



Advisory Circular

Subject: Unruly Passengers and Incidents of Interference with a Crew Member

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1.0 INTRODUCTION

- (1) This Advisory Circular (AC) is provided for information and guidance purposes. It describes an example of an acceptable means, but not the only means, of demonstrating compliance with regulations and standards. This AC on its own does not change, create, amend or permit deviations from regulatory requirements, nor does it establish minimum standards.

1.1 Purpose

- (1) The purpose of this document is to provide air operators with additional information to help them in the development of their procedures related to unruly passengers and incidents of interference with a crew member.

1.2 Applicability

- (1) Section 4.1 of this document, 4.1 Refusal to Transport, published in Part VI, *General Operating and Flight Rules*, of the *Canadian Aviation Regulations (CARs)*, applies to all operators, including private operators and foreign operators operating in Canada.
- (2) All other sections of this document apply only to air operators operating under subpart 705, *Airline Operations*, of the CARs, but may be voluntarily adopted by air operators operating under subpart 704, *Commuter Operations*, and subpart 703, *Air Taxi Operations*, of the CARs.

1.3 Description of Changes

- (1) This document has been updated to include additional information and guidance following the implementation of the regulations respecting interference with a crew member in Division XI of Part VII of the CARs.
- (2) Information on training requirements and the use of third party contract employees for training has been added under section 4.3 of this document.
- (3) Examples of the four levels of interference with a crew member have been added under section 4.4 of this document.

2.0 REFERENCES AND REQUIREMENTS

2.1 Reference Documents

- (1) It is intended that the following reference materials be used in conjunction with this document:
 - (a) *Public Safety Act*, 2002 (S.C. 2004, c. 15);
 - (b) *Aeronautics Act* (R.S., 1985, c. A-2);
 - (c) Part VI, Subpart 02 of the *Canadian Aviation Regulations (CARs)* — *Operating and Flight Rules*;
 - (d) Part VII, Subpart 03 of the CARs — *Air Taxi Operations*;
 - (e) Part VII, Subpart 04 of the CARs — *Commuter Operations*;
 - (f) Part VII, Subpart 05 of the CARs — *Airline Operations*;
 - (g) Standard 723 of the CARs — *Air Taxi*;
 - (h) Standard 724 of the CARs — *Commuter Operations*;
 - (i) Standard 725 of the CARs — *Airline Operations*;

- (j) *Air Transportation Regulations (SOR/88-58)*;
- (k) Report from the Working Group on Prohibition Against Interference with Crew Members, 2000-06-20;
- (l) Transport Canada Publication (TP) 13378, 1998 — *Interference on board an aircraft will not be tolerated*;
- (m) TP 13381, 1998 — *Did you know that unacceptable behaviour is NOT tolerated*;
- (n) TP 13382, 1998 — *Interference with crew members is NOT tolerated*;
- (o) TP 13734, 2001-03-01 — *Unruly Airline Passengers – The Police Response*;
- (p) Title 14 of the Code of Federal Regulations (14 CFR) part 91, § 91.11, *Prohibition on interference with crewmembers*;
- (q) 14 CFR part 121, § 121.580, *Prohibition on interference with crewmembers*;
- (r) 14 CFR part 135, §135.120, *Prohibition on interference with crewmembers*;
- (s) International Civil Aviation Organization (ICAO), Circular 288, 2002-06-01, — *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers*;
- (t) International Air Transport Association (IATA), 2012-12-01 — *Guidance on Unruly Passenger Prevention and Management*; and
- (u) Smart Serve Ontario, *Smart Serve Responsible Alcohol Beverage Service Training Program*.

2.2 Cancelled Documents

- (1) Not applicable.
- (2) By default, it is understood that the publication of a new issue of a document automatically renders any earlier issues of the same document null and void.

2.3 Definitions and Abbreviations

- (1) The following **definitions** are used in this document:
 - (a) **Interference with a crew member** means any action or statement set out in the levels listed in section 705.175 of the CARs by a person on board or about to board an aircraft that distracts or prevents a crew member from the performance of their assigned safety responsibilities.
 - (b) **Operational personnel** means an air operator's employees whose duties require that they interact directly with a person on board or about to board an aircraft, and includes crew members, gate and check-in staff and their direct supervisors. This definition does not include baggage handlers or catering personnel, unless the operator decides to include them in their training.
 - (c) **Employee** means any person employed by an employer and includes a dependent contractor and a private constable, but does not include a person who performs management functions or is employed in a confidential capacity in matters relating to industrial relations (definition from the *Canada Labour Code*, Part I).
- (2) The following **abbreviations** are used in this document:
 - (a) **AC**: Advisory Circular;
 - (b) **ATAC**: Air Transport Association of Canada;

- (c) **CARAC**: Canadian Aviation Regulation Advisory Council;
- (d) **CARC**: Civil Aviation Regulatory Committee;
- (e) **CAR**: Canadian Aviation Regulation;
- (f) **CASO**: Commercial Air Service Operations;
- (g) **CASR**: Canadian Aviation Security Regulation;
- (h) **CASS**: Commercial Air Service Standards; and
- (i) **TCCA**: Transport Canada Civil Aviation.

3.0 BACKGROUND

- (1) In the mid-1990s, several incidents involving unruly passengers, also called “air rage”, made headlines and raised public interest in the matter.
- (2) Following these incidents, the Air Transport Association of Canada (ATAC) expressed concern during a meeting of the Canadian Aviation Regulation Advisory Council (CARAC) Commercial Air Service Operations (CASO) Technical Committee. ATAC was worried about the lack of regulatory support for airlines when confronted with passengers exhibiting unruly behaviour.
- (3) Air operators currently publish in their tariffs, the conditions under which passengers may be refused transport. These tariffs are under the jurisdiction of the Canadian Transportation Agency (herein referred to as the Agency). Among other things, the Agency is responsible for determining if the refusal to transport a passenger complies with the conditions included in the operator’s tariffs. Regulatory support available through the Agency’s regulations deals primarily with the appeal process available to passengers and the conditions allowing operators to deny boarding to passengers when deemed necessary.
- (4) Even with the Agency’s regulations, it was felt that there was still a void in regulatory support for air operators’ employees having to deal with passengers exhibiting unruly or harmful behaviour, and causing incidents of interference with crew members.
- (5) It was determined by CARAC members that the issue of unruly passenger behaviour needed to be studied. At that point, the Working Group on Prohibition against Interference with Crew Members was created. The Working Group consisted of members with a variety of expertise. Their mandate was to define instances of abusive and unruly passenger behaviour, determine the need for a zero tolerance policy for unruly passengers, and recommend an effective strategy to reduce the number of incidents of interference with crew members.
- (6) Upon completion of their mandate, the Working Group filed a final report that contained 11 recommendations. The Civil Aviation Regulatory Committee (CARC) accepted the recommendations and their implementation began.
- (7) These recommendations can be divided into the following two categories:
 - (a) Increasing the travelling public’s awareness with regards to interference with a crew member, and
 - (b) Amending Canadian regulations.
- (8) Transport Canada launched an awareness campaign. As part of the campaign, posters and brochures were displayed in airports, and ticket stuffers were included in travellers’ flight documents. The information in these documents explained what constitutes interference with a crew member and unruly passenger behaviour and the consequences that can result from such behaviour.

- (9) The *Public Safety Act*, 2002, introduced in the House of Commons after the events of September 11, 2001, brought about amendments to the *Aeronautics Act*. With the advent of this new law, any behaviour that may endanger the safety or security of a flight or a person on board by interfering with crew members or persons who are following the instructions of a crew member, is now recognized as an offence. This makes it easier to undertake legal action against passengers who exhibit unruly behaviour.
- (10) The remaining recommendations were implemented with the publication of the regulations respecting interference with a crew member in subpart 705 of the CARs.
- (11) With the publication of the regulations in the CARs, the regulations of the two entities providing legislative support to operators, namely the Agency and Transport Canada Civil Aviation (TCCA), complement each other in order to provide the travelling public with a safe and efficient air transportation system.
- (12) For more information on the Agency, please visit their Web site at: www.cta-otc.gc.ca/.
- (13) After the regulations were published and following the fatal crash of an aeroplane operating under subpart 703, where it was determined that the crash was a result of intoxicated passengers' unruly behaviour on board, one of the recommendations was to expand the scope of the interference with a crew member regulations to include both subpart 703 and subpart 704 air operators.
- (14) Although currently not mandated by the regulations, Transport Canada recommends that all operators, for aeroplane and helicopter operations and regardless of which part of the CARs they operate under, develop procedures and training for their operational personnel and incorporate them as an integral part of their operation. This will help prevent incidents of interference with crew members on board their aircraft.

4.0 REGULATORY PROVISIONS

- (1) The following sections provide the regulatory provisions associated with unruly passengers and interference with a crew member.
- (2) Section 4.1 of this AC applies to all operators, both private and commercial. However, it should be noted that while all other sections are specific to air operators operating under subpart 705 of the CARs, they contain information that all operators, regardless of the subpart they operate under, may find useful when developing procedures related to the refusal to transport passengers.
- (3) The information in this document may also assist air operators in providing their employees with the tools needed to manage situations of unruly passengers and interference with crew members.

4.1 Refusal to Transport

- (1) Section 602.46 of the CARs, related to the refusal to transport, provides all operators of Canadian aircraft, the authority to refuse to board any person displaying behaviour that may present a risk to the safety of the aircraft, persons on board the aircraft, or their property.
- (2) In developing their procedures on the refusal to transport passengers, operators will need to consider all aspects of managing an incident, including the prevention, recognition and reporting of disruptive behaviour which may occur at any time during check-in, in the departure area, while on the ramp, as well as on board the aircraft.
- (3) Even though incidents where passengers exhibit unruly or disruptive behaviour often begin once on board the aircraft or following take-off, early signs of a possible problem may arise before boarding and should, whenever possible, be identified at that time. For example, aggressive,

loud, obnoxious behaviour during check-in or in the departure area, may lead to more significant problems on board the aircraft. Generally, behaviours that prevent ground personnel or crew members from performing or completing their tasks, are good indicators that a situation may deteriorate and adversely affect the safety of the flight.

- (4) In order to properly implement section 602.46 of the CARs, operators should consider all aspects of a situation in order to accurately evaluate the different conditions under which a passenger may be denied boarding. These considerations should include, among other things, the passenger's attitude, possible triggers of unruly behaviour, and attempts to solve the problem.
- (5) Section 602.46 of the CARs is not meant to be a way of banning a passenger from travelling by air forever, but rather a way to offer crew members a safe workplace and other passengers' safe transportation to their destination. When establishing conditions for the refusal of passengers, the operator should be clear as to when and under what conditions passengers will be permitted on board the aircraft after an incident has occurred.
- (6) When a decision to deny boarding is made, all company employees who were or will be in contact with the passenger denied boarding need to be made aware of this decision and the reason why. The employee who made the decision is the best source of information as he or she has all the facts and relevant information used to make the decision. It is important that air operators' policies be clear that all employees should respect a decision to deny boarding to a passenger, and that a reversal of such a decision could seriously affect the safety of the flight and the occupants of the aircraft. This also applies when a crew member makes the determination that a passenger should be deplaned for actions displayed on board the aircraft. Employees working on the ground should never try to reverse such decisions to deny boarding of, or deplane, a passenger. Passengers exhibiting unruly and disruptive behaviour are a much greater threat in the air than on the ground.
- (7) All employees who meet the criteria of operational personnel should have the same decision-making authority with respect to refusing to transport passengers.
- (8) When faced with a passenger exhibiting unruly behaviour, it is important that the employee be able to communicate to that passenger the necessary information related to the consequences of his or her actions and the options that are available under such circumstances (e.g. the possibility of the individual travelling following the encountered delay). Passengers who are informed and aware of why they are being denied boarding will better understand the consequences of their actions as opposed to passengers who are refused access on board an aircraft without explanation. Without such information, the passenger may become more agitated and exhibit aggressive behaviour.
- (9) It is also important for the employee dealing with that passenger to consider the passenger's viewpoint. For example, an employee's reaction to a passenger's demands may come across as dismissive due to the pressure on the employee to ensure on-time departures, the stress from dealing with long line-ups and frustrated passengers. These are examples of circumstances that may contribute to a situation escalating out of control. It is therefore important that employees receive training on problem-solving techniques and methods for managing work-related stress.
- (10) TCCA has produced a pamphlet entitled: *Did You Know That Unacceptable Behaviour is Not Tolerated?* (TP 13381) <http://www.tc.gc.ca/media/documents/ca-standards/tp13381e.pdf>. This pamphlet provides examples of behaviours that are considered unacceptable on board an aircraft. Several Canadian air operators have been using it for a number of years by distributing it to passengers with their travel documentation. This pamphlet clearly indicates under what circumstances transportation may be denied, and the possible consequences that may follow, which may include fines, imprisonment or both. It may also be used as a reference document for preparing policies dealing with the right to refuse access on board an aircraft (see section 2.1, *Reference Documents*). For air operators who use an electronic system for checking in passengers, copies can be placed on the counters at check-in for easy distribution to passengers.

To order copies of this pamphlet, visit Transport Canada's Web-based storefront at <http://www.tc.gc.ca/eng/civilaviation/standards/systemsafety-posters-menu-723.htm>.

4.2 Preventing and Managing Incidents of Interference with a Crew Member

- (1) The objective of the regulations on unruly passengers and interference with a crew member is the reduction of incidents involving unruly passengers and educating the public to the fact that situations of interference with crew members are not tolerated on board an aircraft or at any other time during travel. To achieve this objective, efforts should be made to review and update company procedures whenever required to ensure their effectiveness and make sure they reflect the company's operations.
- (2) Prevention is an important aspect of any program; clear procedures should be established on ways to avoid situations where passengers may become unruly. For example, alcohol service should be carried out reasonably and responsibly. Since alcohol has a greater effect on people at high altitudes, alcohol consumption should be restricted while travelling on aircraft. Employees should also be attentive to passengers consuming alcohol in waiting areas and report any concern to the appropriate personnel as soon as it is identified. Some Canadian provinces require that all persons responsible for the service of alcoholic beverages successfully complete a training program before being authorized to carry out alcohol service. Since the effects of alcohol are often reported as being one of the leading factors relating to incidents of interference with crew members, it would be beneficial for all air operators to provide a similar type of training and to raise employees' awareness on the effects of alcohol.
- (3) In that respect, it is suggested to consult section 602.04 of the CARs, which deals with restrictions regarding the service of alcohol to passengers.
- (4) Company procedures should include the various types of incidents employees can be exposed to, and their possible consequences. These procedures need to provide employees with a good understanding of the various situations they could be faced with and allow for continuity and consistency between employees working for the same company.
- (5) The procedures in place should allow employees confronted with a delicate situation to have the means and knowledge necessary to respond to it appropriately. Clear procedures on the different steps to follow, and their possible repercussions may contribute to defusing a situation and preventing it from escalating into a situation where a passenger is assessed as being unruly and interfering with a crew member.
- (6) Company procedures should emphasize the quick identification of disruptive behaviour. If identified prior to boarding, the passenger should be denied boarding, which will reduce the risk of incidents occurring on board the aircraft. Unruly or disruptive behaviour is not always obvious; however, early signs are often present before a situation gets out of hand. Signs, such as drunkenness, a group of loud and boisterous passengers or an angry or verbally abusive passenger, are all good indications of possible problems.
- (7) Procedures should be distributed throughout the company in order for all employees to be aware of the mechanisms in place to manage incidents. In addition, publishing the procedures in the company's operations and flight attendant manuals, as required by section 705.172 of the CARs, *Preventing and Managing Incidents of Interference with a Crew Member*, and subsections 725.135(uu) and 725.135(vv) of the *Commercial Air Service Standards (CASS)*, will allow employees to refer to them when necessary.

4.3 Unruly Passenger and Interference with a Crew Member Training Program

- (1) It is important that all operational personnel and any other employees as deemed necessary by the company, be informed of their duties and responsibilities and trained appropriately on the prevention and management of unruly passenger behaviour.

- (2) Section 705.173 of the CARs, *Training*, and subsection 725.124(56) of the CASS, *Unruly Passenger and Interference with a Crew Member Training Program*, require all employees who, in accordance with their responsibilities are included in the definition of operational personnel (see section 2.3 of this AC), be trained on their responsibilities and the company's procedures when confronted with passengers exhibiting unruly behaviour. This training shall be given during the employee's initial training, as well as during their annual training.
- (3) Annual training related to unruly passengers and interference with a crew member shall provide a review of the company's procedures to prevent, manage and protect against interference with a crew member, in accordance with subparagraph 725.124(56)(b)(iii) of the CASS, and highlight any changes made to these procedures throughout the year (if applicable). Additionally, a review of the air operator's incidents that occurred during the past year shall be conducted. The review of incidents of the past year should be those of the air operator. If however, the air operator did not encounter any such incidents during the past year, the air operator may use incidents that have been publicly released as examples for training purposes, provided the air operator's own procedures are highlighted when reviewing the details of how such incidents were handled.
- (4) Some air operators do not have company employees working as gate or check-in staff. Instead, they rely on contract employees from a third party organisation (i.e. dependent or third party contractors). When such employees are assigned work on behalf of an air operator, the air operator has the obligation to ensure that these individuals receive the required initial and annual training related to unruly passengers and interference with a crew member.
- (5) Another important aspect of the training is to provide all groups of employees (i.e. crew members, gate and check-in staff) with information on each other's responsibilities during incidents of unruly passenger behaviour. This will allow for a consistent application when implementing the company's procedures, and will help ensure that employees support the decisions made by other company employees during an incident of unruly or disruptive behaviour or interference with a crew member.
- (6) By being familiar with the company's procedures and each group of employee's responsibilities, employees will be able to understand the importance of supporting their colleagues' decisions, and evaluate the possible repercussions that would result from reversing a decision made by another employee to refuse access on board an aircraft to one or more passengers.
- (7) In addition, training should allow ground employees to understand the importance of preventing a passenger exhibiting behaviour that could interfere with the safety of the flight from boarding the aircraft. For example, it is important to emphasize that managing an unruly passenger on the ground does not have the same consequences as when that passenger is on board the aircraft, in flight. The resources available to crew members when in flight are very limited; therefore, they must manage the problem themselves and, as a result, the safety of the flight may be adversely affected.
- (8) While all aspects of training are important, one of the goals of the regulations is to prevent unruly passengers from boarding an aircraft. To achieve this, the training should be clear with respect to preventing and defusing situations involving unruly passengers. Regardless of what techniques are taught, the ultimate goal is to ensure that incidents of interference with crew members are reduced as much as possible, and that passengers and crew members are provided with a safe travelling and working environment.

4.4 Reporting Incidents of Interference with a Crew Member

- (1) During the study conducted by the Working Group on Prohibition against Interference with Crew Members, the participants were confronted with a lack of information that would allow them to study an incident of unruly passenger behaviour in depth, and thus prevented them from having a true idea of the scope of the problem.

- (2) As a result, and in an effort to gather more information on incidents of unruly passenger behaviour, an incident reporting form was made available in 2000 to provide air operators with a tool for voluntarily submitting reports following incidents on board the aircraft. In addition, the forms were intended to allow for the gathering of information in order to compile, evaluate and produce statistics on the various incidents (e.g. the level of incidents, type of incidents, phase of the trip when incidents are more likely to occur, etc). This would have allowed for a better understanding of the subject in order to amend the regulations when necessary. Unfortunately, few operators took advantage of this form to submit their company's incident reports. This resulted in a continued lack of information. The information available mostly came from media reports or incidents that occurred in other countries.
- (3) Section 705.174 of the CARs makes it mandatory to submit unruly passenger incident reports when they are considered to be levels 2, 3 or 4. A report may be voluntarily submitted for a level 1 incident.
- (4) Section 705.175 of the CARs provides examples of what is considered an unruly passenger/interference with a crew member behaviour at the various levels. Included below is a list of additional examples to help further comprehend the differences between the four levels of interference with a crew member.
- (a) **Level 1** — An incident of a minor nature that either requires no action of the crew member beyond heightened awareness or is quickly resolved by a crew member, and which includes but is not limited to:
- (i) The use of unacceptable language towards a crew member — unacceptable language is defined as the use of swear words or profanities;
 - (ii) Unacceptable behaviour towards a crew member — using rude gestures, asking for unreasonable demands or trying to provoke an argument when a request has been denied, using a tone of voice to demonstrate displeasure, not following the crew members' instructions or challenging his or her authority; and
 - (iii) A display of suspicious behaviour — violating safety regulations, displaying agitation or unresponsive behaviour.
- (b) **Level 2** — An incident of a moderate nature that is resolved by a crew member only after some difficulty and which includes but is not limited to:
- (i) The repetition of a level 1 incident;
 - (ii) The continuation of a level 1 incident that was unresolved;
 - (iii) The repeated failure of a passenger to comply with a crew member's safety instructions; and
 - (iv) Belligerent, obscene or lewd behaviour towards a crew member — this would include, but is not limited to, offensive or vulgar actions of a sexual nature.
- (c) **Level 3** — An incident where the safety of passengers or crew members is seriously threatened and which includes but is not limited to:
- (i) Threatening a person on board or about to board the aircraft or making threats in an attempt to board the aircraft — example behaviours include, making verbal threats of physical violence or bodily harm, being physically or verbally hostile;
 - (ii) The continuation of a level 2 incident that was unresolved;
 - (iii) Tampering with any emergency or safety equipment on board the aircraft;
 - (iv) Deliberate damage to any part of the aircraft or any property on board the aircraft;

- (v) Injuring a person on board the aircraft; and
 - (vi) Violent, argumentative, threatening, intimidating or disorderly behaviour, including harassment and assault.
- (d) **Level 4** — An incident that constitutes a security threat and which includes but is not limited to:
- (i) An attempt or unauthorized intrusion into the flight deck;
 - (ii) A credible threat of death or serious bodily injury in an attempt to gain control over the aircraft;
 - (iii) The display or use of a weapon;
 - (iv) The sabotage of, or the attempt to sabotage, an aircraft that renders it incapable of flight or that is likely to endanger its safety in flight — this would include tampering with on board safety or emergency equipment and voluntarily damaging parts or aircraft property found on board;
 - (v) Any attempt to unlawfully seize control of the aircraft; and
 - (vi) An incident that is required to be reported under section 64 of the *Canadian Aviation Security Regulations* (CASRs)— consult the CASRs for the complete list of incidents.
- (5) Companies are required to submit their incidents of interference with crew member statistics every six months. They must also retain all reports received for a period of three years, and make them available to the Minister upon request.
- (6) Section 725.174 of the CASS explains the information that must be included in an incident report. Appendix A of this AC, entitled *Incident Report — Passenger Exhibiting Unruly Behaviour*, provides an example of the statistics that should be gathered. Air operators may use this example if they wish, or they may use this example as a basis to develop their own reporting system. This will help TCCA gather data consistently, thus allowing for a more complete and effective analysis.
- (7) Once gathered, the statistics are to be sent to the Aviation Safety Intelligence Division in the Policy and Regulatory Services Branch at Transport Canada, 330 Sparks Street, Tower C, Place de Ville, Ottawa, Ontario, K1A 0N8.

5.0 CONCLUSION

- (1) Operators should use the information contained in this AC when developing or amending their policies and procedures regarding passengers exhibiting unruly behaviour and incidents of interference with a crew member.
- (2) With procedures that are clear and known by all, comprehensive training for all operational personnel and a reporting system in place, operators will be better equipped to respond to situations of unruly and disruptive behaviour and incidents of interference with crew members.

6.0 INFORMATION MANAGEMENT

- (1) Not applicable.

7.0 DOCUMENT HISTORY

- (1) Advisory Circular (AC) 700-010 Issue 01, RDIMS 2530919 (E), 2425050 (F), dated 2009-03-18 — *Guide for Implementing Regulations Regarding Unruly Passengers and Incidents of Interference with a Crew Member.*

8.0 CONTACT OFFICE

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APPENDIX A — INCIDENT REPORT – PASSENGER EXHIBITING UNRULY BEHAVIOUR

- (1) The details of the reports required for each incident of interference with a crew member or involving an unruly passenger are found in section 725.174 of the CASS. This list is not meant to be exhaustive, but rather the minimum information that should be gathered for each incident. The information required when sending statistics to TCCA are also listed in section 725.174 of the CASS.
- (2) The flowchart below provides an example of how information may be gathered in order to evaluate each individual situation and produce statistics. It is not meant to be the only way of gathering information, but rather a suggestion as to how the information being sought could be gathered.
- (3) It should be noted that, to avoid repeating the same information, the chart only shows part of the complete process. For example, suspected causal factors should be indicated for each phase of flight, each level of interference indicated for each causal factor, and so on, for each of the subsequent items.

Figure 1 — Example of the information flow to be gathered for statistical purposes

