

ONSET OF UNCONTROLLED AIRCRAFT MOVEMENT AT AIR CANADA

Submitted to Cryptome Administrator on September 12, 2008

In correspondence dated May 6, 2005 Air Canada Senior Vice President, Operations, Mr. Rob Reid, responded to my January 10, 2005 letter to the Air Canada Board of Directors stating, in part:

"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."

This response contradicted the requirements of various Operating Manuals and well established Air Canada Standard Operating Procedures.

Soon thereafter, I began preparing a very detailed report depicting changes in company operating practices throughout this time frame. The eighteen page report is titled "To Whom It May Concern" and dated September 29, 2005. The report was initially submitted to Canada's Federal Minister of Transport, The Chairman of the Transportation Safety Board of Canada, the President of the Council of the International Civil Aviation Organization (ICAO), the President and CEO of the Flight Safety Foundation (FSF), and two Canadian Law Firms.

The specific changes in operating practices is depicted in the following partial extract of this letter which denotes three different scenarios that relate to parking and securing midsize commercial passenger jet aircraft operated by Air Canada, during the specified time frame. Scenarios A, B, and C attempt to demonstrate how this change in operating practices, in conjunction with ACARS function and design, resulted in the onset of uncontrolled aircraft movement (rollbacks) at gates of arrival. It remains my position that scenario "B", which appears to be condoned by Mr. Reid's letter of May 6, 2005, is in direct conflict with requirements of various Operating Manuals, Standard Operating Procedures, and in clear violation of the Canadian Aeronautics Act 7.41 (1) (a-c).

The official response of the Chairman of the Transportation Safety Board of Canada dated October 11, 2005 and the response of the Office of the Minister of Transport dated 18 November 2005 is provided. I did not receive a response from ICAO or the FSF.

Note: Also included is a related email correspondence between Transport Canada personnel dated October 24, 2005. This is a copy of the correspondence as it was provided via an access to information request in July 2007. A copy of the referenced RDIMS document is also attached.

Kevin Gauthier - ATPL # AA 376158

Scenario A

Scenario A is the typical scenario that I have come to understand and know as the "norm" within the industry.

The aircraft is taxied to the gate by the Captain. Once at the gate the flight crew and ground crew will "secure" the aircraft. Three key events must happen before the passenger door is opened and passengers permitted to disembark. The very first action - once the aircraft is stopped at the gate - is the Captain's action of setting the park brake.

Next the flight crew and ground crew will attempt to transfer the "ships" power. Typically the ground crew will plug in { to the aircraft} an "external" power supply. This will permit the Captain the opportunity to shut down the remaining engine {or both: if one had not been shut down while taxiing in the aircraft}. Once this task is completed, the bridge positioned, and "wheel chocks" in place, the ground crew would then get a "thumbs up" from the "in charge" flight attendant {confirming the "chute" is disarmed} and proceed to open the passenger door. {As the park brake is set immediately after gate arrival, the "in-time" would automatically occur once the ground crew opened the passenger door}.

{At my place of employment the "In Time" of an aircraft is established once an aircraft is parked and secure. On these mid size aircraft an "in time" is automatically established in conjunction with two things happening. The park brake must be in the "set position" and the passenger door must be opened. When both of the above occur {regardless of which event takes place first} then an automatic "in time" is awarded to that particular aircraft and crew. I mention "crew" because it is the "in time" that determines when all "in-flight" crew go off the payroll}.

A number of other events will also take place however the above actions are essential to securing an aircraft at a gate.

{It is worth noting: that quite often - for one reason or other - a transfer of power to "ground" ie "external power", will not be successful. If this should occur, the flight crew - either Captain or First Officer- would simply start up the aircraft's auxiliary power unit (APU). The ground crew will wait for this to happen -usually taking one to two minutes. Once the pilot transfers essential power to the APU, the Captain simply shuts down the remaining engine{s}. Once this occurs , the ground crew requests clearance to open the passenger door. Again, once the door is open {and assuming the Captain had set the park brake immediately after gate arrival} an "in-time" would automatically be awarded to this aircraft and her crew.

The above scenario is typical for gate arrival and I will hereby refer to it as Scenario A

Scenario B

The aircraft arrives at the gate. The ground crew signals the Captain to set the park brake and attempts to provide external power to the aircraft. While these actions are taking place, another ground crew personal positions the "bridge" and requests clearance to open the cabin door. The "in-charge" gives the "thumbs up" indicating the cabin door as "unarmed" and the door is opened. *The opening of the cabin door, as depicted in this scenario, occurs after the gate is positioned, regardless of what power source is providing essential power to the aircraft.*

Consider the following.

An aircraft arrives at the gate. The ground crew is unsuccessful in providing "external power" to the aircraft. The right side engine is already shut down prior to gate arrival. Because the transfer to "external power" is unsuccessful the Captain is unable to shut down the left engine because it is supplying essential power to the aircraft. Therefore, the Captain elects to start up the APU - but start up and transfer time can typically take one to two minutes. Meanwhile, the aircraft has already been at the gate for one to two minutes while crews attempt to transfer essential power from engine{s} to {external}.

While these events take place, the left side engine continues to operate at "idle power", the ground crew has opened the cabin door, and passengers are beginning to deplane.

Once the Apu is operating, essential power is transferred and the left engine is shut down.

Scenario C

The aircraft's APU is started on the ground prior to gate arrival. Upon gate arrival the parkbrake is "set", the remaining engine(s) shut down, the bridge positioned and passenger deplanement begins.

{The advantages to this scenario is that there is no delay in shutting down the left engine as essential power is transferred to the APU just prior to gate arrival. Therefore setting the park brake, shutting down the engines and then initiating passenger deplanement can occur within a minute or less of gate arrival.}

The advantages to scenario B and C can be seen as very obvious to those familiar with this industry.

{Both scenarios provide the opportunity of decreasing turnaround times and initiating passenger deplanement within a minute {give or take a few seconds} of gate arrival - regardless of power transfer and other irregularities. This, together with prompt "in-times" will save both time and money.}

1) April 1, 2003 Air Canada enters CCAA. Reducing expenditures is paramount to the airlines survival.

2) During the mid to latter part of summer 2003, I notice an inception of scenario B. {When I first noticed the cabin door open with the left engine still operating I queried the in-charge flight attendant and was advised there was "nothing" in their manuals that prevented this procedure from taking place.}

Scenario C is also introduced at Toronto and Vancouver operations.

3} By late summer scenario B is quickly becoming a "common occurrence" at domestic bases other than Toronto and Vancouver. The very nature of scenario B allows for passenger deplanement and "in-time" establishment, quite often before the left engine has been shut down and secure. {As stated previously, this typically happens when a transition to "external power" is unsuccessful thus requiring the "start up" and transfer to the APU - a fairly common occurrence within the industry}.

4} Deplaning passengers with the left engine running and an "in-time" already established begins to become unnerving, unsettling and a distraction to "pilots" who have not yet shut down the aircraft's left engine. There are a number of reasons for concern here. First: an idling jet engine produces forward thrust - an obvious opposing force to devices utilized to prevent the aircraft from moving - ie: the aircraft's wheel brakes and wheel chocks. Another concern: the "pilot" is aware an "in-time" has been established {ie in-flight crew no longer on payroll} yet the left engine has not yet been shut down, nor is the aircraft secure.

5} As time passed on I noticed some "Captains" reluctance to set the park brake when requested. Instead, the brakes are held "manually" by a Captains feet until such time as the left engine is shut down and secure. *Once "secured", the Captain simply places the "park brake" lever in the "set position" and an "in-time" is established for the aircraft and crew.*

{As not all the actions of scenario B are consistent with "standard operating procedures", it is difficult to suggest or find fault with an operating crew proceeding with the above actions. Although airmanship might dictate otherwise - there is nothing to suggest how long a pilot can apply brakes manually prior to "setting" the park brake. Further, a "pilot" holding the brakes "manually" - ie usually the Captain - has "control" of the aircraft, and as such, continues to maintain "control" - until such time as "Parking Checklist" completion.}

{From a professional point of view, witnessing the combined events of scenario B unfold, created a heightened sense of alert and vigilance. This, after-all, is a situation that permits passengers to deplane a midsize commercial aircraft at the forward left exit with the left side engine producing "idle thrust", while the aircraft is being held in place by a crewpersons feet. Clearly, the development and implementation of this scenario is not

consistent with previous long term company procedures. As a crewmember fully aware of the possibility of aircraft movement should a "crewmember's" feet leave the brakes prematurely, I remained vigilant and alert, quite often verbalizing -"Parkbrake to go"- as a reminder to myself and the Captain that the aircraft and it's crew were truly in an unusual and vulnerable "state".

6) My "discomfort level" with scenario B grew rapidly. It was obvious the most appropriate method of parking and securing an aircraft was either scenario A or C and clearly - nothing in between. Given the "status" of the company at the time, "prudence" suggested scenario C as the most "cost effective" and "appropriate." Furthermore, scenario C was already in the process of proving "itself", as it was the "standard operating procedure" at both Toronto and Vancouver operations.

For these reasons during the early autumn of 2003, I stopped by the office of the Senior Director of Flight Operations and I expressed an overall discomfort with respect to "rushed" ramp procedures and specifically a concern with opening the cabin door prior to left engine shut down. The Senior Director of Flight Operations suggested this was not the case in Toronto and Vancouver as Scenario C was in place. I acknowledged the appropriateness and success of scenario C in Toronto and Vancouver and verbally requested scenario C be implemented within the domestic operation as an alternative to scenario B. The Senior Director of Flight Operations advised he would bring it up for discussion later that afternoon in a "management meeting".

7.) As time went on and Scenario B continued at domestic stations, the "operation" began to experience "rollbacks" while aircraft were parked at the gate. As an aircraft "rollback" is an extremely precarious and rare event; "more than one rollback" was highly suggestive that the implementation of scenario B was cause.

{It is important to recognize; an aircraft doesn't normally experience "rollback" ie move on it's own - with it's brakes "set" or "manually" held in place, unless there is eminent brake failure - which is not the case here.}

What is prevalent here is that scenario "B" gave rise to two "actions" not common to my past experiences within the industry. First: the practice of opening the cabin door prior to all engine shut down,

and secondly:

the intentional delay of setting the park brake immediately after gate arrival. Given the serious nature of this development, I became very anxious of the hazards associated with "rollbacks" especially when one considers the possibility of this occurring while passengers deplaned and the left engine producing idle thrust.

From a personal standpoint it was extremely difficult to realize the implementation and "acceptance" of scenario B as the likely cause of "rollbacks" yet no substantial measures were in place to prevent future rollbacks from happening.

For me it was clear - scenario B had to go!

8.) After considerable research and discussions with several company personnel it became clear no "language" existed in the operating manuals of *in-flight* personnel specifically regarding the acceptance of opening the cabin door prior to {left} engine{s} shutdown. As scenario B was a very "grey" area at best, it made the task of submitting an ASR {air safety report} quite challenging.

9.) On the evening of December 9, 2003 while operating a flight to Edmonton, the Captain and I discussed the operating practices of scenario B. Upon our arrival the Captain summoned a ramp safety officer to the flight deck for further clarification of "ramp procedure". During this discussion, the RSO advised there are procedures in place that prevented this type of practice from occurring.

He referenced publication 72 and the next morning provided a copy of the pages pertaining to the appropriate procedures.

{In brief, these procedures suggest that once the Captain signals the No. 1 man that the Brakes are Set and Engines Off, then ramp crew will open the aircraft passenger door.}

10.) On the morning of Dec 10, 2003 I completed an Air Safety Report {ASR}. Later that morning while completing paper work I happened to share a flight planning desk adjacent to my chief pilot. I utilized the opportunity to have the chief pilot read the ASR prior to me submitting it. In the brief discussion that followed the chief pilot suggested procedures were already in place {in reference to the opening of the cabin door}. I begged to differ {as I had been unable to find reference} and at the suggestion of the chief pilot, we "bet" a coffee on it.

I forwarded the ASR to both the company and Acpa.

11.) A couple of weeks later I received internal correspondence from AC Flight Safety. The "status" of the ASR had been classified as an "ACTION REQUIRD", which is an indication that the report was being further investigated and - once the investigation is complete, the submitter would be issued a copy of the final report.

{It is worth noting - I have never received a copy of the final report.}

12.) On January 8, 2004 I was "written up" by a crew scheduler. This was a "first time" occurrence - since being hired in Feb of 1998. I was advised to contact my "manager" prior to "resuming flight duties". Later that morning, I was able to demonstrate, that the particular crew scheduler {who had advised of the "awards" and "reserve pilot availability" the previous day} had "mistaken". As a result I was advised by my manager,

to consider this a "non event". Prior to ending our telephone conversation I queried my manager about whether or not he was familiar with the ASR I had filed on December 10, 2003.

My manager advised that this ASR had in fact come across his desk, and that it was he who was "handling" it. When I inquired as to the status "action required" and if there were any specific measures being considered to address these concerns, my manager advised *as this was a ramp procedure - it should be left to the ramp personnel to comply with there own SOP's (standard operating procedures)*.

My response to my manager was to express a concern with this type of procedure taking place {at any time} and *even more so during the winter operations on slippery ramps*. As his response "implied" an indication that no further action would take place, I expressed to my manager that I had now discussed this "concern" with three AC management personnel and had also submitted these concerns via an in flight ASR *(Air Safety Report)* and was confident every reasonable attempt was made to share this information through appropriate management and operational channels.

13.} As time went on I soon began to recognize the "impact" of what had taken place . It was arduous at best trying to convince myself I "belonged to a team" of professionals whose sole purpose was to move passengers in a safe and reliable manner. *Instead, for the first time in my life, I experienced a "lack of confidence" in my employer*. Then on the evening of June 21, 2004, after advising a crew scheduler I was unable to accept a four day assignment due to a medical appointment with a physiatrist on June 23, my Chief Pilot instructed this same scheduler to remove me from the company payroll for a four day period.

To date, the only explanation as to motive, was provided by an ACPA representative a few days later who declared the CP acknowledged the "*inappropriateness*" of this action - but that it was executed so as to "get my attention."

{It is worth noting that during the four day period of removal from the payroll I did see my physiatrist and shared a concern for the stress and anxiety this suspension was having on me personally. The same day, I discovered my blood pressure was abnormally high. I advised both my Acpa representative and a "pilot assistance" person that I did not feel fit to perform flying duties at this time.}

Despite being removed from the payroll and management's neglect in following proper "protocol", on June 28, 2004 I agreed through discussions with my Acpa representative to meet with both AC medical services and management on June 29 and June 30, 2004.

{I believe this demonstrated a "willingness" on my part - to resolve "outstanding" differences in "good faith". Unfortunately, due to the following development, I am not convinced these intentions were shared equally by my employer.}

20.) On January 10, 2005 I submitted (via registered mail) a thirteen page letter - with supporting documents - to the Air Canada Board of Directors. {One of eleven documents was a "return to sender".}

The final paragraph of this letter is:

"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."

21.) On January 31, 2005 I received a cellular telephone call from the Director of Flying Operations.

My letter to the board of directors was acknowledged and I was asked to clarify my concerns with the ASR I had filed on December 10, 2003. *In response to my concerns, the DFO informed me that AC has been deplaning passengers with an engine running as part of normal operations for at least thirty years.* I reiterated my position that this was not my experience - or the experience of a recently retired ramp lead that I had consulted with in the latter part of 2004. I made mention that it was my understanding that prior to restructuring the practice of opening the door with an engine running was considered a serious violation resulting in reprimand.

I also explained to the DFO that I had worked with Captains who had held the aircraft brakes with their feet - as opposed to "setting" the brake - and referenced the "in time" as being linked to this action. At this point the DPO demanded to know how I responded to

this action. I replied I was in no position to tell a Captain how to control {his/her} aircraft. The DFO then scolded me and suggested:

"If the Captain is about to fly the plane into a mountain you would be willing to let him".

The DFO then suggested that Air Canada's new policy of starting the APU prior to gate arrival has all but alleviated the occurrence of "rollbacks".

Lastly the DFO suggested that although he would not be able to address concerns relating to crew scheduling matters, he would indeed investigate and attempt to address other concerns.

22.) On March 10, 2005 {I forwarded a copy of my letter to the Board of Directors re: January 10, 2003}, to the President of Acfa, Captain Kent Wilson.

I also submitted a letter of request to both Captain Kent Wilson and Mr. Robert Milton requesting their aid in dissolving my relationship with Air Canada.

24.) On May 27, 2005 I received a letter from the Senior Vice President of Operations. Interestingly, the envelope was post dated May 24, 2005 - and the enclosed letter dated May 6, 2005, *six days prior to the disposition of my attending psychologist.* {I have attached a copy of this correspondence to this document.}

For ease of reference the VPO has divided my concerns into four major areas.

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

With respect to the cabin door the VPO makes the point it is "not correct" to suggest the cabin door should not be opened prior to left engine shutdown - reasoning this is not an "unusual occurrence" at a loading bridge as the bridge and cabin door are outside of the engine safety area. The VPO further supports this practice by stating:

"the only prohibition is on deplaning to the ramp with the left engine running".

It is interesting management has chosen not to reference my ASR - specifically publication 72 chapter 5 page 8, which references the Captains duties on Arrival as follows:

CAPTAIN

- "19. Shuts down aircraft engines
- 20. Turns off "anti collision lights" {indicating to handler and services crew the engines are shut down and it's safe to approach the aircraft}
- 21. Signals No. 1 Man "BRAKES SET, ENGINES OFF"

"RAMP CREW"

- 22. Opens aircraft passenger door { Refer Ch. 11 doors}

A review of the flight crews SOP's as referenced in the AOM {Aircraft Operating Manual} - during the same time period - are in fact consistent with publication 72 the sequence being:

Engine Master 2 - Off

Establish electrical power via "External or APU"

Engine Master 1 - Off

Beacon Switch - Off

Captain "Brakes Set, Engines Off" { advising the signalman either verbally through the intercom, or by handsignals}

Slides - FO - Check { the FO checks the slides are disarmed on Ecam Door page and warns cabin crew if slide is not disarmed.}

It would be remiss to suggest the integrity of the operation did not depend on the premise these operating procedures were being complied with, in the order and consistency as depicted in the ramp and flight crew operating manuals. Clearly, it is my position standard operating procedures were not being followed during the period in question. Instead, major deviations resulted which compromised the integrity and safety of the operation.

Specifically, the "compromise" occurred when ramp personnel began the practice of opening the cabin door prior to the engines off portion of the "Brakes Set, Engines Off" sequence.

It is worth noting that although "good airmanship" may support setting the parkbrake as soon as the aircraft comes to a complete stop at gate arrival, the AOM indicates the Captain is not required to give the signal "Brakes Set, Engines Off" until both engines are shut down. Ironically, this might seem to support any Captain's decision to withhold setting the parkbrake until both engines were shut down. If this in fact were the case it is very likely this "action" became the "final link" in a series of events that ultimately led to several rollbacks in 2003.

As a result I submit that several captains {on more occasions than we'll likely know} intentionally withheld setting the park brake until all engine shutdown. *{As ramp crews were opening the cabin door prior to left engine shut down - the action of delaying the setting of the parkbrake, would prevent an "in-time" from being established before the aircraft engines were shut down.}*

As this "action" is contrary to the common industry wide practice of setting the park brake immediately after the aircraft comes to a rest at it's final destination, it is very likely some Captains simply forgot the "parkbrake" was not set and "inadvertently" removed their feet from the brakes. In most cases a properly "chocked" aircraft would prevent an aircraft from moving due to ramp slope and/ left engine thrust. The only damage resulting {once the error was recognized} would be of a pilots pride. Unfortunately, on several occasions when wheel chocks were not properly installed, a "rollback" resulted. {We do know that three such incidents occurred within a two week period and that several others happened throughout the period in question.}

The VPO addresses this concern in stating:

"the ramp procedure was also changed so that both nose wheel and main gear are chocked. Since then the problem {rollbacks} has all but disappeared."

Realistically - and in alignment with the DFO's remarks on January 31, 2004 - it seems more likely the real reason there are no more "rollbacks" is the result of discontinuing the operating practices of scenario B and implementing scenario C- the procedure of starting the APU prior to gate arrival. Interestingly, as mentioned already, I requested this be implemented back in the early autumn of 2003.

The VPO also states it is wrong for me to suggest "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 would simply suggest that "rollback" is an extremely rare event within the industry. The reason it is so rare - is that two events must take place before an aircraft can "rollback"

1. The aircraft brakes are not engaged, and
2. The aircraft is not chocked {or not properly chocked}.

Although AC acknowledges the rollbacks, management's position is such that these "rollbacks" resulted solely from aircraft that were not chocked properly.

If it is "wrong" for me to assume the brake and door issue are intertwined - I would welcome a logical explanation as to why the brakes on these aircraft were not engaged at the time of "rollback".

Earlier I referenced being contacted by the Director of Flying Operations. I mentioned that when I spoke with the DFO and advised him that I had noticed a Captains action in delaying the "setting" of the parkbrake the DFO wasted no time in scolding me, suggesting:

"If the Captain is about to fly the plane into a mountain you would be willing to let him".

As shocked as I was to the "inappropriateness" and "reckless" nature of such a comment - I stand by my actions. I would remind the DFO that I fully recognized the "discomfort" level brought on by these activities. On a personal basis, I dealt with this "discomfort" level by remaining extra vigilant and a heightened sense of alert, especially during ramp shutdown procedures. Even though I was not part of an operating crew that experienced "rollback" I was very much aware of the hazards associated with "rollback" and did everything possible to ensure these hazards were identified and addressed.

Despite these efforts and the knowledge of the "hazard" - it is near incomprehensible as to why these concerns were not addressed when they were known to exist.

Interestingly, excerpts from an article titled "Ground Control" dated July 19, 2005 in Flight International's magazine seems to best echo my concerns and "shine light" on the ongoing "oversights" of ramp operations. {I have taken the liberty to attach the complete article to this document}

The article begins stating:

"Why is an industry that is so safety conscious in the air so lax when it comes to accidents on the ramp? Can a new approach solve the problem?

Commercial aviation may be justifiably proud of its safety in the air, but its industrial injury record on the ground is one of the worst among all businesses...

Transportation Safety Board
of Canada

Chairman

Bureau de la sécurité des transports
du Canada

Président

Place du Centre
200 Promenade du Portage
4th Floor
Gatineau, Quebec
K1A 1K8

11 October 2005

Mr. Kevin Gauthier
12 – 53rd St.
Wasaga Beach, Ontario
L9Z 1W8

Dear Mr. Gauthier:

Thank you for your confidential submission of letters and documentation regarding your personal relationship with Air Canada.

I will ensure the confidentiality of the information within the Transportation Safety Board, and retain the documents in the Chairman's personal file.

Sincerely,


Charles H. Simpson
Acting Chairman

Canada

Office of
the Minister of Transport



Cabinet du
ministre des Transports

18 Nov. 2005

Mr. Kevin Gauthier
12-53rd Street
Wasaga Beach ON L9Z 1W8

Dear Mr. Gauthier:

On behalf of the Honourable Jean-C. Lapierre, Minister of Transport, I am writing in response to your correspondence of September 29 and October 13, 2005, regarding Air Canada's A320 airbus.

Allow me to assure you that your concerns will be investigated by the appropriate Transport Canada officials.

Once all of the relevant information has been gathered, it will be evaluated and you will be informed of the results of the investigation.

Thank you for writing.

Yours sincerely,

Emmanuel Morin
Special Assistant - Ontario

Canada

03-0112 (E) (96-06)

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Day, Terry

From: Day, Terry
Sent: Monday, October 24, 2005 11:59 AM
To: Gignac, André
Cc: Clark, Cheryl
Subject: Ministerial Correspondence re: Letter from Air Canada First Officer Kevin Gauthier

André,

As discussed, FO Gauthier's submission quite articulately relates the account of him having identified a legitimate ramp safety concern to his employer, and having subsequently experienced a less-than-receptive response from the company. His letter does not request any specific response or action from the addressees (TC, TSB, ICAO and the Flight Safety Foundation), although he does note at the end of his letter that he has an undisclosed third party handling the distribution of the letter including its attached documentation, and that he is in consultation with "appropriate legal counsel". I should add that, at the end of the letter, he adds two other issues which he says are of concern to the pilot group rather than just himself - poor food quality and lack of rest facilities.

My assessment of FO Gauthier's situation is that, notwithstanding having experienced a number of unrelated scheduling issues with the employer, he did submit a legitimate safety concern via an Air Safety Report in Dec 2003. In good faith and through proper channels,

Gauthier may very well have identified the real cause of the A320 parking rollback incident Air Canada experienced in the Spring of 2004; not only that, he had reported the hazards to his company in plenty of time for the incidents to have been avoided. He is now unfortunately on medical leave (GDIP) with stress, hypertension and sleep problems, and actually has asked both Air Canada and ACPA "to initiate a process which would dissolve my relationship with Air Canada." I will add parenthetically that his scheduling issues appear for the most part to have originated from errors made by Crew Scheduling, i.e., he has legitimate, defensible grounds for his actions. Also, he went through one incident of having been docked four days' pay by the then A320 Chief Pilot, who admitted later that he had no grounds to do so other than to "get his attention". That's not related to the ramp safety issue *per se*.

We should follow up with Air Canada's investigation and corrective action re: FO Gauthier's ASR (note that he was advised by Air Canada Flight Safety that he would receive a copy of the final report from the ASR, but hasn't received it to date). To that end, I have attached a short RDIMS document with bulleted points for the Minister's initial response to FO Gauthier, which should indicate that he appears to have identified a legitimate safety concern, and that TC will investigate and get back to him with an answer.

Cheers,

Terry Day

Air Carrier Inspector / Inspecteur des transporteurs aériens
 (613) 990-8538 | facsimile / télécopieur (613) 998-8237 | TTY / ATS (613) 990-4500
 dayt@tc.gc.ca
 Transport Canada | Place de Ville (AARXD) | Ottawa, Ontario K1A 0N5
 Transports Canada | Place de Ville (AARXD) | Ottawa (Ontario) K1A 0N5
 Government of Canada | Gouvernement du Canada



POINTS FOR
 MINISTERIAL RESPON

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NOTES FOR INITIAL MINISTERIAL RESPONSE LETTER
AIR CANADA FIRST OFFICER KEVIN GAUTHIER

- Thank you for your well-documented and articulate submission expressing concern for a potential flight safety hazard observed in Air Canada A320 Airbus ramp operations.
- Your submission appears to have merit from an aviation safety perspective, and will be investigated further by appropriate TC specialists.
- Once all relevant information has been gathered, it will be evaluated and a follow-up letter will be forwarded to communicate to you the results of our evaluation.

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