute, such as the names of airlines' employees.

Airlines should remove any irrelevant personal information from the supporting documents that they file with the CTA.

If supporting documents include relevant information that the airline believes should be treated as confidential, they may file a request for confidentiality.

More detailed information can be found in the Agency's guidance to air passengers about [protecting personal information](#).

This document and other Canadian Transportation Agency publications are available on our website at [otc-cta.gc.ca](http://otc-cta.gc.ca).

© Her Majesty the Queen in Right of Canada, as represented by the Canadian Transportation Agency, 2020

Catalogue No. TT4-76/2022E-PDF

ISBN 978-0-660-42916-8

[Alternate formats](#) are available. Une [version française](#) est aussi disponible