



Transport Canada Preliminary Consultation: New Victim and Family Assistance Requirements for Air Operators and Airport Operators

I. INTRODUCTION

The purpose of this paper is to convey Transport Canada’s Civil Aviation (TCCA) Directorate’s intention to initiate discussions with the aviation sector industry to explore potential new requirements for the provision of assistance to aircraft accident victims and their families. This marks Transport Canada’s initial engagement with the industry on this issue. We are committed to continued collaboration as these efforts evolve.

II. BACKGROUND

ICAO Standards and Recommended Practices

In November 2022, an amendment to Annex 9 of the Chicago Convention upgraded an International Civil Aviation Organization (ICAO) *recommended practice* to a *standard* requiring States to plan for the provision of assistance to aircraft accident victims and their families. A new recommended practice was also added stating that States should ensure that operators develop plans to assist aircraft accident victims and families. Appendix A provides an overview of relevant family assistance-related ICAO standards and recommended practices and guidance material.

ICAO Guidance Material (Doc 9973) indicates extensive family assistance roles for air operators and, to a lesser extent, airport operators.

Air Operators

Based on family assistance tasks and expectations outlined in ICAO guidance material, air operator victim and family assistance plans should prepare to:

- Provide a toll-free telephone number with capacity to handle a high-volume of calls.
- Provide timely notification, before releasing passenger names to the public, to family members of their loved ones’ involvement in the accident.
- Provide coordinating agency with a copy of the passenger manifest and provide information to support of law enforcement and medical professionals tasked with identifying victims.
- Secure a facility and establish the Family Assistance Center to provide essential services.
- Secure facilities at departure, arrival, and connecting airports for family members and friends who may be gathering to allow family members to grieve in private and to serve as a secure location where families can receive accident information.

Chicago Convention, Annex 9

Paragraph 8.47: “Contracting States shall establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families.”

Paragraph 8.48: “Recommended Practice. – Contracting States should ensure that each aircraft or airport operator, as appropriate, develop appropriate plans to provide timely and effective assistance to aircraft accident victims and their families.”

- Provide logistical support to family members who desire to travel to the accident city (or to a hospital location), including, but not limited to, transportation, lodging, meals, security, communications, and incidental expenditures.
- Develop procedures for the handling of personal effects released by the aircraft accident investigation authority (or law enforcement lead if the accident is declared a criminal act).

Airport Operators

Based on international aviation standards and recommended practices, airport operators should:

- Collaborate, as needed, with government departments/agencies and air operators to ensure the effective provision of immediate care and support following an accident.
- Facilitate entry and private areas for family members and friends who may be gathering at departure, arrival, and connecting airports.

III. New Canadian Victim and Family Assistance Requirements for Air and Airport Operators

Supporting victims and families affected by aircraft accidents and ensuring that they receive the help they need is an important priority for the Government of Canada. Transport Canada is considering the introduction of industry requirements for victim and family assistance plans and the operators to which these requirements may apply. These efforts reflect Canada's ongoing commitment to compliance to ICAO standards and recommended practices and alignment with international best practices. The introduction of mandatory requirements would ensure a consistent and standardized approach, enhancing support for victims and families across the industry. Transport Canada is considering various options for the scope of victim and family assistance requirements for air operators, which includes determining the types of carriers to which these regulations should be applicable.

Air Operators

Despite the absence of mandatory victim and family assistance requirements by the Government of Canada, Transport Canada recognizes that some Canadian air operators already have family assistance (or "humanitarian assistance") plans.

A preliminary assessment of options suggests that requirements may apply to commuter operations (subpart 704 of the Canadian Aviation Regulations) and airline operators (705) but would not include aerial work operators (702), foreign air operators (701), and flight training units (406). Transport Canada is also assessing the pros and cons of including air taxi operators (703) and private operators (604).

Airport Operators

Some airport operators may already include elements of assistance to victims and their families in their emergency response plans.

Potential new airport operator requirements are expected to apply to airports certified by Transport Canada. Depending on the context, this could include the airports of the flight origin, stopover, and destination.

IV. REQUEST FOR FEEDBACK

Transport Canada values insights and input from air operators and airport operators in ensuring that potential new requirements are effective and practical for all stakeholders. Operators are invited to provide input on the preliminary plans outlined above and to respond to the following questions:

- 1) What existing plans do Canadian air/airport operators already have in place to assist aircraft accident victims and their families? What has worked well and what has not worked well in the provision of assistance to victims and their families?
- 2) Are there any industry best practices or existing frameworks you believe should be integrated into these plans?
- 3) What challenges do you foresee in implementing new government requirements for operators to have victim and family assistance plans? Are there any unique considerations that Transport Canada should give for different types of carriers and airports?
- 4) Do you have any suggestions for the government regarding the timing or phases of implementation for new requirements?

Please send your feedback or questions to TC.CARConsultations-RACConsultations.TC@tc.gc.ca by 7 December 2023.

Transport Canada thanks you for your engagement and looks forward to continuing to collaborate to ensure that the needs of aircraft accident victims and their families are met.

Appendix A: ICAO Family Assistance Standards & Recommended Practices and Guidance Material

Annex 9 – Facilitation

- **Paragraph 8.47:** Contracting States shall establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families. *Note— Attention is drawn to Doc 9998, ICAO Policy on Assistance to Aircraft Accident Victims and their Families and Doc 9973, Manual on Assistance to Aircraft Accident Victims and their Families.*
- **Paragraph 8.48. Recommended Practice –** “Contracting States should ensure that each aircraft or airport operator, as appropriate, develop appropriate plans to provide timely and effective assistance to aircraft accident victims and their families. *Note— Airport operators’ plans regarding assistance to aircraft accident victims and their families may form part of the Aerodrome Emergency Plan (AEP) required under Annex 14 — Aerodromes*

ICAO Policy on Assistance to Aircraft Accident Victims and their Families (Doc 9998)

- **2.2** Family assistance may require national legislation, regulations and/or policies to ensure that the necessary resources and commitment to provide assistance are available at short notice. Effective coordination of the parties involved is considered essential.
- **2.3** The Council recommends that States:
 - a) reaffirm their commitment to ensure that adequate and sufficient assistance is provided to aircraft accident victims and their families;
 - b) establish legislation, regulations and/or policies addressing family assistance plans to ensure that family assistance providers have the necessary financial, personnel, and equipment resources, and that systems are available at short notice to provide assistance to aircraft accident victims and their families in a timely manner;
 - c) ensure that their family assistance plans consider the following factors: recipients of family assistance; types of family assistance to be provided; when family assistance should be provided; family assistance providers; periodic review and exercise of the plan; and enactment of legislation, regulations and/or policies necessary to implement the plan;
 - d) establish legislation, regulations and/or policies required to implement effective coordination and control of the efforts to provide the required family assistance;
 - e) require that air operators implement family assistance plans, and ensure that these plans are exercised regularly, supervised and audited as necessary;
 - f) require that airport operators implement family assistance plans, which can be part of their Airport Emergency Plans, in coordination with air operators, and ensure that these plans are exercised regularly, supervised and audited as necessary; and
 - g) require air operators to have proper arrangements with airports in which they operate, so as to facilitate the provision of family assistance as required.”

ICAO Manual on Assistance to Aircraft Accident Victims and their Families (Doc 9973)

Recommends extensive potential family assistance roles for **air operators**, e.g.:

- Initial notification that a loved one is believed to have been involved in an air accident;
- Confirmation of victims' location and status; identification and return of remains;
- Transportation for survivors and families to a safe and secure location;
- Provision of private facilities for persons awaiting an aircraft that will not arrive due to an accident and those returning to the departure point after learning of an accident;
- Provision of privacy for the families and the survivors;
- Immediate financial assistance for the dependents of victims;
- Provision of counselling services for the families and the survivors;
- Arrange visits to the accident site for the families and the survivors, to be made in coordination with the accident investigation authority and other concerned parties;
- Arrangements for memorial services and erection of memorial structures;
- Assistance with funeral arrangements, if desired;
- Location, storage and return of personal effects to the families and victims; and
- Provision of information on matters related to the care of the families and victims.

Outlines roles for **airport operators**:

- Develop plans to provide immediate care and support following an accident
- Identify facilities at or near the airport for family members and friends to gather (often referred to as a family and friends reception centre)