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November 25, 2021

The Honourable Omar Alghabra
Minister of Transport
Transport Canada

Re: Mandatory COVID-19 vaccination requirements for federally regulated transportation employees and travellers – Feedback from the airline community

Dear Minister Alghabra,

The International Air Transport Association (IATA) and Airlines for America (A4A) have been collaborating with the Government of Canada since the beginning of the pandemic on the implementation of the various travel measures and border restrictions imposed over the past 20 months. We appreciate the opportunity to provide Transport Canada with the operational expertise needed to minimize the negative impact these measures have on the travel experience.

We welcomed the September 7, 2021 decision by the Government of Canada to open its borders to fully vaccinated passengers. However, we continue to have significant concerns regarding the October 30, 2021 mandate that passengers leaving Canada be fully vaccinated. Phase 1 of this policy has presented significant operational challenges for airlines and has resulted in confusion for passengers as they attempt to navigate the Canadian departure requirements and at the same time the requirements of the country of their destination. We also question the justification for these departure controls given the fact that any passenger leaving the country would need to be fully vaccinated in order to return to Canada.

The operational challenges and confusion resulting from this policy will only increase as we approach the Phase 2 deadline on November 30, 2021. Below are our concerns and our requests for changes that we believe will result in greater compliance with the requirements and less negative impact on both passengers and airlines:

Foreign Flight Crews

We strongly support the exemption from the vaccination requirement provided for foreign flight crews during the transition period between October 30 and November 29, 2021. According to the recent announcement concerning adjustments to Canada's border measures, foreign flight crews will be exempted only until January 15, 2022, at which date they will neither be allowed to enter nor exit Canada without being fully vaccinated. We urge the Government to make the existing exemption for flight crews permanent for the following reasons:

- A crew vaccine mandate will reduce the numbers of foreign crews available for flights to and from Canada which will have a negative impact on both passenger and cargo operations;
- A number of European countries prohibit carriers from imposing vaccination requirements on crew members or even storing their vaccine information; and
- A crew vaccine mandate will likely exacerbate current supply chain challenges since the majority of cargo still travel on passenger aircraft.

Airlines' Pre-departure Operations

Phase 1 of the Federal Vaccination Mandate imposed significant new burdens on carriers, including:

- Notifying passengers of the new policy;
- Seeking passengers' confirmation of their understanding of the new policy;



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- Verifying passenger vaccination and testing requirements;
- Notifying Transport Canada of passenger false information/documentation;
- Developing a process for recording denials of boarding for failure to comply with the new policy; and
- Conducting random verification of 8-40 percent of passengers' proof of vaccination.

The challenge of developing processes and undertaking staff training to meet these new requirements was increased substantially by the fact that airlines were only given two weeks to comply. Airlines have had to make substantial investments to ensure that they can continue to serve their passengers' travel needs during this first phase.

Unfortunately, the challenge of complying with Phase 1 of the Order pales in comparison to the burden that would be imposed on airlines in Phase 2. In addition to verifying 100 percent of passengers' vaccination documentation and continuing to comply with most of the Phase 1 requirements, airlines would be responsible for managing the passenger vaccination exemptions process. This would require airline staff to make highly subjective decisions about whether a passenger's religious exemption application meets the Government's requirements. For example, it is preposterous for the Government to require airlines to decide whether a passenger's religious belief is "sincerely held"¹ even with the benefit of Transport Canada guidance. Further, the fact that the guidance suggests that the decision by the originating carrier on an exemption does not bind a connecting carrier will most certainly result in passenger confusion and frustration. It also raises significant liabilities for carriers from passengers who believe the denial of their exemption application was incorrect or that the process violates their privacy rights. This in turn would almost certainly increase the number of unruly passenger incidents at airports. Finally, it is unreasonable to expect carriers to be able to adequately train their staff to complete these tasks in the short time provided.

We strongly recommend that the Government remove the burden from carriers to decide whether a passenger qualifies for a medical or religious exemption and instead have a competent government authority make that decision. Transport Canada is already developing a digital platform to support the Government's consideration of National Interest Exemption applications. Modifying that platform to include government consideration of religious and medical exemption requests would avoid passenger confusion, passenger complaints, airport delays and liabilities for carriers when they can least afford them. We believe this is the best way to ensure compliance with the Phase 1 and 2 requirements while at the same time permitting the most efficient and seamless travel experience possible.

Thank you for your consideration of these comments.

Sincerely,

International Air Transport Association
Airlines for America

¹ Requests to travel with a temporary exemption due to religious conviction must be evaluated on a case-by-case basis. All requests made by the passenger need to clearly demonstrate that:

1. the belief is religious in nature,
2. the belief prevents full vaccination, and
3. the belief is sincerely held.

Source: *Draft Guidance to Operators – Federal Vaccination Mandate - Exemptions*