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# Standing Committee on Transport, Infrastructure and Communities

EVIDENCE

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Chair: Mr. Peter Schiefke





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Thursday, January 12, 2023

• (1435)

[*Translation*]

**The Chair (Mr. Peter Schiefke (Vaudreuil—Soulanges, Lib.)):** I call this meeting to order.

Welcome to meeting number 47 of the House of Commons Standing Committee on Transport, Infrastructure and Communities.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, February 3, 2022, the committee is meeting to discuss the Air Passenger Protection Regulations.

Today's meeting is taking place in a hybrid format, pursuant to the House order of Thursday, June 23, 2022. Members are attending in person in the room and remotely using the Zoom application.

[*English*]

I wish to inform committee members that all witnesses have been sound tested for the benefit of our translators and have passed the test.

We have with us today, for the first half of our meeting, the Honourable Omar Alghabra, Minister of Transport, and department officials Dominic Rochon, acting deputy minister; Craig Hutton, associate assistant deputy minister, policy; and Nicholas Robinson, associate assistant deputy minister, safety and security.

Minister, thank you, as always, for accepting this committee's invitation to appear before us.

With that, to get things started, I'll turn it over to you for your five-minute opening remarks.

**Hon. Omar Alghabra (Minister of Transport):** Thank you very much, Mr. Chair, for inviting me to speak with you and the honourable members on this important issue.

I'm joined today by representatives from Transport Canada: Dominic Rochon, acting deputy minister; Nicholas Robinson, associate assistant deputy minister, safety and security; Craig Hutton, associate assistant deputy minister, policy; and Colin Stacey, director general, air policy.

I want to thank the Liberal members of this committee who called for this emergency meeting. Canadians deserve answers about what happened during this Christmas travel season. I welcome the chance to provide information and answer your questions.

Canadians understand that bad weather may disrupt air travel. However, they expect and deserve to be kept informed about alternative plans and be compensated when their rights are violated. Un-

fortunately, the circumstances faced by many travellers this holiday season were completely unacceptable.

I was incredibly concerned and frustrated to hear about those who were stranded or delayed, or who missed their holiday plans, due to horrible travel conditions. The safety and efficiency of Canada's aviation sector is a priority of mine. Upholding the rights of passengers is also a priority of mine. Supporting a competitive and resilient sector is a priority of mine.

During the acute phase of COVID, the sector faced very difficult conditions. Our government was there to support the sector and protect its jobs. As we were recovering from that acute phase, we saw a challenging period when the entire system showed some weakness in coping with the surge in demand. We worked closely with the sector to respond to those challenges and made quick adjustments to address bottlenecks.

Last fall I brought together industry leaders, including airlines, airports and unions. I stressed the importance of avoiding what we saw during the summer and discussed steps on how to further strengthen our sector.

For the most part, we've made progress.

For example, throughout the holidays we didn't see the long queues that we saw last summer at CATSA and CBSA screening lines. We took action to ensure that passengers weren't delayed, but we still have more to do; of course we do.

In terms of the air passenger protection regulations, we were the first government in Canadian history to put this in place—in 2019, just a few months before the pandemic started.

Naturally, the pandemic exposed weaknesses in the bill of rights. That is why last September we reinforced the regulations by requiring that travellers be entitled to reimbursement for situations beyond the control of the airlines.

Are there further opportunities to improve the rules? Yes. This is why, long before the events of the holiday season, we were working to strengthen passenger rights.

• (1440)

[*Translation*]

We are working on improvements to the Air Passenger Protection Regulations.

[*English*]

The burden of proof should be shifted from the passenger to the airlines. Currently, passengers are too often told by the airlines that they are not entitled to compensation when they really are. This situation has generated an avalanche of complaints to the Canadian Transportation Agency since last summer. We will, of course, continue to put the necessary resources into the CTA so that it can fulfill its mandate, but we will also make other changes to the regulations to improve their efficiency. I hope to be able to announce changes and introduce legislation in the coming months.

As far as VIA Rail is concerned, several elements came together to explain what happened—a CN derailment, snowstorms and highway closures. I can't even imagine the stress and fear that people must have felt at being stuck on the train for hours with little communication. There are no words strong enough to express how frustrated I was about the situation. I spoke to VIA Rail directly, and we will continue to have discussions on this.

Emergency protocols clearly need to be reviewed. A full examination of what happened is taking place. We will take action accordingly.

In conclusion, I want to tell you that the government is not hiding. We are going to assume our responsibilities, and those in the industry must assume theirs.

[*Translation*]

We will continue to work together to ensure that this never happens again.

[*English*]

Lastly, I would like to use this opportunity to thank all the employees in the Canadian transportation sector who worked hard over the holiday period to ensure that Canadians could make their way home or visit their friends and families.

Mr. Chair, that concludes my opening remarks. I'll be happy to answer any questions that you or my colleagues may have.

[*Translation*]

**The Chair:** Thank you very much, Minister.

[*English*]

We will begin our line of questioning today with Ms. Lantsman.

Ms. Lantsman, the floor is yours. You have six minutes.

**Ms. Melissa Lantsman (Thornhill, CPC):** Thank you very much, Mr. Chair.

Minister, thanks for accepting the invitation.

We've heard a lot of testimony throughout the day. We've seen and heard first-hand stories of cancelled Christmases, delays, sleeping on airport floors and being shuffled from hotel lobby to hotel lobby in a foreign country.

Your government has been in power for seven years, and you have been Minister of Transport since the beginning of 2021. You oversaw the chaos this summer leading to Canadian airports being ranked the worst in the world—in both the number one and number two spots—and on November 17 you blamed airport staff shortages for the chaos during the summer and claimed to have solved the problem.

You had a summit, but, as we heard from witnesses today, provided no policy directives, per the airlines' testimony. Worse, passenger protections put in place by the government have failed to protect passengers, consumers or anyone in this country who was stuck elsewhere, or stuck on the tarmac for well over 12 hours in some cases. A Canadian who flies British Airways to the U.K. is better protected than one who flies WestJet to the U.K., and that remains a fact under these passenger protections.

Minister, you yourself are responsible and have the tools to fix it. The question is why you waited so long: why you waited from the first time you heard about Sunwing, presumably when the rest of the country did, on September 19; why you waited until January 5; and why you didn't speak to the airports, as we've heard, while Canadians were stranded again on tarmacs, in some cases in Vancouver for 12 hours.

I have a few questions.

The Canada Transportation Act permits cabinet, on your recommendation, orders to stabilize the national transportation system in an event of “extraordinary disruption”. We all agree that the Sunwing situation was an extraordinary disruption, and you didn't recommend to cabinet to make an order under section 47 in connection with Sunwing.

I ask, why not, and what was more important? What had you pre-occupied?

**Hon. Omar Alhabra:** I want to welcome Ms. Lantsman back to this committee.

There is so much in her remarks that deserves to be unpacked. I understand the political interest in conflating what happened last summer with what happened this Christmas. I think Canadians understand that they are two separate situations.

Having said that, our government and I personally have been very proactive since the summer. She talked about the summit I held, which was not the only thing done from the summer until now. She talked about communications with Sunwing. I can assure her and all my colleagues that, first of all, I have been briefed regularly and daily—in fact, sometimes hourly—on what's happening. My officials and my office have been in touch with Sunwing daily, and sometimes more than once a day, to ensure that we get updated and that we remind Sunwing of their obligations towards their customers and to Canadians.

Mr. Chair, when I was here on December 5, just over a month ago, committee members were asking me what lessons we had learned from the summer. I was glad to share our work plan. I did talk about the plan to improve the passenger bill of rights. I talked about the plan to modernize security screening. I talked about our plan to improve the authorities that airports have, and I talked about improving the authorities and the tools that the Canadian Transportation Agency needs. This is ongoing work. It is extremely serious, and we've been proactive.

I wish that when the Conservatives were in power, they had implemented a passenger bill of rights, because today we would have been in a much better position to improve and enhance the rules. We are where we are. As I said in my opening remarks, the government accepts its responsibility and is working to ensure that lessons learned will be benefited from and passengers' rights protected. However, it's important to remind Canadians that we have rights for passengers. In fact, Sunwing violated those rights, so the issue is not only that we didn't have rules.

**Ms. Melissa Lantsman:** Mr. Chair, I think we should take equal time—

**Hon. Omar Alghabra:** The issue is that some private operators also did not uphold their obligations.

• (1445)

**Ms. Melissa Lantsman:** Minister, I appreciate the answer, and I think we should take equal time to ask and to answer.

Since you didn't use the section that would allow for orders to stabilize the network, there's another section in the act—section 49—that gives you the power to “direct” the Canadian Transportation Agency to conduct an inquiry into any matter related to the federal network. That's the agency we'll hear from—with 33,000 claims backlogged—which is responsible for some of these passenger protections under which passengers weren't in fact protected in this country.

I have a few more questions.

Did you direct the CTA to conduct an inquiry into Sunwing and the flight delays, the cancellations and the tarmac delays? If not, why not?

**Hon. Omar Alghabra:** Mr. Chair, and for Ms. Lantsman, the way we set it up in our system is that the CTA is an arm's-length quasi-judicial body that is delegated or empowered to uphold and enforce the rules. The reason we set it up that way is to avoid the appearance of political interference in investigation, in fining and in holding the responsible parties accountable. That idea has served

Canadians well to ensure that there is independence and no political interference.

Having said all of that, I have been working with the chair of the CTA since my appointment as minister, but particularly since the summer. I made it clear that I expect the rules to be upheld and I expect the CTA to identify ways to improve the efficiency of managing its backlog. I also am committed to working with the CTA to provide the resources it needs and to help improve the efficiency of processing complaints.

**Ms. Melissa Lantsman:** Minister, it's your responsibility—

**The Chair:** Thank you very much, Minister, and thank you very much, Ms. Lantsman.

Next we have Mr. Sorbara.

Mr. Sorbara, the floor is yours. You have six minutes.

**Mr. Francesco Sorbara (Vaughan—Woodbridge, Lib.):** Thank you, Mr. Chair, and welcome, Minister.

Minister, as we know, Canadians need or want to travel at certain times of the year, to visit their families or go on a vacation. Geographically, we live in a big country, so aviation is our principal mode of transportation.

We also know that we've come out of two years of the pandemic, and the air sector, the aviation sector, was probably the worst-hit sector, not only here in Canada but around the globe. It has gotten back on its feet and is incrementally moving forward. There are some bumps along the way, which we see here as well as in the United States, with what happened with Southwest Airlines last week.

Our government, prior to COVID, was acting, including with the air passenger bill of rights and by introducing air passenger protections—unlike the previous government, which was in power for 11 years, did not take any action to protect consumers at all, and left it in the hands of private corporations—and I very much applaud this.

My first question for you, Minister, is with regard to the potential changes that may come in strengthening the air passenger protections that are in place. Will there be opportunities for Canadians to weigh in on those proposed changes?

**Hon. Omar Alghabra:** Thank you very much, Mr. Chair, and thank you, Mr. Sorbara, for being here and for your questions.

Let me first echo what you said. You're right: We saw not only in Canada but across the world some challenges in the aviation sector with the recovery from the acute phase of COVID. We saw disruptions around the world—in the United States, in Europe and certainly in Canada—but we've taken action. We've taken steps to ensure that we've learned from those lessons and that as a government we provided the support that is needed, including enhancing the bill of rights for passengers.

To directly answer your question, right now I am currently consulting internally within Transport Canada and externally with our partners, and I know this committee held hearings in November about the passenger bill of rights. I'm sure you're going to come up with recommendations based on this study, so I will be welcoming the recommendations of the committee.

Once we have a draft proposal, we are going to table it in the House of Commons. Canadians and other stakeholders will be able to offer input. I am regularly receiving input from Canadians, and that is being taken into account in the drafting of the proposals.

• (1450)

**Mr. Francesco Sorbara:** Thank you, Minister.

This morning, we heard a *mea culpa*. We heard an apology from Sunwing in terms of its actions—or, I would say, lack of actions—during the Christmas period. Also, it was great to see the further strengthening of the air passenger bill of rights, which I think is the right path.

Minister, as we know, the travel system here in Canada is private. The entities that operate, such as the airlines, are private entities for the most part, but there are federal agencies that play very significant and critical roles, such as CATSA and CBSA. From your angle and from the data we've seen, how do these organizations perform over a peak season, i.e., the Christmas travel season?

**Hon. Omar Alhabra:** Mr. Chair and Mr. Sorbara, I think it's really important to highlight this point, because there are some people who are trying to conflate what happened in the summer with what happened this Christmas.

We learned a lot from what happened in the summer. I am grateful to everyone who works in the industry who benefited from that unfortunate period.

What we saw in the summer was that almost every element of the aviation sector, including CATSA and CBSA, showed some weaknesses and challenges. There was no evidence this time around, with the Christmas weather disruptions, that any of those government agencies had any failures. In fact, let me give you an example.

CATSA had a great plan to address the extreme weather. It actually reserved hotel rooms near the airport for its employees, because it knew that if they went back home, they might be stuck on the road and might not be able to come back. That's an example of tremendous visionary leadership by CATSA to ensure that it would have the resources necessary. We didn't see any evidence of long lineups at CATSA or CBSA.

**Mr. Francesco Sorbara:** Minister, with regard to the air passenger protections that are currently in place, that Canadians know about and are informed about, and in terms of how that legislation has been enacted and is operating and the changes that you put in place in September, first can you describe those changes and how they've strengthened the system to date?

**Hon. Omar Alhabra:** Sure. It's important to first remind Canadians that the first version of the bill came into force a few months before the pandemic. Then the pandemic hit, and we realized that the airlines were not obligated to refund passengers for cancella-

tions outside of the airlines' control, so we made changes to require airlines to refund passengers if a flight was cancelled, even for reasons outside the control of the airline. Those included even bad weather or a pandemic.

**Mr. Francesco Sorbara:** This was very important, because during the pandemic individuals had to wait more than 30 days. Now the requirement is, if I understand it correctly, that if there's a cancellation, even if it's not a *force majeure* event, the airlines are responsible for getting a refund to the consumer within 30 days.

**Hon. Omar Alhabra:** That is correct. Passengers are not on the hook for a flight that is cancelled, even if it is due to weather or a pandemic.

**The Chair:** Thank you very much, Mr. Sorbara, and thank you very much, Minister.

[Translation]

Ms. Vignola, you now have the floor for six minutes.

**Mrs. Julie Vignola (Beauport—Limoilou, BQ):** Thank you, Mr. Chair.

Minister, thank you for being with us. I also thank the officials who are with you.

On August 19, you came to this committee to testify about the messy disruption that occurred over the summer. We have already talked about that. It had nothing to do with the storms we had in December, we understand that.

Here you are again before this committee. From your level and perspective, what is the reason for the continued disruptions? We understand that these are two separate situations, but the disruptions continue nevertheless.

Should the Air Passenger Protection Regulations be strengthened to give them more teeth? Is this one of the possible causes of this situation?

• (1455)

**Hon. Omar Alhabra:** Thank you for your question, Ms. Vignola.

[English]

First of all, thank you for repeating the fact that they were two different situations.

Canadians are used to the fact that we live in Canada and occasionally have extreme weather events that disrupt our travel plans. Canadians are patient when it comes to these things.

What is unacceptable to them and to me is being kept in the dark about what alternative plans are being provided, or being left stranded for days on end without any information. That was unacceptable. Today Sunwing acknowledged that it had made a mistake.

Having said that, I will answer your questions.

Yes, there are opportunities to strengthen the passengers' bill of rights. I said this in my committee appearance on December 5, and I will repeat it now, and I will assure you that I and the department are currently working on these rules.

[*Translation*]

**Mrs. Julie Vignola:** One of the suggestions I was given for improvements to the regulations, particularly in relation to penalties, concerned the maximum amount of those penalties. Here in Canada, for a corporation, the penalties range from \$5,000 to \$25,000, depending on the schedule. In the United States, the maximum is \$400,000.

Are there any plans to increase the Canadian penalties to truly deter companies from not complying with the regulations? Are the current amounts a sufficient deterrent?

[*English*]

**Hon. Omar Alghabra:** Mr. Chair, we are looking at the issue of fines. If there's an opportunity to increase the fines or to enhance the rules, I welcome this committee's suggestion.

Let me assure you that if you compare our overall regime to the U.S. regime, any independent observer will tell you that the Canadian system is stronger. That doesn't mean we can't learn from the U.S. and European models. We're looking at different aspects, and I welcome the committee's suggestions as to how else we can make them stronger.

[*Translation*]

**Mrs. Julie Vignola:** Thank you.

In Europe, a carrier cannot use safety reasons to deny compensation. Regardless of whether the situation is created by an event within or outside the control of the carrier, the carrier must offer support and some form of compensation.

Are you considering amending the Canadian regulations so that they better protect air passengers and are closer to the measures in place in Europe?

[*English*]

**Hon. Omar Alghabra:** Yes. As I said, we are looking at almost every aspect of the regulations with respect to how we can further enhance and strengthen them.

Let me just be very clear, by the way. You're right: There are occasions, and I've heard of occasions, on which the airline has used the justification of safety to cancel flights and to avoid compensating passengers. There was a judgment by the Canadian Transportation Agency recently, I think just this summer or fall, that airlines could not use labour shortage as a justification for cancelling for safety reasons. Therefore, the airlines are responsible for those cancellations, even though they may have used the justification of safety for them.

[*Translation*]

**Mrs. Julie Vignola:** Thank you, as this is a weakness it would be very timely to correct.

As you have noticed, my questions are always in solution mode.

According to passenger advocacy groups that have appeared before us, the victims of the situation, that is to say passengers, have to prove that they are entitled to compensation and that what the airline has claimed is false. This makes no sense.

In the context of your studies and thinking, is there any possibility of shifting the burden of proof from the air passenger to the carrier?

• (1500)

[*English*]

**Hon. Omar Alghabra:** Again, I want to thank you for focusing on constructive solutions.

My answer is—and in fact I mentioned it in my opening remarks—that we are looking at ensuring that more of the burden is on the airline, not on the passenger. The truth of the matter is that the burden has always been on the airline. However, it's clear that there is room to further improve and clarify these rules, so that is precisely what we're looking at.

[*Translation*]

**The Chair:** Thank you very much, Ms. Vignola.

[*English*]

Thank you very much, Minister.

Next we have Mr. Bachrach.

Mr. Bachrach the floor is yours. You have six minutes.

**Mr. Taylor Bachrach (Skeena—Bulkley Valley, NDP):** Thank you, Mr. Chair, and thank you, Minister, for accepting our invitation to be here today.

We're all here because Canadians are frustrated. They're angry, they're dismayed and they feel betrayed. In the travel period of last summer and the most recent holiday travel period, we saw the big airlines walk all over any semblance of passenger rights in this country. We now have a backlog of 33,000 complaints before the CTA, and that's just the tip of the iceberg. We know that only a small fraction of passengers managed to jump through all the hoops you've created for them to get to their complaint process. The big airlines are acting this way because they can get away with it—because you let them.

My first question for you is this: Why have you not stood up to the airlines on behalf of air passengers?

**Hon. Omar Alghabra:** Through the chair, Mr. Bachrach, I appreciate your question. I am here also, equally, because I know that Canadians are frustrated. I am frustrated, and I believe this committee is able to provide information and answers for Canadians and to keep the pressure on the sector, including on government, to make sure we do everything we can to protect passengers' rights.

Let's be clear: It is the responsibility of the airlines to uphold passengers' rights. Airlines, when they violate the rules, need to be held accountable for that. They need to compensate their passengers. They need to compensate their customers for what their customers paid them to do. We need to avoid, in fact, going to the CTA for passengers to receive the compensation they deserve.

We set up a framework that had never existed in Canada's history before 2019, because we saw the vacuum that existed. The 2019 rules came into force before the pandemic. The pandemic exposed certain weaknesses. We strengthened them. We are now looking at additional ways to strengthen the rules.

Let's be clear: The airlines must continue to uphold passengers' rights, and when they violate them, they need to compensate their customers.

**Mr. Taylor Bachrach:** Minister, I would argue that it's also the government's responsibility to uphold passenger rights. Unfortunately, the air passenger protection regime that you've created has massive loopholes in it. You could fly a 747 through these things. We see airlines clearly exploiting those loopholes in order to avoid paying passengers the compensation they're due.

It is positive to hear that you're once again going to go into the protection regulations and make some changes. My question is whether you'll commit to this committee that when those changes are done, Canada's legislation and regulations will be up to the standards set by the European Union, which are considered the gold standard for air passenger protection around the world.

**Hon. Omar Alghabra:** Mr. Chair and Mr. Bachrach, I know this committee held hearings in November on the passenger bill of rights. I know you've had expert witnesses tell you that the regime is quite strong. I know you've had experts tell you that it is much stronger than the U.S. regime. I know there are differences between our system and the European system.

We're looking—we have been looking and we will continue to look—at other jurisdictions around the world. I commit to you that we are learning from the lessons of the last year and that we are committed to clarifying, strengthening and simplifying rules. That is my commitment to you and to Canadians, but let there be no confusion: It was our government that understood that there was a vacuum there. We brought in the bill of rights. We studied and implemented rights that are way stronger than exist for our neighbours to the south. Any responsible government would learn and look for more opportunities to strengthen these rules, and that's precisely what we're doing.

• (1505)

**Mr. Taylor Bachrach:** You said earlier that you haven't directed the CTA because of its arm's-length, quasi-judicial nature, and yet the Canada Transportation Act specifically sets out, in section 43, the power for you to provide policy direction to the CTA. Why

have you never used that tool, despite all the challenges we've seen in this country?

**Hon. Omar Alghabra:** Actually, that's not true, Mr. Bachrach. I have directed the CTA on several policy items. The question is about directing them on an investigation.

From a policy perspective, I have in mind a recent example. I sent a directive to the CTA about accessibility and about making sure that airlines in the sector have strong rules to accommodate their customers who have accessibility issues, so I have utilized that tool—on bilingualism too—and will continue to use it. The question was on a specific investigation, which is different from policy—

**Mr. Taylor Bachrach:** No, it wasn't on a specific investigation. It was on the topic of air passenger rights—for instance, the fact that the CTA has utterly failed to penalize the airlines at monetary amounts that are meaningful. The only fines we've seen total a little over \$100,000. In the United States, the government has fined the big airlines over \$7 million since the beginning of the pandemic.

Why does the government treat the airlines with kid gloves? Why hasn't it provided direction to the CTA to strengthen enforcement, so that the airlines stop trampling on air passenger rights?

**Hon. Omar Alghabra:** Mr. Bachrach, I appreciate your passion on this. I share it. You had airlines today and on previous occasions tell you how the government is not treating them with kid gloves. We are not treating airlines with kid gloves. In fact, as I said, we're looking to further strengthen the rules to ensure that passengers are protected.

Let's be very clear: We have provided the CTA with the regulatory framework to uphold the law and to fine airlines that have been found in violation. Are there opportunities to strengthen these rules? I'm saying yes, and we're working on them.

**The Chair:** Thank you very much, Mr. Bachrach, and thank you, Minister.

Mr. Strahl, the floor is yours. You have five minutes.

**Mr. Mark Strahl (Chilliwack—Hope, CPC):** Thank you, Mr. Chair. It's certainly interesting to see Liberal members here at the committee doing victory laps after we just experienced such a catastrophic travel season.

Minister, far from the opposition or the media conflating the summer and winter travel seasons, it was you—when you brought together industry players in November—who declared you were confident that Canadians could have confidence that there would not be the same issues plaguing the system that we saw in the summer. The travel chaos had been managed, because you held a summit. We've learned from both the airports and the airlines this morning that, in fact, you gave no policy direction at that summit. It appears to have simply been a public relations exercise, so that you could say you were doing something.



You indicated that the government should do everything in its power to protect passengers. We learned today. We asked the question. We asked the Vancouver Airport Authority, “Did the minister call you? Has the minister called you since the middle of December?” The answer was no.

We asked the Montreal airport authority, “Has the minister called you since the middle of December?” The answer was no.

We asked the Toronto airport authority, “Has the minister called you since the middle of December?” The answer was no.

Most shockingly, the airlines also indicated—especially Sunwing—that they did not hear from you directly until January 5, which was more than two weeks after the catastrophic failure of that airline, when people were sleeping in hotel lobbies in a foreign country.

You waited until the passengers had been returned to Canada. You waited until the crisis had passed before you did the basic thing of picking up the phone and contacting the entities that had failed Canadians.

Accountability starts at the top. I would argue that you are passing the buck. You have not engaged with the industry directly. You might have left it to your officials, but between Christmas and New Year's we needed to see action from you, and we didn't see it.

In the United States, we saw U.S. transportation secretary Pete Buttigieg pick up the phone. He had Southwest Airlines hauled on to the carpet within 24 hours of their failure, and you were nowhere for over two weeks.

Given that, why did it take you until January 5 to do your job and talk to Sunwing Airlines to demand answers for Canadian travellers?

• (1510)

**Hon. Omar Alhabra:** Mr. Strahl, first of all, thank you for highlighting the work that was done during the summer by continually bringing the airlines and other players in the sector together to ensure that we were on the same page and that they understood the government's expectations of them. In fact, at that summit that was held in November, it was made very clear to participants that we wanted to do everything in our power to avoid what we saw in the summer. To a large degree, much of that was avoided.

Again, I won't deny that the extreme weather events caused significant disruptions. Combined with the rush of the Christmas holiday and bad decisions by operators, they ended up causing an unfortunate and frustrating delay, and frustrations for many passengers.

Second, I know you're not deliberately trying to mislead Canadians, because I know that the airlines and the airports clearly said to you that my office was in regular contact with airports and airlines—

**Mr. Mark Strahl:** I didn't ask them about your office. I asked them about you.

**Hon. Omar Alhabra:** —on a daily basis. I was involved and briefed daily.

By the way, the airlines and the airports were not confused about my instructions or my feelings about what was happening, or about my expectations. It is not uncommon that—typically, and especially on a daily basis—it's done through my office or done through Transport Canada—

**Mr. Mark Strahl:** What else were you doing, Minister? What else were you doing? Why weren't you calling them?

**Hon. Omar Alhabra:** I've been extremely involved on a regular basis. Airlines heard from us, maybe more than daily; maybe it was multiple times a day—

**Mr. Mark Strahl:** Not from you.

**Hon. Omar Alhabra:** —so I can assure you....

The U.S., by the way, is set up differently from Canada. The Department of Transportation in the U.S. is the one that is responsible for enforcing their protections, while in Canada we set up the Canadian Transportation Agency to be at an arm's length. That's why there's a difference.

Having said that, I was personally involved on a daily basis—in fact, on an hourly basis—in what was happening. My directions were clearly communicated regularly to airlines and airports.

**The Chair:** Thank you very much, Minister, and thank you very much, Mr. Strahl.

Next we have Ms. Koutrakis.

The floor is yours. You have five minutes.

**Ms. Annie Koutrakis (Vimy, Lib.):** Thank you, Mr. Chair, and thank you, Minister, for accepting our invitation to appear before this committee once again, a short month after your last appearance here.

Our colleagues on the Conservative side are suggesting that you should have used emergency authorities to order airlines to take certain actions. I would argue—and I'll ask you, if I may—that it is a little rich for a party that talks about making the government smaller and less intrusive in getting gatekeepers out of the way to suggest that you micromanage the operations of private airlines.

**Hon. Omar Alhabra:** I think it is, actually. It's worth noting how a party that wants the government to get out of the way, and typically says so, is now expecting more government involvement in the private sector, almost to the degree of nationalizing our airlines.

Having said that, my focus is on doing the right thing and upholding passenger rights. I believe there is a role for government. I believe there is a role for the Canadian Transportation Agency. I will continue to do my job. I will continue to ensure that the Government of Canada plays its role and that the CTA has the tools it needs to uphold its role as well.

**Ms. Annie Koutrakis:** Thank you.

I'm wondering if you can describe the actions that you and Transport Canada are contemplating to further strengthen passenger rights in Canada. I know you're saying that we're looking at that and the government will be doing that.

Where specifically do you see room for improvement?

**Hon. Omar Alhabra:** That's a great question.

They revolve around three principles. The first one is clarification. It's clear that there's an issue of confusion about some of the rules. For example, Ms. Vignola brought up the point of safety. We need to clarify the rules there.

The second point is simplification. We need to make sure that in the process of complaints, the onus is more on the airlines. We need to simplify the process.

Third is strengthening, which means, are there additional rules we can make? There is, again, a question about the fines. Should the fines be strengthened?

Those are the three principles we're looking at. We're looking to international jurisdictions to see what lessons can be learned from them.

Those are, basically, the objectives we're trying to achieve.

• (1515)

**Ms. Annie Koutrakis:** I'm also curious to know, specifically, what role our committee can play to make sure that when we're going through the consultation process...how that consultation process can reflect our recommendations.

Do you have any suggested timelines that we should be considering while we're doing this work?

**Hon. Omar Alhabra:** Thank you, Ms. Koutrakis.

As I stated earlier, I know this committee held hearings in November on the passenger bill of rights. We had a meeting. I was here on December 5. At that time I invited committee members to propose changes. I'm repeating that invitation. The input of this committee is going to be very useful for our government as we proceed with improving the bill of rights.

There will also be another opportunity, once those proposals are tabled, for the committee to provide further evidence and further feedback.

**Ms. Annie Koutrakis:** At the risk of sounding repetitive, I think it begs me to ask you the question once again.

Our opposition colleagues are claiming that you weren't proactive in pre-empting the holiday season's transportation problems, and that you tweeted only that these problems were unacceptable. We all know that's not the case. As your parliamentary secretary, I know that's not the case. I receive the same briefings that you do. I know first-hand how active and proactive you, your staff and Transport Canada have been throughout the whole process.

Can you outline the measures you and Transport Canada took before and during the holidays to ensure that travellers' rights were respected?

**Hon. Omar Alhabra:** Thank you, Ms. Koutrakis, and thank you, as my parliamentary secretary, for playing an important role in this period.

First of all, during the summer ordeal, I had the opportunity to speak with all airlines individually, to visit many of the airports—large, small and regional—and to benefit from their experience and

insight. Then, last November, we hosted a summit that brought together the CEOs of airlines and airports, as well as representatives of unions, and we talked about action that was necessary moving forward.

Just before Christmas we also stood up a working group that involved airports, airlines and government agencies in preparation for the Christmas season, to make sure all the focus was on preparing for the Christmas rush. We all know Christmas is one of the busiest times of the year, so we did a lot of preparatory work. Unfortunately, the storm happened and caused extreme disruption, and we also ended up seeing unfortunate decisions made by an airline operator that caused many of the—

**The Chair:** Thank you very much, Minister, and thank you very much, Ms. Koutrakis.

[*Translation*]

Ms. Vignola, you have the floor for two and a half minutes.

**Mrs. Julie Vignola:** Thank you, Mr. Chair.

Minister, some of my colleagues came back to the issue of the role of the Canadian Transportation Agency in relation to the tens of thousands of complaints waiting to be processed.

While I am aware of the agency's independence from your department, what can be done at your level to give the agency all the tools it needs to diligently process the complaints it receives?

[*English*]

**Hon. Omar Alhabra:** Yes, there are things that the federal government can do. First we need to identify how we can simplify the rules that govern how the CTA deals with complaints. Are there opportunities to reduce red tape to increase efficiencies in handling complaints?

Second, we need to clarify the rules with the airlines and have the burden on the airlines, to incentivize them to resolve these matters before the complaints go to the CTA.

Third, I'm currently working with the CTA and its chair on what additional resources they need to be able to manage that load.

Thank you.

• (1520)

[*Translation*]

**Mrs. Julie Vignola:** Thank you.

Do you already know when you'd like to implement all the changes you've mentioned lately? Would it be before the spring or summer holidays? You would need to make sure that in peak periods these situations are addressed.

[*English*]

**Hon. Omar Alhabra:** My plan is to table those proposals during the spring session. Some work still needs to be done. The work started before Christmas, but the plan that I'm aiming for will be during the spring session, yes.

[*Translation*]

**The Chair:** Thank you very much, Ms. Vignola.

[English]

Next we have Mr. Bachrach.

The floor is yours, Mr. Bachrach. You have two and a half minutes.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair.

Minister, you said one of the areas you're looking at is strengthening the fines that are possible under the air passenger protection regulations and the Canada Transportation Act. Right now, fines of up to \$25,000 per passenger are possible under existing legislation, yet the only time we've seen the CTA issue fines against airlines under the APPR, we saw fines of about \$200 per passenger.

Why didn't you use your ability under the Canada Transportation Act to order the CTA to increase its fines and strengthen its enforcement to act as a deterrent? I'm sure you'll agree with me that \$200 isn't enough.

**Hon. Omar Alhabra:** Mr. Bachrach, you just acknowledged that the CTA has the authority to impose a fine of up to \$25,000 per passenger. The CTA has that authority. Please forgive me for avoiding looking like I am interfering in the independence of the CTA. My expectation is that the rules will be enforced and that passengers' rights will be upheld. I know that the CTA is coming here, so that would be an interesting question for the CTA.

**Mr. Taylor Bachrach:** Minister, when you have companies worth hundreds of millions, if not billions of dollars, what is the purpose of a fine of \$200 per passenger? What's the goal of these administrative monetary penalties? It seems comical, frankly.

**Hon. Omar Alhabra:** Mr. Bachrach, I'll repeat that we provide the CTA with authorities to impose significant fines. We leave it to the discretion of a quasi-judicial independent body to decide, based on the facts before them, what type of fines they impose. I think the CTA is capable of explaining how it comes up with its decision; however, the government provides authority to the CTA to impose significant fines. As I just said, we are looking to see if there's an opportunity to increase those fines.

**Mr. Taylor Bachrach:** Will you commit to amending the legislation the APPR is built on, and not simply changing the regulations themselves?

**Hon. Omar Alhabra:** We are in the process of examining how we strengthen the rules, and if part of that strengthening of rules requires legislative changes, then yes, we will make the necessary legislative changes.

**Mr. Taylor Bachrach:** Will you commit to closing the loophole in the Canada Transportation Act, section 86.11?

**Hon. Omar Alhabra:** Mr. Bachrach, as I've been spending the hour here telling you, we're looking to strengthen the rules and learn from lessons of the past. The commitment I am making to all of you is not only to pursue those things but also to take your input into consideration as we are examining what additional tools to introduce.

**Mr. Taylor Bachrach:** I'll be happy to provide it.

This is my last question.

When you spoke with Sunwing, did you encourage them to proactively pay customers the compensation they are due under the air passenger protection regulations, instead of making them file a complaint and stand in line for 18 months to get a ruling from the CTA?

**Hon. Omar Alhabra:** Yes. In fact, the president of Sunwing Airlines promised that's what they're doing.

**Mr. Taylor Bachrach:** He said that they are going to proactively award compensation—

**The Chair:** Excuse me.

Mr. Bachrach and Minister, I appreciate it.

The final two sessions will be three minutes each.

[Translation]

Mr. Berthold, you have the floor for three minutes.

**Mr. Luc Berthold (Mégantic—L'Érable, CPC):** Thank you very much, Mr. Chair.

Minister, where were you between December 23 and January 5 last year?

Canadians slept on airport floors. They waited for hours on planes, some in foreign countries, with no word. You keep saying the situation was unacceptable, but you didn't think it was serious enough for you, as Minister of Transport, to intervene.

You could have shown the leadership that Canadians expect from a minister. You could have picked up the phone and called the airlines and airports. You didn't even think the crisis was important enough, despite all the tweets you wrote, to agree to spend two hours of your time answering questions from committee members today.

Minister, do you intend to do as Sunwing has done, admit your wrongs and apologize to Canadians for your lack of leadership between December 23 and January 5?

• (1525)

[English]

**Hon. Omar Alhabra:** Mr. Berthold, what do you want me to be responsible for—the weather or Sunwing's bad decisions?

I've been personally involved, even on Christmas Day and Boxing Day. On a regular basis I have been informed and briefed on what was happening, and I have provided direction. My office has been in touch with airlines and airports daily, and sometimes more than once a day. As you said, I've also issued public statements expressing my frustration with what was happening. I was personally involved on a daily basis in what was happening, including during the Christmas holidays. None of the airlines, including Sunwing, was clueless as to my feelings and my expectations with respect to what was happening.

[Translation]

**Mr. Luc Berthold:** If you considered that Sunwing was missing the boat, why did you not intervene personally between December 23 and January 5?

It is easy to write tweets. You can do that from anywhere. You can have Zoom briefings from anywhere.

Why didn't you show leadership? Why didn't you go directly to the airports and see what was going on? Why didn't you call the airlines and communicate with the airports?

This is what Canadians expect from their minister.

[English]

**Hon. Omar Alghabra:** Mr. Berthold, I think you're trying to confuse Canadians with respect to the role of my office in calls that I am not personally involved in.

You heard today from the airlines and the airports that my office and Transport Canada officials were calling on my behalf on a daily basis, sometimes more than once a day.

**Mr. Luc Berthold:** You were missing in action.

**Mr. Omar Alghabra:** The airlines and the airports were very much aware of my input and my expectations. We were—and I personally was—involved, daily, including on Christmas Day and Boxing Day, in what was happening. This is my responsibility, and we were putting pressure on the airlines—

[Translation]

**Mr. Luc Berthold:** You were active on Twitter.

[English]

**The Chair:** Thank you very much, Minister.

[Translation]

Thank you very much, Mr. Berthold.

[English]

Ms. Damoff, the floor is yours. You have three minutes.

**Ms. Pam Damoff (Oakville North—Burlington, Lib.):** Thank you, Chair.

I'm going to change gears a bit, Minister. VIA Rail wasn't here today. I know they're coming to a future meeting, but in your opening remarks you mentioned the issues they had.

I want to share with you an email I got from a constituent whose 83-year-old mother and her 82-year-old friend travelled from Chatham to Aldershot on December 23. Their train was four hours late getting in, but she said that given the weather conditions, they accepted that and were thankful that they arrived safely. However, when they returned home on December 27, they were supposed to arrive at 9 p.m. Their train was five and a half hours late. These two 80-year-olds got in to an unmanned VIA station at 2:20 a.m. It is very difficult in a smaller town like Chatham to get a cab at 2:20 in the morning.

I recognize that VIA Rail is a separate entity and that you're not in charge of it, Minister, but I would welcome your thoughts on VIA Rail and its actions over the holidays, and on ongoing issues like the one this older woman and her friend encountered.

**Hon. Omar Alghabra:** There are two parts to my answer. First, on what happened during Christmas, let me say that Canadians are familiar with weather disruptions. They are patient when it comes

to disruptions. However, they rightly expect to be kept informed and that alternative plans will be prepared. What happened during Christmas, particularly with the service between Ottawa and Toronto, where passengers were kept on the train without information for 19 hours, was totally unacceptable. VIA accepted responsibility. It is now conducting an independent review into what happened.

Second, our government recognizes that VIA Rail is essential for Canadians and that the current status quo needs improvement. As you know, VIA does not own any of its tracks. It sometimes is at the mercy of the owner of the tracks and ends up facing delays. That's why our government is investing in what previous governments talked about in the past but never made a reality—high-frequency rail. We are building a dedicated track to enable VIA to have a reliable, fast and clean service in the busiest corridor of the country.

I'm excited about that future, but in the meantime VIA needs to accept its responsibility and learn from the lessons that happened during the Christmas holidays.

● (1530)

**Ms. Pam Damoff:** Thank you, Minister.

**The Chair:** Thank you very much, Ms. Damoff.

Once again, on behalf of the committee, Minister, we want to thank you for appearing before us, providing us with your testimony and answering all our questions.

With that, I will suspend for two minutes and provide the time necessary to switch over to our next line of witnesses.

● (1530)

(Pause)

● (1535)

**The Chair:** I call this meeting back to order.

With us for the second hour we have, from the Canadian Transportation Agency, Madame France Pégeot, chair and chief executive officer, as well as Mr. Tom Oommen, director general, analysis and outreach branch.

From the Department of Transport, we have with us once again Dominic Rochon, acting deputy minister; Craig Hutton, associate assistant deputy minister, policy; Nicholas Robinson, associate assistant deputy minister, safety and security; and Colin Stacey, director general, air policy.

Thank you once again for joining us.

We'll turn it over to Madame Pégeot for her opening remarks.

[Translation]

Ms. Pégeot, you have the floor for five minutes.

**Ms. France Pégeot (Chair and Chief Executive Officer, Canadian Transportation Agency):** Thank you very much, Mr. Chair.

I would like to thank the committee for the invitation to appear today.

As you noted, I am accompanied today by Tom Oommen, director general for analysis and outreach at the agency.

The agency has a broad economic regulation and dispute resolution mandate. On the one hand, this mandate relates to transportation by air, rail, marine and interprovincial bus, all of which fall under federal jurisdiction. On the other hand, it seeks to protect the rights of persons living with disabilities to an accessible transportation system.

The agency carries out its responsibilities in two specific roles. First, it acts as an economic regulator, responsible for developing regulations under the relevant legislation and implementing them. In addition, it issues licences, makes decisions and enforces regulations.

Second, the agency is also an administrative tribunal, resolving complaints through both informal and formal processes. A central part of its mandate is to provide air passengers with a consumer protection regime.

With the coming into force of the Air Passenger Protection Regulations in 2019, the agency established, for the first time, minimum consumer protection requirements that all airlines had to follow. Many of these requirements are designed to attenuate the impact of disruptions in air passengers' travel journey, and that is at their core.

The regulations impose requirements regarding three categories of flight disruption, with different passenger entitlements depending on the category of flight disruption: flight disruptions could be categorized as being within airline control, within airline control but required for safety, or outside airline control. Since the regulations came into force, many passengers have used them to enforce the airlines' new obligations.

I would like to remind everyone that the regulations came into force just before the pandemic. The pandemic, as you know, had a significant impact on the transport industry, which indeed had difficulty resuming normal operations. This resulted in a record number of complaints to the agency. To put this in perspective, here is some background.

In the year before the regulations came into force, in 2018-19, the agency received about 7600 complaints. In the year that the APPR came into force, in 2019-20, we received just over 19,000 complaints. And finally, in the current year, 2022-23, that is since April 2022, the agency has received almost 21,000 complaints, just in the first half of the year.

We have streamlined our processes and achieved new efficiencies. Unfortunately, the fact remains that we have a backlog of about 33,000 complaints.

• (1540)

[English]

I just want to add that our experience has been that about 97% of our complaints are resolved informally through our facilitation process, which takes an average of 20 business days to close once an agency facilitator begins the process.

With respect to the recent holiday flight disruptions, we expect that a significant number of complaints will be filed with the agency. These complaints are usually filed a month or so after the flight disruptions in question, as passengers must first make their claim directly with the airline, which has 30 days to respond.

These flight disruptions began with winter storms that first impacted flights out of western Canada, particularly Vancouver, and later on impacted Ontario- and Quebec-based flights.

We were very quickly on the ground. Enforcement officers were there, communicating with airlines, monitoring the situation and gathering the necessary information. They are currently investigating potential violations of regulatory requirements, and the work is ongoing.

As an example of other things we have done, over the same holiday period, agency staff communicated with Sunwing regarding its cancellation of all flights to and from Saskatchewan until February 3.

At that time, we were told that all passengers requesting compensation—if they were informed less than two weeks in advance of their cancelled flights—would get compensation as required under the APPR, or the air passenger protection regulations.

We will continue to monitor the response of airlines to the holiday flight disruptions. We will also respond to incoming complaints arising out of these flight disruptions.

In order to help passengers who have filed complaints with the agency, we have recently added a new application to our website, which we call the case status update. It allows every complainant to know where they stand in the queue and what the next steps are in resolving their dispute with the airline.

Furthermore, we have posted consumer-friendly guides that can be easily read and navigated on a smart phone, and have provided information on what passengers are entitled to and how to file a complaint. This is to make it easy to follow the process, particularly if they are at the airport when the event happens.

We're also working on addressing the complaint backlog by further increasing our complaints processing capacity through identifying and implementing procedural improvements and modernizing our processes. We hope to eventually be able to automate some parts of our processes.

Thank you, Mr. Chair. We'd be happy to respond to any questions.

• (1545)

[Translation]

**The Chair:** Thank you very much, Ms. Pégeot.

[English]

To begin our line of questioning today, we have Dr. Lewis.

The floor is yours. You have six minutes.

**Ms. Leslyn Lewis (Haldimand—Norfolk, CPC):** Wonderful. I want to thank all the witnesses for their testimony here today.

My question is for Mr. Rochon. Canadians have experienced one of the worst travel seasons in history. Canadian airports have sunk to the bottom of the world's airports in terms of reputation. Surely you saw the luggage piles all over Pearson airport.

We heard from the minister that it's natural that we're going to have weather disruptions, but he also acknowledged that Canadians can also expect to have information and updates.

The chaos at Pearson lasted until the 26th—48 hours—but, Deputy Minister, you didn't contact the airport executives until the 29th. That was three days after the crisis had been cleared up.

Wouldn't you agree that Canadians deserve to have their government show up during a crisis, and that they deserve to have information during that crisis?

**Mr. Dominic Rochon (Acting Deputy Minister, Department of Transport):** Absolutely. I would agree that throughout the course of the crisis, we should be keeping Canadians apprised. The royal “we” there would be everyone involved throughout the air sector environment.

What I will point out—as the minister highlighted—is that Transport Canada officials, coming out of the air sector summit that the minister held on November 24, if memory serves me well...following that, our policy officials got together and formed something that we refer to as the AROC, which is the airport recovery operations committee. That committee is formed of the four largest airports and a couple of the largest air carriers, as well as CBSA, NAV Canada and CATSA. Our officials got together with them on a regular basis leading into the holiday period. I believe the last meeting of that committee was on the 20th.

The purpose of that committee was to ensure—

**Ms. Leslyn Lewis:** We heard evidence from Sunwing that they were trying to reach out to you on December 28, and that they did not get a response from the minister until January 5. That's when they had that virtual meeting with the minister.

I know you communicated with them on the 29th, but they had to wait for over a week to hear back from the minister. Why was it that you were able to communicate on the 29th and the minister was not?

**Mr. Dominic Rochon:** I'm not going to speak for the minister. I think he did a good job of doing that for himself in the hour that preceded this.

What I can say is that Transport Canada officials were in touch with Sunwing on a daily basis. I know that for a fact, because deputy minister Mike Keenan and I were interacting with our officials. We were getting updates—at times, as the minister pointed out, on an hourly basis—leading into Christmas Day and, indeed, on Boxing Day, the 27th, etc.

**Ms. Leslyn Lewis:** Somebody's giving misinformation, then, because Sunwing gave evidence that they had reached out to your office on the 28th, and now you're saying that the executives were not giving the correct information. Could your office potentially be misinterpreting what happened?

**Mr. Dominic Rochon:** No, in the sense that we were interacting with Sunwing officials. When I say “we”, the Department of Transport and our officials were in touch with Sunwing to get periodic updates in terms of what was happening with regard to their flights and what was happening in terms of their obligations to passengers. That was happening. I have emails, exchanges, from my officials, and indeed, hearing from the president—

• (1550)

**Ms. Leslyn Lewis:** When you say “we”, you're not talking about you or the minister.

**Mr. Dominic Rochon:** That's correct. I'm talking about the department.

**Ms. Leslyn Lewis:** The department. Okay. So they are accurate in saying that they didn't hear from you or the minister at that time, during the period that they stipulated today.

**Mr. Dominic Rochon:** That's correct. I would have to get back to you specifically. I personally did not speak with a senior official at Sunwing, but our deputy minister, Mike Keenan, had an interaction. I believe that's probably the reference to the 28th that you are referring to.

**Ms. Leslyn Lewis:** When you saw all that luggage all over the place at the airport, don't you think that instead of sending out a tweet it would have been important to make that connection, to give Canadians some assurance that the government they elected to take care of them is actually on the crisis and doesn't show up when the crisis is over?

**Mr. Dominic Rochon:** We were interacting with airport authorities. We were interacting with air carriers. We were interacting with VIA Rail. There was interaction happening to understand exactly the extent of the issues, and we were seeking assurances from all the various players on what they were doing to rectify the situation.

Of course, at the same time we were in the middle of three massive storms that were happening—

**Ms. Leslyn Lewis:** I'm sorry. After you gained that understanding—

**Mr. Dominic Rochon:** —so it's not as though this was a calm period that we were going through. Of course, we were also dealing with all these issues at a time when many of our officials were going through Christmas holidays as well, so....

**Ms. Leslyn Lewis:** Right, but they have devices on them. They have cellphones, and they could—

**The Chair:** Unfortunately, Dr. Lewis, there's no more time left in your slot. Thank you very much.

Next we have Mr. Chahal.

Mr. Chahal, the floor is yours. You have six minutes.

**Mr. George Chahal (Calgary Skyview, Lib.):** Thank you, Chair, and thank you, officials, for joining us and providing some testimony today.

I'm going to start with the Canadian Transportation Agency and Madame Pégeot.

We have 33,000 claims. Do we have a breakdown of those claims and which industry members they're attributed to?

**Ms. France Pégeot:** We have just put on our website the number of complaints per 100 flights that we have received per airline. I would be happy to send you this information after the meeting.

I should point out, though, that these are the complaints we received, which doesn't necessarily mean those complaints have merit and would lead to compensation. However, it gives an idea about the number of complaints we received per company.

**Mr. George Chahal:** Okay. You have a breakdown of the airlines, for each individual airline. Do you have information on how many of those complaints are resolved by the airlines prior to coming to you? What is the percentage?

**Ms. France Pégeot:** We do not have access to that data.

**Mr. George Chahal:** Is that a challenge of the airlines not providing it, in that they cannot provide it to you, or that you are not able to get it from them?

**Ms. France Pégeot:** There are no regulatory requirements for them to provide us that information.

**Mr. George Chahal:** How many cases were resolved prior to this last year?

I know that the APPR came forward in 2019. You had a number of cases come forward. How many were brought forward to the CTA that you reviewed and that resulted in compensation or in further penalties? In how many cases did the passengers get compensation because they were right to go through this process—they won—but you assessed further fines or penalties on the airlines or industry members?

**Ms. France Pégeot:** I could give you a breakdown of the number of complaints we have received over the years. Ninety-seven per cent of those complaints are resolved informally through our facilitation services. In those cases, at the outset, we do not necessarily know how those complaints are resolved. Sometimes they are resolved between the industry and the consumers. Sometimes, of course, we play a facilitator role, but we do not keep track of that.

What we do have is the 3% that would be for adjudication. These go through the tribunal, the administrative tribunal, and are decided on by the members of the tribunal. For these, we could get this information for you.

• (1555)

**Mr. George Chahal:** Okay, so you don't have that information on hand, but you could provide it to the committee.

**Ms. France Pégeot:** Yes, we could provide it to the committee.

**Mr. George Chahal:** Why is the CTA not issuing further penalties or fines to industry members if they are non-compliant, or has it? If so, can you provide examples of that?

**Ms. France Pégeot:** For sure, we can. We have given fines.

I would start by saying that we have many tools to achieve compliance with the regulations. At the core of our system is that it provides remedies for passengers when they encounter problems during their travel journey, which is why we favour the resolution of complaints. In those cases, consumers get some form of compensa-

tion. When we provide an administrative monetary penalty, it doesn't go to the consumers or to the passengers.

That being said, we have six—and will soon have seven—enforcement officers who are very active in monitoring what's going on in the industry. We have given administrative monetary penalties for more than \$185,000 and almost \$100,000 since the beginning of this fiscal year.

As I mentioned earlier, with respect to what happened over the holiday, they are monitoring things and gathering data, and some investigations are going on.

**Mr. George Chahal:** I don't have much time.

I have two questions. Do you have enough authority? Which areas of the APPR do you believe we should strengthen to protect passengers?

**Ms. France Pégeot:** I will go straight to the answer, then, because you don't have a lot of time. I think that based on our experience, one area that could be beneficial is to really clarify what we call the categorization of flights. The fact is that we have three categories of flight cancellations: those for which the airline is responsible for the issue, those for which the airline is responsible but it has happened because of safety, and those for which it is not responsible. We have, I would say, grey areas that are big. If we could reduce those a bit more and have more clarity, that would certainly help.

**Mr. George Chahal:** Thank you.

If you have any other information you could provide to the committee, as discussed, that would be greatly appreciated. Thank you.

**The Chair:** Thank you very much, Mr. Chahal.

[*Translation*]

Thank you very much, Ms. Pégeot.

Ms. Vignola, you have the floor for six minutes.

**Mrs. Julie Vignola:** Thank you very much, Mr. Chair.

Ms. Pégeot, good morning and thank you for being here.

As of December 20, 2022, there were more than 30,000 citizen complaints pending with the Canadian Transportation Agency; we've talked about that before. You also said that 97% of the complaints were handled informally.

Is it correct that the agency's annual budget is around \$44 million?

**Ms. France Pégeot:** Our base budget is about \$34 million and we have received an additional \$11.5 million for the current fiscal year, until the end of March.

**Mrs. Julie Vignola:** Are the current delays due to a lack of financial resources, a lack of human resources or a greater need for planning on an organizational level?

Did the regulations cause the number of complaints to explode and the delays to increase, as you said? What is causing this backlog and how can this be resolved?

You mentioned automation, but there must be other ideas that are on the table.

**Ms. France Pégeot:** In response to the previous question, I indicated that there was a need to clarify the criteria associated with the different categories of disruption, as these categories determine the compensation to which the passenger will be entitled. As this information is currently in the hands of the airlines, if the passenger is not satisfied with the carrier's response, he or she has to turn to the agency to possibly receive compensation. This leads to a number of complaints.

We have also implemented a program to improve our efficiency. I am quite proud of the work done by the employees. For example, it now takes 79 days for a case to get to court once our formal process has started. Last year it was 103 days, and the year before that it was 117 days. So we are constantly improving what we do.

In fact, this year we're going to be able to handle 2,500 more complaints than last year with essentially the same resources. You heard the minister earlier. We are working with him to look at the resources we need and I am very grateful for that.

● (1600)

**Mrs. Julie Vignola:** The agency, by virtue of its work, can have a say or provide some input into the regulations, correct?

**Ms. France Pégeot:** In fact, we are responsible for making the regulations under the law which is passed by Parliament.

**Mrs. Julie Vignola:** In the past year, have you met with any airline representatives, such as lobbyists, for example?

**Ms. France Pégeot:** We have two roles, the first of which is that of a court. We have the powers of a superior court. We are there to resolve disputes between parties. That aspect of our mandate is very strictly governed and there is absolutely no direct contact between the parties.

On the other hand, in our regulatory enforcement role, like any other regulatory agency, we do have to be in contact with companies on occasion to resolve certain issues. Now, those contacts are really framed in that context.

We recently published a statement on our website about our independence, explaining how we maintain that independence, while still being able to perform our regulatory enforcement role effectively.

**Mrs. Julie Vignola:** Have you met with representatives of consumer protection bodies in the course of your regulatory activities?

**Ms. France Pégeot:** Indeed. I met on at least two occasions with representatives of the Automobile Protection Association, which is very important in the field of travel given the role it plays. I also met with the heads of the Public Interest Advocacy Centre. In addition, at least twice a year I have meetings with representatives of disability rights groups, given the role the agency plays in accessible transport.

**Mrs. Julie Vignola:** Our legislation, unlike European legislation, provides for three categories of flight disruptions, one of which includes disruptions attributable to the airline, but necessary for safety reasons. Should this "loophole" be closed, as it appears to be problematic in the resolution of complaints and compensation?

Sometimes an airline will say that a disruption was necessary for safety reasons, even though everything seemed to be working fine. We want to believe this, but the company does not provide details. Does this become a loophole? Safety is very important, that's very clear to everyone, but should we simplify things by removing this category or changing it?

**Ms. France Pégeot:** It would be good to have a clearer understanding of what passengers are entitled to. At the moment we have to navigate through different grey areas. If we could tighten up the rules, it would certainly help passengers. It would also help the industry to better understand its obligations. It would also help us, particularly in the context of enforcement, but also for the court, when it comes to making decisions.

**The Chair:** Thank you, Ms. Pégeot and Ms. Vignola.

[English]

Next we have Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have six minutes.

**Mr. Taylor Bachrach:** Thank you, Mr. Chair. I'd like to begin with some questions for Ms. Pégeot.

Thank you for being here. You mentioned the need to clarify the flight categories, which are listed in section 86.11 of the Canada Transportation Act. Canada, as you mentioned, has three categories. It seems as though a lot of the behaviour we're seeing from the airlines stems from the fact that there's this loophole in section 86.11 that allows airlines to construe almost every issue resulting in delays or cancellations as a safety issue. We're talking about flying aircraft through the air with hundreds of people on them, so lots of things are related to safety.

The European Union takes a very different tack. In the European Union there are only two categories. There's a category for ordinary disruptions. These are disruptions that could have been avoided by reasonable action on the part of the airline, such as making sure there are enough crew, making sure there are enough aircraft, or making sure those aircraft are properly maintained. The other category is extraordinary circumstances. These are things like terrorism or things like manufacturing defects that are identified by the manufacturer of the plane.

Why did Canada...? Maybe that's not the question for the CTA, because it goes back to the origin of the regulations, but do you feel that it would be productive for us to move towards the more simplified, two-category system that the EU uses? The EU is held up as having the gold standard when it comes to air passenger regulations.

I'll pose that question to you and then perhaps to the folks from Transport Canada.

● (1605)

**Ms. France Pégeot:** These are not in the regulations. Those three categories are in the legislation.

**Mr. Taylor Bachrach:** That's right. They're in the Canada Transportation Act, yes. I'm sorry if I misspoke.



**Ms. France Pégeot:** I think the minister mentioned in the session before that he was looking at clarity. As I've just mentioned, I think having more clarity around those categories would certainly help.

I'd like to maybe point out too that the tribunal issued two decisions this summer with respect to areas around safety. In some cases, the companies were arguing that a crew shortage caused some safety issues. What the agency said in that context was that with regard to the safety rule, if the safety issue was because of the action or inaction of the company, it could not use this excuse to not compensate passengers. The agency also put the bar fairly high, I would argue, in terms of using safety as an excuse not to compensate.

In those two cases, as we know, one has been challenged before the court by one company, and the other company challenged as well and appealed our decision. In the second case, the court did not accept the appeal.

**Mr. Taylor Bachrach:** My understanding, just to follow up, is that in the case that was allowed leave to appeal, the judge said, yes, it seems like there's a lack of clarity; I can understand that reading of the legislation.

Does that not point to the need to close that loophole and move towards a simplified categorization?

**Ms. France Pégeot:** I would not want to speak for the judge, because in the end the judge has to decide based on what is in front of them and what was prepared to go for the appeal.

I'm not ready to qualify this as a loophole. I think bringing more clarity, as the minister indicated as well, would certainly be beneficial.

**Mr. Taylor Bachrach:** I'm going to shift to a different topic. I'd like to ask the folks from Transport Canada about administrative monetary penalties. I'd perhaps start by asking a broader question: What is the purpose of these administrative monetary penalties? What's the policy objective?

**Ms. France Pégeot:** Maybe I should answer that, Mr. Chair, if you don't mind.

**Mr. Taylor Bachrach:** Sure. Those penalties exist in the legislation. That's why I thought it might be....

**Ms. France Pégeot:** The objective of those penalties is to achieve compliance. We have many tools to achieve compliance. A key one is processing complaints, which actually gives compensation to the passengers. That's why at the core of our regime is a remedial regime to provide that compensation to the passengers in order to somewhat counteract some of the problems they would have had. When we provide administrative monetary penalties, it's another tool to achieve compliance.

**Mr. Taylor Bachrach:** When you fined WestJet recently, I believe there were 53 infractions and 55 separate violations, and the amount you fined them amounted to \$200 per passenger affected.

Now, the cost of providing the compensation under the APPR was between \$400 and \$1,000. You can see why, as a company that is looking to maximize profits and minimize costs, there's an incentive here to skirt the rules. First of all, you don't get caught very often. A very small fraction of passengers ever file a complaint with

the CTA. Then, when you finally do get busted and the CTA slaps your wrist, it costs you only \$200 per passenger. That seems like a screaming deal.

Can you see the point?

• (1610)

**Ms. France Pégeot:** Let me explain to you what we have done. First of all, those administrative monetary penalties were not provided because there was no compensation. Those monetary penalties were given because the company did not respond within 30 days to the complaints. That's the first point I'd like to make.

The other is that according to administrative law, when you have a system providing administrative monetary penalties, or AMPs, you need to have a gradual or incremental approach, so that the next time we have a company like WestJet or others—because we have given AMPs to Air Canada, to Flair, for the same offence—we would therefore double the penalty and continue like that. That's essentially what the principle of administrative law—

[*Translation*]

**The Chair:** Unfortunately, Ms. Pégeot, I have to stop you here.

[*English*]

Mr. Bachrach, you can continue with this line of questioning in your next round.

Next we have Ms. Lantsman.

Ms. Lantsman, the floor is yours. You have five minutes.

**Ms. Melissa Lantsman:** Thank you so much, Mr. Chair, and thanks, everybody, for accepting the invitation to appear before our committee.

Madame Pégeot, I want to bring something to your attention. In the last hour, we heard the minister say Sunwing had violated passenger rights. That's new information, and it's rather at odds with what he said about the impartiality of the CTA.

Besides that, do you believe that to be true? If so, is there a way to expedite the compensation for Canadians who were stranded this holiday season on their travel plans related to Sunwing? I'm sure we can clear up a lot of that backlog if the minister is saying, loud and clear, in committee, that "Sunwing violated passenger rights."

**Ms. France Pégeot:** Okay. I may have missed that quote from the minister.

Actually, from the outset, when the situation started at the end of December, our enforcement officers were on the ground and were actively monitoring the situation, were gathering information and have now launched some investigations, so I can assure you that if the regulations were not complied with, we will take action.

**Ms. Melissa Lantsman:** The problem—and I think why we're here at committee—is that Canadians feel left behind. There is a backlog of 33,000 cases that they're hearing about, many of them taking 18 months to get compensation. These are people who saved up all their money to take a family trip, to finally go away for Christmas or to finally reunite with their families, so you can understand the frustration in trying to clear this backlog.

I just want to jump over to the Canada Transportation Act, the legislation we're talking about. There is a section in there that says the minister can issue policy directions to the CTA. That again goes counter to impartiality, but it's within the legislation that he can provide policy direction.

I just want to know if you've had any policy direction from the government with respect to tightening enforcement on passenger rights, which we've talked about and which may come later. The minister has that ability now. Have you gotten any policy direction with respect to enhanced enforcement on notices of violation or any meaningful administrative monetary policy, on which my colleague just asked for the reason...? I think the reason he asked what that was all about is that \$200 doesn't seem like a monetary penalty that's going to make a dent in these big airlines. I just want to know if you got any policy direction.

**Ms. France Pégeot:** Let me first say that I am certainly not happy to have 30,000 complaints in the backlog. This is something that we have been working on really diligently, to improve our processes and to make sure that we use as well as possible the budget we have been given. I know that this year, for example, we'll be able to deal with 2,500 more complaints than we did last year.

We have received some directions from the minister or from previous ministers. For example, it is on the direction of the minister that we have developed a new regulation on refunds, which is a gap that was identified during COVID. There was no provision in the regulation to provide refunds to consumers when the incident was outside the control of the companies. We have resolved that gap, resulting in a new regulation that came into force in September.

• (1615)

**Ms. Melissa Lantsman:** I'm talking specifically about enhanced enforcement of our passenger rights regulations. I'm talking specifically about notices of violation when it comes to the conduct of these operators, and then specifically about monetary policies. I think Canadians would agree that whatever is happening in passenger rights protections—which is why we are all here—is not enough.

**Ms. France Pégeot:** This falls under the responsibility of the agency and therefore under mine. During the holiday, our six—and soon seven—enforcement officers have been on the ground, have been monitoring the situation, have been gathering information and have launched investigations. If we notice that there were some contraventions to the legislation and the regulations, we will take action.

**Ms. Melissa Lantsman:** I have just one more question for the CTA. Given this talk of impartiality, even though the board of the CTA is appointed by the government, how do you communicate with the Department of Transport? Is it by encrypted email?

**Ms. France Pégeot:** No, actually.

We have two roles. One is as an administrative tribunal. With respect to the decisions that are made by the tribunal, there is a very thick wall, I would say. There is absolutely no discussion there at all; nor is there with respect to enforcement. That is our responsibility. We're responsible for that.

Of course, when we develop a regulation, when we face a situation that affects our responsibilities, I think it's our duty, actually, to coordinate with colleagues from other organizations, or to speak to them and understand what they're doing. We would be openly meeting with the Department of Transport. This doesn't affect our independence at all, which is why we developed an independent statement, which we have put on our website, that explains the differences in roles and how we behave in the different roles.

**The Chair:** Thank you very much, Ms. Lantsman and Madame Pégeot.

[*Translation*]

Unfortunately, I have to cut you off once again.

[*English*]

Next we have Ms. Koutrakis.

Ms. Koutrakis, the floor is yours. You have five minutes.

**Ms. Annie Koutrakis:** Thank you, Mr. Chair, and thank you to all our officials for being here this afternoon and for your very valuable testimony.

I also want to take the opportunity, because I'm sure you don't often hear this, from the bottom of my heart, to thank you and your teams very much for all the hard work you do. I know this isn't easy. A lot of very difficult questions are being addressed to you today. I have full confidence in your ability to see us through this difficult time. Thank you for doing what you do.

This question is for Transport Canada officials. I don't know who could take it. Earlier, when the minister was here, my colleague, Ms. Lantsman, suggested he use authorities he has under subsection 49(1) of the act to order the CTA to conduct an inquiry into what happened during the holidays. However, if he opted for this, while the agency would be required to conduct an inquiry and make public a summary of its findings—of course without any confidential information—such an inquiry would be analytical in nature and would not result in any corrective action. It would also consume agency resources that might otherwise be applied to addressing the backlog in complaints, which Ms. Pégeot spoke about.

This would not necessarily be the best use of its limited resources, would it, especially if we are already starting to get a good picture of what happened and why it happened?

**Mr. Craig Hutton (Associate Assistant Deputy Minister, Policy, Department of Transport):** With respect to conducting an investigation, you're quite right just in terms of looking at the details of what happened over the course of the holidays. That is something the agency is empowered to do in terms of complaints that are brought before it. It can look at those individual cases and make those determinations as those complaints come forward, with respect to what the individual circumstances were, and make rulings based on what it has before it. It has that power now. Many Canadians and passengers may choose to avail themselves of that opportunity, if they haven't already, in the coming days, if they're not seeking redress directly with air providers in the air sector system.

With respect to the use of resources, I'll leave it to the agency to talk a bit about how it organizes itself to manage the complaints that come to it.

You're quite right, in terms of any broad investigation, that the minister may ask or make a broad inquiry of the agency. That would deal not with any specific instance faced by a passenger but with the broad issues around the events over the holiday period. It wouldn't necessarily come to any particular recommendations on that.

That being said, I think the minister was quite clear that whether as a result of the study by this committee or other events he has hosted, conversations he's had, or interactions officials have had with transportation providers, we are looking very closely at improvements that can be made as a result of not only the disruptions we saw over the holiday period but also of course the congestion we saw over the course of last spring and summer. With respect to all these things, we are looking very closely for improvements that can be made, not only to the APPRs and the passenger rights regime but also, of course, more broadly in terms of how the sector responds and conducts its operations.

• (1620)

**Ms. Annie Koutrakis:** Staying with Transport Canada, I want to pivot to a question about VIA.

Can you comment on the restoration of VIA service and what actions were taken?

**Mr. Dominic Rochon:** I'm going to jump in, if I may, to correct something that the minister may have said in the last session. I want to get it on the record. He mentioned that VIA doesn't own any of the tracks it uses. In fact, it owns less than 5%. I wanted to add that little correction. He rightly said, though, that there are challenges.

We have started to invest. We have started to provide resources. I don't know whether Nick wants to take that question from a rail safety perspective.

**Mr. Nicholas Robinson (Associate Assistant Deputy Minister, Safety and Security, Department of Transport):** Sure.

As the deputy just mentioned, the restoration of service was made more difficult because CN was responsible for repairing the track that was impacted by a derailment by CN. We focus on the train that was struck by a tree, but the reason service was delayed and cancelled on the 25th and 26th was that there was a derailment as well along that same corridor. It was in a very difficult part of that corridor. It was in a culvert, so it was very difficult for workers to get to. It took quite a while. Both tracks were impacted. It took two days—close to three days—to restore service.

What we did at Transport Canada, as part of the continuation of keeping abreast of and working to address the challenges over the storm period, was work with CN and VIA right from the beginning on the derailment that happened on the 24th, but also on the train that was stranded on the 23rd. We made sure there was a rescue operation. Another train came in to offload the passengers who were stranded on the tracks. Unfortunately, due to weather and track conditions, that took far too long. We understand that and we'll work with VIA on that.

We are also undertaking our own—

**The Chair:** Thank you very much, Mr. Robinson. Unfortunately, I'm going to have to cut you off there.

Thank you very much, Ms. Koutrakis.

[*Translation*]

Ms. Vignola, you have the floor again, for two and a half minutes.

**Mrs. Julie Vignola:** Thank you, Mr. Chair.

Mr. Rochon, during the pandemic, the airlines received several hundred million dollars in aid of various kinds to maintain their expertise, including that of their employees, and to be able to meet their recurring costs.

Some citizens have contacted me by electronic means to say that they feel they have been double-slapped. After agreeing without protest to see these companies helped with their taxes, since this help was justified to save these domestic companies, they have seen them refuse to compensate them diligently for the setbacks suffered in the delivery of services.

I honestly did not know what to say to these citizens, so I ask you what you would say to them.

• (1625)

**Mr. Dominic Rochon:** Thank you for your question.

Unfortunately, the situation we've faced in the last few years is quite extraordinary, after all.

As you know, the pandemic happened. Once the worst of it was over, passenger numbers suddenly jumped last summer by 300%, according to the figures I have. That contributed significantly to the difficulties that occurred this summer. Then there was this rather unique situation of all these storms that came through over the holiday season.

The only thing the Canadian government can say is that they are well aware of the situation, that they are doing their best, that they are bringing all the players in the ecosystem together to try to rectify the situation and fix the problems.

I think some progress has been made regarding the difficulties that arose over the summer, but there is more to be done, particularly with regard to the Air Passenger Protection Regulations, which we are talking about today, to strike a better balance in the future.

With the help of the experts on this committee and with the discussions that are going on, I hope we will get there.

**The Chair:** Thank you very much, Mr. Rochon and Ms. Vignola.

[*English*]

Next is Mr. Bachrach.

Mr. Bachrach, the floor is yours. You have two and a half minutes.

**Mr. Taylor Bachrach:** Thank you very much, Mr. Chair. I'm going to try to fit in two questions, so please bear with me.

Ms. Pégeot, you clarified that the fines issued to WestJet were not for failure to provide compensation. Has the CTA ever levied fines against an airline for failing to provide compensation under APPR?

**Ms. France Pégeot:** No.

**Mr. Taylor Bachrach:** Why not?

**Ms. France Pégeot:** It's because what we have done...we have proceeded with that. As I said, the first thing we do is that we really focus, first of all, on complaints, because this is what puts money in the pockets of consumers. The first line of action for the CTA is really around that.

The other thing is that this is a relatively new regime, right? We started to do complaints that are under APPR not that long ago. In some cases, we have tried, but at the same time, too, we need complaints for that, and in some cases the companies have resolved the complaints informally with passengers.

**Mr. Taylor Bachrach:** I find it quite alarming that despite all the 33,000 complaints, there have been no fines for failure to provide compensation. However, I'm going to move on to the officials from Transport Canada.

I'd like to speak to a slightly different issue. We've been focused on the situations faced by air passengers. Of course, on board those aircraft are also flight attendants, who are in many cases stuck in the same situations that the passengers are and are tasked with the very difficult job of managing hundreds of passengers under stressful and trying circumstances.

First, I want to thank them for the hard work they do. Second, I want to raise some of their concerns that have come to light.

First of all, I wasn't aware that flight attendants aren't paid unless they're actually on a flight. The recent disruptions have increased dramatically the amount of time that flight attendants aren't on board a flight, and have affected their overall pay. Secondly, the kind of duty time regulations that apply to pilots are not extended to flight attendants working in the back of the plane, despite the fact that their roles are critical to the safety of the passengers on board that aircraft.

Is the department aware of these concerns? Is it working on policy to address them?

• (1630)

**The Chair:** Could we have a very short answer, please?

**Mr. Colin Stacey (Director General, Air Policy, Department of Transport):** I'll start with the issue on payment and how that applies.

These would be included in collective agreements. I don't think it's something we could particularly comment on. It's an arrangement between the employer and the employee.

**Mr. Nicholas Robinson:** I'll speak to the flight and duty time regulations. That is an issue that has been raised by flight attendants. We are looking at the issue.

As you know, the flight and duty times for aircrews have just come in. We're implementing those, but it's something that we look to address, either through their safety management system or, if there's a need, through stand-alone regulations.

**The Chair:** Thank you very much, Mr. Robinson, and thank you, Mr. Bachrach.

Finally today, we will go to Ms. Lantsman, to whom we will give three minutes to ensure we finish somewhat on time.

Ms. Lantsman, the floor is yours. You have three minutes.

**Ms. Melissa Lantsman:** Thanks.

Madame Pégeot, I want to come back to a question I started before. It's my understanding that the CTA and Transport Canada regularly exchange encrypted emails. It is my understanding that some of these emails have been deleted. I'm going to give you the opportunity. Maybe you misspoke in saying that's not the case, but an affidavit that the CTA filed in Federal Court suggests the opposite.

For every Canadian watching, for every Canadian who has a complaint filed with the CTA and for all those who were left sleeping on airport floors and shuffled from hotel lobby to hotel lobby in a foreign country, I want to know how you ensure transparency and independence if the public cannot scrutinize any of the emails through access to information or any of the tools that we as an opposition have at hand.

I want to know how it's possible that you would serve the Canadian public, who are looking for answers and who I'm not sure have found any in this hour of this committee, and how you ensure they get the information they need through the right channels, if you're using encrypted email to speak to the Government of Canada about cases?

**Ms. France Pégeot:** Just as any citizen can have access to information, they can have access to the different documents we work on.

We speak with Transport Canada. We exchange emails. We have meetings.

I want to reassure the committee, Mr. Chair, that when it comes to complaints, there is a clear wall between the agency and Transport Canada. The members of the agency who make decisions on complaints are totally independent.

I myself have no authority over the members. They have been appointed by the Governor in Council based on good behaviour, so they cannot be fired if the government does not like the decisions they make. Contrary to other Governor in Council positions that are appointed, we call it "at pleasure", so there is absolute independence. I invite you to consult the independence statement on our website, which provides a lot of details on how we ensure our independence.

**The Chair:** Thank you very much, Ms. Lantsman.

I'll take this opportunity to once again thank all our witnesses for appearing today.

I'd also like to thank our members for asking questions on behalf of Canadians, as well as all the translators, analysts and clerks for making today happen.

With that, this meeting is adjourned.

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