



## FATIGUE MANAGEMENT SMS OVER PRESCRIPTIVE REGULATIONS

**A**CARAC Working Group was formed in June 2010 to review current Flight & Duty Times' regulations, study available science and make recommendations in the form of a report to the Canadian Aviation Regulation Advisory Council (CARAC) Technical Committee. The report presented in November 2012 was found to be totally unacceptable to ATAC members. Consequently, ATAC, along with seven other Canadian aviation associations, which represent all regions and types and sizes of air operators in Canada, signed a joint dissent of the Working Group Report.

After almost two years of silence, Transport Canada issued last September a Notice of Proposed Amendment (NPA 2014-019) to implement new regulations regarding Flight Crew Fatigue Management. The majority of the NPA is focused on new prescriptive rules that very closely follow the CARAC Working Group recommendations that ATAC and almost every other aviation association across Canada had strongly dissented to.

ATAC certainly recognizes that fatigue is an important variable that must be dealt with by operators. This is why we cooperated for over two years in the Working Group on Fatigue, but we are adamant in our position that the proposed prescriptive regulation is not the answer.

ATAC and other aviation industry associations have been constructively impressing on Transport Canada and Minister Raitt that, depending on their type of operations, Canadian operators estimate that these new regulations would be very costly to implement for all and in some cases would jeopardize their very livelihood. ATAC continues to advocate individually and collectively with the like-minded associations against this proposal

as we are convinced that it would have a detrimental impact on our industry, on the Canadian travelling public, on the Canadian economy, on access to remote and northern communities, and on Canada and Canadians as a whole.

The argument of proponents of prescriptive rules is that Canada is lagging behind the US and Europe in imposing stricter flight and duty time regulations. Perhaps our regulators recognize the fact that conditions in Canada are very different from that of those jurisdictions, and as such require a different approach. Canada, on the other hand, is an innovator and a leader in the development and implementation of SMS, leaps and bounds ahead of Europe and the US. This is why we are advocating that the Fatigue Risk Management System (FRMS) portion of the NPA is a potential key towards a solution that may very well work for those sectors of our industry that have already implemented Safety Management Systems (SMS). We have been strongly advocating that the entire issue of fatigue could be addressed as an integral part of a SMS and thus eliminating the need for the new overly restrictive proposed regulations.

ATAC and its members consider, and always have, that safety is the absolute first priority. However, if regulations such as that recently proposed are implemented not only will safety not improve, air carrier service to communities will be drastically affected with many smaller population centers ending up with decreased levels of service compared to what they now have and in many cases losing it all together. In addition the Canadian economy would be significantly hurt as air service is one of the greatest socio-economic enablers within this vast country of ours with its many remote areas!

ATAC will continue to advocate for solutions that

### ATAC IS PROUD TO WELCOME THE FOLLOWING NEW MEMBERS



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Essential Helicopters

Callander, ON



Morningstar Air  
Express  
Edmonton, AB



The Magnes Group  
Thornhill, ON

improve safety and at the same time do so in a sustainable manner!

ATAC maintains an active dialogue with Transport Canada Civil Aviation. Our objective is to ensure that the adverse impacts of the NPA are clearly understood and also to work together to develop a more reasonable and sustainable solution. It is of the utmost importance, however, that any forthcoming regulation be economically viable and reflect the realities and needs of the Canadian working environment for the commercial aviation industry as a whole.

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