



The Association of Canadian Travel Agencies

Brief Submitted on Air Passenger Protection Regulations

Prepared for:

The Canadian Transportation Agency

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Introduction

The Transportation Modernization Act, which came into force on May 23, 2018, amends the Canada Transportation Act (Act) to give the Canadian Transportation Agency (CTA) the authority to make regulations defining airlines' minimum obligations to passengers with respect to:

- the communication of passengers' rights and recourse options,
- flight delays and cancellations,
- denied boarding including bumping,
- tarmac delays of three hours or more,
- lost or damaged baggage,
- the seating of children under the age of 14 years, and,
- the development of terms and conditions of carriage on the transportation of musical instruments.

The new air passenger protection regulations will ensure clearer, more consistent passenger rights by establishing minimum standards of treatment, and in some situations minimum levels of compensation that all airlines must provide. The regulations will also include updated provisions regarding tariffs and air price advertising.

The Association of Canadian Travel Agencies (ACTA), which represents approximately 1,200 travel agencies and more than 12,000 travel agents across the country, is pleased to be an active participant in the consultation on Air Passenger Protection Regulations (APPR).

ACTA represents and defends the interests of retail travel professionals and, by extension, those of travel consumers. Our members, Canadian retail travel agencies, act as intermediary between buyers and sellers of travel products and services. Consumer-centric relationships that are based on loyalty and trust are the cornerstone of our industry. As travel agents, we have a responsibility to represent both our customers and suppliers in a non-biased way in order to add value to our clients' travel experience.

ACTA recognizes that for the vast majority of air travel, customers are satisfied with their travel experience. For the purpose of this brief, ACTA will highlight the key concerns raised by ACTA members and members of the ACTA Canadian Transportation Act (CTA) Review Committee. Some of these concerns were expressed at the July 3rd Consultation meeting at the Canadian Transportation Agency office in Ottawa. ACTA has also included some concerns that may not be captured under the new legislation and regulations.

ACTA understands that there are many stakeholders involved in the air travel experience of a passenger. ACTA's goal in the development of the APPR is a balanced approach whereby travelers receive a consistent and quality customer service experience, and that when issues do arise, that the resolution is fair and equitable for all involved stakeholders. In our submission, ACTA has made some suggestions in regards to possible minimum standards, however, an impact analysis must be completed by the CTA and airlines to determine the overall economic impact to ensure the whole health of the Canadian travel industry.

Customer Journey



1. PRE-SALE



Advertising

2. TIME OF SALE



Tariffs

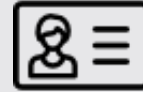


Insurance

3. POST-SALE / PRE-TRAVEL



Notifications



Name Changes

4. CHECK-IN



Flight Delay or Cancellation

5. BOARDING



Denial of Boarding



Downgraded



Seat Assignment

6. INFLIGHT



Tarmac Delay

7. ARRIVAL



Baggage

8. POST TRAVEL



Recourse

The Customer Journey

Key Concerns and Recommendations

To assist in the development of Regulations for Air Passenger Protection, ACTA has taken the approach to present a customer's journey and document the key issues customers currently experience, as shared by our travel agency members, and a recommended solution to the issue. The Customer Journey of an air passenger can be broken down into the following steps:

1. Pre-Sale
2. Time of Sale
3. Post-Sale and Pre-Travel
4. Check-In
5. Boarding
6. In-Flight
7. Arrival
8. Post-Travel

1. PRE-SALE

It is important that customers have information disclosed to them before a travel booking is made. The customer must fully understand what they are purchasing as it may influence their purchasing decision. During the Pre-Sale step, there are disclosures made in **Advertising**, such as full disclosure of the price of the air fare. This requirement however, is not consistent for all travel involving air and can be confusing for the customer.

Advertising

Issue: In 2012, regulatory requirements with respect to air price advertising were introduced to help consumers easily determine the total price of advertised air services and the components of the total price, and encourage fair competition among advertisers of air services. The regulations apply to any person who advertises air prices for travel within or originating in Canada that is directed to the Canadian public. They do not apply to charter services negotiated with a private business or fares available through corporate travel offices (and not available to the general public) or displayed through a global distribution service, package travel services, services originating outside Canada, and loyalty reward programs. These exclusions from the regulations may prevent consumers from obtaining consistent information across all travel options, potentially affecting fair competition in the market.

Recommendation: ACTA believes that the rules should be extended to charter airlines and tour operator packages. Some tour operators weight more pricing into taxes and fees, making the base prices artificially low and difficult for consumers to make accurate comparisons. Consumers deserve to be able to travel with confidence in their travel suppliers and with disclosure of full information for intelligent decision-making. While tour operators continue to include their fees and charges in the "tax column", governments should determine what 'taxes' really are and prohibit companies to mislabel other fees and surcharges as taxes if they are not.

This is false advertising. ACTA believes that vacation packages containing an air component should not be exempt from the regulations.

2. TIME OF SALE

For the same reason mentioned under Step 1 Pre-Sale, at the time of sale it is important that customers have information, and fully understand, what they are purchasing as it may influence their purchasing decision.

In Ontario the Ontario Travel Industry ACT regulations ¹are very clear that before entering into an agreement with a customer for travel services and before taking payment or credit card information from the customer, a travel agent shall advise of a number of disclosures including:

- disclose the total price of the travel services, the travel dates and a fair and accurate description of the travel services to be provided;
- advise the customer about the availability of,
 - (i) trip cancellation insurance, and
 - (ii) out-of-province health insurance if applicable;
- in the case of proposed travel outside Canada, advise the customer,
 - (i) about typical information and travel documents, such as passports, visas and affidavits, that will be needed for each person for whom travel services are being purchased,
 - (ii) that entry to another country may be refused even if the required information and travel documents are complete, and
- refer to other conditions, if any, that relate to the transaction and to the travel services, and advise the customer where those conditions may be reviewed.

Concerns raised during the Time of Sale step of a customer's journey include **Tariff Availability and Filing**², and **Availability of Insurance**. The importance of these disclosures is detailed further detailed below.

i) Tariff Availability and Filing

Issue: Considering that the requirements set out in the new APPR will be deemed to form part of an airline's tariffs, it is important that a customer can readily access, view and understand an airline's tariffs.

Recommendation: An airlines' tariffs should be available electronically on an airlines' website and any applications. They should be clearly marked and searchable. The font size should not be fine print. The information should be easy to understand for the customer and without complicated legal or technical terms.

¹ Section 36 of the Ontario Regulation 26/5 under the Ontario Travel Industry Act, 2002 lists the duty of a travel agent for disclosure and advice.

² Page 23 of the Canadian Transportation Agency's "Consultation Paper on Air Passenger Protection Regulations" describes Tariffs as documents that set out the airline's fares, rates, charges and terms and conditions of carriage. Currently an airline's tariff must be publicly available for inspection anywhere an airline sells its transportation services or receives goods for transportation, including its business office.

ii) Availability of Insurance

Issue: Consumers are not necessarily aware of the importance of purchasing private insurance including trip cancellation coverage and out-of-province health insurance with the exception of bookings made through a licensed travel agency in the regulated provinces of Ontario and Quebec. In an August 2017 meeting with the Minister of Transport, the subject of insurance was discussed. The concern raised by the Minister was that during certain unfavourable situations, travelers contact his Ministry for assistance when it is not the government's responsibility. In these situations, it is possible that the customer would have been protected under a private insurance policy.

Recommendation: As the requirement in some provinces is that all travel agents must advise the customer about the availability of trip cancellation insurance and out-of-province health insurance if applicable, so should this same requirement be made of **all** providers of air services for the travelling public. Many of the major Canadian carriers currently do offer travel insurance for online bookings so this requirement should not be a burden to implement on the part of the airline. For example, the airline should provide some general statement about the value of purchasing private travel health insurance and a statement of where it is available ie: contact your travel agent or insurance broker for more information, and at some point during the online booking and before the final sale of the trip, a check box would be included that prompts the consumer to acknowledge they were advised of the availability trip cancellation and out of province travel health insurance, where it is available to purchase and the option to decline. Overall, ACTA strongly encourages the CTA, Transport Canada and other departments within the federal government take an active role in promoting that consumers ensure they are properly insured and aware of the risks of travelling within proper insurance coverage.

3. POST-SALE AND PRE-TRAVEL

During the Post-Sale and Pre-Travel step, there are two concerns that ACTA members have identified: **Notification of Schedule Changes or Cancellations** and errors made in customer documentation, in particular **Name Changes**.

i) Notification of Schedule Changes or Cancellations

Issue: Currently an air passenger could be notified (by email, text message or phone call) of a scheduled change in their flight or that their flight has been cancelled (often referred to as a schedule irregularity in the Tariffs of Canadian carriers) but there is no requirement for an airline to notify the air passenger and nor is there any compensation for this disruption. The issue is that, depending on when the notification is received (for example, more or less than 2 weeks prior to check-in), the disruption could pose a significant impact on the passenger. A passenger travelling for a family gathering during a busy time like March Break or Christmas, and receives notification 9 days prior to check-in that his flight was cancelled, could find it very difficult to find another carrier to accommodate his chosen travelling time and the cost of rebooking during this time could be significantly higher. Some carriers do offer refunds with conditions, but they also sell "non-refundable" tickets where a change fee may/may not be imposed.

Recommendation: ACTA believes that when an airline makes a change to the schedule or cancels a flight, the consumer should be compensated at varying levels depending on when the consumer was notified of the change.

a) **Between booking and 2 weeks prior to check-in:** regardless of the type of ticket purchased (including non-refundable), if an airline notifies the passenger of a schedule change that is greater than a 5 hour delay or cancels a flight, passengers should be given the option to rebook or be offered a full refund at no fee to make the change.

b) **Within the 2 weeks prior to check-in:** regardless of the type of ticket purchased (including non-refundable), passengers should be given the same consideration as under “flight delay or cancellation” (*see Check-In, #4 below*) and given the option to rebook or be offered a full refund at no fee to make the change. In addition, the passenger should be compensated for this disruption dependent on the length of delay when the passenger arrives at its final destination. Compensation could be in the form of cash, travel vouchers, frequent flyer points, upgrades or complimentary tickets.

ii) Name Changes

Issue: In the case of a mistake made in a passenger’s name, it can be very costly for the passenger to correct. For example, in one case a travel agent misspelled a middle name Marlane when it should have been Marlene. So a two letter correction change from “ai” to “e” at the airport resulted in an additional \$1,200.00 billed to the client. This issue occurs more often within an air carrier’s strategic alliance or where multiple carriers are involved.

Recommendation: While this issue does not necessarily fall within the situations stated in the legislation and to which, regulations are now being drafted, ACTA does feel strong that measures need to be put in place to allow situations of human error without the very costly expense to the passenger and would welcome any assistance from the CTA to address this concern. In the European Commission’s proposal for amending Regulation (EC) No 261/2004³, it addressed that passengers are sometimes penalized for spelling errors in their names by the application of punitive administrative fees. The recommendation is to allow reasonable corrections of booking errors, free of charge, provided they do not imply a change of times, date or itinerary or passenger.

ACTA supports the recommendation proposed by the EU. In addition, to assist in helping to avoid these errors, ACTA recommends the following two measures:

a) Allowing the travel agency to void and reissue the ticket in a 24-hour period versus the “same day” (or 11:59 pm of the same day), and

³ Page 12, point (8) of the European Commission Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air.

b) The middle name in the Passenger Name Record (PNR) “name field” should not have to be included. The name field in the PNR does have a limited number of character spaces which can be problematic for many people with long names. Some airlines do not require it while other do. There needs to be consistency with the airlines and if a name correction fee must be charged, it should not be an exorbitant amount.

4. CHECK-IN

At check-in, there are two types of situations that could occur with a passenger: a **Flight Delay** or a **Flight Cancellation**. The cause of each of these types could be: **within the carrier’s control**, **within the carrier’s control but required for safety (inc. mechanical)** or **outside of the carrier’s control**.

Flight Delay and Flight Cancellations

Delays occur in many aspects of a person’s day-to-day activities. Air travel is no different. Where a passenger has experienced a flight delay, the passenger should be provided certain rights that are reasonable and dependent on the length of delay where the passenger arrives at its final destination. The EC proposal⁴ for amending the current EU regulations recommends that certain rights to care begins after a 2 hour delay, and compensation begins at the 5 hour delay threshold.

ACTA recommends the same recourse for either a Flight Delay or a Flight Cancellation. ACTA also recommends the same recourse when the cause is within the carrier’s control but required for safety or outside of the carrier’s control. While there may be extenuating reasons for the cause of delay/cancellation including due to another stakeholder (airport, CATSA, Nav Can, etc) (*see ACTA’s note on Improved Passenger Experience at Airports under the Additional Feedback and Points to Consider for Regulations at the end of this submission*), the carrier still has a responsibility to the passenger that paid the carrier for their service. The following will therefore identify the issues and recommendations based on these causes of the detailed situation.

i) Within the Carrier’s Control

Issue: A passenger has been advised upon check-in that his flight is delayed/cancelled which presents a disruption in his travel plans.

Recommendation: The legislation states that minimum standards of treatment and compensation and timely information and assistance be provided. ACTA recommends that the passenger be given minimum standards of treatment (*see a list of inclusions below*), the option to be rebooked on the next available flight or a full refund if the delay no longer satisfies the

⁴ Pages 4 and 5 of the European Commission Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air, reports on the comprehensive consultations undertaken with interested parties, the impact assessment and the overall recommendation that concluded that Option 2 variant 2a (increasing the time threshold after which the passenger has a right to compensation in case of delays from the current three hours to at least five) ensures better consistency between the right to compensation and the right to reimbursement (both arise at the earliest after 5 hours).

passenger's travel plans. Where passengers choose the option to be rebooked, ACTA supports the EC's recommendation that they have the right to re-routing via another air carrier or another mode of transport where the operating air carrier cannot transport the passenger on its own services and in time to arrive at the final destination within 12 hours of the schedule arrival time.⁵ In addition, the passenger should be compensated for this disruption. Compensation could be in the form of cash, travel vouchers, frequent flyer points, upgrades or complimentary tickets.

Minimum standards of treatment: The passenger has the right to assistance beginning after a 3 hour delay:

- Meals and refreshments in proportion to the waiting time.*
- Hotel accommodation for overnight stay if necessary.
- Transport between accommodation and airport.
- Two free telephone calls or to send two telex, fax or e-mail messages and means to charge mobile phones.
- Status updates should be provided every 30 minutes or less.

**Given the numerous differences with airport facilities, details for amounts of meal vouchers would be better to be included in a policy or directive than prescribed in regulations.*

Compensation: While ACTA recommends that the Canadian APPR take into consideration the Montreal Convention (*the Montreal Convention addresses rights for passengers travelling internationally*) along with other global regimes including the European Commission's proposal for amending Regulation (EC) No 261/2004, ACTA strongly recommends that the CTA work with Canadian air carriers to understand the cost analysis of implementing a Canadian regime. The Canadian APPR should not impose levies that are financially unsound and negatively impact the health of the Canadian travel industry. Until a thorough cost analysis has been undertaken with Canadian air carriers and various modelling schedules conducted, ACTA reserves recommendation on minimum compensation levels to ensure fairness to the consumer as well as the air carrier.

ii) Within the Carrier's Control but Required for Safety (inc. Mechanical), and Outside of the Carrier's Control

Issue: A passenger has been advised upon check-in that his flight is delayed/cancelled due to a weather situation which presents a disruption in his travel plans.

Recommendation: The legislation states that minimum standards of treatment and timely information and assistance be provided if the flight delay is within the carrier's control but required for safety, and completion of itinerary and timely information and assistance for flight delays outside of the carrier's control. In each case, ACTA recommends the same recourse: that the passenger be given minimum standards of treatment (*see a list of inclusions previously*

⁵ Page 21 of the European Commission Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air, reports on the recommended criteria for re-routing on another air carrier or another mode of transport, and after a delay of 12 hours.

stated under Flight Delay Within the Carrier's Control), the option to be rebooked on the next available flight or a full refund if the delay no longer satisfies the passenger's travel plans. Where passengers choose the option to be rebooked and the re-routing is via another air carrier or another mode of transport, as cited under "Flight Delays and Cancellations Within the Carrier's Control", this should be available if the operating air carrier cannot transport the passenger on its own services within 12 hours of the scheduled arrival time.

5. BOARDING

At the gate, there are several types of situations that could occur with a passenger which may result in a disruption of a passenger's travel plans: **Denial of Boarding** (whether that is within the carrier's control, within the carrier's control but required for safety, or outside the carrier's control), if a passenger is **Downgraded**, and the **Assignment of Seats for Children Under 14**.

i) Denial of Boarding

Within the Carrier's Control

Issue: A passenger arrives at the gate and is advised that the flight is overbooked and she may be denied boarding presenting a disruption in her travel plans.

Recommendation: When a carrier denies boarding to a passenger when it is within the carrier's control (for reasons including, crew carriage, clearing a waitlist for elite frequent fliers or a downgrade of aircraft with less seats), ACTA recommends that this action should be a last resort and that no one should be involuntarily bumped from a flight without being compensated, being provided a standard of care and that their itinerary is completed. ACTA recommends that the passenger be given the option to be rebooked on the next available flight which could also be with a competing airline in order for the passenger to fulfil his required travel plans (to make a connecting flight or important business meeting), or a full refund if the delay no longer satisfies the passenger's travel plans. If the passenger decides to continue with his journey, the airline should compensate the passenger for the disruption.

With respect to compensation, ACTA recommends that minimum amounts be offered, and if the carrier is not getting volunteers willing to switch flights, then an auction method would take place. ACTA reviewed the compensation levels of the various regimes in Europe, the United States, and what the CTA prescribed in recent rulings. The ACTA Committee members were satisfied with the current levels established by the CTA.

Domestically:

- \$200 - 0-2 hours delay
- \$400 - 2-6 hours delay
- \$800 - 6 hours delay or more

Internationally:

- \$400 - 0-4 hours delay
- \$800 - over 4 hours delay

In an auction method, the carrier would offer increasing amounts with the minimum amount set out above. Compensation could also be in the form of travel vouchers, frequent flyer points, upgrades or complimentary tickets.

The passenger has the same right to assistance as noted under Flight Delay or Flight Cancellation i) Within the Carrier's Control.

Within the Carrier's Control but Required for Safety (inc. Mechanical), and Outside of the Carrier's Control

Issue: A passenger arrives at the gate and is advised that due to a mechanical problem she may be denied boarding presenting a disruption in her travel plans.

Recommendation: ACTA recommends that the passenger be given the option to be rebooked on the next available flight which could also be with a competing airline in order for the passenger to fulfil his required travel plans (to make a connecting flight or important business meeting), or a full refund if the delay no longer satisfies the passenger's travel plans. Where passengers choose the option to be rebooked and the re-routing is via another air carrier or another mode of transport, this should be available if the operating air carrier cannot transport the passenger on its own services within 12 hours of the scheduled arrival time. ACTA also recommends that unaccompanied minors, families with young children and passengers with reduced mobility and/or requiring special assistance be exempted from involuntary denied boarding in cases where it is within the carrier's control but required for safety or outside of the carrier's control.

The denied boarding passenger has the same right to assistance as noted under Flight Delay or Flight Cancellation i) Within the Carrier's Control.

ii) Downgraded

Issue: A passenger arrives at the gate and is advised that he will be travelling in a lower class of service than what was purchased.

Recommendation: In addition to the difference in the fare, the passenger should be compensated for the disruption. The airline should compensate:

- For all short haul flights (less than 3 hours) – 30% of the price of the ticket
- For all long haul domestic flights (greater than 3 hours) – 50% of the price of the ticket
- For all long haul international flights (greater than 3 hours) – 75% of the price of the ticket.

iii) Assignment of Seats

Issue: A passenger arrives at the gate with her family including two children aged 7 and 9. She is advised that due to a change in aircraft, her family is no longer seated together.

Recommendation: Based on the new legislation, children under the age of 14 would be seated in close proximity to a parent, guardian or tutor at no additional cost. ACTA recognizes that many carriers do try to accommodate passengers travelling with young children (the policy of

many carriers is under the age of 12) will receive complimentary seat assignment but the customer should always indicate in their booking that they are travelling with children so this is known to the carrier. ACTA recommends that the younger the age of the child, the closer in proximity to the parent/guardian the child should be (ie: same row for children under the age of 8, and adjacent seating or next row for children 9-14).

6. IN-FLIGHT

Once boarded, the primary concern identified by passengers of our travel agency members is a situation that results in a **Tarmac Delay**. The CTA is mandated to make regulations *“respecting the carrier’s obligations in the case of tarmac delays over three hours, including the obligation to provide timely information and assistance to passengers, as well as the minimum standards of treatment of passengers that the carrier is required to meet”*.

Tarmac Delay

Issue: A passenger boards a plane but before take-off, the pilot informs the passengers that there is a delay due to a backlog at the de-icing station. This delay presents a disruption in the passenger’s travel plans.

Recommendation: Irrespective of the reason for the tarmac delay, the carrier has an obligation to provide a minimum standard of treatment for all passengers. The starting point for calculating a tarmac delay on departure should be as of the time the aircraft doors close and the plane has departed the gate under its own power. The starting point for arrivals should be as of the time of “wheels down” on landing. ACTA recommends that passengers be advised of the reason for the delay and a status update should be provided every 30 minutes or less. ACTA recommends that the minimum standard for treatment for passengers who wait on the tarmac for over 3 hours:

Treatment	Minimum
Disembarkation	4 hours for any flight
Water	after 1 hour
Food	after 3 hours
Functioning lavatories	always
Medical attention	always
Proper ventilation	always
Heating and cooling	always
Ability to communicate with people outside the aircraft	free cell phone service (free Wi-Fi), always <i>(if available)</i>

7. ARRIVAL

Upon arrival, the primary concern identified by passengers is **Lost or Damaged or Delayed Baggage**. The CTA is mandated to make regulations *“prescribing the minimum compensation for lost or damaged baggage that the carrier is required to pay”*.

The European Union (EU) and the United States (US), like Canada, have ratified the Montreal Convention (sets the maximum liability for damages for lost, damaged or delayed baggage at 1,131 Special Drawing Rights (approximately \$2,100 CDN) on international travel), but this does not address domestic and nor does it prescribe a minimum amount.

Lost or Damaged Baggage

Issue: A passenger travelling from Sydney, NS arrives at his destination in Victoria, BC. His baggage does not arrive, presenting a disruption in the passenger's travel plans.

Recommendation: ACTA recommends that after 2 weeks from the date of departure, the baggage should be deemed lost. The passenger should be required to produce the baggage claim tag as proof of the lost baggage. If the passenger's bag had arrival at the destination but was damaged in transit, the passenger should be required to produce the bag for inspection by that carrier at destination or upon request if the carrier is unavailable.

ACTA recommends compensation for the lost or damaged baggage in addition to any baggage fees paid for by the passenger. While **minimum** compensation of \$100 CDN seems reasonable to ACTA, more research on typical costs would need to be conducted.

8. POST-TRAVEL

Upon completion of a passenger's travel plan, the primary concern identified by passengers is the frustration experienced when trying to file a claim for a problem occurred during the journey, or **Recourse**.

Recourse

Issue: While the CTA has stated that roughly 6,000 complaints were filed with this Agency last year, up from 800 in previous years, there are many air passengers that are not aware that a complaint can be lodged with the CTA. Passengers should continue to try and resolve their complaint directly with the air carrier first but with no established minimums based on the type of complaint, a passenger may be left with an unsatisfactory outcome and no knowledge of other resources available to them.

Recommendation: Once the APPR are in place, a customer needs to know that they have Rights, what these Rights are and where to find more information on the Rights. Information must be made available on all websites, applications and locations of:

- all federal agencies related to the Transportation Sector including, the Canadian Transportation Agency, Transport Canada, Global Affairs and CATSA.
- all common air carriers including charters,
- airports,
- travel agencies,
- tour operators, and
- provincial travel regulators (Consumer Protection BC, TICO in Ontario and OPC in Quebec).

In order to ensure that the language used to communicate is simple, clear and concise, ACTA recommends:

- English as the universal language, as well as French as Canada's second official language. Make the regulations available in more languages based on history of complaints previously received. Roll out in the languages of demand.
- Make available the Passenger Rights according to the Disabilities Act.
- Use plain (no technical terms or use of acronyms for example) and consistent language with all stakeholders, to media and to the consumer.
- Do not use text-heavy ads.
- Use understandable visual aids in communication.
- If citing dollar amounts, be sure to stipulate Canadian Dollars.
- The CTA should also give specific direction on the format and length of information documents summarizing passenger rights and recourse in order to ensure consistency with all stakeholders involved.

ACTA recommends that when the new APPR are implemented, the CTA launches a dedicated awareness campaign directed to the industry as well as the travelling public. ACTA would be pleased to work with the CTA to educate the retail travel industry, who in turn can assist in informing their customers.

ACTA also recommends that the process for a passenger to file a claim be easy and efficient.

SUMMARY OF RECOMMENDATIONS

1. Pre-Sale:

- a) that the air fare advertising rules be extended to charter flights.

2. Time of Sale:

- a) that an airlines' tariffs be readily available in an easy to read format and without complicated legal or technical terms;
- b) all providers of air services for the travelling public should advise customers of the availability of trip cancellation insurance and out-of-province health insurance;

3. Post-Sale and Pre-Travel:

- a) when an airlines makes a change to the schedule or cancels a flight, the consumer should be compensated depending on when the consumer was notified;
- b) measures need to be put in place to allow corrections to name changes so that a customer is not charged an exorbitant amount.

4. Check-In:

- a) that a passenger be given options to rebook/refund/and compensation (dependent on cost analysis and compensation modelling by Canadian air carriers) and right to assistance, if his flight is delayed or cancelled and it is within the carrier's control;

b) that a passenger be given the option to rebook/refund and right to assistance if the flight is delayed or cancelled and it is either within the carrier's control but required for safety or outside of the carrier's control.

5. Boarding:

a) that a passenger be given options to rebook/refund and compensation (a minimum amount based on the length of delay) and right to assistance when the passenger has been denied boarding and it is within the carrier's control. Compensation should be offered through an auction method in order to get willing volunteers;

b) that a passenger be given the option to rebook/refund and right to assistance when the passenger has been denied boarding and it is either within the carrier's control but required for safety or outside of the carrier's control.

6. In-Flight:

a) when a tarmac delay occurs, that a passenger be advised of the reason for the delay and status updates no later than every 30 minutes and a minimum standard for treatment for passengers for passengers who wait on the tarmac for over 3 hours but with some treatments always being available or more frequent than at the start of the 3 hour delay.

7. Arrival:

a) that after two weeks from the date of departure, baggage should be deemed lost if it was not received by the passenger. For lost or damaged baggage, any baggage fees paid for by the passenger be refunded and the minimum compensation be set at \$100 CDN.

8. Post-Travel:

a) that when the new APPR are implemented, the CTA launches a dedicated awareness campaign directed to the industry as well as the travelling public. The customer needs to know that they have Rights, what these Rights are and where to find more information on the Rights. The information must be available in English and French, available according to the Disabilities Act, plain (no technical terms or acronyms) and consistent language, no text heavy ads, use of visual aids, amounts should be in Canadian Dollars and specific direction on the format and length of information should be established for all stakeholders involved.

ADDITIONAL FEEDBACK AND POINTS TO CONSIDER FOR REGULATIONS

- **Improved Passenger Experience at Airports:** ACTA understands that there are many stakeholders involved in the travel experience of a passenger at an airport. ACTA member agencies speak to the frustration their customers experience such as long wait times going through security, but also in the backlog in customs and immigration halls or waits due to air traffic control matters. The goal should be to ensure that standards and efficiencies are put in place to improve the overall passenger experience. This may require additional government funding such as applying the full amount of the Air Travellers Security Charge (ATSC) back into the CATSA program. All stakeholders should take an active and collaborative role in improving the airport experience of a passenger. ACTA believes the government has a role to play in ensuring that stakeholders cooperate and are held accountable for their role in certain circumstances as described throughout this submission.
- **Jurisdictional Conflict:** Section 86.11 (1) (b) (i) states “The Agency shall, after consulting with the Minister, make regulations in relation to flights to, from and within Canada, including connecting flights, respecting the carrier’s obligations in the case of flight delay, flight cancellation or denial of boarding, including the minimum standards of treatment of passengers that the carrier is required to meet and the minimum compensation the carrier is required to pay for inconvenience when the delay, cancellation or denial of boarding is within the carrier’s control.” Considering there are other jurisdictions (such as Europe and now in the province of Quebec) with a Passenger Bill of Rights regime, application of the Canadian Passengers Bill of Rights should not conflict and allow the possibility of double compensation. Multiple jurisdictions polices and processes should be addressed in the Regulations.

In conclusion, ACTA appreciates the opportunity to provide input to the Canadian Transportation Agency on the development of the Air Passenger Protection Regulations. Should you have any questions or concerns to the points our organization has made, please contact Wendy Paradis, ACTA President at wparadis@acta.ca / 905-282-9294 ext. 121 or Heather Craig-Peddie, ACTA Vice President Advocacy and Member Relations at hcraig-peddie@acta.ca / 905-282-9294 ext. 122.

Respectfully submitted,



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