

Commanding Officer in Charge
Federal Policing Section
A Division Federal Investigation Unit
Royal Canadian Mounted Police
155 McArthur Avenue, room 609
Vanier, Ontario, Canada
K1A 0R4

March 28, 2006

Dear Sir/Madame

My name is Kevin Gauthier. Until recently I was employed as a pilot with Air Canada. I suffer the effects of what my primary physician has diagnosed as a 'situational crisis' with associated stress and anxiety.

I have decided it necessary to submit the following information to the RCMP's Federal Investigation Unit.

Please find the enclosed documents.

Sincerely,



Kevin Gauthier
12-53rd St.
Wasaga Beach, ON
L9Z 1W8
705 429 3097
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LETTERS MARCH 27, 106

SECTION ONE - FOUR SAMEAS TO LETTERS SUBMITTED JAN 3/06

SECTION FIVE FROM MAIN FILE

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Signed all existing documents.

Royal Canadian Mounted Police
The Federal Investigation Unit

March 27, 2006

My name is Kevin Gauthier. I am a 48 year old Canadian citizen residing with my wife and two children in Wasaga Beach, Ontario. Until recently I was employed as an airline pilot with Air Canada and on medical leave. I continue to suffer the effects of what my primary caregiver has diagnosed as a "situational crisis" with associated stress/anxiety, and sleep apnea, although I am no longer receiving disability benefits from Air Canada's provider the Great West Life Assurance Company.

The following information is communicated in union with a personal plea for help. The intent is not so much for the purpose of 'laying blame' or 'pointing fingers' {although individuals will be referred to in the enclosed summary} as it is to bring to the attention of enforcement people a very real concern over what some are beginning to refer to as a present day 'culture of desperation'. Desperation, because survival in a demanding market place requires yielding profit margins beyond expenditures. This can be especially significant when concessions become hinged to a company's survival yet the requirement to practice safe operating procedures becomes viewed by some as an expenditure. As a result, employers and employees are faced with a choice of either acknowledging and addressing an issue or hazard when it presents itself or not acknowledging and addressing an issue or hazard when it presents itself. There is no 'grey' area in between. It must be recognized that ignoring an issue or hazard only serves to magnify the associated risks and breeds counter-productive results from the onset.

For several months now consideration has been given to approaching the RCMP with respect to a variety of health and safety issues at Air Canada. It is important from the onset, to express a belief that it was both necessary and prudent to exhaust all reasonable means to ensure the appropriate parties' were aware of developments within, thus permitting an opportunity to react to the information brought forward. Although this process has now taken place I am not convinced preventative measures are being collectively incorporated into addressing existing deficiencies.

In January 2005 several issues were brought to the attention of the Air Canada Board of Directors. One particular concern posing a significant risk to public safety in 2003, 2004 and beyond, is referred to as aircraft "rollback". These 'incidents' {although not common with other companies in the industry} are unique to Air Canada's operations/ramp procedures and - a topic not easily referenced. A "rollback" involves an aircraft moving on it's own power - moments after gate arrival - potentially while deplaning passengers - yet without the knowledge of the operating crew. These incidents can, and have in several cases, led to serious aircraft damage. Fortunately, to the best of my knowledge - no personal injuries have been sustained.

More than anything else - our hope in bringing this information forward, will convince enforcement people that serious deficiencies in maintaining safe operating environments continue to impose unnecessary risks to the public at large. On a national basis the common denominator to the vast majority of industrial deficiencies is simply, neglect. Time after time we are reminded that results of these deficiencies can be very significant. In an effort to illustrate the destructive tendency of neglect, I would like to share an experience sustained at the onset of my career as an airline pilot.

In 1991 after a considerable financial investment toward flight training, I began a career as an airline pilot. Six months later my spouse and I sustained the devastating loss of our 'worldly possessions' when a reputable and well established 'North American' moving company chose to ignore the requirements of the 'law', by conveniently neglecting to address a 'broken axle' on the tractor trailer transporting family possessions. The decision to 'limp' the 'rig' in the remaining 60 miles to Thompson Mb resulted in a fire claiming three families belongings. Despite obvious 'neglect' of the carrier and the unresolved nine year battle that ultimately brought our case to the attention of various levels of the provincial {Mb} and federal government, we were capable of retrieving fifty percent of the cash value of our loss and the carrier was not held accountable for their neglect because applicable charges were not presented within the necessary time limitations.

Ironically, fifteen years later we find ourselves facing another significant and catastrophic loss{the end of my career}- again, because of nothing more than corporate neglect in choosing to ignore a significant hazard.

Because of the complexities involved, a breakdown in the "sequence of events" is provided in the following chronological order.

1. December 10, 2003 - an Air Safety Report was forwarded to Air Canada {AC} and the Air Canada Pilots Association {ACPA} identifying {what I perceive} as a major contributing factor toward aircraft rollbacks.
2. On January 8, 2004 was told by immediate supervisor Captain Jay Musselman that this was a "ramp concern" and it would be best left to the ramp personnel to worry about their own SOP's{Standard Operating Procedures}. Understood this to imply the situation was of no concern to myself and was shocked by this response. A "breach of confidence" resulted, as did the swift deterioration of the existing relationship with employer.
3. On June 22, 2004 informed employer {for the first time in my career}I was unable to accept a {four day} flying assignment due to a doctors appointment with an attending "specialist". {I suffer from a permanent back disability and have been assessed by the WSIB as fifteen percent disabled. Air Canada was aware of this at the time.} Subsequently, was removed from the payroll from June 22 - June 25, 2004 by Chief Pilot Derek Clarke. On June 23, 2004 became aware of abnormally high blood pressure, was extremely "stressed", and advised Acpa representative was unfit for flying duties. On June 28, 2004 agreed to make an appointment with an AC medical physician and meet with

management. Acpa representative Captain Greg Edward advised not to speak with crew schedulers {under any circumstances} and assured he would advise the appropriate people I was not fit for duty. Later the same day crew schedulers telephoned my home and “awarded” an assignment for the following day. Told to consider myself ‘advised’. Since Acpa “representative” was now on an assignment of his own, I was forced to book off sick or not report for duty and likely face immediate dismissal. I booked off sick and perceived this development as a “breach of confidence and trust” with employer and union. Communications ceased.

4. On July 20, 2004 met with an AC medical physician Dr. Craig Wilson and was advised may be suffering from an “adjustment disorder” and possibly sleep apnea. Signed a medical release request and was advised to get some counseling. Also implied I should be careful not to allow this situation to jeopardize the placement of our two foster children.

5. On August 17, 2004 began consulting with Dr. Robert Heaman, a psychologist practicing in Barrie Ontario.

6. On August 27, 2004 was advised via an Acpa bulletin that the “OSH policy committee has received safety concerns with regards to the setting of the park brake and subsequent rollbacks”.

7. On October 26, 2004 a “sleep study” confirmed OSA {Obstructive Sleep Apnea}.

8. On January 10, 2005 submitted a 21 page document to the AC Board of Directors outlining specific occupational health and safety concerns.

9. On January 31, 2005 was advised by the Director of Flying Operations Captain Ed Jokinen that Air Canada’s new policy of starting the APU prior to gate arrival has all but alleviated the occurrence of rollbacks. Also referenced {my} failure to adequately address this “hazard” and suggested my actions were akin to allowing a Captain to fly an aircraft into the side of a mountain.

10. On May 12, 2005 personal psychologist Dr. R. Heaman responds to a request from Harvey Watt and Company of Atlanta GA and provides the following disposition:

“Mr. Gauthier and I have met for individual psychotherapy on eight occasions. August 25, September 9, September 29, October 20, November 17, December 22, 2004, February 21, and April 21, 2005.

It is likely Mr. Gauthier was suffering from an Adjustment Disorder when we first met. He was under a great deal of stress and had been having difficulty in dealing with specific issues with his employer.

Presently, I do not think that there is a psychological condition which prevents

Mr. Gauthier from returning to work. Therefore please refer to medical reports regarding the necessity of him being off work and his disability claim.

11. On May 27, 2005 receive Air Canada's official response from the Senior Vice President of Operations Captain Rob Reid. {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.} Concerns were categorized as "not correct", "wrong" and I was advised "it is unfortunate you feel the way you do". The Vice President of Operations acknowledged the "rollbacks" and made the following statement:

"These were dealt with through a pilot and ramp awareness campaign. The ramp procedure was also changed so that both nose wheel and main gear are chocked. Since then the problem has all but disappeared."

{Please note: the above statement implies these rollbacks were caused by improper/inadequate chocking procedures. I maintain to this day that they are a result of the "parkbrake" not being set.}

12. On September 29, 2005 submitted a detailed document of experiences and ongoing concerns to the Minister of Transport, The Chairman of the Transportation Safety Board, the President of ICAO {International Civil Aviation Organization} and the President and CEO of the Flight Safety Foundation. Also sought legal advice from several law firms, the majority of which were not willing to become involved.

13. On October 5, 2005 advised by GWL disability benefits are terminated and file "closed to further action". Cited was "outstanding" medical information not provided to Harvey Watt and Company {of Atlanta Georgia} - one of AC's plan administrators. Later that afternoon just prior to leaving for a medical appointment with primary physician, received a telephone call from Mr. Michael Young of Harvey Watt and Company. Mr. Young asked that I have my personal physician Dr. James Lane release all medical information since January 2004. Minutes later - shared this request with Doctor Lane and an accompanying physician. Stated to both doctors I did not believe it was appropriate to release information not relevant to my claim, and authorized only the release of relevant medical information.

14. On October 12, 2005 visited with Dr. Lane. Dr. Lane asked if the requested medical information was submitted. Advised my doctor I had not received the request and was of the belief the request was submitted to himself {Dr. Lane} directly. Dr. Lane then advised he had never received a request from Harvey Watt and Company. Quite taken aback, the following day I submitted a detailed letter to Dr. Bekeris - the Medical Director of AC's Medical Services, expressing disapproval and disappointment with the mismanagement of GDIP claim - {Group Disability Insurance Plan}. Copied several parties and advised Dr. Bekeris:

"I hereby make it known that I want nothing further to do with Harvey Watt and Company of Atlanta GA and I rescind the authority given to them to collect any medical data on my behalf."

15. Subsequently in a letter dated October 13, 2005 GWL reinstated benefits for a 30 day period and advised that Harvey Watt and Company "has sent the original medical request and all follow up requests for the medical information directly to your physician for review and response." Continued benefits were pending the review of this information.

16. On October 19, 2005 forwarded correspondence to attending physicians {and copied AC, ACPA and GWL} advising personal physicians not to release any further medical information without authorization. Enclosed a copy of the - "authorization and declaration" claim form previously signed at AC Medical Services on July 20, 2004. Placed a stroke through it, labeled it "revoked" and signed it on this same day.

17. Sometime in mid October received a letter dated October 11, 2005 from Acting Chairman of the TSB of Canada Mr. Charles Simpson, stating :

"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."

This is to advise the RCMP {and all other interested parties} the intent of bringing this information forward was so as not to have it confined to a "file", but to have the relevant safety concerns investigated. The only reason it was marked "confidential" was to ensure this information was not shared needlessly or carelessly "outside" the chairman's office. On October 13, 2005 submitted a {subsequent} request to the TSB chairman inquiring whether a file reference had been created, and if an ongoing investigation would take place. A few weeks later learned the chairman of the TSB is a retired Air Canada pilot and {at one time} the VP of Operations of Air Canada.

Have not heard back from the TSB.

18. On October 21, 2005 contacted the Ontario College of Physicians and Surgeons advising of ongoing difficulties.

19. On October 25, 2005 advised by the Ontario Labour Relations Board that concerns are a matter covered under federal legislation {Canada Labour Board}

20. On November 7, 2005 Dr. Lane released to myself {at my request} entire medical file from January 2000 onward.

21. On November 8, 2005 consulted with a second law firm and was advised to communicate with union {for the purpose of breaking the existing impasse and resolve outstanding issues.}

22. On November 18, 2005 received a request via a faxed letter from GWL dated November 16, 2005. The letter was from Team Manager Mr. Brian Gagne and in part states:

“As a result of your letter {of October 13, 2005 re: DR. Bekeris and copied to GWL CEO Mr. Raymond McFeetors }Great West Life will be requesting that Harvey Watt and Company review their current process around copying Pilot’s when they request medical information in an effort to keep disabled Pilot’s under Air Canada Plan 51209 such as yourself, more informed in regards to requests for information and the subsequent consequences of the information not being submitted....

As ongoing medical evidence is required to substantiate your claim, benefits beyond September 30, 2005 will not be considered until the requested medical information is received.”

Enclosed was a physicians request for diagnosis as well as the following request:

“Please provide copies of your clinical notes, consultation reports and test results since January 1, 2005”

Note:

As benefits are only paid out once per month {on or about the 17th} it was clear benefits would not be provided until GWL’s request for medical information was satisfied. On November 22, 2005 {under considerable duress}I released complete medical file from January 1, 2005 to Mr. Brian Gagne’s attention.

23. Also on November 22, 2005 mailed yet another request to Acpa President Kent Wilson. This correspondence advised Acpa of current status with GWL and contained the following request:

“This is a formal request to invite an open line of communication and dialogue with Acpa.”

Acpa did not reply to this or previous correspondence.

24. On November 25, 2005 advised by yet another law firm that this was a very complicated case that would consume a lot of time and money. Information package was returned shortly thereafter.

25. On November 28, 2005 advised Dr. James Lane that he need not attach my "file" {from January 1, 2005 onward} with his "questionnaire", as I had already forwarded the "file" to GWL. Dr. Lane stated he would be submitting my file as per GWL's request.

Note:

Sometime after these discussions with my physician, my wife returned home from a medical appointment with information concerning the release of medical records. After reviewing this information it confirmed previous suspicions that it was not only inappropriate for GWL to request medical information not relevant to GDIP claim, and also served to remind their request was made with knowledge of the previously revoked medical release request. Despite this fact, GWL made this subsequent request without the presence of a personal medical consent form.

I make the claim that both myself and my physician have released this information as a result of coercion and intentional deception of the GWL Assurance Company.

26. {On March 10, 2006 shared these same sentiments with my attending physician although did not remind him of belief that he too submitted the entire medical file without an existing consent form.}

27. In late November 2005 also received a reply from the Honourable Jean-C. Lapierre, the Federal Transport Minister advising :

"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."

Note:

Have not yet received the results of this investigation.

28. On November 30, 2005 was advised by Mr. Brian Gagne of GWL. I was still disqualified from flying duties. Inquired what the disqualifying factor was. Mr. Gagne informed it was because of the medication "lorazepam". Reiterated previous communication from both myself and my attending physician's report {that was just submitted a few days earlier} that indicated I was taking no medications other than an aspirin per day and a glucosamine sulfate supplement. Also shared my 'surprise' that "sleep apnea" was no longer a disqualifying factor. Mr. Gagne advised that this was no longer the case as long as it was "treatable" then asked if the CPAP was treating the Sleep Apnea and whether I considered myself fit to return to duty. Indicated to Mr. Gagne not sure if it was appropriate for him to be asking this question, however stated to Mr. Gagne that I did not feel fit and referenced Dr. Lane's secondary diagnosis of a "situational crisis" with associated stress and anxiety. Also stated I did not consider it appropriate to be returning to duty given the present status of relationship with Air Canada and the ongoing presence of an internal investigation by Transport Canada.

29. On December 6, 2005 received payment of benefits that would have normally been paid out on November 17, 2005. Spoke again with Mr. Gagne. Mr. Gagne advised that Air Canada and GWL were requesting I meet with an IME {independent medical examiner ie a psychiatrist} in order to get a second opinion - and, this IME's recommended plan of care. Advised Mr. Gagne that before this could take place, would like to first seek the opinion of my attending "psychiatrist" { seen on two previous occasions} to permit him the opportunity of both completing and providing an "opinion" and to offer a subsequent "plan of care" should my current regiment not sufficiently meet my healthcare requirements. Also would like to ask the attending psychiatrist to recommend whether or not I should agree to consult with yet another psychiatrist. Further, suggested I would be consulting with Dr. R. Heaman { current counseling psychologist} and primary physician Dr. J. Lane on this matter. Mr. Gagne agreed and an appointment was scheduled for an IME only after an opportunity to consult with my attending psychiatrist.

The IME was scheduled for January 30, 2006 with a Dr. B. Sutton. An appointment with Dr. Bartolucci {my attending psychiatrist} was scheduled for January 17, 2006.

30. On December 20, 2005 during a consultation with Dr. Heaman, I asked that he share his "opinion" with Dr G. Bartolucci, should he request it. Dr. Heaman agreed, and I signed the necessary "release of information" form .

31. On January 11, 2006 made the same request with attending primary physician Dr. J. Lane and a release of information form was completed for this purpose.

32. On January 3, 2006 submitted correspondence to Paul Martin, Steven Harper and Jack Layton. This information contained a very detailed account of my experiences with Air Canada, Acpa and Great West Life. It also contained information relevant to a number of ongoing present safety related matters.

33. On January 9, 2006 requested that Acpa initiate it's Emergency Response Program, and for the first time since June 28, 2004 received correspondence from an Acpa representative. {This will be expanded on further in # 35 below.}

34. On January 17, 2006 a freezing rain advisory was in effect for the entire central Ontario region and I was unable to make the drive from Wasaga Beach to Hamilton Ontario to consult with Dr. Bartolucci. The appointment was rescheduled for February 24, 2006. GWL was informed of this development the same day and I was subsequently advised that:

" benefits beyond January 30, 2006 are pending receipt and review of the Independent Medical Evaluation report."

Note:

When I did consult with Dr. Bartolucci on February 24, 2006 we {knowingly} did not discuss the requirement for an IME as an Acpa representative implied on more than one occasion {see reference 44 and 46} that the IME was no longer a requirement.

35. As stated previously a request was submitted for Acpa's PAC Chair Captain Alan Graham to initiate it's Emergency Response Program. This request was submitted in harmony with - and attached to a copy of correspondence submitted on January 3, 2006 to the three official party leaders and my attending physicians. The request as outlined in this correspondence is stated as:

"Since June 2004 I have been advised by several lawfirms that because I am a unionized employee their firms are not able {or simply not willing} to represent me. As a result I have not had the privilege of legal representation throughout this process. As this situation has been ongoing for two years now {and there is no indication how long an investigation will take}, I have decided to share this information with you in the hope your {collective} involvement will speed up the process. As Acpa {via the President} has not responded to any of my requests, I will be requesting Acpa's PAC {Pilot Assistance Committee} to initiate Acpa's Emergency Response Program {ERP} as detailed in the Pilot Health and Rehabilitation Program. Section 3.07 of this policy states:

"Acpa recognizes the need for and supports the implementation of an Emergency Response Program to reduce the physiological and psychological impact that incidents or accidents may have on a crewmember. Accidents, incidents or other occurrences of a personal nature could produce acute stress reactions, which, if left unresolved, may have an impact on an individual's health, career or job performance. The aim of the ERP is to affect a normal physiological and psychological recovery from these events, before harmful long-term stress reactions can develop. The PAC {Pilot Assistance Committee} shall be responsible for the implementation, management and support of the Emergency Response Program". "

36. Throughout the time period January 9 - March 6, 2006 I engaged in an intense exchange with various representatives of Acpa for the purpose of resolving "outstanding" issues. There were forty-six email exchanges in all. The entire 15 individuals of Acpa's MEC {Master Executive Council} were copied on several of the exchanges although for the most part communications were via myself and a select few individual representatives. Although significant advances were made in several areas, unfortunately the impasse again surfaced on or about March 6, 2006. The following excerpts have been extracted from several email communications. I begin with the following communication to Acpa's MEC.

37.

February 2, 2006

To Acpa's MEC

On January 18, 2006 I initiated communication with YVR LEC Chair Bruce McConchie. On January 24, 2006 the YVR Chair advised my initial request was forwarded to YYZ LEC Chair George Herman inferring Acpa's protocol and policy require I bring these concerns to appropriate elected representation.

As I considered it prudent to make this request to an LEC other than YYZ, the following day {Jan 25} I reiterated my concerns and expanded the request to bring charges of "misrepresentation" and conduct "unbecoming" against two representatives of Acpa. As of yesterday, February 1, 2006, I had not heard back from the YVR LEC Chair and decided to forward the same request to YYZ LEC Chair George Herman. Within minutes of submitting this request I learned the YYZ LEC Chair was on vacation until February 12, 2006. Last evening I received email correspondence by acting YYZ LEC Chair Kevin Vaillant. The acting Chair requested an account of what has happened and advanced an offer to help. I sincerely appreciate both his concern and offer, and look forward to any process that will help resolve this matter. Due to the complexities involved, and in lieu of recent developments and requirements of the constitution, I have decided it appropriate to forward concerns and requests to the attention of the entire MEC. For clarity and quality assurance purposes I will attach a number of recent exchanges between myself and representatives of Acpa as well as recent correspondence with AC Medical Services and the Winnipeg Disability Management Services. Due to the very nature and abundance of the information being forwarded, I can only ask that each and every recipient exercise the discretion necessary, so as to permit the process an opportunity to progress. I also suggest all correspondence {unless agreed to otherwise} be communicated via written format.

To fully comprehend what has taken place I encourage the MEC to familiarize itself with all available correspondence between myself, Air Canada, Acpa, Great West Life and Harvey Watt and Company. A basic understanding of the following topics is recommended:

The onset of "rollback" incidents in 2003 and the continuation of these incidents through 2004. Specifically, what brought on these incidents and the role I played in advancing concerns to Management, Acpa, the AC Board of Directors and ultimately, upper levels of government and the aviation industry.

Removal from the company payroll in June 2004.

The correspondence dated January 10, 2005 entitled "To Whom It May Concern". This document was initially submitted to the AC Board of Directors and was later forwarded to Acpa's President in March 2005. I hereby request Acpa's President to have this text scanned and forwarded to the entire MEC.

January 31, 2005 telephone conversation with Mr. E. Jokinen
{A summary of this conversation can be referenced in September 29, 2005 document}

The document dated March 10, 2005 addressed and forwarded to ACE President and CEO Robert Milton and Acpa President Kent Wilson. I hereby request Acpa's President to have this text scanned and forwarded to the entire MEC.

The official response of AC's Senior Vice President Operations Rob Reid, dated May 6, 2005. I hereby request Acpa's President to have this text scanned and forwarded to the entire MEC. If Acpa is not in possession of this text I would recommend the MEC requests it of AC Flight Operations.

The document dated September 29, 2005 entitled " To Whom It May Concern" and initially forwarded to TC, TSB, ICAO and the FSF. This document was forwarded to Acpa's President on October 14, 2005. I hereby request Acpa's President to have this text scanned and forwarded to the entire MEC.

The document dated October 13, 2005 to AC Medical Director Dr. E.Bekeris. This document was copied to Acpa's President on October 14, 2005.
{This document is attached.}

The document dated October 19, 2005 addressed to my attending physicians and forwarded to AC OHS's, Acpa and GWL. This document advises that due to difficulties associated with having my benefits suspended I no longer desired the involvement of Harvey Watt and Co. as "administrators of my plan". I

also revoked the terms of the "Pilot GDIP Request - Employee's Statement" that had been previously signed and dated by me on July 20, 2004. {This document is not attached.}

The document dated November 22, 2005 and addressed to Acpa's President Kent Wilson.
{This text is attached.}

In reviewing this information I would ask that the MEC keep in mind the internal correspondence from the GDIP Committee Newsletter 2006 #1. I will attest to many of the concerns brought forward in this newsletter, and make the contention that this situation {in my case at least} is much worse than suggested. Mismanagement of my disability claim and the drastic measures I've had to resort to in protecting my rights as an individual and employee, is but a portion of the difficulties I've experienced as an employee of Air Canada's "unhealthy workplace environment".

As disability benefits are again in jeopardy, please do not under estimate the significance of these matters or of it's impact on my current status as an employee of Air Canada. I hereby notify the MEC that I view the nature of this situation as a direct threat against my personal health and well-being and, as such, strongly urge the MEC to consider my concerns of "misrepresentation" and of conduct "unbecoming" of this association and to bring charges to any individual that has contributed to this crisis.

I trust Acpa's MEC will afford the attention necessary in addressing these concerns and requests .
Sincerely,

Kevin Gauthier

Note: {attached with this correspondence was 18 pages of internal communications which are not copied on this report}

38
03/02/06

" I agree with the advice given to you mentioned in your letter to our president dated Nov 22, 2005. The appropriate channel is through the Toronto LEC namely myself at this particular time. I request that all correspondence be directed to me as the Toronto LEC. I will advance any concerns requiring MEC direction forward to them.

Kevin, it is obvious that your trust in ACPA and the company is non existent. Of the latter I can fully relate to. As far as ACPA is concerned, somewhere this went off the rails. I suggest we arrange a meeting to flush this out in person. If you feel a need to have everything documented, feel free to bring a witness or direct me to set up some structure that you are comfortable with."

and the following day...

"I have reviewed your file and absorbed all that I could in understanding your predicament. With your permission I would like to remain seized with your case as far as ACPA is concerned.

I agree with the opinion of your legal council that we should "Advance a process that will aid in restoring the relationship and alleviate the impasse that has resulted." To do so, I think it is important that we meet and discuss what you need from us and how we can assist you in this regard.

Just to clarify my own understanding, are you still under the care of medical professionals to treat your medical condition? In order to continue receiving benefits, it is apparent that an Independent Medical Evaluation is needed. According to the latest correspondence you did not

attend the last scheduled appointment. Are you proceeding to have one rescheduled and completed.?

Before anything can be done from a political perspective, it is imperative that your medical issues are resolved to your satisfaction.

Call me when you get a chance."

39.

08/02/06 {from myself to an Acpa representative's request}

"I am satisfied with you remaining on this case - as far as Acpa is concerned.

With respect to your query of my current medical needs, I can assure Acpa I continue to remain under the care of several physicians. Also my present "treatment plan" has been approved by my primary physician. With regard to the IME, I have made my views known to the CEO of Great West Life and have shared this correspondence with Acpa. As Acpa and GWL are now suggesting it is apparent {via the collective agreement} an IME is needed prior to continue receiving benefits, I would suggest the following. As Air Canada Medical Services, GWL and Acpa are not willing to wait for the recommendations of my "attending physician" on February 24, 2006, {these parties} have made it very clear they are not interested in this physicians opinion and recommendations. Frankly, I am not surprised, as these "actions" are consistent with previous refusals to act in good faith.

It should also be recognized that a prerequisite to an IME is an employees "desire" to return to the Air Canada workforce. As I view Air Canada, Acpa and GWL as a "poisoned environment" I see no benefit in attending an IME for this purpose, and as such, I do not believe the continuity of benefits should be "hinged" to this requirement.

I also do not agree with the following statement:

"Before anything can be done from a political perspective, it is imperative that your medical issues are resolved to your satisfaction".

My primary physician has stated I am suffering from a "situational crisis {with associated} stress and anxiety". This doctor and others are familiar with the circumstances of my relationship with Air Canada. I have suggested this "crisis" is due to a "breach of trust" with both Air Canada and Acpa. I have also asserted the "mismanagement" of my GDIP claim via GWL, AC Medical Services and Harvey Watt and Company, as a contributing factor to this "crisis". If Acpa is truly interested in a process that is designed to result in an improvement to my condition, then it might begin by acknowledging the stress and anxiety associated with this "situational crisis", is in part, due to it's own refusal to offer an opinion on the concerns I have brought forward. Thus far Air Canada Operations has provided an opinion: Acpa has not.

As far as a meeting or communications via telephone are concerned I can only offer the following. The events of June 28, 2004 have precluded this from becoming a possibility.

40.

14/02/06 {from Acpa}

"I have been working on addressing some of the problems you encountered 2 years ago by getting some background information.

As far as the parking incidents, your concerns were obviously valid. The company has since started to take seriously the initiatives of an OHS program (Operational health and safety). This program is mandated by law. Since then the SOPs have been tightened up and just recently, two Captains have been disciplined for improper/unsafe use of parking brakes at the gate. The same is happening for the ramp.

Unfortunately our problems with crew sched continue. Although progress has been made on interpretation of our scheduling rules, chronic short staffing and pressure on crew sched continue. DOT has now become involved specifically where CARS violations and interpretation is required. As you are aware, since CCAA, our scheduling rules have in many cases been eroded to the point where CARS become a limiting factor as to whether a pilot is legal to continue.

I have inquired with Jay Musselman (MLO Toronto) as to whether there is anything outstanding on your file in management. At first glance he said he did not think there was anything. He will confirm this for me.

I find it disturbing to watch a fellow pilot as competent as yourself endure what you have endured for so long. You have spent countless years and significant amounts of money to get to where you are today. My goal is to attempt to bring you back on the line if at all possible.

We have significant growth starting in the next year. In a short period, you could be in the left seat of an A320. You are and would continue to be a true asset to the company.

I am concerned that GWL will attempt to suspend your benefits if you do not agree to an IME. I intend to run some interference here in the hope to buy some time.

I would like to work out a strategy with you on how you would like to proceed. Hopefully, I can assist in some form.

Take care of yourself.

{Note: This communication is indicative that serious ongoing parking incidents continue to occur at the present time. It would be remiss {considering the circumstances} to withhold this information from the RCMP and appropriate government enforcement agencies} KG. 23/03/06

41.

15/02/06 {my response to Acpa}

"I would like a legal representative to act on my behalf for the purpose of negotiating a resolution with Air Canada, Acpa and GWL. As I have not been able to find a lawfirm willing to do this, I am requesting that Acpa assign legal representation. I would expect that lawyer/client confidentiality requirements would best serve the process itself, as well as the advancement of this process."

42.

15/02/06 {from Acpa}

"Could you tell me what you would consider an acceptable resolution? Basically an outline of your case/dispute. That way I can put forward your request."

43.

15/02/06 {my response}

"Under the circumstances I have been as straightforward and frank as possible. Air Canada, Acpa, GWL, my primary physicians {and others} are aware of the issues that have been forwarded to each parties' attention. The time has come for Air Canada, Acpa and GWL to decide how best to advance this process forward. I am not in a position to discuss/negotiate this aspect of the process. The only guarantee of "confidentiality of any agreement {s}" between myself, Air Canada, Acpa and GWL is via lawyer/client privilege, and as such, should be communicated via appropriate legal representation. This is a fundamental 'right' encased in Canada's constitution and charter of rights. That I have been denied this 'right', due to the impasse that has resulted with Acpa, is something all parties' should bear in mind.

At this point in time I am leaving myself open to any/all options that may be communicated between appropriate legal representatives. As per the present status, any legal representation acting on my behalf should be prepared to negotiate with each party independently or with representatives' of the group, as a whole.

Finally, I believe the best thing Acpa can do at this point would be to decide whether it is best to remain independent of AC management and GWL or to include these parties' in a combined effort to resolve this crisis."

44.

18/02/06 {from Acpa}

"I have spent some time dealing with your request for legal council. As an Association, we do have legal council on contract. Their purpose is to advise us on legal issues and deal with grievances filed on behalf of individuals. Your case is unique in that no grievance was ever filed on any issue. From a labour law perspective, the responsibility for representation of your interests starts with an elected official. In this case, you would start with myself acting on your behalf. I regret to say that for the time being, that is the best I can do.

With the exception of the MEC being copied on all correspondence that you have sent me, I have kept your case confidential.

I strongly recommend that you contact Dave Noble and start a process through pilot assistance. I have been assured that this would alleviate the risk that GWL will stop payment of your benefits. Secondly and most importantly, these people can work with you in dealing with some very common underlying issues that many of our pilots are facing. To be blunt, the company has no friends in pilot assistance. They have dealt with several pilots having difficulty working in our new environment. Everything that takes place under the Pilot Assistance umbrella is under the strictest confidence. Neither the company or the Association has access to any information.

Would you consider giving these people a chance?"

45.

20/02/06 {my response}

"I have experienced a "breach of confidence" and a "breach of trust" in relations with my employer, Air Canada. I have also experienced a "breach of confidence" and a "breach of trust" in relations with my representatives, Acpa. Somewhere, intertwined in this most unfortunate situation, is the "mismanagement" of my GDIP claim via Air Canada Medical services, Harvey Watt and Company, and Great West Life.

Kevin, I am not concerned with you sharing this information. In fact, if it helps, I would encourage it. I have copied this and previous correspondence to the entire MEC because I feel it is important the {MEC} is kept "abreast" of present developments.

I agree with your statement : "From a labour law perspective, the responsibility for representation of your interests starts with an elected official."

In this case however, the process did not start with yourself acting on my behalf, the responsibility for representation began with previous YYZ LEC Vice Chair, Greg Edward. It is important that Acpa recognizes the "breach of confidence" and the "breach of trust" in the "association" occurred as a result of my experiences with this representative during the period June 23, 2004 - June 29, 2004. It is also important for the MEC to know that my lack of confidence and trust in the association was "magnified" when President Kent Wilson failed to respond to correspondence submitted between March 10, 2005 and November 22, 2005. It is especially discouraging when one considers the request made in the latter correspondence, ie:

"This is a formal request to invite an open line of communication and dialogue with Acpa."

I would also suggest the only thing worse than an unwanted/unwarranted response is "no response".

As far as the request of starting a process through pilot assistance - please consider the following.

Pilot Assistance has been involved in the process since June 23, 2004. I was in direct contact with Mr. Noble during this most difficult period. It is a very disturbing thought to recognize that {despite} Mr. Noble's involvement I was removed from the company payroll for the period June 22 - June 25, 2004. It is also very disturbing to note that I spoke to Mr. Noble the afternoon of June 28, 2004 and advised him; despite arrangements agreed upon with Mr. Edward, crew schedulers awarded me a flying assignment for the following day, June 29, 2004. The next time Mr Noble and I corresponded was the week of August 20, 2005 when Mr. Noble had left a message for me to contact him. On August 26, 2005 I returned Mr. Noble's telephone call and advised him I would be in for most of the day, but away the following week. I did not here back from Mr. Noble again until October 4, 2005. On this particular day Mr. Noble advised me to contact GWL. When I did contact GWL I found out that my benefits had been suspended. {As Mr. Noble did not reference the reason for his previous telephone call during the week of August 20, 2005, I can't help but assume the "call" had something to do with difficulties associated with my claim. Again, a very disturbing thought ...}

Several weeks later I again contacted Pilot Assistance, requesting assistance. The date was January 9, 2006. I submitted a request via {Canada Post} to the Pilot Assistance Committee's chair Captain Allan Graham. My request was for Acpa to initiate it's Emergency Response Program. As stated earlier, I was not impressed with the PAC's response.

So, when you ask Kevin: "Would you consider giving these people a chance?", my response to yourself and the MEC is: I have given the Pilot Assistance people a "chance". More important, it must be assured by all concerned: a "breach of confidence" is as damaging as a "breach of trust". Combined, each contributes to a most "unfortunate" process. Frankly, I wouldn't wish this experience on anyone.

On a personal note Kevin I want to thank you for your involvement in such a unique and difficult process. You are doing your best ... and that is all anyone can ever expect.

46.

22/02/06 {from Acpa}

"Since my last E-mail, I have spoken with Captain Kent Wilson and Captain Al Graham from pilot assistance.

Captain Wilson acknowledges receiving correspondence from you which he forwarded to the Toronto LEC. Because it is not his role or responsibility to deal with individual issues, he sent this to the appropriate people namely the Toronto LEC. It is obvious that you were not satisfied with how the Toronto LEC dealt with you at that time. I will

not make excuses for their actions but it is worth noting that they were dealing with the CCAA process at the time. As a result, I suspect that your case fell through the cracks.

Captain Al Graham assures me that pilot assistance is willing to utilize their resources to address your medical issues. However, he does not feel that the Emergency Response Program suits your particular situation. At the present time he is confused as to just what you want from Pilot Assistance. They need to communicate with you to address your requirements.

So the question is, where do we go from here? Before we can deal with any issue involving the Company or Association, your medical issues must be addressed. From my perspective, in light of your refusal to undergo an Independent Medical Evaluation, I strongly recommend that you make arrangements to see DR Brian Murray from pilot assistance. You can arrange this through Dave Noble. This would serve two purposes. It would ensure your benefits will continue, (I have been assured that this will satisfy the company's medical department) and more importantly, I am convinced that this will help you deal with your stress and focus on specific issues that we can address together. "

{Note: this reference to Captain Alan Graham, the Pilot assistance Chair, is quite disconcerting as I was just previously advised that:

"Everything that takes place under the Pilot Assistance umbrella is under the strictest confidence. Neither the company or the Association has access to any information."}

47.

23/02/06

My response to Acpa:

"Before I can adequately respond to Acpa's latest request I would request clarification on a couple of points.

First is it {doctor}DR Brian Murray?

Secondly, is Acpa aware of GWL's letter of February 17, 2006 {received yesterday} from Mr. Brian Gagne ? The following statement is an excerpt from this letter:

"As medical information is required to substantiate a disabling condition, your claim will be closed to further action. This matter has been discussed with Air Canada and they are in agreement that no benefits shall be considered until an IME appointment reschedule, attended and the results reviewed by Air Canada's Occupational Health Department." "

48.

23/02/06

Acpa's response:

"It is Dr Brian Murray. He is works with pilots in Pilot Assistance. I was told that you would eventually get this type of correspondence from GWL.

Could you send me a copy of that letter? I have also been told that if you agree to become involved with pilot assistance your benefits will be reinstated."

and later the same day ...

"My apology. I have confirmed that Brian Murray is not a doctor. He has a specialty in dealing with personal issues involving stress amongst our members. He is not a pilot but on contract with us. Everything dealt with when working with him is in the strictest confidence. No one in ACPA or Air Canada will have access to it.

He has been dealing with Air Canada pilots for over 20 years. He is conversant with the stress this company can impose on us."

49.

01/03/06

{My response and proposal to Acpa:}

"On February 24, 2006 I saw Dr. G Bartolucci. Dr. Bartolucci is a psychiatrist who has seen me on three occasions. He is well briefed and familiar with my relationship with Air Canada, Acpa and Great West Life. Dr. Bartolucci assures me he is satisfied my current medical issues are being addressed. He is also pleased that I have coped with this situation without the requirement for medication. The outstanding concern from a medical point of view however, remains unresolved differences between myself, Air Canada, Acpa, and GWL. It should also be recognized that a period of reflection and recovery will be required once this situation is resolved.

In harmony with a desire to advance this process, I would make the following suggestion. I would be willing to work with pilot assistance for the purpose of resolving conflicting differences. The requirement for flexibility is an obvious asset to this process and I can assure both Acpa and Air Canada Management that I remain open to any and all suggestions for early resolution. We might begin by negotiating a "clean slate" agreement.

Please let me know if this is a viable and practicable method of advancing the process and whether or not the confidentiality of the pilot assistance "umbrella" is an appropriate venue. "

50.

02/03/06

Acpa's response

"At the present time, I think pilot assistance is the proper venue. As far as a "clean slate" is concerned, I have confirmed with the company that should decide to return to the line there are no outstanding issues that need to be dealt with. As far as I am concerned, there is nothing outstanding with ACPA either.

Your main issue is getting your benefits and medical straightened out. A good first step in dealing with this is through pilot assistance. If you wish, I can meet with you and Dave Noble to set out advancing this process.

Is Monday the 6th good for you?"

51.

02/03/06

My response:

"Let me assure both Air Canada and Acpa: there are several "outstanding issues" that need to be dealt with. One issue that requires prompt attention is the reinstatement of my benefits. This is a non-negotiable issue Kevin.

If Air Canada and Acpa are truly interested in utilizing the pilot assistance venue to resolve these "outstanding issues", an essential prior requirement is the immediate reinstatement of benefits, as well as the company's assurance that these benefits will not be terminated again until such time as these issues are resolved."

52.

03/03/06

Acpa's response:

"ACPA has no ability to reinstate your benefits. The Company will not do this either unless you comply with the contractual obligations regarding an IME (independent medical evaluation). I can think of no way to around this except possibly through pilot assistance. Should you work with them and they feel progress is being made with your case, they may be able to persuade the company medical department to reinstate your benefits.

My part has so far been to try and communicate to you your options.

There is little more I can do for you at this time."

53.

06/03/06

My response to Acpa was to forward the above email correspondence to the entire Acpa MEC as I believe it is important that the MEC is in possession of this correspondence.

54.

06/03/06

The last communications between myself and Acpa was the following email from Acpa's MEC Chair. It was copied to the entire MEC, the Pilot Assistance Chair - Alan Graham, Pilot Assistance individual David Noble, and my physician - Dr. Bartolucci:

"Kevin,

I would ask that you kindly restrict your emails to those responsible to resolve the issues surrounding your case. It is not appropriate to copy the MEC on these emails. This message is similar to any member that deals directly with the MEC. There are valuable resources at your disposal and Kevin Vaillant has highlighted them. Please adjust your recipient list as of this email.

regards,

John Scott
MEC Chair

This 'crisis' has caused considerable stress. When one considers the financial costs incurred in my quest to become an airline pilot, the reduction of income as a result of the experiences of the past couple of years, and the incurred loss of future career and pension expectations, the coercion and deception associated with the recent termination of benefits is not conducive to resolving an already far too advanced "situational crisis".

Further, the "shortcomings" of an industry that is prone to serious difficulties associated with a lack of enforcement of regulations has been made worse by previous government decisions to {in effect} provide 'carte blanche' to companies permitting 'managers' the opportunity of enforcing the existing regulations. This is no more prevalent than when examining the mandate of the recently introduced Safety Management System. Consider the following 'excerpts' from AC's Technical and Safety Division memo in August of 2005 :

"Transport Canada has introduced new legislation that is changing how airlines go about ensuring the safety of their operation. The new rules call for airlines to manage the safety risks of their operation by establishing Safety Management Systems {SMS}. SMS is simply the term used for a management process that integrates operational, technical, human and financial resources into a system designed to proactively seek out and correct safety hazards and deficient practices.

Note that the SMS regulation focuses responsibilities for safety on the shoulders of those with the operational control of the airline. At Air Canada, the Flight Safety department will serve to support Flight Operations with investigative services and specialist advice...

As in any management system, an SMS can only manage the risks that you know about. That is why the core of a safety management is built around establishing an extensive set of information on the day-to-day operations of an airline. Rather than learning from major incidents {and the thankfully few accidents}, the intent is to build up an extensive picture of day-to-day flight operations to better understand those minor issues and events that can increase risk. Much of this information can only be obtained if it is voluntarily provided by the flight crews.

To encourage the free reporting safety data, SMS promotes a non-punitive safety reporting culture, where pilots can be candid while reporting safety information knowing that they are protected from potential discipline...and free from any concern over potential punishment or reprisal from the company.”

I must say I find it both confusing and disturbing to note that the SMS seems to be focused on promoting a non-punitive safety reporting culture as opposed to encouraging and awarding a self reporting culture. I will not resist the temptation to be so blunt as to suggest an imminent {ironic} weakness of the SMS may be in an implied ‘promotion of silence’ within. Considering what is transpiring at Air Canada and other major companies within the transportation sector, it is difficult - if not impossible - to suspect the root of many hardships within several sectors of industry may simply be complacency and lack of enforcement resources associated with a haphazard effort to make it appear that safety is ‘paramount’.

When one considers the extensive training that is involved throughout the duration of a professional pilot’s career and the intent of such training tools as crew resource management and Jim Reason’s ‘Swiss Cheese Model’, it is almost surreal to find myself in the middle of this most unfortunate situation. Include this with a lack of internal policy in countering “harassment” in the workplace {toward those who are not willing to “bend the rules”} and a general lack of regard for the Canada Labour Code, and one will soon discover - as I have - that the cost of maintaining one’s integrity and dignity in the transportation industry at least, is a real threat to an individual’s right to a healthy workplace and his/her ability to provide for one’s family.

In closing - please consider this a request for help. We do not look forward to a repeat of our experiences of the 1990’s. The last thing we want to hear this time around is - there is nothing that can be done.

I would be grateful for any assistance the RCMP might provide during this difficult period.

Sincerely,



Kevin Gauthier
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Wasaga Beach, ON
L9Z 1W8
705 429 3097
rockev@rogers.com

Please Note:

I will be submitting "sealed" copies of this correspondence to the following individuals.

My personal physicians.

The College of Physicians and Surgeons

Helena Guergis {MP for Simcoe Grey}

The Honourable Maxime Bernier {Minster of Industry}

The Honourable Jean - Pierre Blackburn {Minister of Labour}

The Honourable Lawrence Cannon {Minister of Transport}

The Honourable Tony Clement {Minister of Health}

The Honourable Stockwell Day {Minister of Public Safety}

The Honourable Vic Toews {Minister of Justice}

The CIRB {Canadian Industrial Relations Board}

I will also be forwarding this correspondence to independent law firms. I will be requesting representation on a "contingency basis". I will be seeking to file appropriate claims against Air Canada, Acpa, Great West Life and Harvey Watt and Company of Atlanta GA. I will also be seeking an opinion on bringing this case before the Human Right's Commission.

RcMP



Date: 2006/04/03

Dear Sir or Madam:

Madame, Monsieur,

Please find below the scanned delivery date and signature of the recipient of the item identified below:

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2006/03/31

Signatory Name

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Signature

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Yours sincerely,

Salutations distinguées,

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