

Regulation is one of the main tools governments have to promote and protect the interests of the public. Regulations set the terms and the extent to which the safety of the public is protected. The current federal government's agenda is one of relentless de-regulation. This is also true in the area of transportation safety. Canadians who travel by air and rail, and communities and habitats that border railways or are below fly zones, are particularly dependent on government regulation, inspection and enforcement for their safety.

Why is it an issue?

The federal government is abandoning its obligations to apply and enforce transportation safety regulations and protection as they apply to many areas of air and rail safety. Safety Management Systems (SMS) are being introduced which effectively allow companies to regulate themselves. Although not a bad thing in themselves, SMS systems to be effective must be accompanied by regulatory oversight, robust checks and balances, adequate numbers of inspectors and the ability to enact "spot" audits in order to independently ensure their effectiveness.



Air safety

In December 2005 Transport Canada handed off enforcement and investigation to the airlines through *Civil Aviation Directive No. 39*. The national audit program was cancelled four months later. Just over six months later, enforcement investigations into safety violations were no longer conducted as long as airlines had an SMS program. These changes were instituted without Parliamentary scrutiny or approval. They were prompted by government-directed departmental budget cuts and underscored by federal government commitments to deregulation.

Bill C-6, an *Act to amend the Aeronautics Act and to make consequential amendments to other Acts*, was before Parliament before it was adjourned for the summer. Bill C-6, as it was originally drafted, would have authorized Safety Management Systems with very little oversight, virtually opening the door for unenforced self regulation. Bill C-6 also included legislative proposals that enabled the airline industry to hide important safety information from the public.

Fortunately, unions, safety groups and other interested parties who testified before the Committee studying the Bill were able to persuade all sides of the House to make amendments to Bill C-6. Consequently, significant changes to the Bill have occurred which help ensure public safety, as well as the safety of workers who are employed by the industry. The amendments ensure that commercial organizations will not be given designation powers. Instead, inspection powers will only be given to low-risk non-commercial operations. The main burden of inspection will still rest with the federal government.

The amended legislation requires that Transport Canada ensure the highest possible level of safety oversight. It also directs that the health and safety rights of workers will not be compromised by commercial confidentiality. In addition, whistle-blowing is now supposed to be an essential part of the legislation. Finally, if there is an air safety concern, the Parliamentary Standing Committee will now have the ability to decide to examine the problem and to conduct an investigation.

Bill C-6 received Third Reading before Parliament adjourned. The amendments that were adopted during Third Reading are integral to the health and safety of the air industry and to the traveling public.

Equally important is the need for Transport Canada be resourced sufficiently to meet its obligations. During the inquiry into the 1989 airline crash in Dryden, Ontario it was determined that 1,800 inspectors were required to adequately ensure airline safety. Currently there are less than 900 inspectors even though there has been a significant increase in air traffic. Transport Canada itself admits that one of the key drivers of this decrease is cost cutting. Transport Canada needs more inspectors and more resources to inspect and enforce Canadian air safety.

Without these amendments, and the resource requirements to give them real teeth, Bill C-6 would have flown in the face of the Canadian public's expectation and belief that it is the government that independently protects their safety, not the airline industry whose interest in profits often supersedes their interest in safety.

Rail safety

Rail safety has been deregulated since 1999. In the three years that followed, rail accident rates increased from 985 to 1,142 accidents. According to the Transportation Safety Board, derailments account for half of all accidents each year, followed by crossing accidents and collisions. The current railway legislation allows industry and the government to keep safety violations secret. In 2005, Transport Canada ordered a safety audit of a major railroad. Although the report has been completed, the findings have not been released. In response to recent media inquiries, Transport Minister Lawrence Cannon said that he could not release the results because the company would not allow it. A full review of the Railway Safety Act is now underway.

What will the candidates and parties do about this issue?

Ask your MP and candidates for office:

Will you ensure that the amendments that give Bill C-6 real power to protect the public don't get undermined in the Senate or in the new fall Parliament?

If your party is elected to form a government, will you pledge to:

- ensure that Transport Canada is properly resourced and that double the current number of inspectors are hired and trained;

- have the current Railway Act Review subject to Parliamentary scrutiny and conducted in an open, independent, and transparent manner, and act upon its findings; and
- make public all future and past audits of airline and rail safety thus ensuring the public's right to know.