

Coalition of Aviation Associations and Businesses Opposing Transport Canada's Flight & Duty Time Reform Proposal

Issue Note: May 12th, 2015

Issue:

The changes to the Flight & Duty Time Regulations for pilots being contemplated by Transport Canada (TC) will severely negatively impact regional air carriers, air ambulance services, wildfire air services, utility maintenance and more.

TC, despite considerable opposition and consultation, is expected to publish its final draft of a regulatory proposal in Gazette I in June of 2015. The policy changes are supported by wide body, long-haul, national and international carriers and their employee unions, however, the one-size-fits-all policy change will clearly have devastating impacts on the rest of the aviation industry relying on regional air service, including the Provincial Government.

Background:

Over the past four years, the aviation industry and TC have been in discussions related to the aforementioned policy proposal. In September 2014, the latest draft was received, and despite unilateral concerns from industry with respect to the lack of a science based approach and massive cost increases to operation due to unnecessary red-tape, this industry feedback has been ignored.

Transport Canada conceived the current policy proposal using controversial European recommendations, and new International Civil Aviation Organization (ICAO) standards which were intended to apply to large airlines conducting scheduled international flag operations. Most importantly, the NPA did not take into account the fact that Canada has successfully implemented Safety Management Systems (SMS) within airline operations and is expected to follow this up with SMS requirements for all other commercial operators within the near future - a progressive step that industry supports.

The TC policy proposal also radically distorts the commercial landscape for non-unionized commercial aviation operators in Canada, by imposing elements of certain airline collective bargaining agreements on many other segments of the Canadian aviation industry. The proposed regulations will add significant operational costs, making air transportation less accessible to Canadians and Canadian businesses.

Conclusions:

Canada's commercial aviation sector is more than just its large passenger carriers. It is a diverse sector, comprised of small and large operations designed to meet the needs of its customers, and serving a large and geographically varied country.

Regulations must reflect that diversity, and the distinct character and complexity of the aviation market. Imposing one-size-fits-all fatigue management rules comes with deleterious effects - it will drive up costs; it will negatively affect service to remote communities; and it is contrary to the economic growth and transportation safety objectives of the governments of British Columbia and Canada.

We are asking Transport Canada officials to consider industry segment-specific solutions and for the Minister of Transportation, to ensure that officials work with stakeholders in the commercial aviation sector to develop less damaging proposals that will enhance safety, that are tailored to the characteristics and requirements of Canada's diverse commercial aviation sectors.

Facts:

The current proposal will radically affect BC business and will negatively affect public services and budgets:

- Northern, remote, and aboriginal communities – many of whom rely on air transportation to provide food and medical care – often using air as their only form of access.
- Scheduled domestic air operators of all sizes.
- Canada's natural resource sector, including oil and gas, mining and forestry.
- Utilities that rely on air transportation to service and repair infrastructure and the downstream customers and business that rely on the integrity of the power grid.
- Numerous businesses that depend on the on-demand segment of the commercial aviation community to conduct their operations in Canada and internationally.
- The tourism industry.
- Wildfire-fighting agencies

Additionally, these proposed policy changes, although needed for long haul major airlines, cannot be applied to smaller, short haul carriers, and will drive up wage costs by more than 35% in most cases.

The proposed changes are effectively imposing union collective agreements on non-unionized businesses, and are NOT science based.

Taxpayer funded services will face enormous cost increases to meet these arbitrary increases in red-tape, threatening public finances and mandated services.

Q & A:

How safe is commercial and business aviation in Canada?

Commercial aviation is among the safest modes of transport in Canada and Canada's aviation industry record is equal to the safest amongst aviation jurisdictions around the world.

Will these proposed new Flight & Duty Time Regulations improve safety?

No. Aviation safety is affected by a number of variables, including maintenance, aerodrome infrastructure, weather, and access to accurate weather data, air navigation services, and the training and fitness of the flight crew, and a healthy regulatory environment. While it is one part of the puzzle, we believe that well rested flight crews are vitally important for the safe operation of aircraft. But the fatigue management regulations proposed by Transport Canada will not improve safety in commercial aviation.

The rules were developed with only very large international scheduled passenger carriers in mind, and if they were applied to other parts of the commercial aviation sector they would cripple operations and introduce new unintended risks, such as service reductions to remote communities dependent on aviation for food supplies and access to medical services.

In addition to the prescriptive regulations already in place, fatigue is also managed in some operations through Safety Management Systems (SMS) in Canada's commercial aviation sector, and will be managed like any other risk when SMS becomes a regulatory requirement in other aviation sectors. In the international aviation community, Canada has been a leader in SMS implementation, and our safety record is equal to the world's best.

Why does a one-size-fits-all approach not work?

Regulations that are suited to Air Canada for example, should not be arbitrarily extended to the operator of a small float plane. While the objectives of safety should apply to both, the regulatory solutions to achieve safety need to be adapted to reflect the distinct differences in the aviation market.

How do regulators apply fatigue management rules in other markets?

US and European regulators do not use a one-size-fits-all approach. There are distinct flight and duty time regulations for each of their aviation sectors. There is actually a lucrative international market in commercial aviation, where Canadian operators compete for business. By imposing these ill-suited rules on Canadian commercial aviation companies they will be at a significant competitive disadvantage compared to their U.S. and European counterparts.

What would the cost of compliance mean for businesses?

By adding these arbitrary requirements, it would create a red-tape nightmare that would see the “double crew” become the norm, and would massively increase costs on carriers and air service providers. Those that this doesn’t put out of business, will operate at much higher costs, thus higher prices for the users of the service, including First Nations, the natural resource sector, health authorities and public utilities.

Also, due to lack of experienced crews readily available to meet these artificial staffing demands, we would see flights grounded unnecessarily, reducing access to movement of people, goods and emergency services.

How would this affect Government?

By allowing this massive increase in red-tape, many of the public emergency services which rely on public funding, would see budgets spiral out of control, such as:

- air ambulance,
- policing,
- firefighting,
- remote utility maintenance,
- conservation

BC’s balance budgets and credit rating could be negatively affected by substantive cost increases in providing funding to all the above mentioned mandated service areas.

These costs will come in response to no existing issue, prior concern, or threat, therefore they will have only a negative impact, and thus the costs are strictly special interest driven and without merit.001