



RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

PETITION No.: **421-01682**

BY: **MR. BRASSARD (BARRIE-INNISFIL)**

DATE: **SEPTEMBER 27, 2017**

PRINT NAME OF SIGNATORY: **THE HONOURABLE MARC GARNEAU**

Response by the Minister of Transport

SIGNATURE

Minister or Parliamentary Secretary

SUBJECT

Air Transportation

ORIGINAL TEXT

REPLY

Transport Canada (TC) is always looking for ways to increase the already high level of aviation safety. The department identified human factors, including fatigue, as one of four top safety risk priorities. Therefore, TC is proposing changes to flight crew fatigue-management regulations to reduce flight crew member fatigue, and align it with today's scientific data, international standards and best practices.

Since 2014, TC held extensive informal and formal consultations to address stakeholder concerns, which were reflected in the proposed regulations. In addition, once published in *Canada Gazette Part I* on July 1, 2017, industry associations, labour organizations, and individuals had the opportunity to submit comments for consideration. Most large operators already have stricter requirements in their collective agreements.

The proposed changes to flight crew fatigue management include two essential elements:

1) The proposed science-based rules on flight crew fatigue management address flight time limitations (annual, quarterly, and monthly), hours of work limitations (annual, monthly, and weekly), and new fit for duty rules that would prohibit any flight crew member not fit for duty from flying or carrying out pre-flight duties.

The flight duty period (FDP) limitations take into account the time of day, with increased duration of rest periods, and requirements for time free from duty. In addition, for flights that begin near midnight, the new night flight times allow a maximum of nine hours of FDP, working up incrementally to a maximum 13 hours for flights that begin between morning and early afternoon. Multiple sources were consulted in determining the limitations in the proposed new regulations, which are in line with the Federal Aviation Administration, and the European Aviation Safety Agency's regulations.

2) The Fatigue Risk Management System (FRMS):

Following participation in the International Civil Aviation Organization FRMS Working Group and consulting other authorities, industry and pilots associations, Transport Canada developed regulations and guidance material for FRMS.

Only when air operators can demonstrate the pilot's alertness and that the flight's safety level are at least equivalent to those set out in the FRMS requirements, do the proposed regulations allow air operators a certain level of flexibility to manage fatigue risk. TC inspectors will use inspections and surveillance to verify that operators who chose to implement FRMS meet all applicable requirements. Should TC identify non-compliance, the department will not hesitate to take enforcement actions.

While the same protective fatigue limits are being set for all air operators, the coming into force timelines will vary to allow for a smooth transition. It is proposed that larger airline operators will have one year to comply with the new requirements once they are published in Canada Gazette, Part II. The rest of the operators (air taxi and commuter operators) will have four years to comply.

The Department will review and take comments received in Canada Gazette, Part I, into consideration before regulations are enacted and published in Canada Gazette, Part II, in 2018.