

Canadian
Transportation
Agency



Office
des transports
du Canada

THE AIR TRAVEL COMPLAINTS COMMISSIONER'S REPORT



July 2002 to December 2002

Available in multiple formats

Canada 

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Printed and bound in Canada

ISBN 0-662-67281-X

Catalogue No. TW1-5/2002-2

This Report and other Canadian Transportation Agency publications are available in multiple formats and on its Web site at: www.cta.gc.ca.

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Ottawa, ON K1A 0N9





Commissaire aux plaintes
relatives au transport aérien

Air Travel
Complaints Commissioner

May 2003

The Honourable David M. Collenette, P.C., M.P.
Minister of Transport
Transport Canada Building – Place de Ville
330 Sparks Street
Ottawa, ON K1A 0N5

Dear Minister:

Pursuant to section 85.1 of the *Canada Transportation Act*, I have the honour of presenting to you the Air Travel Complaints Commissioner's Report for the period from July 1, 2002, to December 31, 2002.

Yours sincerely,

A handwritten signature in black ink that reads "Liette Lacroix Kenniff".

Liette Lacroix Kenniff
Commissioner

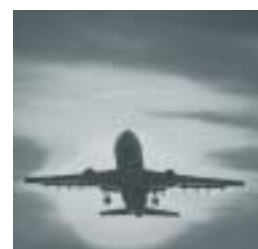
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COMMISSIONER'S MESSAGE

This report covers the period between July and December 2002, an ominous time indeed for air carriers, many of which are fighting for their very survival. This is reflected in the reluctance of some to consider any financial outlay to compensate a customer who has been wronged. The number of complaints has decreased somewhat since the time of peak turmoil in the air travel industry in 2000 and 2001, but dire financial straits and fierce protection of the bottom line translates into increased consumer dissatisfaction with the solutions offered by the air carriers.

Thus, many complaints now reaching the Commissioner's Office are more complex and require more tedious negotiations. Furthermore, this new trend involves more and more foreign carriers, which sometimes have a different approach when dealing with customer service complaints. An illustration of this tendency is reflected in the Travel Way incident in which some airlines refused to transport customers who presented tickets purchased from an authorized and accredited travel agent who had allegedly withheld payment to the airlines.

In the following pages, you will note that this report is somewhat different from the four previous reports, both in appearance and content. Since, by law, the reports must cover a specific six-month period, I have opted to concentrate the analysis on the period in question in the main part of the document, rendering it more concise. I found the constant comparisons of reporting periods repetitive and distracting to the reader.

The broader picture, a comparison to the last calendar year, is presented in the document in the form of tables and graphs that speak for themselves. With this report, I have also introduced a new section called "Roses and Thorns". From now on, each report will feature good business practices of carriers



that have gone "above and beyond" to satisfy the customer and spotlight those which have demonstrated poor business practices.

I firmly believe that my Office has achieved positive results for Canadian air travellers. Indeed, since the creation of this position in July 2000, the majority of complainants who appealed to the Commissioner to intercede on their behalf were satisfied with the results we obtained for them. Usually, our

negotiations with the carriers resulted in a better settlement for the consumer and clarification of the tariff rule by the carrier. Once again, the more challenging complaints are the ones of a subjective nature dealing with the quality of customer service. Even when the airlines admit to a failing in the delivery of the service, they are loath to “set a precedent” by offering monetary compensation. At best, they will undertake to review the incident and counsel staff, if appropriate.

In my view, improving service to customers is an excellent way to regain consumer confidence in air travel. In the current context, air carriers should take advantage of opportunities to offer tangible goodwill gestures as well as reduce irritants for air travellers. Air travel is not only about transportation, it is also about good service. Issues of safety and security remain the highest priorities but they should not completely over-shadow issues of customer service. I will be watching the situation closely to make sure that improvements in the quality of service continue.

That being said, since complaints are the most important research tool for improving services, many airlines in the United States and the members of the Association of European Airlines (AEA) now disclose and compare their customer-service results such as on-time performance and misplaced baggage incidents. If our Canadian carriers were to follow suit, full disclosure of their number of complaints would enable the public to form a judgment about the merits of the various carriers. In addition, by voluntarily disclosing essential data about the quality of

their services, Canadian air travel businesses would demonstrate their commitment, individually and collectively, to provide the best possible service to their customers.

Looking at complaints in more detail, there is both good news and bad news in this report. On the positive side, we have seen a marked decrease in Aeroplan complaints. I presume that the reduction in complaints is due to improvements in the way Aeroplan does business. While I am certain that these changes were a reaction to the numerous complaints Air Canada received from its Aeroplan members, I cannot help but believe that the intervention of this Office played an important role in bringing this about. Aeroplan irritants, such as telephone service and availability of seats, appear to have been successfully dealt with by Aeroplan, leading to happier customers. On the other hand, ticketing problems, such as difficulty in obtaining refunds and paying add-on charges, are on the increase and now constitute the second most frequent reason to complain. Travellers continue to complain about the way airlines present prices in their advertising, despite the Air Transport Association of Canada’s undertaking to make the total cost of travel more transparent.

In my last report, I made a recommendation concerning ticketing issues and I am encouraged to see that the Minister of Transport has made provisions in Bill C-26, presented to the House of Commons in February 2003, to deal with the issue of ticket price transparency. It encourages me to identify other systemic problems on which air carriers

should take action. The recommendations in this report include: compensation for lengthy delays; increased liability for lost or damaged baggage; undisputed acceptance of tickets issued by authorized representatives; and adjustment of airline policies for unaccompanied minors.

We have been constantly reviewing and improving our complaint process to make it as simple and accessible as possible for the Canadian public. Several communication tools have been used (Web site, brochures, ad campaigns, conferences, participation in trade shows and fairs, etc.) to inform the travelling public of the existence of the Office, the Canadian Transportation Agency's powers and responsibilities in this regard and the procedures for filing air travel complaints. As well, I met with different groups representing consumers, the industry and travel agents and granted many interviews in the news media.

My experience in the airline industry, combined now with my experience as Canada's Air Travel Complaints Commissioner, helps me better understand consumers' and carriers' needs to improve, for the benefit of all, the quality of service that is offered in Canadian skies. I firmly believe that, together, we can find workable solutions to individual and systemic problems affecting air travel within, to and from Canada, and improve the quality of services to customers.



Liette Lacroix Kenniff
Air Travel Complaints Commissioner

INTRODUCTION

The Office of the Air Travel Complaints Commissioner

The Office of the Air Travel Complaints Commissioner was created in July 2000 in response to concerns about the quality of air travel in Canada that arose during the restructuring of the industry. It acts as an impartial third party in the settlement of disputes between consumers and air carriers that operate to, from and within Canada.

The Commissioner's Office is part of the Canadian Transportation Agency, a quasi-judicial administrative tribunal that regulates various modes of transportation under federal jurisdiction, including air, rail and marine as well as accessibility to these services by people with disabilities. The Agency has the powers and rights of a superior court and can issue binding decisions in the handling of complaints that involve a possible contravention of various regulations that govern such areas as pricing, tariffs, unruly passengers and reduced services. However, the Commissioner does not have the authority to impose a settlement on either party.

Under Section 85.1 of the *Canada Transportation Act*, the Commissioner's principal responsibilities are to review and expedite the resolution of a broad range of air travel complaints. Complaints received

by the Commissioner are compiled and analysed in biannual reports. The reports include the number and nature of consumer complaints involving air travel, the manner in which the complaints were handled, and any systemic problems the Commissioner identifies within the air travel industry.

The majority of complaints received by the Commissioner deal with such issues as the quality of service provided by air carriers, ticketing, baggage handling and flight schedules.


Air carriers operating within Canada are largely deregulated and, for the most part, are free to adopt whatever pricing structure and terms and conditions of carriage they see fit. However, their terms and conditions of carriage must be clear, reasonable and not unduly discriminatory.

Carriers operating international services to and from Canada operate in a somewhat more restrictive environment, as they have to respect a number of bilateral air service agreements and inter-carrier agreements. Even so, international carriers also enjoy considerable flexibility in determining which terms and conditions of carriage to apply. However, their terms and conditions of carriage must also be clear, just and reasonable.



An air carrier's tariff must set out not only its fares, rates and charges, but also its terms and conditions of carriage. Carriers must abide by these at all times. If a carrier loses a passenger's baggage, for example, it must compensate that passenger according to the rules governing lost baggage that are set out in its tariff. Carriers must also make these tariffs available to the public upon request.

A significant number of disputes investigated by the Commissioner stem from a misapplication or misunderstanding of a particular tariff provision, by a carrier's own front line employees.



Supported by staff from the Agency's Complaints Investigation Division, the Commissioner may seek assistance from other Agency-based personnel for legal advice or for guidance on specific issues such as tariff and pricing matters.

Complaints that deal in whole or in part with issues that fall under the jurisdiction of other government departments or agencies, such as safety, transportation policy or anti-competitive behaviour, are forwarded to the appropriate authorities. In cases of overlapping issues within one complaint, the Commissioner separates the part or parts that pertain to her mandate and passes the remaining issues to the relevant authority.

The Complaint Handling Process

The Commissioner's complaint handling process is structured to give air carriers an opportunity to resolve as many disputes as possible without outside intervention.

Accordingly, the Commissioner recommends that a dissatisfied customer first contact the air carrier with a written complaint. If a consumer sends a complaint directly to the Commissioner without first writing to the carrier, the complaint is forwarded to the carrier with a request that it deal with the complaint within a specified time limit and advise the Commissioner of the results of its efforts. These complaints are referred to as **Level I Complaints**. Level I Complaints require relatively little staff involvement.

If a carrier fails to respond to a complaint within the established deadline or if a complainant is not satisfied with the carrier's response, the complaint will be referred to senior Complaints Investigation staff in the Commissioner's Office who will attempt to negotiate a resolution to the complaint that is satisfactory to both the complainant and the air carrier. These complaints are referred to as **Level II Complaints**. As much as possible, the investigation of complaints is conducted in an informal, co-operative and non-confrontational manner. Where these efforts prove unsatisfactory, the Commissioner will review the file personally and may choose to intervene with

the carrier if she believes that a complaint has not been dealt with appropriately. This approach has proven to be a very effective way to resolve many disputes.

In certain instances, the Commissioner may choose to refer complaints to the Canadian Transportation Agency. The Agency has the authority to compel carriers to respect their terms and conditions of carriage as set out in their tariffs. It may also order a carrier to compensate a passenger for his or her out-of-pocket expenses if these arose as a result of the carrier's failure to respect its tariff. However, the Agency cannot order any compensation for pain and suffering, stress, loss of enjoyment, loss of income, etc. These are issues that can only be resolved by civil courts.

Contacting the Commissioner

Complainants who have contacted the carrier first and are not satisfied with the carrier's reply are asked to submit a formal written complaint to the Commissioner by regular mail or facsimile, or by completing a complaint form on the Agency's Web site (www.cta.gc.ca).

Anyone seeking information about the Commissioner's complaint process may call a toll-free call centre (1-888-222-2592) that is staffed by bilingual agents. More than 4,926 consumers telephoned the call centre between July 1, 2002, and December 31, 2002.

Information about the Air Travel Complaints Commissioner and the complaint-handling process is available on the Agency's Web site (www.cta.gc.ca). The site provides access to helpful publications and links to the air travel industry, including telephone and fax numbers and addresses of customer service representatives of various carriers.



FINDINGS

This report covers the period from July 1, 2002, to December 31, 2002, a period when air carriers were still struggling to deal with the aftermath of the events of September 11, 2001. Passenger levels were low throughout the period, resulting in a cash crunch for many full-service scheduled carriers. As a result, during the period we saw the introduction of, or an increase in, a number of carrier-imposed surcharges designed to help airlines deal with the difficult financial situation. Additional charges for such things as insurance, security and fuel have now become the norm for most carriers, and the tendency to use such surcharges seems to be accelerating.

Faced with a harsh economic environment, there is a very real danger that carriers will react by cutting back on service at all levels of the company, and to some extent we have seen this happening with the emergence of Zip and Tango within the Air Canada family. However, to be fair, it appears that many consumers are willing to forego the frills of "full-service" airline travel in exchange for reduced prices. Hence, the continuing success of WestJet and the emergence of such new carriers as CanJet, Jetsgo and Zoom. Seen in this light, Zip and Tango are reasonable competitive responses to what appears to be a permanent shift in customer expectations.

Interestingly, I have received relatively few complaints about these low-cost alternatives. During the period under review, I received only ten complaints about Jetsgo, eight about WestJet, and two about CanJet (figures for Tango and Zip are included in

the statistics for Air Canada and are not available separately).

To some extent, the lack of complaints can be explained by these carriers' business model with its emphasis on short flights between city pairs with limited or no interlining, and hence a much reduced chance of problems arising from missed connections, lost baggage, etc. I also suspect that passengers travelling on these "no-frills" alternatives have reduced expectations about the level of service that they can expect and are therefore less prone to complain. In addition, the elimination of such things as in-flight entertainment and meals has reduced the number of potential irritants for passengers. It is hard to complain about the quality of the food when there is none!

But these new carriers also appear to place a very high priority on customer satisfaction and when the inevitable problems do arise, they deal with them promptly, efficiently and effectively, thus leaving travellers with little need to avail themselves of my services.

It is to be expected that the Air Canada family, which at this point in time consists of Air Canada, Air Canada Jazz, Tango and Zip, as the largest carrier in Canada, would receive the largest number of complaints of any carrier whether foreign or domestic, and this is indeed the case. During the period covered by this report, 76 per cent of the complaints that I received about Canadian carriers concerned problems that were encountered with one of the members of the Air Canada family. This being said, I must also point out that Air Canada's share



of the complaints I receive is consistent with its apparent share of the Canadian air travel market, and there are indications that its service levels have improved since the turbulent summer of 2000. This is not to say that there is no room for further improvement in Air Canada's performance, there certainly is. But things do appear to be getting better.

I am quite concerned about the number and the nature of complaints that I have received concerning two other Canadian carriers, Air Transat and Skyservice, both of which are much smaller than Air Canada, and both of which were the subject of 9 per cent of the complaints I received about Canadian carriers. For the first time, this report includes a detailed breakdown of the complaints I received concerning these two carriers.

As charter carriers, these companies tend to see their responsibility as being limited to flying their aircraft to destination and back. Charter tickets are sold exclusively through tour operators who are also primarily responsible for dealing with any problems encountered by the passengers.

However, in recent years, Air Transat has moved into the scheduled service market. It is now a designated scheduled carrier to both France and Cuba and operates a number of Canada/ US flights under its licence to conduct international scheduled services. Air Transat also operates a number of domestic flights between Toronto and such Western Canadian cities as Vancouver and Calgary. However, it continues to sell its tickets primarily through tour operators,

such as Vacances Air Transat and, in many ways, still appears to consider itself to be only a charter carrier.

While Skyservice also holds an international scheduled service licence and operates some scheduled flights in the Canada/US market, its operations consist mostly of charter flights. However, its alliances with Sunquest and Conquest Vacations make it a significant player in the Canadian air travel market and it operates some domestic flights for Conquest Vacations.

The greatest number of complaints received about both Air Transat and Skyservice concerned quality of service issues, 28 per cent in the case of Air Transat and 44 per cent in the case of Skyservice. These were followed by complaints about flight scheduling, including complaints about lengthy delays and the advancement of flight times, 25 per cent for Air Transat and 24 per cent for Skyservice and, Baggage Problems, 16 per cent and 14 per cent respectively.

Many of the complaints against these two carriers appear to be systemic in nature and the problems identified do not appear to be getting any better. In February of 2002, my predecessor, Bruce Hood, had a meeting with Air Transat management, in which he outlined his concerns about their service levels. At that time, he was advised that Air Transat was aware of these problems and had taken steps to resolve them. Judging from the complaints I received during the last six months, many of these problems remain unresolved.



SYSTEMIC ISSUES

While the resolution of individual complaints is a worthwhile pursuit, one of the most important jobs of the Air Travel Complaints Commissioner is to identify systemic issues and to find ways to solve them.

The Commissioner received a number of complaints concerning conditions on some of Air Transat's aircraft. These included comments such as:

- *"Although I was the first person to use the front cabin facilities since boarding, the washroom was filthy. There was toilet paper and water and other sticky substances on the floor. The toilet seat was surrounded in water (?) and debris – I had to wash and dry it myself in order to be able to use it, the stench was analogous to an out-house. When I pointed out to a female flight attendant that the bathroom needed attention, I was told that "it's always like that. The toilet never works properly."*
- *"The front cabin toilet overflowed and backed up. The smell, even with the door closed, was worse than at the beginning of the flight (...) and Club Class passengers were forced to make our way to the back of the plane where we found line-ups in excess of 10 people waiting, comparable odour, and only one of three toilets working properly."*
- *"We had no water so for 7 1/2 hours. We were unable to have a hot drink, we were unable to flush the toilet, we were unable to wash our hands or face, this plane was not fit to be in the air."*
- *"Once we were airborne, we were kindly told that we would not have hot beverage service (no big deal)... But neglected to stress the more serious matter – that we would be without the use of rest room facilities – unsanitary and disgusting!!! Not long into the flight, the smell of human waste began to permeate the aircraft (...) following by the smell of fresh vomit from a poor soul 4 rows behind us. What did the flight crew use to clean up the mess??? Certainly, not water! What did they wash their hands with??? A few drops of water from water bottles left in the washrooms! Following this, we had the refreshing experience of inhaling deodorizer, the scent which could turn anyone's stomach"*

The usual response from Air Transat to these complaints was to provide a \$50 voucher for future travel as a "good will gesture" and an explanation similar to the following:

- *"In some cases, when there is excessive water consumption or technical problems with the water reservoir or with the catering company, it is possible that the flight may experience water shortages. We can certainly appreciate the displeasure this may entail and we do apologize for this occurrence." (April 24, 2001)*



- *“We do apologize for any problem encountered with the lavatory in the Club Section. While our internal records indicate that the aircraft was serviced and groomed as per standard procedure prior to take-off, this matter was duly brought to our Maintenance Department for internal review.” (October 24, 2002)*

In the replies that the Commissioner received from Air Transat concerning these “plumbing problems”, there did not appear to be any recognition of an emerging pattern of problems with water supply and malfunctioning toilets on the carrier’s aircraft.

Concerned that these complaints were indicative of a systemic problem with Air Transat’s aircraft and frustrated by the carrier’s apparent unwillingness to recognize and deal with the problem in a meaningful way, the Commissioner and her staff began looking for ways to have the problems resolved. After following several false leads, a call to Health Canada determined that it had jurisdiction over sanitary issues on-board Canadian aircraft. The complaints were sent to Health Canada officials who conducted an inspection of conditions on the carrier’s aircraft.

As a result of this inspection, Health Canada determined that the size of the waste tanks on some of Air Transat’s aircraft was inadequate for the number of passengers carried. The carrier has agreed to increase the capacity of its waste tanks on the aircraft in question subject to Transport Canada approval.

The number of complaints about unsanitary conditions on Air Transat aircraft has since decreased significantly.



Complaint levels continued to decrease during the period covered by this report. The 731 complaints I received between July 1 and December 31, 2002, is the lowest number of complaints received in a six-month period since my Office was created in July 2000. However, the numbers do not tell the whole story.

The greatest reduction in the number of complaints received was in complaints with which the carriers had not previously dealt. These complaints, which we refer to as

Level I Complaints, are simply forwarded to the appropriate carrier by my staff, with a request that they be dealt with within a certain specified period of time and that a copy of the carrier’s reply be sent to my Office. There were only 304 Level I Complaints received during the reporting period, compared to 748 during the same six month period in 2001.

However, the number of complaints I received from travellers who, having dealt with the carrier, either directly or through

the Level I process, were not satisfied with the results they obtained, has remained fairly constant throughout the 30 months that my Office has been in existence. We refer to these as Level II Complaints. There were 305 such complaints received in the six months under review, compared to 291 for the same six months in 2001.

Not only is the number of Level II Complaints received remaining fairly constant, but the complexity of the issues raised in these complaints seems to be increasing. Thus, we are faced with trying to convince carriers which have already said "No" to a complicated complaint, that the customer has a legitimate grievance deserving of further consideration and increased compensation. Not surprisingly, this can be a bit of an uphill and rather lengthy battle. What is surprising is that in approximately 60 per cent of the Level II Complaints that were closed, we were able to obtain a better settlement for the complainant than he or she had been able to obtain when dealing directly with the carrier.

This does not mean that 60 per cent of Level II complainants were fully satisfied with the results of their complaints. After all, what may seem to an impartial third party to be perfectly adequate compensation may seem totally inadequate to the person whose vacation was ruined or whose property was lost or damaged. However, 50 per cent of the complainants whose Level II Complaints were closed during the reporting period, advised us that they were fully satisfied with the outcome of their case. A further 16 per cent said that they were partially satisfied with the results obtained, while 34 per cent were dissatisfied with the resolution obtained.

We consider that an additional 10 per cent of the Level II Complaints received were not justified in that the incident described was not sufficiently serious to merit further compensation from the carrier. This is not to say that these complaints were frivolous or vexatious, in fact I receive very few such complaints. It simply means that we considered the compensation offered by the carrier to have been appropriate under the circumstances.

Interesting Facts from the Current Reporting Period

- 83 per cent of the 731 complaints of all types received in the period concerned only 12 carriers.
- 70 per cent of the complaints received concerned Canadian carriers.
- 76 per cent of the complaints received about Canadian carriers concerned Air Canada and its affiliates.
- 9 per cent of the complaints received about Canadian carriers concerned Air Transat.
- 9 per cent of the complaints received about Canadian carriers concerned Skyservice.
- 21 per cent of the complaints received about foreign carriers concerned KLM, while a further 13 per cent concerned Northwest Airlines, a company associated with KLM.
- 14 per cent of the complaints received about foreign carriers concerned British Airways.

The 731 complaints received during this reporting period raised 1,087 issues.

- 30 per cent concerned quality of service.
- 21 per cent concerned ticketing problems.
- 15 per cent concerned scheduling problems.
- 14 per cent concerned lost, damaged or delayed baggage.

Of the 963 complaints that were closed during this reporting period:

- 511 were Level I Complaints.
- 351 were Level II Complaints.
- 101 were referred to other jurisdictions such as the Canadian Transportation Agency, Transport Canada, the Canada Customs and Revenue Agency and the Competition Bureau.

Complainants were looking for a variety of different resolutions to their complaints. Many wanted more than one outcome, for example, both compensation and an apology or a refund and a change of policy.

- In 30 per cent of the cases closed, complainants were seeking additional compensation from their carrier.
- In 26 per cent of the cases closed, they were seeking an explanation for the problems they encountered.
- In 21 per cent of the cases closed, they were looking for a refund of money paid to the carrier.

In Level I Complaints, complainants are asked to advise us within 30 days of receipt of the carrier's reply if they are not satisfied with the way in which their carrier dealt with their complaint. In the absence of any such advice, complainants are presumed to be satisfied with the carrier's handling of their complaint.

Of the 511 Level I Complaints closed during the reporting period:

- 71 per cent were presumed to be fully satisfied.
- 3 per cent advised us that they were only partially satisfied with the results obtained.
- 25 per cent advised us that they were dissatisfied with the results obtained and asked that their file be moved to a Level II status.

Of the 351 Level II Complaints closed during the reporting period:

- 50 per cent of the complainants advised us that they were fully satisfied with the results obtained.
- 16 per cent advised us that they were partially satisfied.
- 34 per cent said that they were dissatisfied with the outcome of their complaint.

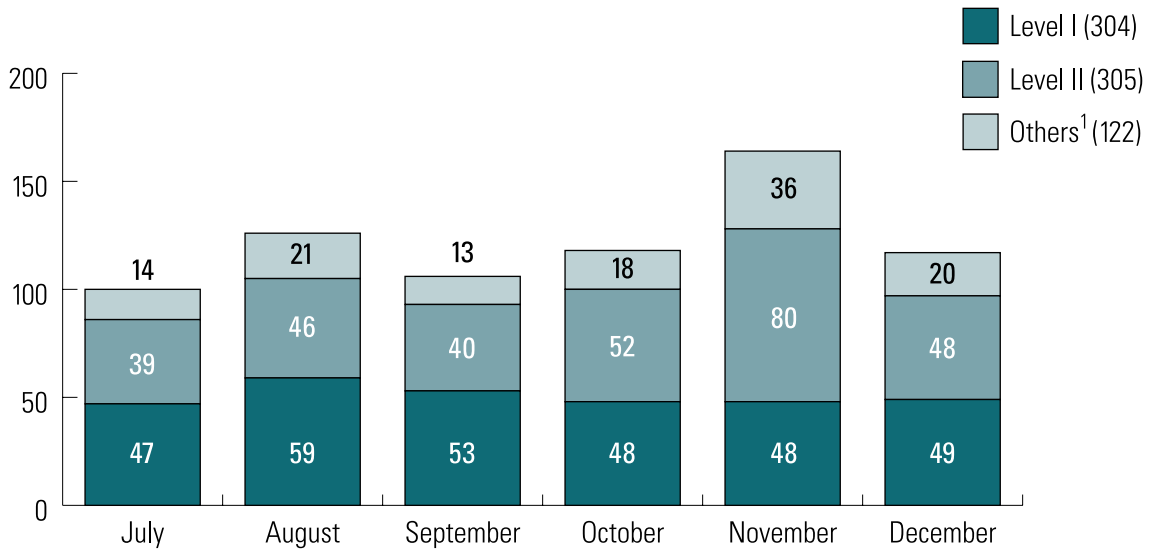


Reporting period from July 1 to December 31, 2002

The following tables and graphs detail the complaints received and resolved during the current reporting period. The statistics represent the complainant's status as of January 3, 2003.

Number of Complaints Received

A breakdown of complaints received by the Commissioner between July 1 and December 31, 2002, by complaint type.

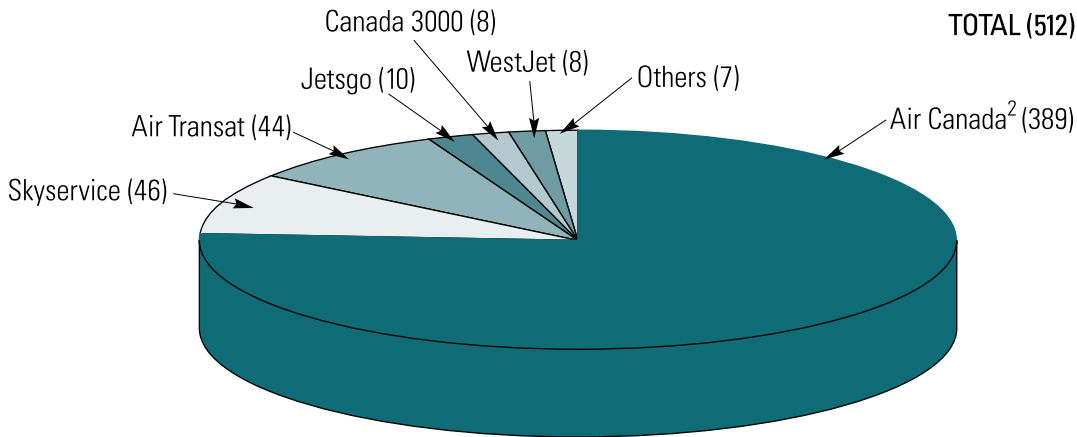


¹ Others refers to complaints forwarded to other divisions with the Agency, other government departments, agencies and organizations.

- Of the 731 complaints received during the current reporting period, 42 per cent were Level II Complaints requiring a full investigation by the Commissioner and Complaints Investigation staff; 41 per cent were Level I Complaints which had not yet been addressed by the carrier; and the remaining 17 per cent concerned issues that fell outside the Commissioner's jurisdiction and were passed along to the relevant authorities.

Distribution of Complaints by Canadian Air Carriers

A breakdown of the number of complaints received between July 1 and December 31, 2002, concerning the six most frequently named domestic air carriers.



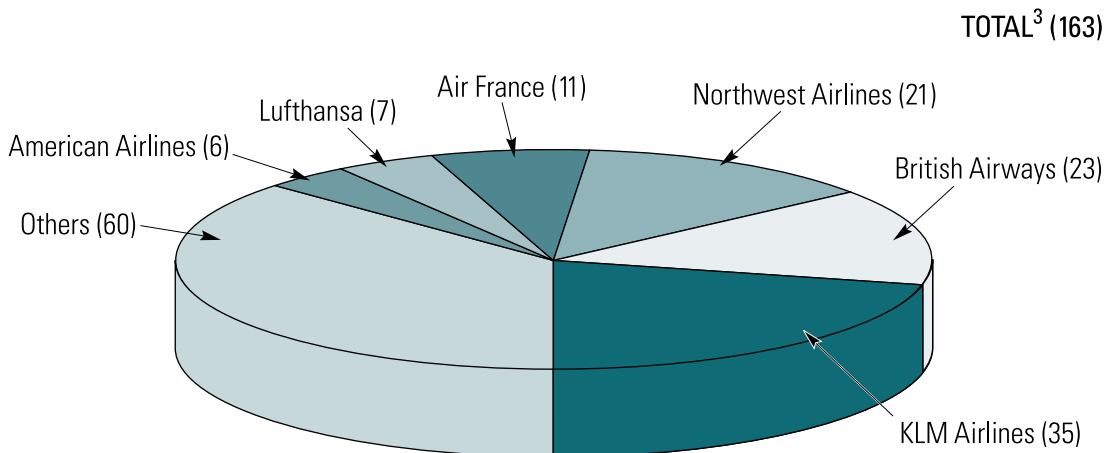
² Includes Air Canada affiliates.

- 76 per cent of complaints received about Canadian carriers during the current reporting period concerned Air Canada and its affiliates.



Distribution of Complaints by Foreign Air Carriers

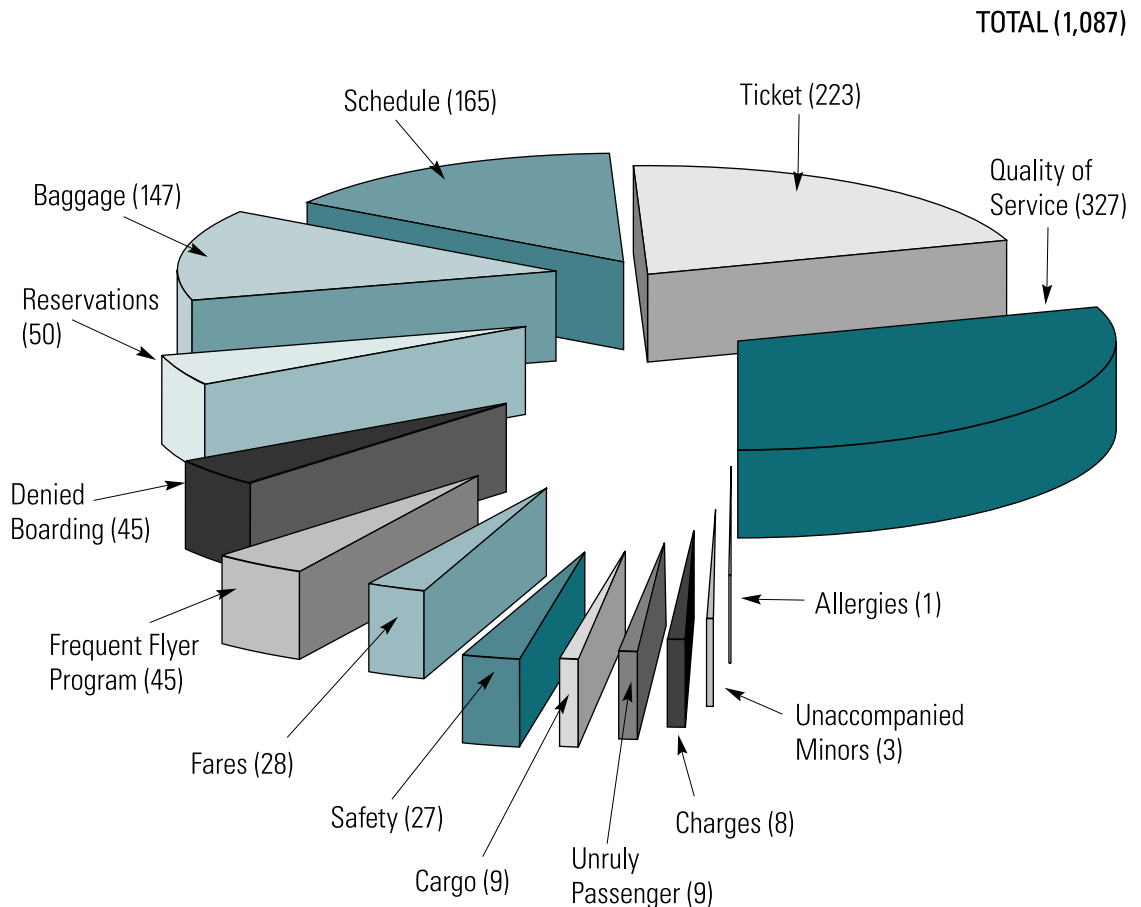
A breakdown of the number of complaints concerning the six most frequently named foreign carriers between July 1 and December 31, 2002.



³ Does not include 56 non-specific carrier complaints.

Complaint Issues – All Carriers

A breakdown of issues raised in complaints concerning all carriers between July 1 and December 31, 2002.



- Quality of service issues represented 30 per cent of the total number of issues raised during this reporting period, followed by ticketing issues at 21 per cent, flight schedules at 15 per cent, and baggage handling at 14 per cent.
- Complaints about ticketing issues, which includes such things as refunds and additional charges, have moved from third place to second place.

HOW GOOD IS YOUR TICKET? – THE TRAVEL WAY STORY

Although your ticket may appear to be genuine, it could be refused at check-in by the carrier.

During the week of October 14, 2002, Travel Way Services, a small travel agency located in a shopping mall in a Toronto suburb, sold nearly 800 tickets. All the tickets were sold on a cash basis, to unsuspecting customers, most of whom planned to visit their families in Asia, Africa or the West Indies over the Christmas holidays.

The travel agency apparently did not remit the approximately 1.5 million dollars it collected to the airlines.

People who had purchased their tickets from Travel Way were being told by the airlines that their tickets were invalid and that, if they wanted to travel as booked, they would have to purchase new tickets with little or no hope of ever getting back the money they had originally paid to the travel agent.

The mandate of the Air Travel Complaints Commissioner is to review complaints only after they have been dealt with by the airlines. However, in early November, when the Commissioner was contacted by the Travel Industry Council of Ontario (TICO) and the Toronto police, she immediately volunteered to try to help these consumers who had nowhere else to turn. TICO only protects consumers who are the victim of travel agency or travel wholesaler bankruptcies, or who have placed a deposit on a ticket but have not paid for it in full.

The resources of the Commissioner's Office were put to the task. The International Air Transport Association (IATA) and all the airlines involved were contacted and numerous attempts were made to convince the airlines to accept the tickets as issued. Different airlines reacted in different ways.

Some airlines categorically refused to accept the Travel Way tickets. Complaints concerning these carriers have been turned over to the Canadian Transportation Agency for investigation.

Some airlines made the consumers purchase new tickets but agreed to consider refunding the original tickets once they had completed a full investigation. As of December 31, 2002, they were still investigating. Complaints concerning these carriers are pending.

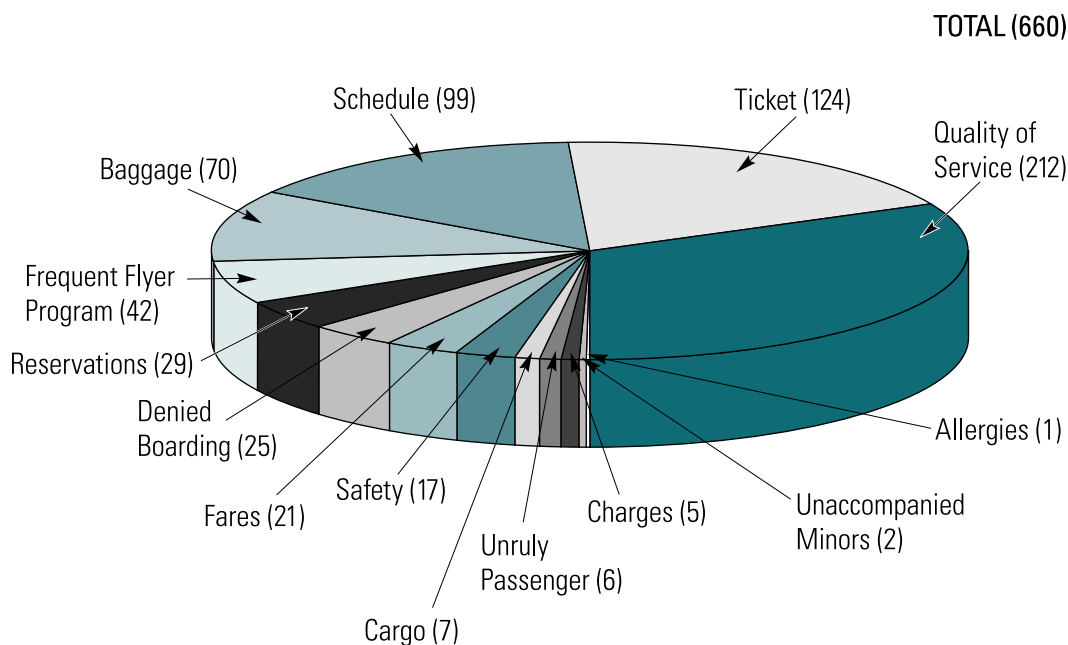


Two airlines stood out from the rest. Both British Airways and British West Indies Airlines decided to let their customers travel as booked, at no extra cost. At the time that British Airways agreed to honour its tickets, one consumer had already purchased two new tickets for his parents to visit family in India and the elderly couple had already set out on their trip. British Airways apologized to the son and offered him two replacement tickets to compensate for the ones that he had purchased.

I find it distressing that people who have purchased tickets in good faith from an accredited travel agency are being penalised for the failure of the travel agency to fulfill its contractual obligations with the airlines.

Complaint Issues – Air Canada

A breakdown of issues raised in complaints concerning Air Canada and its affiliates between July 1 and December 31, 2002.



LOST BAGGAGE COMPENSATION

Carriers limit their liability for lost baggage, but you might not even get the maximum compensation if your bag is lost.

The complainant was supposed to travel on KLM from Toronto to New Delhi via Amsterdam, but his flight was delayed and he was transferred to an Air Canada flight which was also delayed. As a result, he missed his connecting flight in Amsterdam and eventually returned to Canada at his request. His bags, however, went off on a journey of their own from which they failed to return.

The complainant's request to Air Canada for lost baggage compensation resulted in a cheque for \$1,057 being offered. Apparently this amount was arrived at using a standard industry weight chart to estimate the weight of lost baggage contents as there was no record of the actual weight of the missing bags. This standard weight chart was created by IATA several years ago and is used by a number of carriers when settling baggage claims. Compensation is calculated based on the estimated weight of a particular item and has no relation to the actual value of the lost goods.

A review of Air Canada's tariff determined that its liability for lost baggage is limited to US\$20 per kilogram for up to two bags per passenger and that each bag may weigh up to 32 kilograms. There is no provision in Air Canada's tariff for the use of an estimated weight chart. This discrepancy between the carrier's policy and practices was pointed out to Air Canada.

After a number of telephone conversations, e-mails, memos and meetings, Air Canada agreed to double the compensation offered to the passenger and to pay an additional \$1,057, based on the maximum allowable weight of the missing bags.

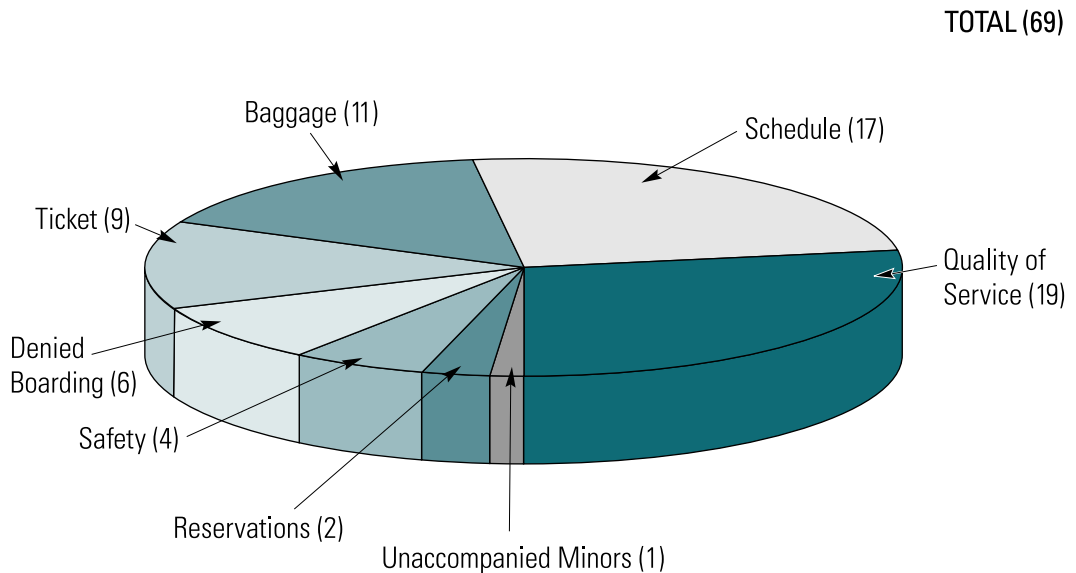
Air Canada has also agreed that, in the absence of a recorded baggage weight, in the case of lost baggage on international flights, it would base its future claims settlements on the maximum allowable weight of the missing bag or bags.

While this settlement is a major victory for consumers, I must point out that this is a voluntary undertaking that can be rescinded at any time. It is not binding on Air Canada and does not apply to any other air carrier.



Complaint Issues – Air Transat

A breakdown of issues raised in complaints concerning Air Transat between July 1 and December 31, 2002.



OVERNIGHTING IN A SMALL TEXAS AIRPORT

Lengthy flight delays can happen to anyone at any time. The test for an airline is how well it reacts when things go very wrong indeed.

When the passengers on an Air Transat flight from Mexico to Toronto in January 2001 heard a loud noise followed by the aircraft veering sharply to one side, they were somewhat relieved when the crew announced that they would be making an emergency landing at the nearest airport.

Harlingen, Texas airport was obviously not expecting a foreign aircraft carrying 200 Canadian vacationers and was not equipped to care for them when they descended from the sky at 11:30 in the evening.

Said one passenger: "We were kept on the plane a long time for US Customs to arrive. Finally, we were hustled off the plane and we were told the airline was making arrangements for us in hotels to stay overnight. That was the last we saw (...) our flight crew, they basically abandoned us in a cold paint-fumed room for the night."

The airline told the passengers to take whatever blankets and pillows they could find on board and asked the airport to allow access to the first class waiting lounge for the elderly and families with young children.

The wait lasted through the night while Air Transat tried to locate an alternate aircraft to resume the flight. Meanwhile in the airport, the lights were dimmed to allow passengers to sleep, "on a cold and dirty airport floor."

"No attempt was made to keep us informed of when or if a plane was coming for us," claimed another passenger.

When queried as to why the passengers were not sent to hotels, the airline said that between the time it would have taken to make arrangements, to ferry the passengers to the hotel and to check them into rooms, they would not have had very much time to sleep.

When a substitute aircraft finally arrived, the crew on board had not been briefed about the incident, no provisions had been made to board extra pillows and blankets for the exhausted passengers and the only food provided was a small, cold continental breakfast for the four-hour flight back home. The flight which had arrived in Harlingen at 11:30 p.m. finally departed at 7:55 a.m. the next day.

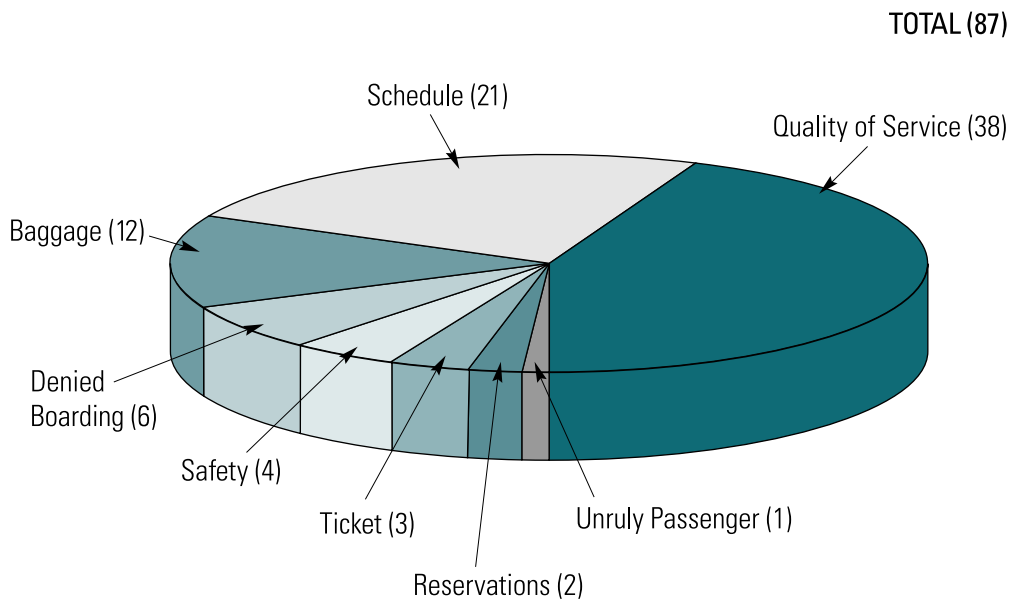
In its response to the passengers' claims, Air Transat said: "We were sorry to learn that some areas of our airline service failed to meet with your expectations" and went on to explain that "Air Transat cannot accept any liability for flight delays ... but solely as a gesture of goodwill ... all passengers on the flight were offered a travel voucher on Air Transat for \$50."

After much discussion and letters back and forth between Air Transat's Customer Relations and the Office of the Air Travel Complaints Commissioner, Air Transat upped the ante and sent the passengers who complained to the Commissioner's Office an additional voucher for \$200.



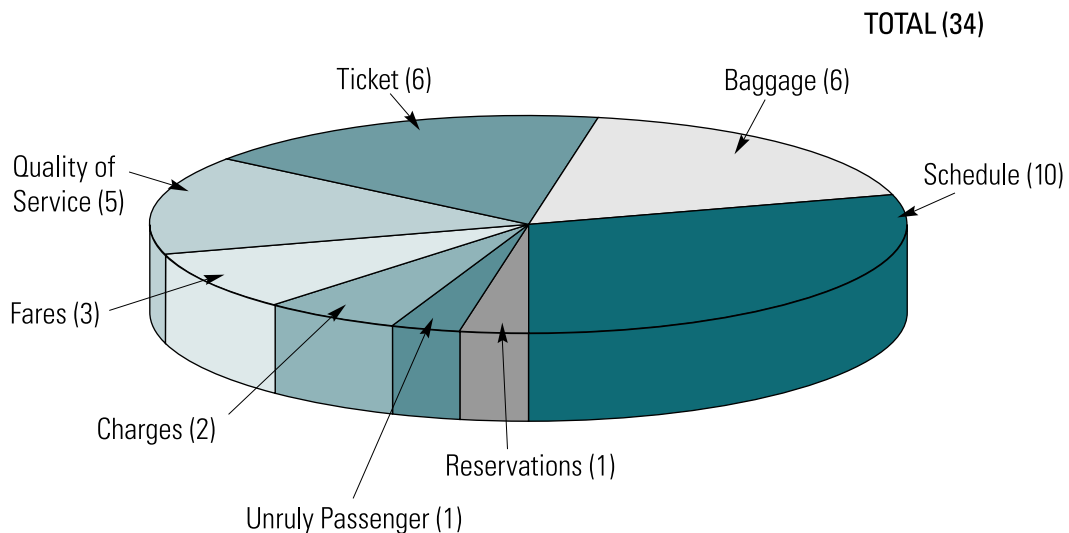
Complaint Issues – Skyservice

A breakdown of issues raised in complaints concerning Skyservice between July 1 and December 31, 2002.



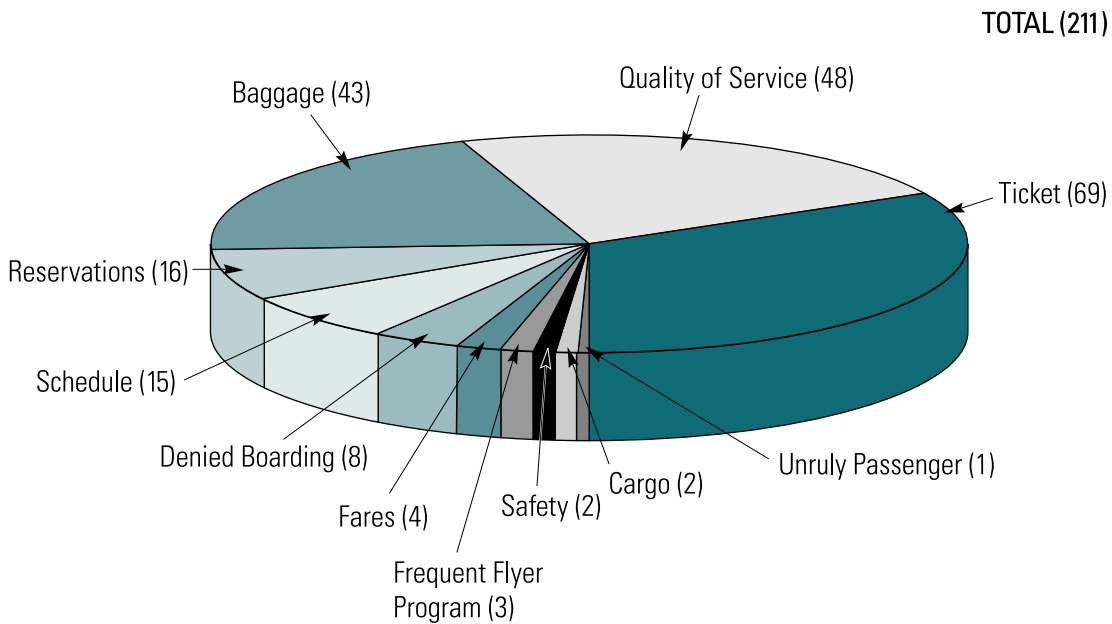
Complaint Issues – Other Canadian Carriers

A breakdown of issues raised in complaints concerning Canadian carriers other than Air Canada, Air Transat and Skyservice between July 1 and December 31, 2002.



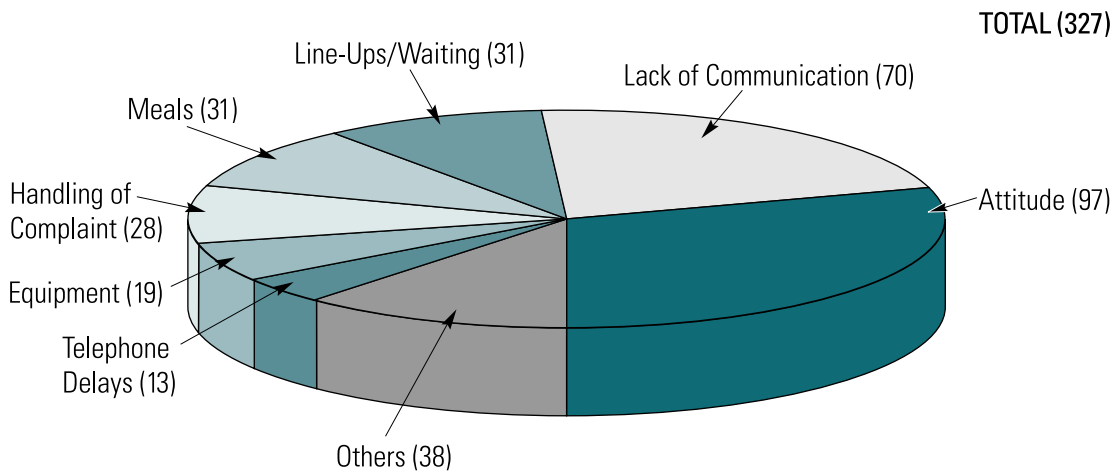
Complaint Issues – Foreign Carriers

A breakdown of issues raised in complaints concerning foreign carriers between July 1 and December 31, 2002.



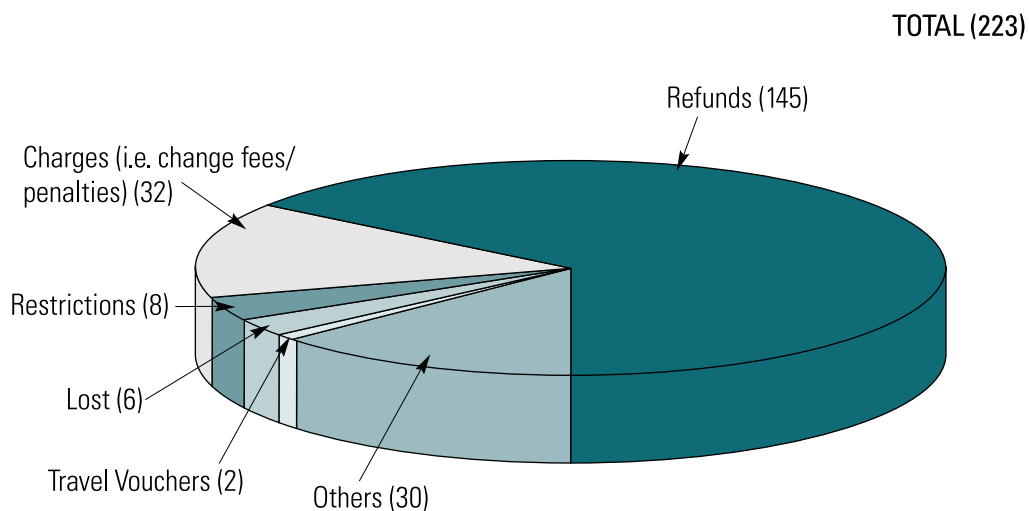
Quality of Service Issues – All Carriers

A breakdown of complaint issues involving quality of service between July 1 and December 31, 2002.



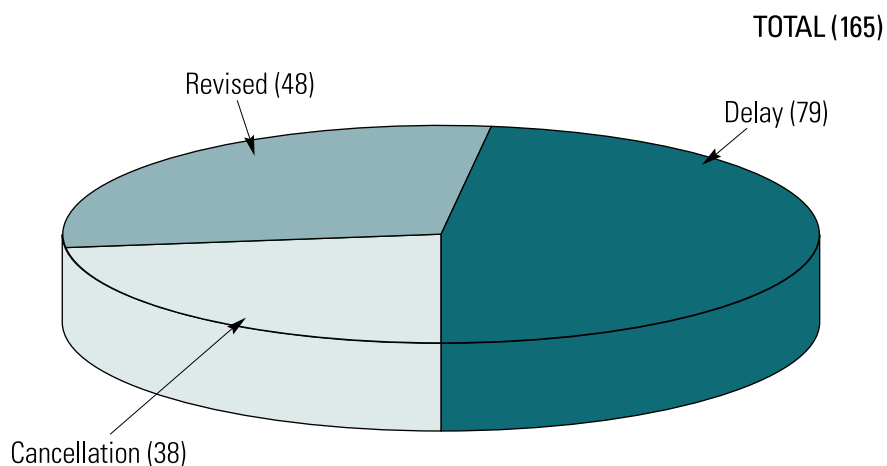
Ticketing Issues – All Carriers

A breakdown of complaint issues involving ticketing between July 1 and December 31, 2002.



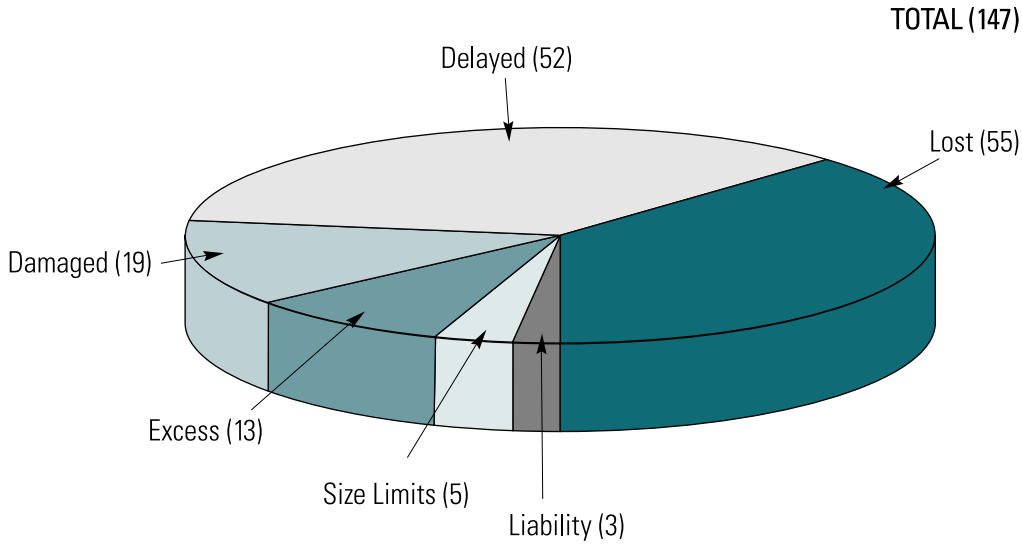
Flight Schedule Issues – All Carriers

A breakdown of complaint issues involving flight schedules between July 1 and December 31, 2002.



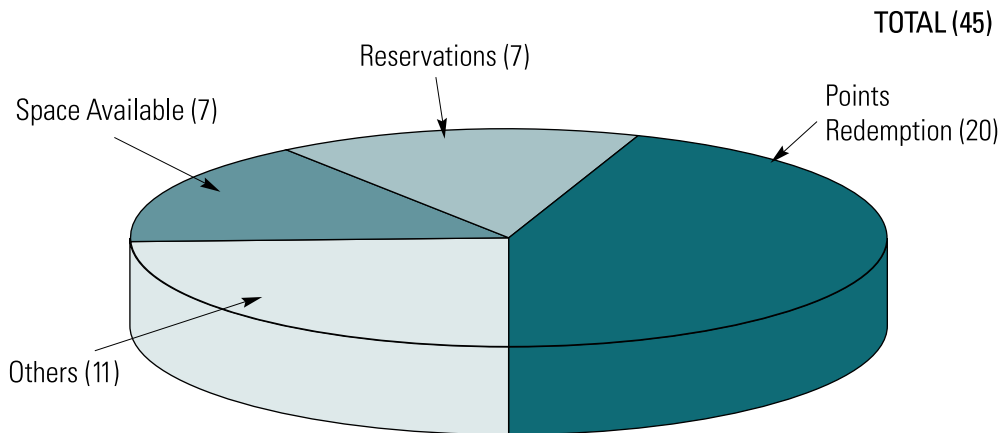
Baggage Issues – All Carriers

A breakdown of complaint issues involving baggage handling between July 1 and December 31, 2002.



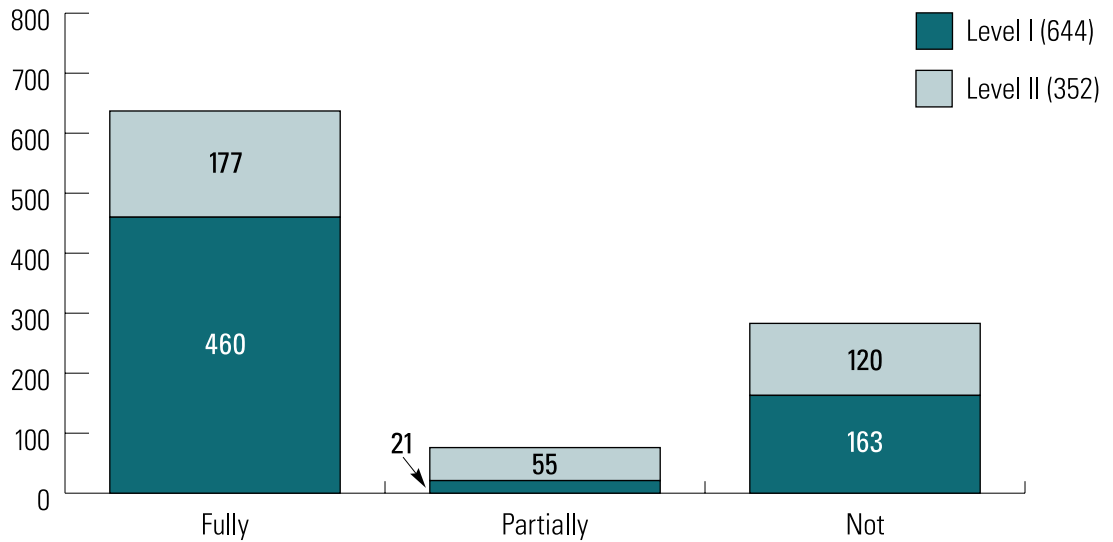
Frequent Flyer Program Issues – All Carriers

A breakdown of complaint issues involving frequent flyer programs between July 1 and December 31, 2002.



Satisfaction⁴

A breakdown of the level of complainant satisfaction achieved in the resolution of a complaint between July 1 and December 31, 2002.

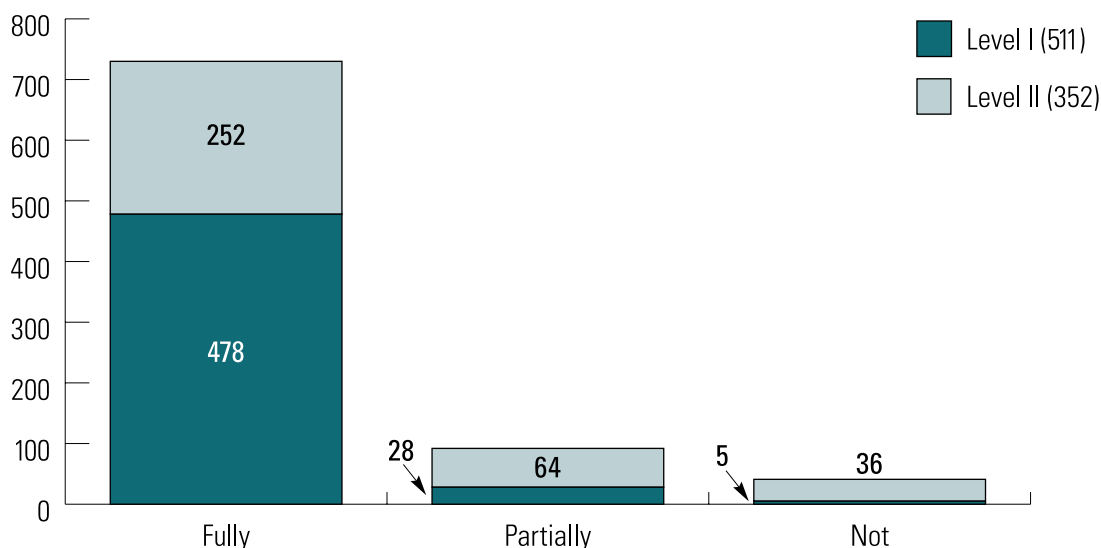


⁴ The reported satisfaction rate for Level II Complaints is based on the complainants' assessment of the results obtained by the Air Travel Complaints Commissioner. At the time that Level I Complaints are sent to the carrier for direct reply, the complainant is requested to advise the Commissioner if he or she is not satisfied with the results obtained. In the absence of any written advice to the contrary, the complainant is deemed to be satisfied with the results obtained. However, Level I responses are reviewed by staff to ensure that they are timely, reasonable and complete. Where one or more of these criteria are not met, or where the complainant advises us in writing that he or she is not satisfied, the complaint is transferred to Level II.

- The majority of complainants, 72 per cent, were either fully or partially satisfied with the outcome of complaints handled by the Commissioner's office during the current reporting period.

Justified (Merit)

A breakdown of the Commissioner's assessment of the Justification (Merit) of the complaints closed between July 1 and December 31, 2002.



A VERY BAD DAY

Typical of many complaints related to customer service issues, parties have conflicting versions of the same series of events, differing perspectives and, usually, equally strong convictions that their impressions are correct.

The basic facts of this case are rather straightforward and not in dispute. On an Air Canada flight from London, England to Vancouver, the complainant had the misfortune of having water spilled on her. Steps were taken to dry her clothes and she was given a different seat since her seat was too wet for her to sit in.

However, the story from the traveller's perspective is quite different from the airline's version of what happened after the accident.

According to the complainant: "I was shocked to find a 1 litre bottle of water spilled over me, soaking me completely. I had to immediately retreat to the toilet to undress. I spent the next hours completely nude except for a blanket and wet blouse, sitting on a crew jump seat while my skirt, slip, tights and underwear were draped around the galley to dry. It is not possible to describe the embarrassment, humiliation and discomfort which drove me to tears. At no time did any crew member offer an apology. In fact, the cabin attendant responsible for the spilling was defensive and hostile, only saying that the incident would be written up. For the record, both my feet were under the seat in front, so that I could not have been the cause of any tripping."



The carrier on the other hand stated: "It is reported that five hours into the flight, when the Flight Attendant was doing a water beverage service, she accidentally tripped over [the complainant's] feet and spilled some water on her... A full review of the reports, along with substantiation from adjacent passengers, confirms that this unfortunate incident was handled appropriately by the Flight Attendants."

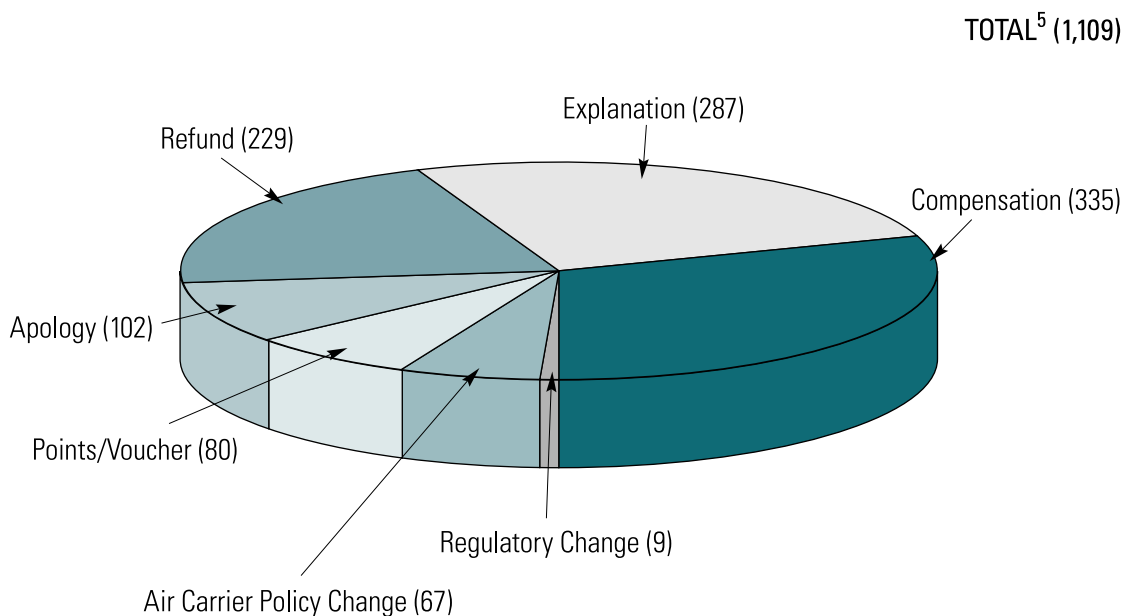
The carrier offered the complainant a \$75 voucher for future travel or a \$15 cashable voucher which is the normal compensation for spillage incidents. The offer was declined.

The two parties in this incident have very different views as to what happened and it is impossible to determine who is right and who is wrong. The parties also have different views on what would be appropriate compensation in this case. The Commissioner was unable to determine who was right and who was wrong and, given the fact that the compensation offered exceeded Air Canada's liability under the terms of its international tariff, the Commissioner did not press the carrier to offer a larger settlement in this case.



Remedies

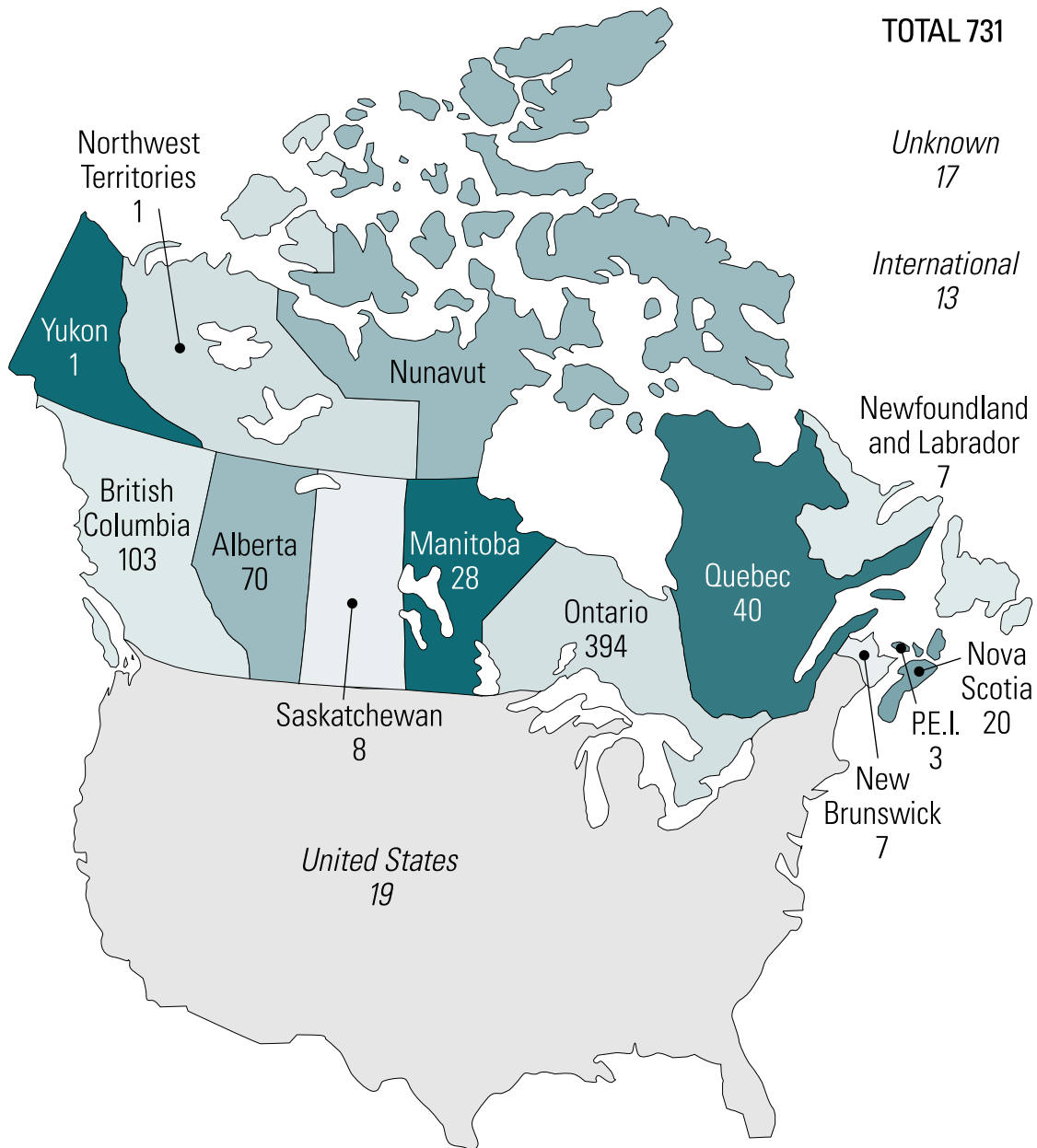
A breakdown of the types of remedies sought by complainants between July 1 and December 31, 2002.



⁵ Some complaints include multiple remedies.

Complaints by Province, Territory or Other

A breakdown of complaints received by province, territory or other.

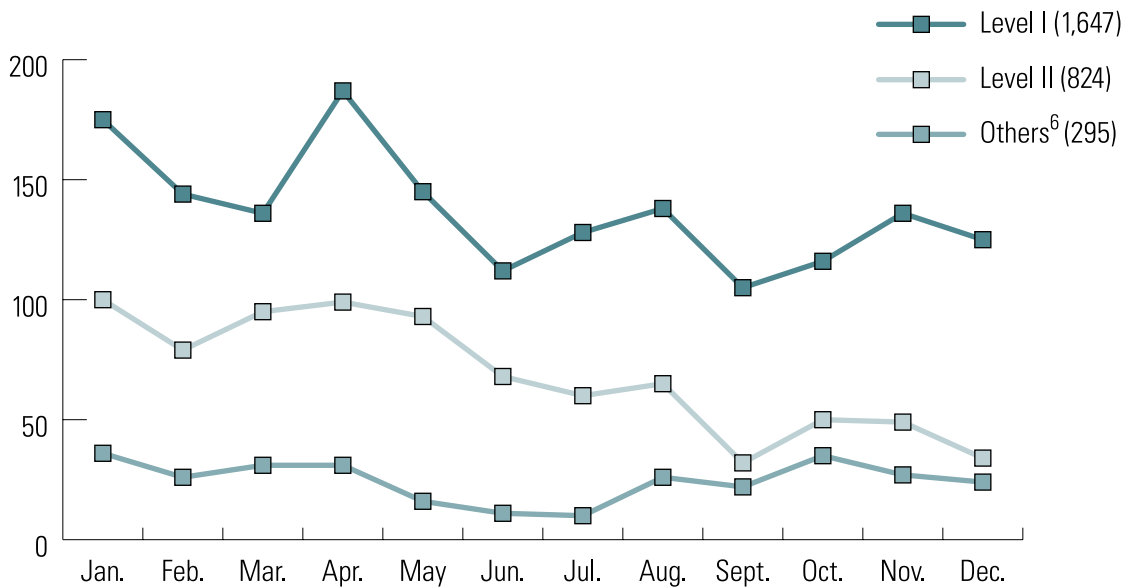


TWO-YEAR TRENDS

The following charts cover a two-year period from January 1, 2001, to December 31, 2002. They provide an overall look at trends in complaints that the Air Travel Complaints Commissioner has received.

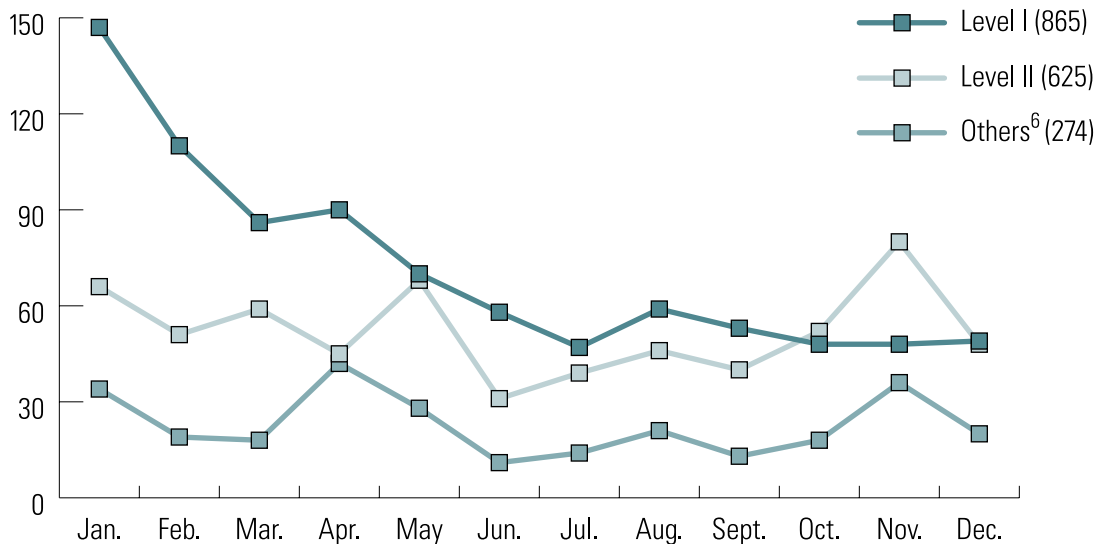
Complaints Received by Month for 2001

A breakdown of complaints received by month and type between January 1, 2001, and December 31, 2001.



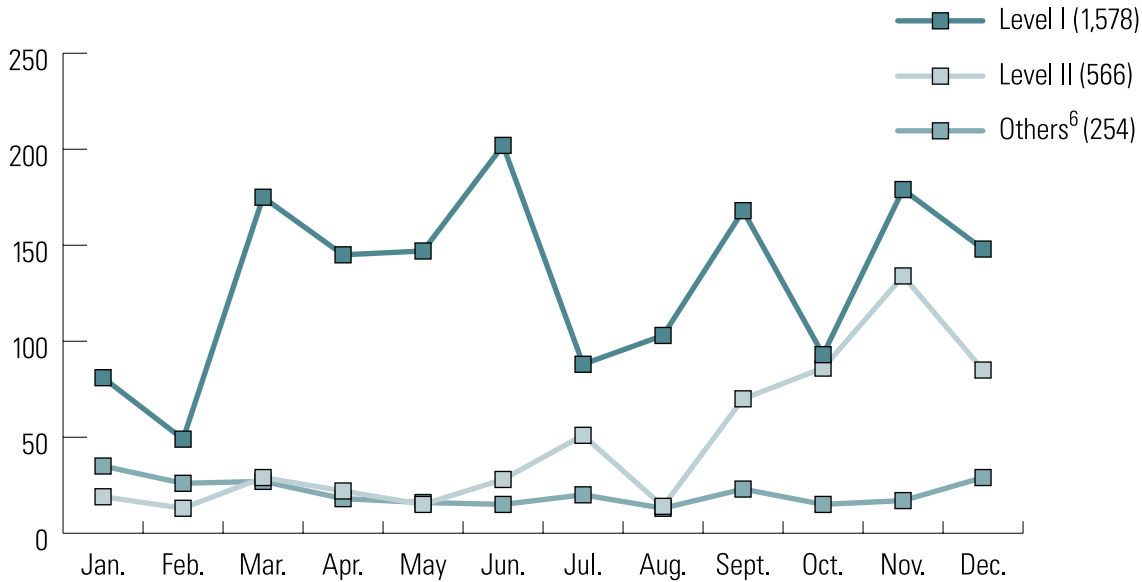
Complaints Received by Month for 2002

A breakdown of complaints received by month and type between January 1, 2002, and December 31, 2002.



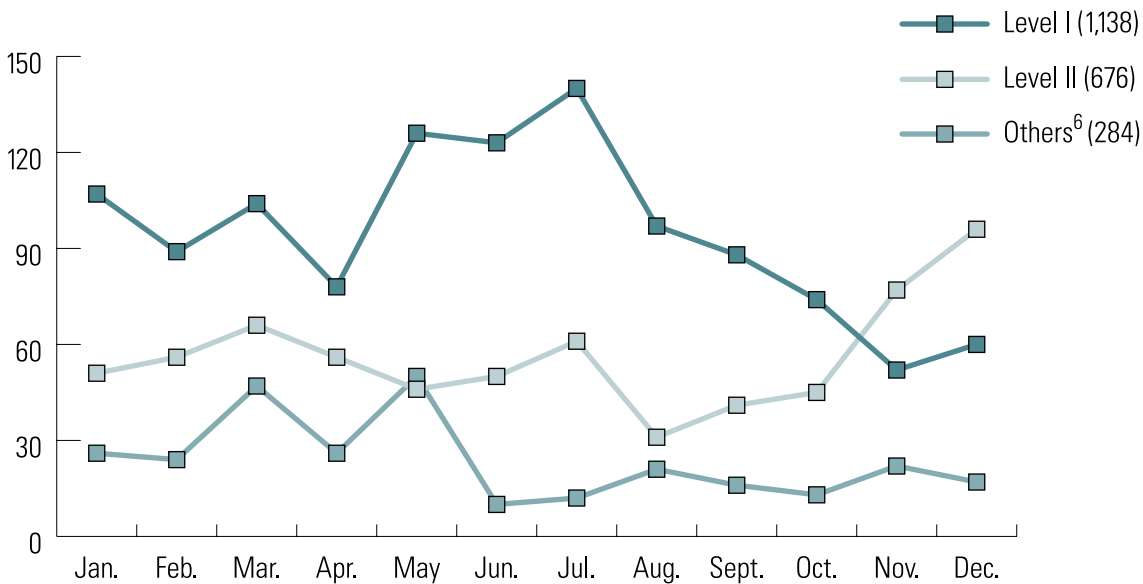
Complaints Closed by Month 2001

A breakdown of complaints closed by month and type between January 1, 2001, and December 31, 2001.



Complaints Closed by Month 2002

A breakdown of complaints closed by month and type between January 1, 2002, and December 31, 2002.

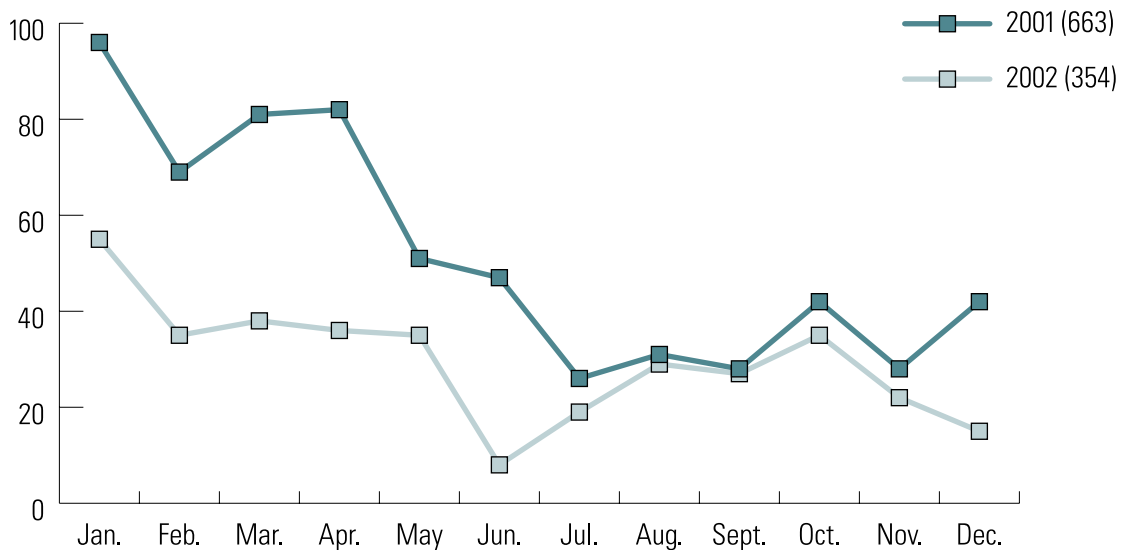


⁶ Others refers to complaints forwarded to other divisions within the Canadian Transportation Agency, other government departments, agencies and organizations.

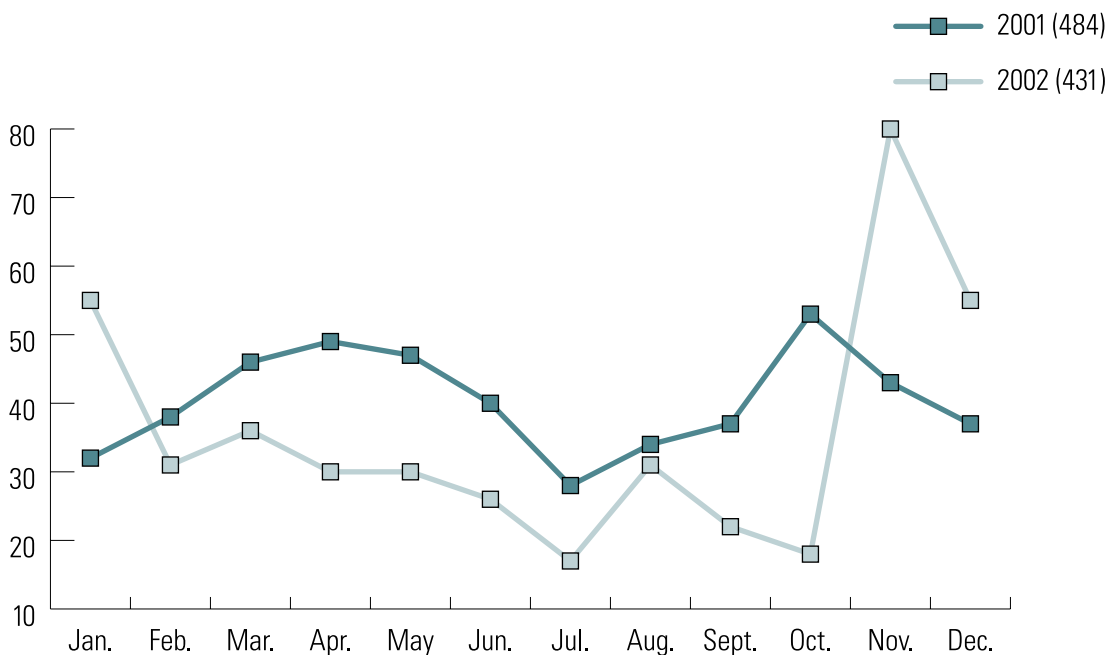
Main Complaints Issues Received by Month

A breakdown of five frequently cited issues raised in complaints concerning all air carriers by month between January 1, 2001, and December 31, 2002.

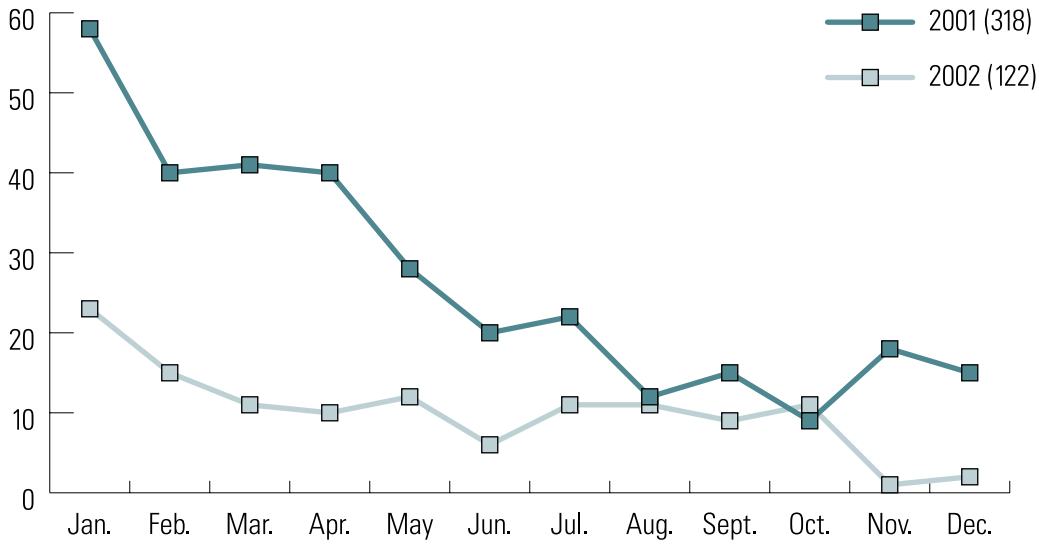
Baggage Issues



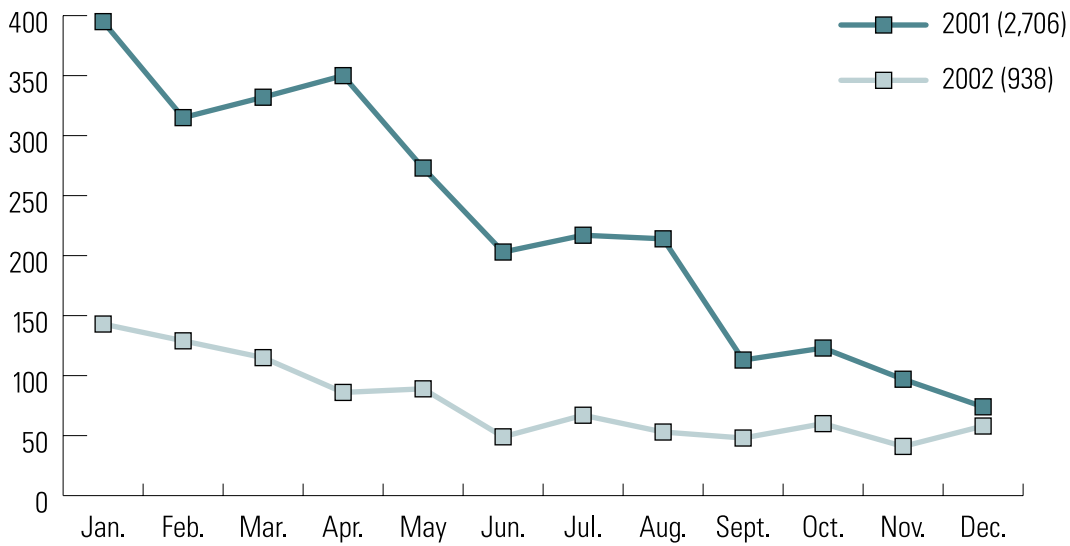
Ticketing Issues



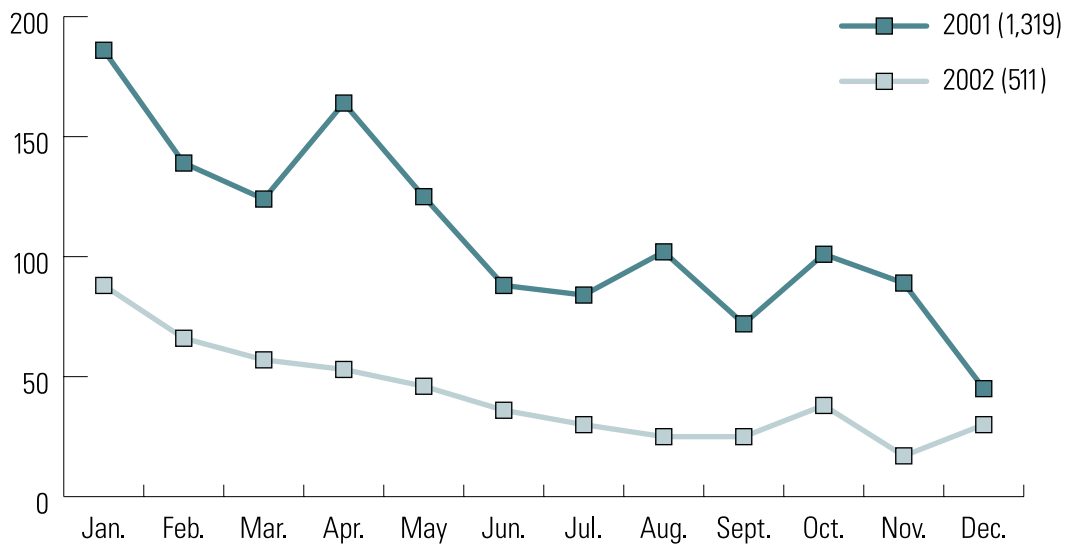
Frequent Flyer Program Issues



Quality of Service Issues



Schedule Issues



RECOMMENDATIONS

I RECOMMEND THAT:

1. *Air carriers improve the way they deal with and compensate passengers when flights are delayed.*
2. *Air carriers improve their policies concerning lost, delayed and damaged baggage to ensure that passengers are aware of liability limits and exclusions, and are equitably and promptly compensated when damage or loss occurs.*
3. *Air carriers accept all tickets issued by their duly accredited agents.*
4. *Air carriers adjust their policy for young people travelling alone.*

1. Air carriers should improve the way they deal with and compensate passengers when flights are delayed.

Flight delays are an unavoidable part of air travel as airplanes operate in an environment that is fully exposed to the vagaries of the weather, especially in Canada in winter, when weather-related delays are to be expected. Then too, while aircraft are dependable and sturdy, mechanical parts can wear out and when they do, delays are nearly inevitable. When the breakdown occurs in some remote corner of the world, delays can stretch into days. The issue is not that there are delays, it is more "How do airlines deal with their passengers when faced with delays?" In many cases, the answer is "Not well".

Regardless of the seriousness of the delay, whether it is a few hours or a few days, I believe airlines have the responsibility to keep passengers advised as to what is happening and when it is likely to be fixed. I realise only too well that, particularly with creeping delays, this is no easy task, but it is essential that travellers not be left in the dark when things go wrong. Most passengers will readily recognise and appreciate the effort. So, what should airlines do?

A. Provide food and drink.

While in the case of relatively short delays, those under four hours, good communications can do much to relieve passengers' concerns and frustrations. However, much more needs to be done as delays begin to stretch beyond that point. When delays extend over normal mealtimes, all passengers, not just those who ask, should be provided with food and drink. If this is done by way of meal vouchers, then carriers should ensure that the value of the coupons is such that passengers can purchase a reasonable meal. Carriers should also ensure that there are outlets available where the coupons may be used.



B. Allow passengers to go back to the gate.

I am of the firm opinion that, when there is a significant delay and passengers have already boarded the aircraft, every effort should be made, consistent with safety and security, to return passengers to the terminal. This is especially important when an aircraft's heating or cooling systems are inoperative. Lengthy, on-aircraft delays under sweltering conditions with no food, drink or reliable information, are all too common.

C. Provide overnight accommodation.

When delays extend into the "normal" sleeping hours, that is from 11 p.m. to at least 6 a.m., it is not unreasonable to expect that sleeping accommodations be provided to passengers or, if they are in reasonable proximity to their residence, that transportation to and from home be provided along with clear instructions concerning the time that they are expected to be back at the departure gate. Passengers should also be provided with a means of advising people waiting for them at destination of the delay and their likely arrival time.

D. Allow delayed passengers to cancel their trip.

Most serious of all are those delays that extend beyond eight hours. I recommend that, in such cases, when the delay happens at the point of origin, passengers should, in addition to all of the points mentioned above, be provided with the opportunity to cancel their trips and to receive a full refund, even if their tickets are of the non-refundable type. After all, the passengers have lived up to their side of the bargain and it is through no fault of theirs that the aircraft has not departed.

E. Offer tangible compensation.

If, notwithstanding the eight-hour plus delay, passengers opt to travel anyway, then I recommend that they be offered a cash refund of a significant portion of the airfare they paid. Alternatively, passengers could be awarded bonus frequent flyer points or vouchers for future travel in an amount that is at least twice as much as the cash refund. These offers should be made proactively and equally to all passengers whether or not they are members of a carrier's frequent flyer program.



F. Offer transportation on another airline.

In addition to all of the foregoing, I believe that passengers should be offered alternate travel arrangements at the carrier's expense, if such is feasible. Carriers should make arrangements to have their delayed passengers transported on the first available flight, whether on their own airline or on another carrier.

G. Include irregular operations procedures in the tariff.

I recommend that carriers' policies in regards to compensation and customer care during delays be included in their tariffs and clearly displayed at check-in and boarding gates, where practicable.

2. Air carriers should improve their policies concerning lost, delayed and damaged baggage to ensure that passengers are aware of liability limits and exclusions, and are equitably and promptly compensated, when damage or loss occurs.

A. Lost baggage.

Bags get lost, damaged and delayed; that is a fact of airline life. It is also a fact that all air carriers limit their levels of liability in such instances and that certain goods, such as jewelry, cash and fragile or perishable items, are excluded from all liability. But not all airlines have the same liability exclusions or the same liability limits. In fact, on many carriers, liability limits change depending on whether the flight is domestic or international.

On domestic flights, there are no government-imposed standards for compensation limits for lost baggage. Accordingly, compensation limits vary enormously. On Air Canada, the limit is currently a maximum of \$1,500 per person while, on WestJet and Zip, the maximum liability is only \$250 per person. Travellers are often unaware of these carrier-created limitations and carriers do not tend to bring them to their passengers attention until things go wrong.

On international flights, including flights between Canada and the United States, the maximum compensation limit for lost, damaged and delayed baggage is set by the Warsaw Convention and the *Carriage by Air Act* to approximately

Domestic limits of liability for the major Canadian carriers for lost, damaged and delayed baggage*

Carrier	Limit of Liability
Air Canada	\$1,500 per passenger
Air Canada – Jazz	\$1,500 per passenger
Air Canada – Tango	\$750 per passenger
Air Canada – Zip	\$250 per passenger
Air Transat	\$750 per passenger
CanJet	\$250 per passenger
First Air	\$750 per passenger
Jetsgo	\$250 per passenger
Skyservice	\$750 per passenger
WestJet	\$250 per passenger

* based on information available from the carriers



US\$20 per kilogram. But this does not mean that, if your bag is lost, you will automatically receive this maximum compensation. Most carriers impose a maximum weight for check-in bags and they impose a penalty for bags that weigh more than that amount. However, most carriers do not record the weight of checked bags at check-in. In the absence of a record of weight, most carriers compensate on the basis of a chart that was prepared many years ago by IATA, the trade association for international air carriers. This chart lists the estimated weight for a number of articles, regardless of their actual value. Thus, compensation for a \$10 pair of socks may be greater than for a \$200 silk scarf! Carriers will also deduct from the claim the value of any excluded articles.

I recommend that if carriers are going to offer compensation for lost baggage on the basis of weight, they should make a record of the weight of all bags at check-in and compensate accordingly. If they do not record the weight, then once a bag has been determined to be missing, compensation should be on the basis of the maximum allowable baggage weight. The nature of the goods should not be a consideration in the case of lost baggage, as this has nothing to do with the fact that they have been lost by airline personnel or contractors.

I recommend, as well, that all limits of liability be clearly and prominently displayed at all points of sale, including a carrier's Web site if it sells over the Internet, and at the check-in counter. I recommend that excess valuation insurance be proactively offered to all passengers.

I also recommend that carriers review their compensation limits to ensure that passengers are being fairly and equitably compensated for the loss of their possessions while these are in the air carrier's care and custody.

B. Delayed baggage.

Many carriers have policies in place to provide for interim expenses for travellers when their checked bags are delayed. Most travellers have no idea that such policies exist. Many of these policies, which are not usually set out in a carrier's tariff and are therefore not binding on the carrier, provide a maximum daily allowance for the purchase of necessary items (usually, around \$50 and a cap on total interim expenses of around \$250). Should the bag or bags turn out to be lost and not just delayed, the interim allowance paid will usually be deducted from any future settlement. Many carriers also limit their interim expense allowance to 50 per cent of the passenger's actual expenditures and insist that receipts be produced to substantiate the claim. These complicated, little-known and little-understood rules often lead to confusion and misunderstanding on the part of the passenger.



I recommend that air carriers adopt clear and easily understood rules about interim expenses for delayed baggage and that they shouldn't be deducted from any future settlement, as the expenses were incurred through no fault of the traveller.

I also recommend that carriers' policies on interim expenses for delayed baggage be incorporated into their tariffs and that passengers be informed of the carrier's interim expenses policy in writing at the time that they advise the carrier that their baggage is missing.

Finally, I recommend that compensation limits be clearly and unambiguously set out in writing and be based on actual expenditures up to the daily limit.

C. Damaged baggage and/or contents.

In most instances, when a bag or its contents are damaged, carriers will try to repair or clean them at their expense. However, if it is determined that repairing the item is not a viable alternative, they will usually require that the passenger provide an original receipt to establish the value of the goods that have been destroyed. In many cases, this is impossible. After all, who keeps receipts for goods that they may have had in their possession for several years? This is unfair, in that the cost of replacing the goods may be substantially higher than their original cost, thus imposing an expense on the traveller for something that the airline did to his or her possessions.

I recommend that, when it is determined that an article was damaged by the carrier and that it cannot be repaired to the satisfaction of the traveller, compensation should be based on the replacement value of a comparable item.

D. Excluded items.

When a carrier knowingly accepts an excluded item such as checked baggage, yet fails to advise the traveller of the exemption and subsequently loses or damages the item, I recommend that compensation for the item should be paid on the same basis as for a non-exempt article.

I also recommend that carriers either sell additional insurance for exempt items or offer travellers an easy and readily-available alternative means of getting the item to destination (e.g. air freight, courier, mail, etc.).



3. Air carriers should accept all tickets issued by their duly accredited agents.

When a consumer purchases a ticket from a licensed and accredited sales agent, there is a reasonable assumption that the carrier will accept the ticket as issued. Unfortunately, this is not always the case and passengers are sometimes held financially hostage to problems that occur in the procurement system over which they have no control.

For example, there have been recent incidents in which travel agents have allegedly failed to remit amounts of money received from consumers to the airlines. The customers, having purchased their tickets from an established and accredited travel agent in good faith, had no reason to suspect that there was anything improper about their tickets. Yet, when they attempted to travel, most airlines refused to accept the tickets. To travel as booked, customers had to purchase another ticket.

It seems that the passengers were the innocent victims of what is clearly a failure in the ticket procurement system and that airlines unfairly shifted the financial burden to individual consumers when the dispute is really between the airline and its accredited agent.

4. Air carriers should adjust their policy for young people travelling alone.

Airline tariffs describe unaccompanied minors as children between the ages of 5 and 11, inclusive. When an unaccompanied minor travels, the responsible adult who checks in the child must provide appropriate documents as well as the contact information of the person to whom the airline will hand over the child at destination. The airline then takes the child under its care until the responsible person is met at the end of the journey. The unaccompanied minor service is mandatory for children in the 5 to 11 age group.



Passengers 12 years of age and over are considered by the airlines to be adults and airlines contend that they are not obliged to offer mandatory supervision. Some airlines, such as Air Canada, have realised that young people between the ages of 12 and 18 may require some supervision and, upon request, they provide discreet supervision at a minimal cost. Services include making sure the young people are supervised during en-route stops, are properly directed to their connecting flights and, most importantly, are protected against the risk of falling victim to unscrupulous adults. I believe that all airlines should offer this type of service that parents can purchase for their children between the ages of 12 and 18 when they are travelling without an adult.

I recommend that all airlines make child supervision services available for young people between 12 and 18 years of age on all flights.



CHILDREN RESPONSIBLE FOR CHILDREN

Children between the ages of 5 and 11 who are travelling without adult supervision, do so as “Unaccompanied Minors,” or “UMs” in the jargon of the industry. But what about older children? And what about younger children who are in the company of older children? The answer is both surprising and alarming.

A complainant booked a flight on Air Transat for her two children, aged 13 and 10, for a trip from Toronto to Fort Myers, Florida to visit their grandparents.

According to the complainant: “At the time of booking, (...) I specifically made sure that they would be accompanied by an attendant on and off the aircraft. This was confirmed by the agent and she told me that since they would not be travelling with an “adult,” I would have to pay the adult fee on one of the tickets and that they would be escorted on and off the plane. I would also need to have a letter from the parents authorizing the grandparents to take the children upon their arrival in Fort Myers...

Upon the Fort Lauderdale stop-over, the passengers were required to get off the plane, which was not what I was told. My children were not attended and did not know what to do. The attendant told my 13-year-old that since she was 13, she did not have to be assisted and that she was in charge of her 10-year-old sister (unbelievable)...

At their arrival in Fort Myers, there was no attendant with them, they were required to get their own baggage and the grandparents did not have to show any identification or sign any release papers. They were on their own.”

In its initial reply to this complaint, Air Transat stated: “We are of the sincere belief that this unfortunate situation was the result of a confusion regarding your children’s status on Air Transat. Indeed, Air Transat accepts minors between the ages of 5 and 11 years as unaccompanied minors, provided they are travelling alone. If the minor in question is travelling with another passenger aged 12 years or older, he/she is no longer considered as unaccompanied.

Consequently, while we regret any discontent you and your children have experienced on this occasion, we must mention at this point that we are unable to address any reproach to our agents as your children were not considered as unaccompanied minors as per Aviation Standards and Regulations. We do deplore any mix-up that would have occurred...”



The carrier refused to offer any compensation.

In writing to Air Transat, the Commissioner stated: "I am asking Air Transat to explain why it does not offer, to children between the ages of 12 and 16 years old travelling alone at a minimum cost, an optional "guardian" service similar to the one provided to "UM's". The Commissioner also requested the carrier to refund the value of the unused return portions of the children's tickets, as they returned to Canada on a carrier that does offer an optional guardian service.

Air Transat replied: "As previously indicated and in accordance with Aviation standards, children under the age of 12 years old travelling with another passenger 12 years old and over are considered accompanied and therefore, do not hold an unaccompanied minor status. This information appears clearly on our Web site where it is indicated that passengers between the age of 12 and 17 are considered Youth passengers. Air Transat will make every effort to assist these passengers, but we do not take responsibility for them therefore, they must be able to travel unassisted. A meet and assist can be requested for Youth passengers but no physical escort will be provided."

The request for a refund was again denied.

The last word in this case goes to the Commissioner who in her closing letter to the complainant stated: "Regretfully, I must inform you that it is indeed industry standards to consider only children under 12 years of age as minors. I do not necessarily agree with this worldwide practice, however my position as Air Travel Complaints Commissioner does not give me the power to make all air carriers change this practice..."

I am astounded that Air Transat would consider a 13-year-old child as an adult responsible for a younger sibling."



ROSES AND THORNS

In reviewing and attempting to resolve complaints, my Office is in constant contact with many airlines. The manner in which the carriers react to consumer complaints is representative of the general attitude of the carriers with respect to their business practices. Where some airlines go above and beyond to regain their customers' loyalty when they appear to have lost it, others seem bent on infuriating them even more.

During the period covered in this report, I have picked out two examples that speak volumes about the good way to conduct business, and the other way.



Roses to Alitalia for going above and beyond

When a passenger travelling from Toronto to Teheran checked in for his connecting flight in Milan, he realised that he did not have the necessary documents to be admitted to Iran and, consequently, the airline had to refuse him passage until such time as he obtained those documents required visa.

The passenger spent two days running around to get his documents and, when he was finally able to produce them, continued on his trip to Iran.

Upon his return, he wrote to the Commissioner's Office complaining that Alitalia should have told him when he left Toronto that he could not be admitted to Iran; and he asked the Commissioner to intervene on his behalf.

In replying to the complaint, Alitalia correctly explained that it is the passengers' responsibility to make sure that all travel documentation is in order prior to setting out on their travel.

Nevertheless, Alitalia sympathised with the passenger, felt that a generous gesture of goodwill could go a long way to regaining their customer's loyalty and offered him a \$500 voucher for future travel on Alitalia.



Thorns to Aeroflot for falling well below an acceptable level of customer service

My Office has received several complaints involving a variety of incidents that occurred on Aeroflot. Some were claims for lost baggage, another for expenses incurred because Aeroflot changed the departure city without advising the passenger who had to find her own way across India to catch her return flight to Canada, and still another where the passenger had to purchase a new ticket to get back home because Aeroflot had omitted to record the passenger's correct date of outbound travel.

Based on the complaints that I receive, it appears that Aeroflot routinely ignores customer complaints and, when they do offer a settlement, it is often for less than the maximum liability set out in their tariff.

Even for the Office of the Air Travel Complaints Commissioner, dealing with Aeroflot is extremely difficult and time-consuming. Claims that would normally be settled within a matter of weeks with other airlines take months and sometimes years to get resolved and then, often, only after a ruling from Small Claims Court or an order from the Canadian Transportation Agency.

This company could benefit from lessons in customer service and complaint resolution.