Transport Canada Announces Changes to the Canadian Aviation Regulations to Address Flight Crew Fatigue

December 13, 2018

According to Transport Canada's Regulatory Impact Analysis Statement, flight crew member fatigue is a contributing factor in 15 to 20 per cent of aviation accidents. Since 2009, in an effort to address this contributing factor, other jurisdictions made alterations to their regulations. Canada, however, did not. This changed on December 12, 2018 when the Minister of Transport introduced new rules applicable to certain Canadian air operators. The new rules attempt to modernize the Canadian regulatory regime and reduce the risk of flight crew fatigue by limiting flying time and time on duty prior to the start of a flight. The amendments also deal with mandatory rest periods between flights and the total allowable flight time over certain prescribed periods of employment.

The changes have been published and can be viewed in their entirety online. The amended *Canadian Aviation Regulations* will impact 703 Air Taxi Operations, 704 Commuter Operations and 705 Airline Operations.

Summary of Changes

The amended *Canadian Aviation Regulations* include new definitions that are to be considered and recorded by air operators such as whether a pilot or flight crew member is "fit for duty", the total length of the "flight duty period" and the "rest period", the calculation of the "reserve duty period", and the "window of circadian low". The new regulations also require that an air operator shall provide a flight crew member with suitable accommodation for rest periods when away from home base, and provides definitions and types of rest facilities that will be considered acceptable to the regulator. The new changes also indicate that a crew member is prohibited from working within 12 hours of drinking alcohol, which is a change from the previous 8 hour limit.

Although the changes are not without controversy, the new regulations do allow for some flexibility to account for the uniqueness of Canadian operations such as extending flight duty time as a result of unforeseen operational circumstances, and providing exemptions to the regulations provided certain criteria are met including the air operator's development of a Fatigue Risk Management System (FRMS).

The changes to the Canadian Aviation Regulations are envisioned to be consistent with the requirements set out in the United States, the European Union, as well as the International Civil Aviation Organization's Standards and Recommended Practices.

In its Cost-Benefit Statement, Transport Canada estimates that that the introduction of these new rules "will result in a reduction in accidents, with benefits to passengers, flight crew members, air operators, and the Government of Canada valued at approximately $409.38 million over 20 years", not including the intangible "quality of life" improvement for flight crew members. However, due to changes required to flight crew scheduling, the industry cost will be $397.32 million over that same 20-year period.

705 Airline Operations have two years to comply with the new pilot fatigue requirements, while other operators have four years to comply.

By

Robin Squires, Katherine Ayre

Expertise

Insurance Claim Defence, Aviation

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary
Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa
World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver
1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal
1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto
Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or

guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.