

September 5, 2008

I forward the following extracts:

- 1.) The January 10, 2005 letter to the Air Canada Board of Directors titled "TO Whom It May Concern" represents page 1 -13 of the case file. The blacked out portion on page 10 is merely highlighted and not intended to be removed from view. The statement is:

"My CP advised me to get some ACPA representation and we'd meet to discuss "all what was going on with me lately".

- 2.) Page #17 references when an aircraft passenger door can be opened.

- 3.) Page #'s 22-25 from case file is a copy of a letter sent to the ACE President and CEO and ACPA President dated March 10, 2005.

- 4.) Page 26-27 from case file is Air Canada's official response.

Note:

To my knowledge the ACARS function remains inherently linked to the activation of aircraft doors and an aircraft's parkbrake for the purpose of establishing "departure" and "arrival" times. For ACARS equipped airlines, this function is utilized for "on time" performance statistics and "accounting" purposes. The system is easily tripped through inappropriate use of aircraft doors and parkbrake usage.

This anomaly does not even come close to demonstrating a "fail-safe" function as this component of ACARS, in conjunction with Flight Operations usage, will likely remain as long as there continues to be an incentive for altering/falsifying "flight times".

Further, I have yet to receive a copy of Air Canada's official response to the Air Safety Report I filed with both Air Canada Flight Safety and ACPA's Tech Safety. The report has been categorized as follows:

*"ASR Ref: 779/03/320 Title: DEPLANING PASSENGERS WITH AN ENGINE OPERATING*

*Flight: AC Date: 10/Dec/2003*

*Location:*

*Status: ACTION REQUIRD*

*The status "ACTION REQUIRED" indicates that this report is being further investigated. Once the investigation is complete you will be issued a copy of the final report".*

The report was signed by the Director of Flight Safety.

I also await the USA Department of Transportation's inquiry results into the ACARS anomaly.

Kevin Gauthier

JAN. 14/05 → AC BOARD OF DIRECTORS  
SEPT 29/05 → TC, TSB, ICAO, AND FSF

January 10, 2005

To Whom It May Concern

My name is Kevin Gauthier. I've worked with Air Canada seven years and currently employed as an A 320 First Officer based in Toronto.

While on medical leave the past six months, I have consulted with Air Canada medical services and my family doctor on a number of occasions and am suffering the effect of insomnia. Some of the symptoms associated with this condition are: hypertension, high blood pressure, irritability and fatigue. For some time now I have experienced, in varying degrees, all of these symptoms. Upon reviewing the results of a sleep clinic I attended in October, my family physician has referred me to the reporting specialist for further consultation.

A secondary diagnosis is that of an "adjustment disorder." It has been suggested I seek counseling. I have consulted with a psychologist on a number of occasions and discussed in detail the contents of this document. We will meet again in the near future.

That I have not slept well the past number of months is a given. I attribute this to and intend to establish it is the result of stress associated with recent work related experiences. The situations and various experiences I refer to within this document have taken place throughout Air Canada's restructuring process.

From a personal perspective the entire experience has taken its toll. It has caused myself and indirectly, my family, considerable inner turmoil, indeed to the point where my continued relationship with my employer is in question. There is much to be said. Please be patient and keep an open mind. Instinct, better judgement and my obligation to AC make it imperative that I express these concerns in this form.

Before I expand on various situations of the preceding eighteen months, I'll reflect on a few personal experiences and relate the significance "safety" has played in my lifetime.

On July 29, 2004 my family and I celebrated my 47<sup>th</sup> birthday. I turned my first airplane wheel at age 32. My background prior to aviation involved working with the railroad, forest and mining industries. I have been fortunate, in that I have had a

"birds eye view" on the operating procedures and standards of various companies. Sometimes that "birds eye view" has not been so pleasant. On all too many occasions I have either witnessed, or have had first hand accounts, of workplace and industrial accidents that resulted in serious injuries and in some cases fatalities.

For me the importance of "safety" came early in life. My father devoted forty years in the first aid and safety departments with Inco Ltd. I am one of nine siblings who were taught at a young age that "safety" wasn't "just" for the work place but involved in everything we do. As a nine year old I began attending first aid competitions on a regular basis. My father was there to judge the competitions. I was there not as a spectator, but as an "injured worker", part of a "staged" industrial accident. It was impressed upon me at an early age the "cornerstone" of delivering a high standard in the workplace is accomplished by placing "safety above and beyond all". {Renewing my St. John's First Aid recently, served to remind this is as significant now as it was years ago.}

With regard to employment my motto is simply "WORK HARD, STAY FOCUSED, HAVE FUN". I recognize I have made mistakes along the way - and undoubtedly will make more. I can also attest to consistently striving to yield a high/very high standard of performance. Indeed, more often than not, it is a result I have managed to accomplish.

All companies I have associated myself with, have one inherent quality in common. It is the ultimate commitment, that SAFETY is PARAMOUNT. A huge part of this commitment is the belief "safety is everybody's business" and collectively, we have a responsibility to educate ourselves through various means, be it past experience, on the job training, and other methods, in order that we are able to identify both natural and unnatural {hidden} hazards. Only when the necessary steps are taken to reduce the risk of injury with any task, can we expect to perform that task, with peace of mind. Ultimately, this is all any one person can expect.

Compromising the above sentiment in any way, with the intent of reducing the cost of doing "business", not only erodes a healthy mind set towards safety in general, it can be both dangerous and damaging as well. It is my contention this is what occurred at Air Canada while it struggled through the restructuring process. As unpleasant as this may appear, I can assure the reader of this document, I find no satisfaction in bringing this to light. I have come to this conclusion due to the many situations that developed soon after AC entered bankruptcy protection. I will begin by describing a "ramp procedure" that developed during the summer of 2003.

★  
↓

During the mid to latter part of the summer 2003, I had began to notice the practice of deplaning passengers with the no.1 {left} engine operating. The typical scenario was such that the a/c would arrive at the gate without the APU {auxiliary power unit} operating, and, for one reason or another, external power was unavailable to the aircraft. At this point, the ramp crew would simply open the cabin door and start deplaning passengers. I identified this as a serious hazard and did not feel comfortable with this procedure. The more it occurred, the more concerned I became. I researched all company issued manuals. Simply, there was nowhere in our FOM {Flight Operations Manual} or SOP's {standard operating procedures} that referenced the practice. I spoke with a number of Captains and In Charges to get their feed back. Many of the in-charges advised they did not care for the procedure, yet also indicated nothing in there SOP's {356 man.} preventing it from occurring. Of the Captains I spoke with, I received a mix response. Some didn't care for it - others didn't seem to mind. Most everybody however, conceded it was not something they would want to see happen in adverse weather conditions. Indeed, I had more than one Captain tell me, he'd witnessed his a/c parked on an open ramp in slippery/windy conditions, only to have the wind weather cock it up to 180 degrees.

On the evening of Dec 9 2003, I discussed the above scenario with the Captain on a flight to YEG.{Edmonton} On arrival into YEG, the Captain summoned a ramp safety officer to the flight deck. During our discussion the RSO advised ramp SOP's were indeed in place to prevent this type of practice from occurring. He referenced Pub 72, and the next morning provided us with copies of the pages pertaining to the ramp procedures. In brief, the procedures are to ensure; brakes set, engines shut down, and anti-collision lights placed off, prior to ramp personnel opening any doors /approaching the a/c. Only after the engines are shut down with anti-collision lights off, may the a/c be approached and various functions performed.

That morning I completed an ASR {Air Safety Report}, attached a copy of Pub 72, chap 5, pages 7 and 8, and forwarded it to AC and ACPA. { I have attached a copy to this document.} pg 14-20

A few weeks later I received a response from the Director of Flight Safety. The status had been classified as an "Action Required". This was promising, and I was confident this concern would soon be addressed.

A number of weeks past, yet I heard nothing further on the ASR.  
{It should be noted; between the autumn of 2003 and January 8,2004, I spoke with three AC management personnel, regarding the above ASR.}

During my latest discussion with management I was advised not to "concern myself" with the practice as it was a ramp SOP and ultimately up to the ramp personnel to conform to their SOP's.

Although I found it both "alarming" and "disturbing", it did not surprise me, reading the following incident, on pg 37 of "Flightwatch" spring 2004,  
{see attached}

**"GROUND EVENT"**

*"Upon arrival, with the aircraft APU unserviceable and no ground power available, the flight crew remained at the gate with the engine running while passengers deplaned. While parked with the engine running, a station attendant opened a cargo compartment near the operating engine. The flight crew shut down the operating engine to avoid injury to the station attendant."*

*"Remarks: STOC has been debriefed on the importance of proper communications and the proper follow-up of SOP's for ramp personnel."*

During the same time period there were {and continue to be} repeated incidents of Captains neglecting to set the park brake resulting in "rollbacks". Consider the following technical bulletin issued on April 08,2004

Subject : Brakes Set On Arrival

*"Over the last two weeks there have been three very serious parking incidents. In all cases pilots failed to select the park brake to on as part of the shutdown procedure. These incidents have been both dangerous and costly. Please review the appropriate standard operating procedures and redouble your efforts to prevent these incidents." {see attached bulletin}*

These "rollbacks" combined with deplaning passengers with the left engine operating make the above procedure extremely hazardous. Parking an aircraft is a "critical phase of flight" yet there continue to be a number of safety concerns and violations in this area. On August 27,2004, a full year after I'd first become concerned with the hazards associated with this "practice" I received {in the format below}, the following:



"ACPA/FLIGHT OPERATIONS BULLETIN

PLEASE BE ADVISED THAT THE OSH POLICY COMMITTEE HAS RECEIVED SAFETY CONCERNS WITH REGARDS TO THE SETTING OF THE AIRCRAFT PARK BRAKE AND SUBSEQUENT ROLLBACKS.

WITH HEALTH AND SAFETY IN MIND ENSURING THAT THE PARK BRAKE IS SET AS PER SOPS PROTECTS ALL THOSE INVOLVED.

PLEASE BE GUIDED ACCORDINGLY."

So what does all this amount to?

Not long ago I spoke with a {recently} retired ramp lead. He informed me that prior to restructuring, the practice of opening the cabin door with an engine still operating was considered a serious safety violation resulting in a reprimand.

More importantly a "roll back" was considered an "exception" rather than the regular occurrence it has become of late. We went on to discuss why this has become an accepted practice in the past eighteen months and why there has been so many "rollbacks" associated with this procedure. The answer became blatantly clear. The "In Time" of an AC aircraft {ie that time when all in-flight personnel go off the payroll} is established in conjunction with opening of the cabin door and setting of the park brake. More than a strong likelihood exists that ramp personnel are being encouraged to open the cabin door, and establish an "in time" regardless of whether or not the left engine has been shut down. The same likelihood exists that some Captains are reluctant to set the park brake {and establish an "in time"} when their aircraft is not yet secure. As a result, all too often the parking checklist is being completed without the park brake in the set/locked position. The captain then relies on memory to actually set the brake when the a/c is secure {both engines shut down}. All too often however a Captain will forget to set the park brake and a rollback occurs. Of course, none of this would occur if ramp personnel simply followed ramp procedures and delayed opening the cabin door until the a/c was "secure".

This kind of practice is not only a serious safety violation, it is an "arrow" through the core of Air Canada's commitment and pledge to "safety". To condone or simply turn a blind eye to this type of an occurrence is neither safe or proper. Despite the "close calls" and the attention brought forward by myself and others, this practice is still tolerated today.

Another situation that "caught my attention" is the following. {Although this incident

may seem considerably less significant than the above, it deserves mention)  
On April 29, 2004, while in Calgary {YYC}, maintenance was requested to attend to a hydraulic leak. While repairing the leak, the maintenance person who signed off the a/c maintenance log, apologized for the extended delay. He had been sprayed with hydraulic fluid. He was not impressed, as he had to flush his eyes, and commented, **that all the flush stations had been removed "some time ago"**. He made further mention, that standard taps were either too cold or too hot, and not designed as eye wash stations. He also informed us that he had filed an ASR when the stations were removed, and he hadn't received an official response. It was suggested to him they had been removed due to "sanitary" reasons.

Yet another concern is Air Canada's "relaxed" attitude towards the effects of crew fatigue. Webster's dictionary defines "Fatigue" as "weariness of body or mind..." Not mentioned is it's uncanny ability to quietly creep up on an individual{s} yet all the while it may go unrecognized. It is a "silent killer" that must be reckoned with. All too often we are reminded of the danger associated with fatigue - the latest being the loss of a 747 and its crew in Halifax N.S.

My experiences over the course of my employment period with AC is such that the company has demonstrated time and time again its unwillingness to recognize and seek ways to counter the effects of crew fatigue. ACPA for instance has fought an ongoing battle to have descent augmentation and crew rest facilities on it's long haul operations. On the domestic front Air Canada has chosen to remove crew rest facilities in both Ottawa and Toronto. *{It may come as a surprise to some, although not to those in the aviation community, that globally, Canada has some of the most "relaxed" rules, when it comes to "duty times" and "required rest periods". As pilots on the A320 aircraft, for example, crews can be scheduled up to fourteen hours on duty, on any given day. With crew concurrence, in extenuating circumstances, this can be increased to up to seventeen hours.}*

Quite often as pilots, we are exposed to, two and three hour "waiting periods" between flights. I cannot begin to recall how many times over the years, I have utilized these very crew rest facilities, in combating fatigue, and in many other cases, simply providing relief for my "back condition". AC has decided these areas are no longer required at the above airports. As a result, the only relief I, and other crew, might expect, will be that which can experienced in passenger lounges.

Yet another example of inviting "fatigue" into the workplace is directly related to the effect of pilot furloughs initiated during the restructuring process. As part of the "concessions package" a number of pilots were furloughed. Unfortunately, this places unreasonable strain and expectations on crew schedulers and the reserve pool

of pilots available to cover "open" flying.

In order to reflect on the above, consider the following recent occurrences, regarding my experiences as a reserve pilot: {I have been employed by AC for seven years, nearly half of which I have worked as a reserve pilot. I am no stranger to being "on call", and am very much aware of the importance to cover open flying}. For ease of reference I have attached a copy of my June schedule to this document. pg 21

On Oct.3, 2003 at 18:15 hrs, crew sked called to assign me an all- nighter to the west coast, returning to Toronto {YYZ} the following morning. It was the first time in my career with AC, I recall having to turn down assigned flying. When the scheduler inquired as to why, I informed her, I had been awake since 7am and on call since 5am and I felt it would be irresponsible of myself to operate an aircraft after having been awake for 23 and ½ hrs. The scheduler indicated her responsibility to "write me up". I advised her to do what had to be done. Less than a minute off the phone, she called me back and advised I was "off the hook", since she had found a block-holder on make-up that accepted the flying.

I reflected on the above situation. It was clear my scheduler was attempting to assign flying duties that would ultimately lead to a fatigue problem in the flightdeck. I telephoned a technical and safety rep and we discussed the above scenario.

On Jan 7, 2004 while on reserve, I spoke to a scheduler about the next days awards. {As busy as I'd been the winter of 2003/04 - I maxed out nearly every month-}, I decided to turn down this particular award, and inquired as to what kind of coverage was available the following day. I was advised the coverage was plentiful, {at least ten pilots junior to myself} and decided to pass this one open award and subsequent flying until four pilots junior. A few hours later, as I had not heard from crew sked, I retired for the evening trusting there was more than adequate junior coverage the next morning. As an oversight on my part, I neglected to notice the ringer off on our phone. {I'm sure one can appreciate the surprise I received the next morning when I'd missed a call to go flying.} Without hesitation, I called crew sked and was advised one pairing, had indeed come up. As I was unable to take the call, I'd been "written" up, and advised to call my flight manager. {This would be the first time in six years with AC that I'd been written up.} I called my FM, and explained I was unsure how this managed to occur, but would further consult with a manager at crew sked and "cruise", and then get back to him. He indicated that would be fine. Further inquiries revealed, that when contacted the previous afternoon, there had not been plenty of coverage as advised, but rather only one pilot junior to myself, and no pilots senior, available. Since the pilot junior to myself was assigned the pairing I'd turned down, it qualified me as the only pilot on call -



certainly not one of ten plus. {It was an error - not a big deal - except, possibly, when one considers the following.}

When a reserve pilot passes flying up to a point of "so many below" the scheduler placing the call will make a note of this and attach it to that reserve pilots name. In this case, the scheduler the following morning would have picked up on this, and I would expect, take up the error with a crew sked manager. Yet, this did not happen, rather it was left up to myself to explain to my FM, why I was unavailable to complete the open award. Coincidentally, the scheduler that referred this particular situation to management is the same scheduler that threatened to write me up on Oct.3, 2003 for not accepting the all nighter alluded to earlier.

Sometime later that day I did call my FM back and advised him of my findings. I was assured, as far as he was concerned - my unavailability for the early morning call was a "non issue". I also expressed to him, that having been with AC for six years {much of that time as a reserve pilot} there in fact, had been many occasions over these years involving a number of circumstances, where crew schedulers had "dropped the ball". Despite these experiences, I had never once complained about it to my CP or FM.

On June 8, 2004, I was at home, "on call" for the entire day. Coverage was very minimal ie; I was the junior pilot of only two on call. Being on "short call", I fully expected to go flying and remained close to home, "ready to go". At 03:35am the following morning of June 9<sup>th</sup>, crew sked called to assign me flying with a 05:40 check in. I advised the scheduler I didn't feel adequately rested to report for duty. I also inquired as to why I was called during my uninterrupted rest period. I was advised the current contract allows for silent hour calls, as long as the assigned duty day does not exceed ten hours. I was released from duty until which time I consulted with my flight manager.

Later that morning, I talked with my FM and advised him I'd been on short call the previous day, ie from 5am to 2100hrs, and did not feel it appropriate being called during my "uninterrupted rest period", that being between the hours of 2100 and 0500. We both acknowledged, and were aware of the need to cover the flight. I suggested it wouldn't be a problem if crew sked utilized both A and B reserve. {In this case a pilot on A reserve, from 00:01 - 1200 hrs, could be expected to take the silent hour call and the operation would not be in jeopardy. Indeed, this would hold true in the situation alluded to earlier, ie not being able to accept an all nighter after being awake all day, if in fact B reserve : 1200 - 2400 hrs was utilized.} *The reality however is such with furloughed pilots, there is simply insufficient reserve*

*coverage to permit A and B reserve.*

My FM accepted my explanation for not reporting for duty and suggested - "as long as it doesn't become a habit."

On Thursday June 17<sup>th</sup> 2004, crew sked called at 0800hrs. {At that time, my schedule provided me with an optional day off on the 18<sup>th</sup>, and guaranteed days off on the 19<sup>th</sup> and 20<sup>th</sup> of June.} The scheduler advised that a 2 day pairing had come up, and although I was not obligated to accept it, they would be grateful if I could get the a/c out to YVR. {The scheduler further explained, two pilots junior to myself, refused the assignment, and had booked off sick. She indicated both pilots would be "written up".}

I accepted the assignment. As the call came within two hours of check in time, and there was little time to discuss details, I called the same scheduler on my drive to work. The scheduler confirmed my assignment would indeed be complete upon my arrival in YVR, and offered to DH me home on the 1700hr {YVR time} flight, back to YYZ. This would have got me to YYZ at 0100hrs on the 18<sup>th</sup> and at home at 0300hrs. As this would be too long a day, I requested and was booked on the first flight {0700hrs} out of YVR, on the morning of the 18<sup>th</sup>.

{It is worth noting, on my way to work that morning, I also called my wife. As I now was aware that my days off would "slide" to the 19<sup>th</sup> 20<sup>th</sup> and 21<sup>st</sup> of June, I asked my wife to call my "back specialist's" office - when it opened - , in order to have an appointment originally scheduled for the Wed. June 23, to be moved up if possible to Mon June 21<sup>st</sup>. This change would accommodate my schedule, hence, I would not have to worry about getting released for duty on the morning of the 23<sup>rd</sup>. That evening my wife informed me, my physiatrist was unable to move up the appointment, and further, was booked solid, until mid September.}

Between 0300hrs and 0330hrs the following morning of the 18<sup>th</sup> my telephone rang three times. At 03:35, guest services was banging on my door. I asked him to leave. When I did check my message, I learned it was crew sked, calling to invite me to report for duty for a 0500 hrs check in. Once again my rest had been interrupted during silent hours. I DH {dead -headed} home on the 0700 hrs flight, as planned, and spent the remainder of the day feeling exhausted and disappointed at being awoken twice during "silent hours", in as many weeks.

On Saturday June 19, 2004, a day off, I contacted a manager at crew sked and expressed my disapproval with the middle of the night calls. I also suggested, I was

aware of the contents of the "contract" in that it permitted silent hour calls. The "contract" also allows for an uninterrupted rest period between 2100hrs and 0500hrs. I further advised, that CARS indicates: it is a crew members obligation to report for duty only when adequately rested. I expressed my concern that I could not satisfy this obligation, if I was awoken during "silent hours". I also indicated, the early morning calls were preventing me from getting /expecting, a descent nights rest. {in essence what is occurring here is the reserve pilot is now expected to be on "call" twenty four hours per day}. Further, I suggested if it were to occur again, I would take it up with the VP of Operations. The conversation ended with the crew sked manager advising he'd look into the matter.

On June 21, 2004 I was at home on a day off. I was not scheduled to return to reserve duty until June 22 at 02:56 hrs. Sometime late in the morning of the 21<sup>st</sup>, I was contacted by crew sked for the awards for the 22<sup>nd</sup>. I was advised there was adequate coverage for the following days award{s}, and requested I pass all flying to a minimum of four pilots junior.

At 2030hrs, crew sked called to advise I might be needed to cover a four day pairing, beginning the following morning. I asked how this could be possible as I had earlier asked to pass flying, to four pilots below. The scheduler advised that all four pilots junior to me, were going into G days and that they would have the option to pass the pairing up to me. I suggested the scheduler call the pilots and get back to me if need be. I hung up the phone and as quickly as I did, called the scheduler back and advised I would not be capable of accepting this particular pairing as I'd need to attend an appointment with my back specialist on the morning of the 23<sup>rd</sup>. The scheduler advised I should call my CP, in order to get relief. Given the time of evening, I advised her I would call him the following morning. She indicated she would call him herself.

Just after 2100hrs, I noticed I was no longer on the reserve list of pilots available to fly. I called the scheduler back, and was told she had been advised to take me off the schedule, at the CP's request. Shortly after 2100hrs I called the CP at his home. The conversation was only a few seconds long.

[REDACTED]

I then checked my block and realized I had been issued a code {146} ie LOA {leave of absence without pay}. The LOA was in place until 1800hrs on the 25<sup>th</sup> of June, and would reduce my monthly income by more than \$1000.

Although I have never been summoned to my CP's office, I am aware proper protocol suggests I should have been released from duty {with pay} until which time this meeting took place, and the situation resolved. The very fact that this had not occurred, made the situation much worse than need be.

On Wed. June 23<sup>rd</sup> I saw my Physiatrist .*{In 1985, I suffered a back injury in an industrial accident. The general diagnosis from past MRI's, is that of degenerative disc disease with an associated "severe disc space narrowing at L-5-S-1. In 2002, the Work Place Safety Insurance Board increased the disability assessment to fifteen percent. AC has known about this condition, prior to - and throughout my employment}.* During the examination, I indicated, I was suffering some pain, as a result of back spasms, and some sciatic pain. My doctor gave me a referral to see a physiotherapist, {as the need arises}, and also a prescription for a new type of medication, (bextra). I also informed her, of the difficulties I was experiencing with my employer, with respect to my sleep patterns being affected due to the recent middle of the night phone calls, and the stress I was experiencing being removed from the payroll.

An hour or so after this visit, while at the pharmacy awaiting my prescription, I had my blood pressure checked. It was abnormally high, {152/103} and I became even more concerned. Over the course of the next few days I had discussions with both an ACPA representative and an individual from Pilot Assistance. I expressed to both individuals the affect this entire situation was having on my health, and that I was incapable of performing any flying duties. I was advised by my ACPA rep that the CP acknowledged the inappropriateness of code 146, but that it was assigned, in order to "get my attention".

As I was shown back on the schedule and on days off, the weekend of the 26<sup>th</sup> and 27<sup>th</sup>, I utilized this time to consider the above events.

On Monday June 28<sup>th</sup>, my wife and I celebrated our 18<sup>th</sup> wedding anniversary. Late that morning, I had further discussions with the ACPA individual spoken to a few days previous. Despite my disappointment with the way this situation was being "handled", I agreed to make arrangements to see AC Dr. Windsor on tuesday the 29<sup>th</sup>, followed by a meeting with AC management on Wed June 30<sup>th</sup> at 1330 hrs. I looked forward to doing my part in resolving this matter. I also informed my acpa representative that crew scheduling had left a number of messages relating to assigned flying for Tuesday June 29. As I had already indicated I did not consider myself "fit" for flying duties and, as I had not yet met with management, I inquired as to why crew sked was attempting to assign flying and further, why I had not been



released from duties pending a meeting with management. I was advised to "not even think about work and not to speak directly to crew sked". As far as the assigned flying was concerned, my acpa rep advised he would speak with crew sked /management and for me not to worry about it.

At 1630 hrs the same day crew sked called, and left a message that I had been assigned flying duties for the following day and that I should consider myself advised.

As my ACPA rep was now gone flying himself for the evening, I was placed in a situation of compromise. My only choice now, would be to;  
book off sick or not report for duty.

It became obvious, somebody here, was not acting in "good faith"

All parties were aware /should have been aware, I was unable to report for duties, and by not releasing me from duties, elected to place me in this situation .

At this point I became extremely "stressed" and anxious. That evening I called crew sked and booked off sick. Not only was this call made while during an "off duty" period, it was made more than ten hours in advance of the assigned flying. Despite this, the scheduler made the task of booking off much more difficult than it had to be.

The next morning I spoke with my ACPA rep. He assured me he had spoken with both my manager and a crew sked manager and indicated all parties were "fine" with me booking off sick. In fact it was also suggested that I'd done the right thing in booking off. At this point I had become furious that my good intentions of meeting and resolving differences was not shared equally with others. I then advised my acpa rep I was in no condition to meet with Dr. Windsor or AC management on June 29<sup>th</sup> and 30<sup>th</sup> . {As a point of interest, the level of stress attached to the above experience has had a negative impact on my health/well-being and is with me to this day}

Since my last flight with AC, I have visited my family doctor on six occasions, AC medical services once, and a psychologist on five occasions.. My blood pressure was alarmingly high {for an extended period}, and I am very concerned over the level of stress the above situations have caused. I have not slept well at night, and am suffering the affects of such. A few weeks ago my family doctor placed me on a low dose {50 mg's} of Trazodone as a sleep aid.

It has been suggested that I am suffering from an "adjustment disorder" My firm conviction is such that it is not because I have not adjusted well to recent events, but rather, since going into bankruptcy protection Air Canada has lowered its "standard" considerably and by doing so it has jeopardized the high level of flight safety most of

us are accustomed to and fully expect. If I have failed anywhere, it is that I have not adjusted well to this new "standard".

It is my belief, an "unwillingness" to "act in good faith" has been demonstrated. This has had a negative impact on the well-being of myself and my family. To say the whole experience has been disruptive would be a certain understatement.

Some seven years ago, when interviewed by AC, I was asked how I perceived change. I suggested that "change" is inevitable, and that in order to move on, it must not only be expected, but accepted. This holds true especially in these times. I also proposed that "safety" could not be sacrificed in accommodating that "change". I illustrated the point, with an aviation experience of past.

The change we have all witnessed throughout the past few years is nothing less than incredible. In many respects Air Canada and its employees have adapted remarkably well to that change. On a personal level, I am acutely aware the effects of post Sept 11 and the merger with Canadian Airlines is something employees must accept and move forward with. By affirming my motto "work hard, stay focused and have fun", I firmly believe I have adapted well to these circumstances. Unfortunately I am not capable of applying this "motto" to many of the circumstances and experiences alluded to within this document. Since October of 2003 I have had to turn down assignments that would have ultimately led to a crew fatigue situation, I have been called twice in as many weeks during "uninterrupted rest periods", I have been advised not to concern myself with a very relevant and serious ramp safety concern {a practice still ongoing today} and I was removed from the payroll for a four day period when I clearly should not have been. I am extremely disappointed with these circumstances - so much so, that they have consumed my thoughts and have had a detrimental affect on my health and well being. At this time I am not convinced I will ever be capable of flying for Air Canada again. I am fully aware should my relationship with Air Canada dissolve, I will not likely fly for a major carrier again. Regardless of the outcome it is paramount that the above concerns be addressed and that I am provided with closure.

Kevin Gauthier

PUR 72  
CHAP 5  
PAGE 8  
01 11 15

### Arrivals and Departures

#### ARRIVAL PROCEDURES (CONT.)

#### .05 Arrival Responsibilities - Standard Loading Bridge (Cont.)

(IF APU NOT OPERATING)

17 Connects GPU cable to GPU receptacle of aircraft.

18 Operates GPU to provide power to aircraft.

CAPTAIN

19 Shuts down aircraft engines.

20 Turns off anti-collision lights.

21 Signals No. 1 Man BRAKES SET, ENGINES OFF.

RAMP CREW

22 Opens aircraft passenger door (Refer Chapter 11 - Doors).

HANDLING AND SERVICING CREWS

23 When anti-collision lights go OFF, indicating engines have been shut down, move into position at the aircraft and proceed with their various functions.

RAMP CREW

(IF APU NOT OPERATING)

24 Connects conditioned air unit(s) (Heater or Cooler) to aircraft and operates unit(s). (Refer to Chapter 10 - Heating and Cooling).

25 Removes stop bar from windshield.

March 10, 2005

Robert Milton  
ACE President and CEO

Captain Kent Wilson  
Acpa President

Gentlemen

My name is Kevin Gauthier. I'm employed with Air Canada as an A320 First Officer based in Toronto. I am currently on GDIP.

On January 10, 2005 I submitted {to the board of Directors of Air Canada} the document entitled "To Whom It May Concern". I now enclose and forward it to Acpa. A review of that document will serve to encompass a "broader scope" of the following events.

On June 21, 2004 I was advised by the Chief Pilot of the A320 to get an Acpa representative and meet with management. On the same day I was removed from the payroll {at the Chief Pilots request}, for a four day period.

I was advised {by my Acpa representative} the Chief Pilot acknowledged the inappropriateness of this action, but did so in order to "get my attention".

Management, Crew Scheduling, Acpa, Pilot Assistance {and others}, are aware of the removal from payroll.

I advised my Acpa representative and my contact at Pilot Assistance of the great level of stress this action was causing. Clearly, the act of removing me from the payroll is not within the "spirit of good intentions". This concerned me gravely and I made this known.

Despite not following the guidelines of "proper protocol" {and releasing me from duty pending a meeting with management} - on June 28, 2004 I agreed to make arrangements to meet with AC medical services on June 29, 2004,



and management on June 30, 2004. This intent displayed a willingness on my part to resolve this situation.

As a result of not being released from duty, crew scheduling attempted to contact me {on a number of occasions on June 28, 2004} in order to assign flying duties for June 29, 2004. That same afternoon I shared this concern with my Acpa representative. I was advised to "not even think about work and not to speak directly to crew sked". My Acpa representative assured me he would make the appropriate phone call {with management/crew scheduling} to confirm I was unable to accept an assignment.

Despite Management, Crew Scheduling, Pilot Assistance and Acpa's knowledge of this situation, crew scheduling called my home late on the afternoon of June 28, 2004, leaving a message advising assigned flying duties to commence the morning of June 29, 2004. As my Acpa representative was now away on an assignment of his own, this action left me one of two choices.

Following the direction of my Acpa representative - and not speaking directly to crew scheduling - would mean not reporting for duty and likely cause an unnecessary flight delay the following morning. It may also have been cause for disciplinary action and / dismissal.

Ultimately, I did not follow the recommendation of my Acpa representative. Instead, as I had already informed both Acpa and Pilot Assistance of concerns regarding recently discovered "very high blood pressure" and of the negative impact and "stress" this situation was having on my health, so as not disrupt the "operation", I booked off sick.

Given the nature of the above incident, I cannot help but question the motive{s} of management, crew scheduling {and Acpa} in awarding the assigned flying. I view this as a deliberate act initiated by management, and supported by Acpa.

The following morning I was advised by my Acpa representative, after consultations with a manager at crew scheduling and flight manager of the A320, that all parties agreed, I had indeed did the "right thing" in booking off.

Since June 21, 2004 I have consulted with five doctors. Two of these doctors practice Occupational Health and Medicine. Another is a doctor of psychiatry. One is a doctor of psychology. Yet another is a general practitioner. All five of these doctors {in varying degrees} are aware of events prior to, and subsequent to, those of the latter part of June 2004. Two of these doctors have been forwarded the information contained in the document dated January 10, 2005.

Harvey Watt and company are in the process of requesting information from three of my doctors. These doctors have impressed upon me they are somewhat apprehensive and / reluctant to become involved. I will do my part however to oblige the requests of Harvey Watt.

I've been employed with Air Canada for seven years. Throughout my employment I have either met or exceeded the requirements of my employer and have consistently delivered a high or very high standard of performance. On a number of occasions I have went "beyond the call of duty" in the "interest" of preventing a likely disruption to the "operation".

The one time {throughout my employment} I was summoned to meet with management, was on June 21, 2004.

The one time I requested the representation and support of Acpa was during the week of June 21, 2004.

It is important to accept and recognize a relationship between an employer and employee requires a "very basic level of trust". This is a "must" for the continuity and advancement of any relationship. The culmination of events up to and including those described within the framework of this document - and that document dated January 10, 2005 - have eroded this "basic level of trust" to the point where it no longer exists. Unfortunately, this has caused "damage beyond repair", and as a result it no longer affords me the ability to envision a future with Air Canada. The compelling result is an ultimate destruction of any future career expectations.

Since June 2004, association with my employer has been very limited. Other than a visit to AC medical services on July 20, 2004, I have not stepped foot

on Air Canada property. I have not collected company mail or exercised the opportunity to bid this years vacation.

As this experience has caused an enormous degree of stress and disruption to myself and my family, I simply ask that my employer and Acpa acknowledge and recognize each of their "contributions" to the present situation. Lastly, I request Air Canada {with the assistance of Acpa} to initiate a fair, equitable and expeditious process that will allow myself and my family the opportunity to move forward with our lives.

Kevin Gauthier  
12-53rd St. S  
Wasaga Beach, ON  
L9Z 1W8

AIR CANADA 

Rob Reid  
Senior Vice President, Operations  
Premier Vice-président - Operations

May 6, 2005

Mr. Kevin Gauthier  
12 - 53<sup>rd</sup> Street  
Wasaga Beach, Ontario  
L9Z 1W8

Dear Mr. Gauthier,

I am in receipt of the letter you sent to our Board of Directors.

First, thank you for raising your concerns. We have fully investigated and are satisfied that all of the issues have been dealt with. I also understand that Captain Jokinen has addressed these issues with you verbally.

For ease of your reference and my response, I have broken your concerns into four major areas:

1. Ramp Safety - Doors
2. Ramp Safety - Parking Brake
3. Crew Fatigue
4. Crew Scheduling

With respect to item one, you make the point that the cabin door should not be opened prior to shut down of the left engine. This is not correct and, in fact, is not an unusual occurrence at a loading bridge. Both the bridge and the cabin door are outside of the engine safety area. The only prohibition is on deplaning to the ramp with the left engine running. We have researched our FCRs and ASRs as well as spoken to numerous line and supervisory pilots and find no record of this occurring. This is also a topic that is emphasized in ramp training. If it has occurred, it has not been reported by anyone including you. Any occurrence of this nature would be dealt with immediately.

There is a prohibition against opening cargo doors with the engine running on the right side of the aircraft. You refer to an occurrence of this along with the attendant remedial action. This incident was published in our safety magazine for all to learn from. The magazine, along with free and uninhibited reporting, form a very important part of our safety culture; one that we are proud of and one that is recognized in the industry. In fact and contrary to your assertions, while in CCAA, the Safety area was an area where we continued to invest significant funds. Interestingly, further remedial action was taken on this issue with a procedure to start APUs on arrival thus permitting shutdown of all engines prior to application of ground power. This further minimizes time at the gate with engines running.

With respect to item two, you are correct in stating that we had several rollbacks in 2003. They were certainly not "regular occurrences. These were dealt with through a pilot and ramp awareness campaign. The ramp procedure was also changed so that both nose

System Operations Control  
10th Floor, Zip 2400  
5855 Airport Road  
Mississauga, Ontario L4V 1W5  
aircanada.ca





Mr. Kevin Gauthier

- 2 -

May 6, 2005

wheel and main gear are chocked. Since then the problem has all but disappeared. You also allege that the brake and door issue are intertwined and that the rush to open a door is to establish the end of the flight for pay purposes. I have no idea where you would get this notion, however, it is wrong.

Item three deals with Crew Fatigue. Air Canada's duty and flight time regulations are far more restrictive than required by law. It is the responsibility of the individual to be rested for his/her flight. In the instances cited, where you claimed fatigue and did not operate a flight, you were supported by management. The issue of augmentation is also raised. Again, our rules are more restrictive than requested by law.

There is also a statement that we have furloughed too many pilots. Support for this allegation is made through an assertion that our pilot numbers should be great enough to supply a complement of A and B reserves. I disagree. Again, our crew rest rules and reserve coverage exceed requirements. A study of pilot hours (including blockholders) show that most pilots fly fewer hours than their designated monthly maximum. In fact, this is a point of contention with a number of pilots who would like to fly more.

The last item deals with Crew Scheduling where you have cited several examples. As these are from many months ago I cannot comment on their veracity or the circumstances surrounding them. I do know that there is expectation that a pilot on reserve be rested and ready for duty. You give an example of being on call June 8 and 9. You do not fly June 8 and take issue with being called early in the morning of June 9 for duty. You claimed fatigue and, in spite of not having worked the day prior, your Manager supported you. I do not see where there is an issue. Crew Scheduling did what they should do; you claimed fatigue and your Manager supported you.

In summary, it is unfortunate that you feel the way you do. I must though object strongly to your assertion that safety margins are reduced. With over eighteen thousand flights per month there will be incidents. When these occur, remedial action is taken immediately, monitored for effectiveness and modified if required. This, along with complete and uninhibited reporting, are the foundation of a vibrant, effective safety system. We are always striving to do more; we continue to invest money in technology, FDA programs, SMS and so on. Safety is absolutely our number one priority and will remain so.

As I mentioned at the outset, I thank you for raising your concerns. Should you wish any more information, I invite you to call me at (905) 676-2420.

Yours truly,

