

TC's aviation SMS survives Transport Committee review But key changes to C-6 will help to bolster safety

After four months of studying changes to the Aeronautics Act contained in Bill C-6, MPs from all parties on the Commons Transport Committee have rejected lower aviation safety standards and demanded the department and Minister maintain oversight of the industry to achieve the highest levels of safety.

"Four months of studying Bill C-6 and SMS persuaded the MPs that Transport Canada's proposal needed a serious overhaul and that the department itself is in need of special Parliamentary oversight" said CFPA National Chairman Greg Holbrook.

Concern with Transport Canada's plans led to a unique government amendment (supported by the BQ and NDP over Liberal opposition) to give the House of Commons Transport Committee legal authority to review Transport Canada regulations that raise "safety concerns".

"This kind of legal authority for a committee of the House of Commons to question proposed regulations is unprecedented and most welcome," Holbrook said.

Just before Parliament adjourned for the summer, Bill C-6 reached a milestone when Parliament adopted significant improvements proposed to the Bill by the House of Commons Committee on Transport, Infrastructure and Communities (SCOTIC).

Sustained pressure by the CFPA and other witnesses we worked with to raise the red flag of safety concerns, caused the government and opposition parties to unite in support of significant changes to the Bill, including:

- A new legislative requirement for the Minister to "maintain a program for the oversight and surveillance of aviation safety in order to achieve the highest level of safety";
- A new legislative obligation for the Minister to "require that aeronautical activities be performed at all times in a manner that meets the highest safety and security standards";
- A new legislative requirement for the Minister to carry out inspections of operators who have a safety management system;

While some of the foundation elements of SMS survived the Committee's review (such as confidential reporting and immunity from enforcement) the Committee did make some significant changes to TC's SMS:

- A new definition of "(safety) management system" was put in the legislation, emphasizing a reduction of risks to the lowest possible level, rather than just accepting or tolerating these risks.

- An amendment was passed forcing SMS remedial action to maintain the highest level of safety.
- An amendment was added ensuring employees and their bargaining agents are included in the development and implementation of SMS, something that is not happening today.
- The government was compelled, after extended debate, to introduce a form of “whistleblower” protection for employees who report to Transport Canada that their employer is violating the law.

The government was compelled under concerted Opposition pressure to introduce extensive amendments to limit the scope of “designated organizations”, bodies which would actually take over Transport Canada’s job for setting and enforcing safety rules in their part of the airline industry.

One such amendment now requires proper government inspection of these “designated organizations”, while another requires the Minister to approve any rules made by these bodies.

The “designated organizations” provisions were also delayed three years to take effect, as well as being subject to annual reporting to Parliament and a review by SCOTIC after three years being in effect.

“We are pleased that the Committee listened to our concerns [http://www.cfpa-apfc.ca/eng/docs/CFPA_Submission_Bill_C-6_e.pdf] and the concerns of aviation inspectors [http://www.cfpa-apfc.ca/eng/docs/Pollara_AviationInspSrvy_en.ppt]. We will be following closely as the Bill continues to make its way through Parliament when MPs return to Ottawa in September,” said Holbrook.

Before becoming law, Bill C-6 must first clear another vote in the Commons and the Senate.
