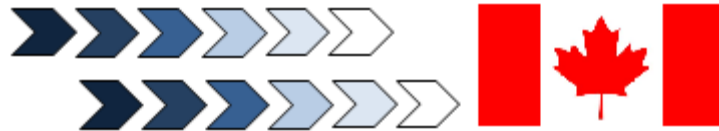


Canada CAR's FTDT

Flight Time and Flight Duty Time Limitations and Rest Periods



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Part I General Provisions

Subpart 1 – Interpretation

101.01 Interpretation

(1) In these Regulations,

Term	Definition
fit for duty	in respect of a person, means that their ability to act as a flight crew member of an aircraft is not impaired by fatigue, the consumption of alcohol or drugs or any mental or physical condition; (apte au travail)
flight duty period	means the period that begins at the earliest of the following events and ends at engines off or rotors stopped at the end of a flight: <ul style="list-style-type: none"> (a) the flight crew member carries out any duties assigned by the private operator or the air operator or delegated by the Minister before reporting for a flight, (b) the member reports for a flight or, if the flight duty period consists of more than one flight, reports for the first flight, (c) the member reports for positioning, and (d) the member reports as a flight crew member on standby; (période de service de vol)
home base	means the location where a flight crew member normally begins and ends a flight duty period; (base d'affectation)
medical evacuation flight	means a flight that is carried out for the purpose of facilitating medical assistance and on which one or more of the following persons or things is transported: <ul style="list-style-type: none"> (a) medical personnel, (b) ill or injured persons, (c) human blood products or organs, (d) medical supplies; (vol d'évacuation médicale)
positioning	means the transfer of a flight crew member from one location to another, at the request of the air operator, but does not include travel to or from suitable accommodation or the member's lodging; (mise en place)
rest period	means the continuous period during which a flight crew member is off duty, excluding the travel time to or from suitable accommodation provided by a private operator or an air operator; (période de repos)

Part VI — General Operating and Flight Rules

Subpart 2 — Operating and Flight Rules

Division I — General

602.02 Fitness of Flight Crew Members

An operator of an aircraft shall not require any person to act as a flight crew member or to carry out a preflight duty, and a person shall not act as a flight crew member or carry out such a duty, if the operator or the person has reason to believe that the person is not, or is not likely to be, fit for duty.

602.03 Alcohol or Drugs — Crew Members

No person shall act as a crew member of an aircraft

- (a) within 12 hours after consuming an alcoholic beverage;
- (b) while under the influence of alcohol; or
- (c) while using any drug that impairs the person's faculties to the extent that the safety of the aircraft or of persons on board the aircraft is endangered in any way.

602.47 Suitable Accommodation

A private operator or an air operator, as the case may be, shall provide a flight crew member with suitable accommodation for rest periods away from home base.

[602.48 to 602.56 reserved]

Subpart 4 — Private Operators

Division I — General Provisions

604.01 Interpretation

(1) The following definitions apply in this Subpart.

Term	Definition
flight deck duty time	means the period spent by a flight crew member at a flight crew member position in an aeroplane during flight time. (<i>temps de service au poste de pilotage</i>)
main base	means a location where a private operator has personnel, aircraft and facilities for its operations and that is established as the principal place of business of the private operator. (<i>base principale</i>)
PBN Manual	means ICAO Document 9613, entitled <i>Performance-based Navigation (PBN) Manual</i> . (<i>manuel PBN</i>)
special authorization	means an authorization issued by the Minister under subsection 604.05(2) that permits the carrying out of an activity referred to in Division IV or an activity in respect of which the Minister has established requirements under subsection 604.74(1). (<i>autorisation spéciale</i>)
sub-base	means a location where a private operator has personnel and aircraft and from which operational control is exercised in accordance with the private operator's operational control system. (<i>base secondaire</i>)

Division VI — Flight Time and Flight Duty Time Flight Period Limits

604.100 Split Flight Duty Period

Flight duty period may be extended by one half of the length of the rest period, to a maximum of four hours, if

- (a) before a flight crew member reports for the first flight or reports as a flight crew member on standby, as the case may be, the private operator provides the flight crew member with notice of the extension of the flight duty period;
- (b) the private operator provides the flight crew member with a rest period of at least four consecutive hours in suitable accommodation; and
- (c) the flight crew member's next minimum rest period is increased by an amount of time at least equal to the length of the extension of the flight duty period.

604.102 Unforeseen Operational Circumstances

(1) Flight duty period may be extended by up to three hours if

- (a) the pilot-in-command, after consultation with the other flight crew members, considers it safe to do so;
- (b) the flight duty period is extended as a result of an unforeseen operational circumstance that occurs after the beginning of the flight duty period;
- (c) the next minimum rest period is extended by an amount of time that is at least equal to the length of the extension of the flight duty period; and
- (d) the pilot-in-command notifies the private operator of the unforeseen operational circumstances and of the length of the extension of the flight duty period.

(2) The private operator shall retain a copy of the notification for five years.

Part VII — Commercial Air Services

Division I – GENERAL

700.101 Interpretation

In this Part,

Term	Definition
acclimatized	in respect of a flight crew member, means a person whose biorhythm is considered aligned with local time; (<i>acclimaté</i>)
all-cargo aeroplane	means an aeroplane that is equipped and used mainly for the carriage of goods;
areas of operation	means areas in which operations are conducted between points in Canada, between points in Canada and points abroad, and between points abroad;
class 1 rest facility	means a bunk or other horizontal surface located in an area that (a) is separated from the flight deck and passenger cabin; (b) has facilities to control the temperature and light; and (c) is subject to a minimal level of noise and other disturbances; (<i>poste de repos de classe 1</i>)
class 2 rest facility	means a seat that allows for a horizontal sleeping position in an area that (a) is separated from passengers by a curtain or other means of separation that reduces light and sound; (b) is equipped with portable oxygen equipment; and (c) minimizes disturbances by passengers and crew members; (<i>poste de repos de classe 2</i>)
class 3 rest facility	means a seat that reclines at least 40 degrees from vertical and that has leg and foot support; (<i>poste de repos de classe 3</i>)
early duty	means hours of work that begin between 02:00 and 06:59 at the location where a flight crew member is acclimatized; (<i>service de début de journée</i>)
employed on a full-time basis	means working for an air operator on a continuous basis for at least the number of hours required to carry out the duties of the position for the safe operation of the commercial air service;
extended charter	means the charter of a Canadian commercial aircraft to a Canadian or foreign air operator for a period of 21 days or more in order to supplement the fleet of the charterer;
farmer	means a person whose primary source of income is derived from the tillage of the soil, the raising of livestock or poultry, dairy farming, the growing of grain, fruit, vegetables or tobacco, or any other operation of a similar nature
flight crew member on deployed standby	means a flight crew member on standby who is located at or near an aerodrome and who has been provided with suitable accommodation by an air operator for the period during which they are available to report for flight duty; (<i>membre d'équipage de conduite en attente de déploiement</i>)
flight crew member on reserve	means a flight crew member who has been designated by an air operator to be available to report for flight duty on notice of more than 1:00
late duty	means hours of work that end between midnight and 01:59 at the location where a flight crew member is acclimatized; (<i>service de fin de journée</i>)
local night's rest	means a rest period of at least nine hours that takes place between 22:30 and 09:30 at the location where the flight crew member is acclimatized; (<i>nuit de repos locale</i>)

Term	Definition
net take-off flight path	means the one-engine-inoperative flight path that starts at a height of 35 feet at the end of the take-off distance required and extends to a height of at least 1,500 feet AGL, reduced at each point by a gradient of climb equal to 0.8 per cent for two-engined aeroplanes, 0.9 per cent for three-engined aeroplanes and 1.0 per cent for four-engined aeroplanes
night duty	means hours of work that begin between 13:00 and at 01:59 and that end after 01:59 at a location where a flight crew member is acclimatized; (service de nuit)
operations between points abroad	means air service operations that are conducted wholly outside Canada for any length of time
reserve availability period (RAP)	means the period in any period of 24 consecutive hours during which a flight crew member on reserve is available to report for flight duty; (période de disponibilité en réserve)
reserve duty period (RDP)	means the period that begins at the time that a flight crew member on reserve is available to report for flight duty and ends at the time that the flight duty period ends; (période de service en réserve)
single day free from duty	means a period free from duty that begins at the end of the first local night's rest and ends at the beginning of the following local night's rest; (journée isolée sans service)
sub-base	means a location at which an air operator positions aircraft and personnel and from which operational control is exercised in accordance with the air operator's operational control system
types of operation	means VFR, VFR at night and IFR operations
types of service	means a domestic service, a scheduled international service, a non-scheduled international service and a sightseeing operation
window of circadian low	means the period that begins at 02:00 and ends at 05:59 at the location where a flight crew member is acclimatized; (phase de dépression circadienne)

Division III – Flight Crew Member Fatigue Management

700.13 Non-application and Interpretation

- (1) This Division does not apply to an air operator who operates an aircraft under Subpart 2 of Part VII or a flight crew member who operates an aircraft under that Subpart.
- (2) For the purposes of this Division, references to time of day are
 - (a) If a flight crew member is acclimatized to their location, to the local time at that location; or
 - (b) If a flight crew member is not acclimatized to their location, to the local time of the last location at which the member was acclimatized.

[700.14 to 700.18 reserved]

700.19 Non-application and Interpretation

- (1) This Division does not apply
 - (a) to an air operator who operates an aircraft under Subpart 2 of this Part or to a flight crew member who operates an aircraft under that Subpart; or
 - (b) to an air operator who conducts a medical evacuation flight or to a flight crew member who operates an aircraft to conduct such a flight.
- (2) For the purposes of this Division, references to time of day are
 - (a) If a flight crew member is acclimatized to their location, to the local time at that location; or
 - (b) If a flight crew member is not acclimatized to their location, to the local time of the last location at which the member was acclimatized.

700.20 Monitoring System and Records

- (1) An air operator shall have a system that monitors the flight time, flight duty periods, duty periods and rest periods of each of its flight crew members and shall include in its company operations manual the details of that system.
- (2) An air operator shall, for each flight crew member, keep a record of
 - (a) All flight times;
 - (b) The start and end time as well as the duration of each flight duty period;
 - (c) The start and end time as well as the duration of each duty period;
 - (d) The start and end time as well as the duration of each rest period; and
 - (e) Time free from duty.
- (3) An air operator shall keep a record of all notifications provided to it by a pilot-in-command to the air operator under subsection 700.63(4).
- (4) An air operator shall keep a record referred to in this section for a period of 24 months after the day on which they are made.

700.21 Air Operator Obligations — Scheduling

- (1) An air operator shall provide a flight crew member with his or her schedule sufficiently in advance for the member to plan for adequate rest.
- (2) An air operator shall, on a monthly basis, determine if the maximum flight duty period with respect to a flight is exceeded more than 10% of the time in a period of 90 consecutive calendar days.
- (3) If an air operator determines that more than 10% of maximum flight duty periods are exceeded as a result of an unforeseen operational circumstance, the air operator shall change the schedule or the flight crew member pairing for the flight not later than 28 days after the day on which the determination was made.
- (4) If the air operator sets schedules on a seasonal basis, the changes referred to in subsection (3) may be delayed until the beginning of the same season in the following year.

[700.22 to 700.25 reserved]

700.26 Fitness for Duty

- (1) An air operator shall not allow a flight crew member to begin a flight duty period if, before the beginning of the period, the member advises the air operator that they are fatigued to the extent that they are not fit for duty.
- (2) A flight crew member shall advise every other flight crew member and the air operator as soon as the member becomes aware that they have become fatigued during a flight duty period to the extent that they are not fit for duty.
- (3) If there is only one flight crew member on board the aircraft, and the member becomes aware during a flight duty period that they have become fatigued to the extent that they are not fit for duty, they shall advise the air operator immediately or, if the aircraft is in flight, as soon as possible after the aircraft has landed.
- (4) If a person who is assigned by an air operator to act as a flight crew member, or any other person, becomes aware that the assignment would result in the maximum flight time, maximum flight duty period or maximum number of hours of work being exceeded, the member or other person shall advise the air operator as soon as possible..
- (5) If a flight crew member or any other person becomes aware that the member was not granted their rest period or time free from duty, the member or other person shall advise the air operator as soon as possible.

700.27 Maximum Flight Time

- (1) No air operator shall assign a flight crew member for flight time, and no flight crew member shall accept such an assignment, if the member's total flight time in all flights conducted by him or her will, as a result, exceed
 - (a) 112:00 in any 28 consecutive calendar days;
 - (b) 300:00 in any 90 consecutive calendar days;
 - (c) 1,000:00 in any 365 consecutive calendar days; or
 - (d) In the case of a single-pilot operation, 8:00 in any 24:00 consecutive.
- (2) For the purpose of subsection (1), a flight crew member's flight time includes the following:
 - (a) The flight time accumulated from other flight operations; and
 - (b) The total flight time of a flight with an augmented flight crew.

700.28 Maximum Flight Duty Period

- (1) An air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if the flight duty period exceeds the maximum flight duty period set out in this section.
- (2) If the average duration of all scheduled flights is less than 30 minutes, the maximum period of a flight duty period that begins during a period set out in column 1 of the table to this subsection is the number of hours set out in column 2, 3 or 4, according to the number of flights scheduled during the flight duty period.

TABLE 1 MAXIMUM FDP — Average Flight Duration < 0:30

	Column 1	Column 2	Column 3	Column 4
Item	Start Time of Flight Duty Period	1 to 11 Flights	12 to 17 Flights	18 or More Flights
1	24:00 to 03:59	9:00	9:00	9:00
2	04:00 to 04:59	10:00	9:00	9:00
3	05:00 to 05:59	11:00	10:00	9:00
4	06:00 to 06:59	12:00	11:00	10:00
5	07:00 to 12:59	13:00	12:00	11:00
6	13:00 to 16:59	12:30	11:30	10:30
7	17:00 to 21:59	12:00	11:00	10:00
8	22:00 to 22:59	11:00	10:00	9:00
9	23:00 to 23:59	10:00	9:00	9:00

- (3) If the average duration of all scheduled flights is 30 minutes or more but less than 50 minutes, the maximum period of a flight duty period that begins during a period set out in column 1 of the table to this subsection shall not exceed the number of hours set out in column 2, 3 or 4, according to the number of flights scheduled during the flight duty period.

TABLE 2 MAXIMUM FDP — Average Flight Duration >= 0:30 and < 0:50

	Column 1	Column 2	Column 3	Column 4
Item	Start Time of Flight Duty Period	1 to 7 Flights	8 to 11 Flights	12 or More Flights
1	24:00 to 03:59	9:00	9:00	9:00
2	04:00 to 04:59	10:00	9:00	9:00
3	05:00 to 05:59	11:00	10:00	9:00
4	06:00 to 06:59	12:00	11:00	10:00
5	07:00 to 12:59	13:00	12:00	11:00
6	13:00 to 16:59	12:30	11:30	10:30
7	17:00 to 21:59	12:00	11:00	10:00
8	22:00 to 22:59	11:00	10:00	9:00
9	23:00 to 23:59	10:00	9:00	9:00

- (4) If the average duration of all scheduled flights is 50 minutes or more, the maximum period of a flight duty period that begins during a period set out in column 1 of the table to this subsection shall not exceed the number of hours set out in column 2, 3 or 4, according to the number of flights scheduled during the flight duty period.

TABLE 3 MAXIMUM FDP — Average Flight Duration >= 0:50

	Column 1	Column 2	Column 3	Column 4
Item	Start Time of Flight Duty Period	1 to 4 Flights	5 or 6 Flights	7 or More Flights
1	24:00 to 03:59	9:00	9:00	9:00
2	04:00 to 04:59	10:00	9:00	9:00
3	05:00 to 05:59	11:00	10:00	9:00
4	06:00 to 06:59	12:00	11:00	10:00
5	07:00 to 12:59	13:00	12:00	11:00
6	13:00 to 16:59	12:30	11:30	10:30
7	17:00 to 21:59	12:00	11:00	10:00
8	22:00 to 22:59	11:00	10:00	9:00
9	23:00 to 23:59	10:00	9:00	9:00

- (5) For the purposes of subsections (2) to (4), a flight crew member is considered to be acclimatized if
- (a) in the case of a time zone difference of less than four hours between local time and the time at the last location where the member was acclimatized, any rest periods required under these Regulations have been provided and the member has spent 72 hours in the same time zone;
 - (b) in the case of a time zone difference of four hours or more between local time and the time at the last location where the member was acclimatized, any rest periods required under these Regulations have been provided and the member has spent 96 hours in the same time zone; or
 - (c) the member has spent 24 hours in the same time zone for each hour of difference between local time and the time at the last location where the member was acclimatized bbbbbbbbbb.
- (6) For the purposes of subsections (2) to (4), positioning is not to be considered a flight.
- (7) For the purposes of subsection (5), the Canadian time zones are Pacific, Mountain, Central, Eastern, and the Atlantic time zone, which includes Newfoundland and Labrador.
- (8) The flight duty period for a flight crew member on standby begins at the time at which the member reports for duty at the specified location designated by the air operator.

- (9) When all flights are conducted under day VFR, the maximum period of a flight duty period that begins during a period set out in column 1 of the table to this subsection shall not exceed the number of hours set out in column 2

TABLE 4 MAXIMUM FDP — Flights Conducted Under Day VFR

	Column 1	Column 2
Item	Start Time of Flight Duty Period	Maximum Flight Duty Period
1	24:00 to 03:59	9:00
2	04:00 to 04:59	10:00
3	05:00 to 05:59	11:00
4	06:00 to 06:59	12:00
5	07:00 to 12:59	13:00
6	13:00 to 16:59	12:30
7	17:00 to 21:59	12:00
8	22:00 to 22:59	11:00
9	23:00 to 23:59	10:00

700.29 Maximum Duty Time

- (1) An air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if, as a result, the member's number of hours of work will exceed
 - (a) 2,200:00 in any 365 consecutive calendar days; or
 - (b) 192 hours in any 28 consecutive days;
 - (c) 60 hours in any 7 consecutive days if the air operator has provided the member with the following time free from duty:
 - (i) 1 single day free from duty in any 168 consecutive hours, and
 - (ii) 4 single days free from duty in any 672 consecutive hours; or
 - (d) 70 hours in any 7 consecutive days if the air operator has provided 120 consecutive hours free from duty, including 5 consecutive local nights' rest, in any 504 consecutive hours and if
 - (i) the member is not assigned early duty, late duty or night duty,
 - (ii) the member is not assigned a flight duty period greater than 12 hours, and
 - (iii) the member's maximum number of hours of work is 24 hours in any consecutive 48 hours.
- (2) An air operator who has assigned to a flight crew member a flight duty period that will result in the member's number of hours of work exceeding those referred to in paragraph (1)(d) shall ensure that the member has 120 consecutive hours free from duty, including 5 consecutive local nights' rest, before assigning a flight duty period that will result in the member's number of hours of work exceeding those referred to in paragraph (1)(c).
- (3) A flight crew member's hours of work are to include
 - (a) in the case of a flight crew member on reserve, 33% of the time that they are in a reserve availability period; and
 - (b) in the case of a flight crew member on standby, 100% of the time that they are on standby.

[700.30 to 700.35 reserved]

700.36 Home Base

An air operator shall assign a home base for each of its flight crew members.

700.37 Nutrition Break

An air operator shall provide a flight crew member with not less than 0:15 every 6:00 within a flight duty period to eat and drink.

[700.38 to 700.39 reserved]

700.40 Rest Period — General

- (1) An air operator shall provide a flight crew member with the following rest periods at the end of a flight duty period:
 - (a) If the flight duty period ends at home base,
 - (i) Either 12:00, or 11:00 plus the travel time to or from the place where the rest period is taken, or
 - (ii) If the air operator provides suitable accommodation, 10:00 in that suitable accommodation; and
 - (b) If the flight duty period ends away from home base, 10:00 in suitable accommodation.
- (2) If an air operator assigns a duty to a flight crew member for a period — excluding the time required for positioning — that exceeds by one hour or more the maximum flight duty period referred to in section 700.28, the rest period shall be the longer of
 - (a) the maximum flight duty period plus the amount of time worked beyond the maximum flight duty period, and
 - (b) the rest period referred to in subsection (1).
- (3) An air operator shall have a means to determine the travel time referred to in subparagraph (1)(a)(i).
- (4) An air operator shall provide a flight crew member with advance notice of the member's rest period and its duration.

700.41 Disruptive Schedules

- (1) In addition to the rest periods required under section 700.40, an air operator shall provide a flight crew member with one local night's rest between
 - (a) the time at which late duty or night duty ends and the time at which the following early duty begins; or
 - (b) the time at which early duty ends and the time at which the following late duty or night duty begins.
- (2) Subsection (1) does not apply when a flight crew member is at a location where local time differs by more than four hours from the local time at the last location where the member was acclimatized.

700.42 Rest Period — Time Zone Differences

- (1) Despite section 700.40, an air operator shall provide a flight crew member with the following rest periods when their flight duty period ends away from home base:
 - (a) 11 consecutive hours in suitable accommodation, if the local time at the location where the flight duty period began differs by four hours from the local time at the location where the flight duty period ends; and
 - (b) 14 consecutive hours in suitable accommodation, if the local time at the location where the flight duty period began differs by more than four hours from the local time at the location where the flight duty period ends.
- (2) Despite section 700.40, an air operator shall provide a flight crew member with the following rest periods when their flight duty period begins at a location that is in a time zone other than the time zone in which home base is located and ends at home base:
 - (a) 13 consecutive hours, if the local time at the location where the flight duty period began differs by four hours from the local time at home base and the member has been away from home base for more than 36 consecutive hours;
 - (b) if the local time at the location where the flight duty period began differs by more than 4 but not more than 10 hours from the local time at home base, and
 - (i) the member has been away from home base for 60 consecutive hours or less and no part of the flight duty period occurs during any part of the member's window of circadian low, one local night's rest before the beginning of the next flight duty period, or
 - (ii) the member has been away from home base for more than 60 consecutive hours, or any part of the flight duty period occurs within any part of the member's window of circadian low, two local nights' rest before the beginning of the next flight duty period; or
 - (c) if the local time at the location where the flight duty period began differs by more than 10 hours from the local time at home base and
 - (i) the member has been away from home base for 60 consecutive hours or less, two local nights' rest before the beginning of the next flight duty period, or
 - (ii) the member has been away from home base for more than 60 consecutive hours, three local nights' rest before the beginning of the next flight duty period.

700.43 Rest Period — Positioning

- (1) If a flight crew member is required by the air operator to travel for the purpose of positioning immediately after the completion of a flight duty period and the flight duty period plus the travel time required for positioning exceed the maximum flight duty period set out in section 700.28, the air operator shall provide the member with a rest period before the beginning of the next flight duty period that is equal to the duration of
 - (a) the number of hours of work, if the maximum flight duty period is exceeded by three hours or less; or
 - (b) the number of hours of work plus the amount of time by which the maximum flight duty period is exceeded, if the maximum flight duty period is exceeded by more than three hours.
- (2) Despite subsection (1), the rest period provided to the member by the air operator before the beginning of the next flight duty period shall not be shorter than the rest period required under subsection 700.40(1).
- (3) An air operator shall not require the positioning of a flight crew member if it would result in the member's maximum flight duty period being exceeded by more than three hours unless
 - (a) the member agrees to the positioning; and
 - (b) the member's flight duty period is not exceeded by more than seven hours.
- (4) An air operator shall consider the time required for the positioning of a flight crew member, that is not immediately followed by the assignment of a flight duty period, as a flight duty period for the purpose of determining the duration of the rest periods in accordance with section 700.40.

[700.44 to 700.49 reserved]

700.50 Split Flight Duty

- (1) A flight crew member's flight duty period may exceed the maximum flight duty period set out in section 700.28 by the following amount of time, if the air operator provides the member with a break, in suitable accommodation, of at least 60 consecutive minutes during the flight duty period:
 - (a) 100% of the duration of the break that is provided to the member during the period beginning at 24:00 and ending at 05:59;
 - (b) 50% of the duration of the break that is provided to the member during the period beginning at 06:00 and ending at 23:59; and
 - (c) in the case of an unforeseen operational circumstance, 50% of the duration of the break that is provided to the member in the case of the replanning of a flight duty period after it has begun.
- (2) For the purposes of subsection (1), the duration of the break provided to the flight crew member is reduced by 45 minutes before the calculation is made.
- (3) If a flight crew member is assigned to night duty, their flight duty period may only be extended under subsection (1) for three consecutive nights.
- (4) The time referred to in paragraphs (1)(a) and (b) is the time at the location where the flight crew member is acclimatized.
- (5) If a flight crew member on reserve is assigned to flight duty that includes split duty, the air operator may extend the reserve duty period by two hours if a break in accordance with this section is provided. There shall not be more than two flights during the flight duty period following the break.

700.51 Consecutive Night Duty Periods

- (1) An air operator shall not assign to a flight crew member more than three consecutive flight duty periods if any part of those periods falls between 02:00 and 05:59, unless the air operator provides the member with one local night's rest at the end of the third flight duty period.
- (2) However, an air operator may assign to a flight crew member up to five consecutive flight duty periods even if any part of those periods falls between 02:00 and 05:59 if the member is provided with
 - (a) a rest period of three hours in suitable accommodation during each flight duty period; and
 - (b) 56 consecutive hours free from duty at the end of the last consecutive flight duty period.

700.52 Delayed Reporting Time

- (1) If an air operator advises a flight crew member of a delay in the member's reporting time before the member leaves their suitable accommodation to report for duty, the duration of the flight duty period shall, for the purposes of determining the maximum flight duty period in accordance with section 700.28, be calculated starting from either the initial reporting time or the delayed reporting time, whichever results in the shorter period.
- (2) Despite subsection (1), the flight duty period shall begin, if the delay in the reporting time
 - (a) is less than four hours, at the delayed reporting time; or
 - (b) is four hours or more but less than 10 hours, four hours after the initial reporting time.
- (3) If the delay in the reporting time is 10 hours or more, the duration of the delay is considered to be a rest period if the air operator advises the flight crew member of the delay before they leave the suitable accommodation, and does not disturb their rest period before an agreed time.
- (4) Unless the air operator and flight crew member agree on a time when the air operator may disturb the member's rest period referred to in subsection (3), the air operator shall not interrupt the member's rest period other than
 - (a) during the 30-minute period before the time the member was initially scheduled to leave the suitable accommodation; or
 - (b) during the 60-minute period before the initial reporting time.

[700.53 to 700.59 reserved]

700.60 Flight Duty Period — In-Flight Rest and Augmented Flight Crew

- (1) Despite section 700.28, if the air operator assigns for a flight the number of additional flight crew members set out in column 2 of the table to this subsection and provides, for each additional member, the corresponding rest facility set out in column 3, the maximum flight duty period is the period set out in column 1.

TABLE 6 MAXIMUM FDP — Augmented Flight Crew and Rest Facility

	Column 1	Column 2	Column 3
Item	Maximum Flight Duty Period	Additional Flight Crew Members	Rest Facility
1	14:00	1	class 3
2	15:00	1	class 1 or class 2
3	15:15	2	class 3
4	16:30	2	class 2
5	18:00	2	class 1

- (2) The maximum flight duty period set out in subsection (1) applies only to a flight duty period during which there are three or fewer flights if:
- for a flight duty period during which there is one flight, all flight crew members are provided with in-flight rest in a rest facility; and
 - for a flight duty period during which there are two or three flights,
 - the flight crew member who will be at the controls for the final landing is provided with two consecutive hours of in-flight rest in a rest facility; and
 - all other flight crew members are provided with 90 consecutive minutes of in-flight rest in a rest facility.
- (3) A flight crew member's flight duty period shall include all of the time spent in the rest facility.
- (4) The flight duty period for all flight crew members shall begin and end at the same location. However, for a period during which there is more than one flight and the first flight is scheduled to be less than 105 minutes long, an air operator may assign additional flight crew members to join a flight after the first flight, but all flight crew members shall end their flight duty period at the same location.
- (5) At least one additional flight crew member shall be on the flight deck during all take-offs and landings, other than for the first flight, if additional flight crew members join the flight after the first flight in the case referred to in subsection (4).
- (6) In-flight rest shall occur between the time at which the aircraft reaches 3 048 m (10,000 feet) above aerodrome elevation and 15 minutes before the scheduled beginning of the descent.
- (7) If a flight duty period has been extended, an air operator shall provide each flight crew member with a rest period that is the longer of
- the duration of the duty period just completed, and
 - 14 hours in suitable accommodation, or 16 hours when the member's duty period ends at home base.

700.61 Long-range Flights

An air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if the flight duty period occurs within the member's window of circadian low and includes a flight that follows a scheduled flight of more than seven hours.

700.62 Ultra Long-range Flights

- (1) An air operator shall not assign a flight duty period of more than 18 hours to a flight crew member and a member shall not accept such an assignment.
- (2) An air operator shall not assign a flight crew member to a flight with a scheduled flight time of more than 16 hours, and a member shall not accept such an assignment.

700.63 Unforeseen Operational Circumstances — Flight Duty Period and Rest Period

- (1) If the pilot-in-command is of the opinion that an unforeseen operational circumstance that occurs within 60 minutes of the beginning of the flight duty period could lead to a level of fatigue that may adversely affect the safety of the flight, the pilot-in-command may, after consulting with all crew members on their level of fatigue,
 - (a) reduce a flight crew member's flight duty period;
 - (b) extend a flight crew member's flight duty period by the following number of hours in excess of the maximum flight duty period set out in section 700.28 or subsection 700.60(1) by
 - (i) one hour for a single-pilot operation,
 - (ii) two hours, if the flight crew is not augmented,
 - (iii) three hours, if the flight crew is augmented and there is one flight during the scheduled flight duty period, and
 - (iv) two hours, if the flight crew is augmented and there are two or three flights during the scheduled flight duty period; or
 - (c) extend a flight crew member's rest period.
- (2) If a further unforeseen operational circumstance arises after take-off on the final flight for which the maximum flight duty period was extended under subsection (1), the pilot-in-command may, despite that subsection, continue the flight to the destination aerodrome or to an alternate aerodrome.
- (3) An air operator shall extend the rest period after a flight duty period is extended under this section by an amount of time that is at least equal to the extension of the flight duty period.
- (4) At the end of a flight duty period, the pilot-in-command shall notify the air operator of any change to a flight duty period made under this section.

700.64 Unforeseen Operational Circumstances — Split Flight Duty

- (1) In the event of an unforeseen operational circumstance that occurs after the beginning of the flight duty period, an air operator may change a flight crew member's flight duty period to include a split flight duty in accordance with section 700.50 if the pilot-in-command agrees and the change is made before the scheduled break on the ground.
- (2) The pilot-in-command shall not agree to the change if they are of the opinion, after consulting with all other crew members, that a split flight duty period could lead to a level of fatigue that may adversely affect the safety of the flight.

[700.65 to 700.69 reserved]

700.70 Flight Crew Member on Reserve

- (1) An air operator shall notify a flight crew member on reserve of the start and end times of the reserve availability period and the location where it will take place no later than
 - (a) 12 hours before the start time of the reserve availability period, if no part of that period falls during the member's window of circadian low; or
 - (b) 32 hours before the start time of the reserve availability period, if any part of that period falls during the member's window of circadian low.
- (2) An air operator shall not change the start time of a reserve availability period of a flight crew member by
 - (a) more than two hours before, or four hours after, the start time that was communicated to the flight crew member under subsection (1); or
 - (b) more than eight hours before or after the start time that was communicated to the member under subsection (1) in any period of 168 consecutive hours, unless the member is provided with two consecutive days free from duty within that period.
- (3) If the start time of a reserve availability period is changed to a time after 02:00, the air operator shall not assign another reserve availability period to the flight crew member unless the member is provided with two consecutive days free from duty before the start time of that period.
- (4) An air operator shall not change the start time of a reserve availability period so that it falls in a flight crew member's window of circadian low unless the air operator notifies the member of the change at least 24 hours before the revised start time.
- (5) An air operator shall not assign to a flight crew member a reserve availability period that exceeds 14 consecutive hours.
- (6) An air operator shall provide a flight crew member with a rest period of at least 10 consecutive hours between reserve availability periods.
- (7) An air operator shall not assign to a flight crew member a reserve duty period that exceeds:
 - (a) 18 consecutive hours, if the period begins between 02:00 and 17:59;
 - (b) 17 consecutive hours, if the period begins between 18:00 and 18:59;
 - (c) 16 consecutive hours, if the period begins between 19:00 and 20:59;
 - (d) 15 consecutive hours, if the period begins between 21:00 and 22:59;
 - (e) 14 consecutive hours, if the period begins between 23:00 and 01:59;
- (8) Despite subsection (7), an air operator may assign to a flight crew member a reserve duty period of
 - (a) no more than 20 hours, if the flight crew is augmented by one additional flight crew member and a class 1 rest facility or a class 2 rest facility is provided for the member
 - (b) no more than 22 hours, when the reserve availability period begins between 21:00 and 03:00 at the location where the flight crew member is acclimatized, if the flight crew is augmented by two additional flight crew members and a class 1 rest facility or a class 2 rest facility is provided for each of the members; or
 - (c) no more than 26 hours, when the reserve availability period begins before 21:00 or after 03:00 at the location where the flight crew member is acclimatized, if the flight crew is augmented by two additional flight crew members and a class 1 rest facility is provided for each of the members.

- (9) If the reserve availability period begins between 02:00 and 05:59 at the location where the flight crew member is acclimatized and the member is not contacted by the air operator during that period, the air operator may extend the reserve availability period by two hours or 50% of the reserve availability period that falls between 02:00 and 05:59, whichever is shorter.
- (10) An air operator shall not assign to a flight crew member a flight duty period that exceeds the maximum reserve duty period set out in subsection (7) or (8) or the maximum flight duty period set out in section 700.28, whichever is shorter, unless the air operator provides the member with at least 24:00 notice of the assignment before the beginning of the flight duty period;
 - (a) provides the member with at least 24 hours' notice of the assignment before the beginning of the flight duty period;
 - (b) does not provide the notice during the period that begins at 22:30 and ends at 7:30; and
 - (c) assigns no duties to the member between the time the notice is provided and the beginning of the flight duty period.

700.71 Flight Crew Member on Standby

- (1) The air operator shall provide a flight crew member on standby with a place that provides adequate protection from the elements, where it is possible to sit and to access food and drink and, if possible, that is not accessible to the public.
- (2) If the flight crew member on standby is not assigned to flight duty, the air operator shall provide them with the following rest periods:
 - (a) if the member is at home base,
 - (i) 12 hours, or 11 hours plus the travel time to or from the member's lodging, or
 - (ii) if the air operator provides suitable accommodation, 10 hours in that suitable accommodation; or
 - (b) if the member is away from home base, 10 hours.

700.72 Controlled Rest on the Flight Deck

- (1) A flight crew member shall not take a controlled rest on the flight deck of an aircraft that is operated by an air operator unless
 - (a) the rest is 45 minutes or less, is taken during the cruise portion of the flight and is completed at least 30 minutes before the scheduled beginning of the descent
 - (b) no other flight crew member is taking a rest at that time; and
 - (c) at least two flight crew members remain on the flight deck
- (2) Before taking a controlled rest on the flight deck, a flight crew member shall.
 - (a) transfer their duties to a flight crew member who is not taking a rest;
 - (b) review the status of the flight, including any specific duties to be performed during the rest;
 - (c) review the wake-up criteria; and
 - (d) advise the flight attendants of the start and end times of the rest.
- (3) A flight crew member who takes a controlled rest on the flight deck shall not assume any duties, and no other flight crew member shall transfer any duties to them, until 15 minutes after the end of the rest.
- (4) When a flight crew member returns to duty, another flight crew member shall provide them with an operational briefing.

[700.73 to 700.99 reserved]

Division IV — Flight Crew Member Fatigue Management — Medical Evacuation Flights

700.100 Application and Interpretation

- (1) This Division applies to an air operator who conducts a medical evacuation flight and to a flight crew member who operates an aircraft to conduct such a flight.
- (2) This Division does not apply to an air operator who operates an aircraft under Subpart 2 of this Part or to a flight crew member who operates an aircraft under that Subpart.
- (3) For the purposes of this Division, a flight to position an aircraft before or after a medical evacuation flight is considered to be a medical evacuation flight.

700.101 Monitoring System and Records

- (1)) An air operator shall have a system that monitors the flight times, flight duty periods and rest periods of each of its flight crew members and shall include in its company operations manual the details of that system.
- (2) If a person who is assigned by an air operator to act as a flight crew member, or any other person, becomes aware that the assignment would result in the maximum flight time referred to in section 700.103 or the maximum flight duty period referred to in section 700.104 being exceeded, the person shall advise the air operator as soon as possible.

700.102 Fitness for Duty

- (1) An air operator shall not allow a flight crew member to begin a flight duty period if, before the beginning of the period, the member advises the air operator that they are fatigued to the extent that they are not fit for duty.
- (2) A flight crew member shall advise every other flight crew member and the air operator as soon as the member becomes aware that they have become fatigued during a flight duty period to the extent that they are not fit for duty.
- (3) If there is only one flight crew member on board the aircraft, and the member becomes aware during a flight duty period that they have become fatigued to the extent that they are not fit for duty, they shall advise the air operator immediately or, if the aircraft is in flight, as soon as possible after the aircraft has landed.
- (4) If a person who is assigned by an air operator to act as a flight crew member, or any other person, becomes aware that the assignment would result in the maximum flight time or maximum flight duty period being exceeded, the member or other person shall advise the air operator as soon as possible.
- (5) If a flight crew member or any other person becomes aware that the member was not granted their rest period or time free from duty, the member or other person shall advise the air operator as soon as possible.

700.103 Maximum Flight Time

- (1) An air operator shall not assign a flight crew member for flight time, and a flight crew member shall not accept such an assignment, if the member's total flight time will, as a result, exceed
 - (a) if the flight is conducted under Subpart 4 or 5 using an aircraft other than a helicopter, 40 hours in any 7 consecutive days;
 - (b) if the flight is conducted under Subpart 3, or is conducted using a helicopter, 60 hours in any 7 consecutive days;
 - (c) 120 hours in any 30 consecutive days or, in the case of a flight crew member on call, 100 hours in any 30 consecutive days;
 - (d) 300 hours in any 90 consecutive days;

- (e) 1,200 hours in any 365 consecutive days; or
 - (f) in the case of a single-pilot operation, 8 hours in any 24 consecutive hours.
- (2) For the purpose of subsection (1), a flight crew member's flight time includes
- (a) the flight time accumulated from other flight operations; and
 - (b) the total flight time of a flight with an augmented flight crew.

700.104 Maximum Flight Duty Period

- (1) An air operator shall not assign a flight duty period to a flight crew member, and a flight crew member shall not accept such an assignment, if the flight duty period exceeds 14 hours.

[700.105 to 700.115 reserved]

700.116 Rest Period — General

- (1) An air operator shall provide a flight crew member, at the end of a flight duty period, with a rest period of 10 hours plus the travel time to and from the place where the rest period is taken.
- (2) An air operator shall provide a flight crew member with advance notice of the member's rest period and its duration.

700.117 Rest Period — Positioning

- (1) If a flight crew member is required by the air operator to travel for the purpose of positioning after the completion of a flight duty period, the air operator shall provide the flight crew member with an additional rest period at least equal to one-half the time spent travelling that is in excess of the flight crew member's maximum flight duty period.

700.118 Split Flight Duty

- (1) If a flight duty period includes a rest period, an air operator may assign to a flight crew member a flight duty period that exceeds the maximum flight duty period referred to in section 700.104, by one-half the length of the rest period referred to in paragraph (b), to a maximum of three hours, if
- (a) the air operator provides the member with notice, before the beginning of the flight duty period, of the extension of flight duty period;
 - (b) the air operator provides the member with a rest period of at least four consecutive hours in suitable accommodation; and
 - (c) the member's rest period is not interrupted by the air operator.
- (2) An air operator shall extend the rest period after a flight duty period referred to in subsection (1) by an amount that is at least equal to the length of the extension to the flight duty period.

700.119 Time Free from Duty

- (1) An air operator shall provide each flight crew member with the following time free from duty:
- (a) at least 36 consecutive hours in 7 days; and
 - (b) at least 3 consecutive days in 17 days.
- (2) An air operator shall provide a flight crew member with advance notice of the member's time free from duty and its duration.

700.120 Consecutive Flight Duty Periods

- (1) An air operator shall provide a flight crew member with at least 24 consecutive hours free from flight duty following three consecutive flight duty period assignments that exceed 12 consecutive hours unless the member has received a rest period of at least 24 consecutive hours free from flight duty between each flight duty period assignment.

700.121 Delayed Reporting Time

- (1) If an air operator advises a flight crew member, before the member leaves a rest facility, of a delay in excess of three hours in the member's reporting time, the member's flight duty period is considered to have started three hours after the original reporting time.

[700.122 to 700.130 reserved]

700.131 Maximum Flight Duty Period — Augmented Flight Crew and Rest Facility

- (1) Despite section 700.104, if the air operator assigns an additional flight crew member to a flight and provides for the member the rest facility set out in column 2 of the table to this subsection, the maximum flight duty period is the period set out in column 1.

TABLE 7 MAXIMUM FDP — Augmented Flight Crew and Rest Facility

Item	Column 1 Maximum Flight Duty Period	Column 2 Rest Facility
1	15:00	a flight deck observer seat
2	17:00	class 2
3	20:00	class 1

- (2) The maximum flight duty period set out in subsection (1) applies only to a flight duty period during which there are three or fewer flights.
- (3) A flight crew member's flight duty period shall include all time spent in the rest facility.
- (4) If a flight duty period has been extended, an air operator shall provide each flight crew member with a rest period that is equal to the duration of the duty period just completed.

700.132 Long-range Flights

- (1) A flight duty period during which there is one flight or a series of flights that ends more than four one-hour time zones from the point of departure, other than flights conducted entirely within Northern Domestic Airspace, shall be limited to three flights, in the case of a series of flights, and shall be followed by a rest period that is at least equal to the length of the flight duty period.
- (2) If a flight referred to in subsection (1) is a transoceanic flight, the maximum number of flights that may be conducted after the transoceanic flight is one, excluding one unscheduled technical stop that occurs during the flight.

700.133 Unforeseen Operational Circumstances

- (1) A pilot-in-command may, as a result of unforeseen operational circumstances, and after consulting with all crew members on their level of fatigue, extend a flight crew member's flight time and flight duty period in excess of the maximum flight time referred to in section 700.103 and the maximum flight duty period referred to in section 700.104.
- (2) The pilot-in-command may extend the maximum flight time and maximum flight duty period by three hours if the pilot-in-command notifies the air operator of the length of and the reason for the extension. In the case of a flight duty period that is extended, the subsequent rest period shall be increased by an amount at least equal to the length of the extension of the flight duty period.
- (3) An air operator shall keep a record of all notifications provided to it under subsection (2) for a period of 24 months after the day on which they are provided.

700.134 Flight Crew Member on Reserve

- (1) An air operator shall provide each flight crew member on reserve with a rest period of at least 10 consecutive hours in any 24 consecutive hours if the air operator
 - (a) provides the member with 24 hours' notice of the start time and duration of the rest period;
 - (b) provides the member with a minimum of 10 hours' notice of the start time and duration of the rest period and the air operator does not assign any duty to the member during those 10 hours; or
 - (c) does not assign a flight duty period to the member and does not interrupt the member's rest period between 22:00 and 06:00 local time.
- (2) Following a rest period provided under subsection (1), the start of a subsequent rest period cannot vary by more than three hours from the time of day that the preceding rest period started, or by more than a total of eight hours in any seven consecutive days.
- (3) If an air operator is unable to provide a flight crew member with the rest period referred to in subsection (1) and the member is notified to report for flight duty or the reporting time occurs between 22:00 and 06:00 local time
 - (a) the maximum flight duty period shall be 10 hours; and
 - (b) the rest period following the flight duty period shall be increased by at least one-half the length of the preceding flight duty period.

700.135 Controlled Rest on Flight Deck

- (1) A flight crew member shall not take a controlled rest on the flight deck of an aircraft that is operated by an air operator unless
 - (a) the rest is 45 minutes or less, is taken during the cruise portion of the flight and is completed at least 30 minutes before the scheduled beginning of the descent;
 - (b) no other flight crew member is taking a rest at that time; and
 - (c) at least two flight crew members remain on the flight deck.
- (2) Before taking a controlled rest on the flight deck, a flight crew member shall
 - (a) transfer their duties to a flight crew member who is not taking a rest;
 - (b) review the status of the flight, including any specific duties to be performed during the rest;
 - (c) review the wake-up criteria; and
 - (d) advise the other crew members of the start and end times of the rest.
- (3) A flight crew member who takes a controlled rest on the flight deck shall not assume any duties, and no other flight crew member shall transfer any duties to them, until 15 minutes after the end of the rest.
- (4) When a flight crew member returns to duty, another flight crew member shall provide him or her with an operational briefing.

[700.136 to 700.199 reserved]

Division V - Exemptions - Fatigue Risk Management System

700.200 Initial Exemption

- (1) Subject to subsections (3) and (4), an air operator and flight crew members to whom sections 700.20 to 700.72 or 700.101 to 700.135 apply are exempt, in respect of a flight, from the application of the provisions set out in the notice of intent referred to in section 700.206, if
 - (a) the air operator has sent to the Minister a notice of intent that complies with the requirements of section 700.206;
 - (b) the air operator has established and implemented the following components of the fatigue risk management system, referred to in subsection 700.214(1):
 - (i) the fatigue risk management plan, and
 - (ii) the fatigue risk management process; and
 - (c) starting on the date on which the flight is first conducted under the exemption in this subsection and ending when the exemption no longer applies, the air operator notifies the Minister that the analysis required by paragraph 700.225(2)(g) is available to the Minister for review
 - (i) every 90 days, or
 - (ii) if the period during which the flight is conducted is shorter than 90 days, at the end of the period.
- (2) Subject to subsections (3) and (5), an air operator and flight crew members to whom sections 702.91 to 702.98 apply are exempt, in respect of a flight, from the application of the provisions set out in the notice of intent referred to in section 700.206, if
 - (a) the air operator has sent to the Minister a notice of intent that complies with the requirements of section 700.206;
 - (b) the air operator has established and implemented the following components of the fatigue risk management system, referred to in subsection 700.214(1):
 - (i) the fatigue risk management plan, and
 - (ii) the fatigue risk management process; and
 - (c) starting on the date on which the flight is first conducted under the exemption in this subsection and ending when the exemption no longer applies, the air operator notifies the Minister that the analysis required by paragraph 700.225(2)(g) is available to the Minister for review
 - (i) every 90 days, or
 - (ii) if the period during which the flight is conducted is shorter than 90 days, at the end of the period.
- (3) The exemptions referred to in subsections (1) and (2) continue to apply in respect of a flight as long as the air operator demonstrates compliance with the requirements of sections 700.213 to 700.225 but cease to apply, in respect of that flight, on the earlier of
 - (a) the date on which the exemption referred to in section 700.234 comes into effect with respect to the same provisions and for the same flight, and
 - (b) three years after the date on which the notice of intent was sent.

- (4) The exemption referred to in subsection (1) may be in respect of any of the requirements set out in sections 700.27 to 700.72 except for the requirements set out in the following provisions:
- (a) paragraph 700.27(1)(c);
 - (b) paragraph 700.29(1)(a);
 - (c) section 700.36;
 - (d) section 700.37; and
 - (e) paragraph 700.103(1)(e).
- (5) The exemption referred to in subsection (2) may be in respect of any of the requirements set out in sections 702.92 to 702.98 except for the requirements set out in paragraph 702.92(1)(a).

700.201 Series of Flights

- (1) **700.201** In this Division, a reference to a flight is also a reference to a series of flights if
- (a) the flights in the series of flights are consecutive and are conducted by the same flight crew members; and
 - (b) the flight crew members operate the flights during a single flight duty period or consecutive flight duty periods.

[700.202 to 700.205 reserved]

700.206 Notice of Intent

- (1) An air operator shall send a notice of intent to the Minister that includes
- (a) a statement that the air operator has established and implemented a fatigue risk management plan and a fatigue risk management process — and maintains the fatigue risk management plan and the fatigue risk management process — and intends to establish, implement and maintain a program for fatigue risk management promotion and a quality assurance program for the fatigue risk management system in accordance with this Division;
 - (b) a description of the flight that will be subject to an exemption referred to in section 700.200;
 - (c) the provisions of these Regulations from which the air operator and flight crew members will be exempt;
 - (d) a description of the manner in which the flight will be conducted results in a variance from the requirements of the provisions referred to in paragraph (c);
 - (e) the scientific studies used to demonstrate that the variance referred to in paragraph (d) is not likely to have an adverse effect on the levels of fatigue and alertness of flight crew members;
 - (f) the expected day on which the exemption referred to in section 700.200 will first apply to the flight and, in the case of a flight that is not conducted year-round, the expected period during which the exemption referred to in that section will apply to the flight;
 - (g) a description of the safety case that will be developed for the flight;
 - (h) a statement that the air operator intends to validate a safety case in accordance with subsection 700.225(3) and to ensure that an initial audit is conducted under subsection 700.231(1); and
 - (i) the name and contact information of the person who will be responsible for implementing the fatigue risk management system.

- (2) The air operator may include in the notice of intent more than one flight if
- (a) the duration of the flight duty period is the same for all flights;
 - (b) all flights have the same number of consecutive flight duty periods;
 - (c) the flight duty periods for the flights start within 60 minutes of each other;
 - (d) the duration of any part of a flight duty period that occurs within the flight crew members' window of circadian low is the same for all flights;
 - (e) all flights have the same number of consecutive flight duty periods that occur during any part of the flight crew members' window of circadian low;
 - (f) the duration of the rest period before and after each flight duty period is the same for all flights;
 - (g) the time of day during which each rest period is taken is similar for all flights;
 - (h) the flights are conducted in the same time zone or across the same number of time zones in the same direction by flight crew members who are all acclimatized to the same time zone;
 - (i) the flights are conducted with the same aircraft type;
 - (j) the flights are conducted with the same number of flight crew members;
 - (k) the operating environments are similar for all flights; and
 - (l) the hazards and risks are similar for all flights.

700.207 Despite subsection 700.200(3), the initial exemption ceases to apply in respect of a flight if the analysis referred to in paragraph 700.200(1)(c) or (2)(c) does not show any progress in the development of the operator's safety case.

[700.208 to 700.212 reserved]

700.213 Fatigue Risk Management System — Establishment and Implementation

- (1) An air operator shall establish and implement a fatigue risk management system.
- (2) The operations manager appointed under paragraph 700.09(1)(a) shall ensure that the fatigue risk management system complies with the requirements of this Division.
- (3) The operations manager shall, when a finding resulting from the quality assurance program for the fatigue risk management system referred to in section 700.219 is reported to them,
 - (a) determine what, if any, corrective actions are required and take those actions; and
 - (b) notify the accountable executive of any systemic deficiency and of the corrective action taken.
- (4) The operations manager may assign the management functions for the fatigue risk management system to another person.
- (5) The responsibility of the operations manager is not affected by the assignment of management functions to another person under subsection (4).
- (6) If the operations manager assigns the management functions for the fatigue risk management system to another person under subsection (4), that other person shall report to the operations manager the fatigue-related hazards, risks and incidents identified under the fatigue risk management system.

700.214 Fatigue Risk Management System — Components

- (1) An air operator shall have a fatigue risk management system that includes
 - (a) a fatigue risk management plan;
 - (b) a fatigue risk management process;
 - (c) a program for fatigue risk management promotion; and
 - (d) a quality assurance program for the fatigue risk management system.
- (2) The air operator shall take into account, when establishing the fatigue risk management system, all of the duties performed in the operations of the air operator by flight crew members who are assigned duties on a flight that is the subject of an exemption under this Division.
- (3) The air operator shall update its fatigue risk management system if
 - (a) there is a change in the size and scope of its operations;
 - (b) any action is taken as a result of an audit of the fatigue risk management system conducted under subsection 700.231(1) or section 700.247;
 - (c) the air operator's validation of the safety case in accordance with subsection 700.225(3) establishes that there is an increase in the level of fatigue or a decrease in the level of alertness of flight crew members; or
 - (d) a data analysis conducted in accordance with the process referred to in subsection 700.216(2) indicates that flight crew members are subject to an increase in their level of fatigue or a decrease in their level of alertness.

700.215 Fatigue Risk Management Plan

- (1) The air operator's fatigue risk management plan shall include
 - (a) a fatigue risk management policy — signed by the accountable executive — that establishes the shared responsibility of the air operator and flight crew members in managing fatigue;
 - (b) safety objectives, including the identification and reduction of fatigue-related hazards and the effective management of fatigue in flight operations;
 - (c) safety performance indicators to measure the attainment of the safety objectives;
 - (d) defined responsibilities in relation to fatigue management for
 - (i) the air operator's managers,
 - (ii) the persons managing the fatigue risk management system, and
 - (iii) other employees;
 - (e) a training plan that identifies the content of the initial and annual training;
 - (f) a plan for communicating the information referred to in paragraphs 700.218(4)(a) to (f) to flight crew members; and
 - (g) a policy for the internal reporting of fatigue by flight crew members, without fear of reprisal.

700.216 Fatigue Risk Management Process

- (1) The air operator's fatigue risk management process shall include procedures for
 - (a) the internal reporting of fatigue by flight crew members;
 - (b) acknowledging in writing, to flight crew members, receipt of each fatigue report and advising of any follow-up action;
 - (c) collecting information to identify fatigue-related hazards, including
 - (i) flight crew member performance data,
 - (ii) accident and incident information,
 - (iii) data from work schedules,
 - (iv) data from comparisons of planned schedules in relation to time worked, and
 - (v) data from a review of operational or administrative duties;
 - (d) developing a list of the safety data and scientific studies used in support of the processes that form part of the fatigue risk management system;
 - (e) managing the data and information referred to in this subsection;
 - (f) identifying and assessing the levels of fatigue and alertness through modelling with respect to flight crew members' schedules; and
 - (g) analyzing planned schedules in relation to time worked in order to assess whether fatigue is being managed.
- (2) The air operator's fatigue risk assessment process shall be based on the information referred to in subsection (1) and shall include procedures for
 - (a) identifying the cause of fatigue-related hazards;
 - (b) assessing the likelihood that a fatigue-related event will occur and the severity of its consequences;
 - (c) identifying and prioritizing the risks that need to be managed;
 - (d) creating and updating a record of the risks that are identified;
 - (e) determining the actions to be taken to manage the risks referred to in paragraph (c), including the preventive measures or corrective actions; and
 - (f) developing safety performance indicators to measure the effectiveness of the measures and actions taken under paragraph (e).

700.217 Collaboration with Employees

- (1) The air operator shall have a process to collaborate with employees in the development of the policy and procedure for the internal reporting of fatigue.

700.218 Fatigue Risk Management Promotion

- (1) In the case of an air operator to whom sections 700.20 to 700.72 or 700.101 to 700.135 apply, its program for fatigue risk management promotion shall include training for its employees on the following subjects:
 - (a) the components and functioning of the fatigue risk management system and the employees' responsibilities with respect to the system;
 - (b) the actions to be taken with respect to fatigue-related risks; and
 - (c) the requirements of these Regulations with respect to fatigue management.
- (2) In the case of an air operator to whom sections 702.91 to 702.98 apply, its program for fatigue risk management promotion shall include training for its employees on the following subjects:
 - (a) the components and functioning of the fatigue risk management system and the employees' responsibilities with respect to the system;
 - (b) the actions to be taken with respect to fatigue-related risks;
 - (c) the requirements of these Regulations with respect to fatigue management;
 - (d) personal fatigue management strategies relating to
 - (i) sleep hygiene,
 - (ii) lifestyle, exercise and diet, and
 - (iii) the consumption of alcohol and drugs;
 - (e) the impact of fatigue on aviation safety;
 - (f) sleep requirements and the science relating to fatigue;
 - (g) the causes and consequences of fatigue;
 - (h) how to recognize fatigue in themselves and in others;
 - (i) sleep disorders, their impact on aviation safety and treatment options; and
 - (j) human and organizational factors that may cause fatigue, including
 - (i) sleep quality and duration,
 - (ii) the effect of shift work and overtime,
 - (iii) the circadian rhythm, and
 - (iv) the effects of changes of time zones.
- (3) The programs set out in subsections (1) and (2) shall include
 - (a) competency-based training for persons who have been assigned duties in respect of the fatigue risk management system; and
 - (b) means of measuring the level of competency attained by each person who receives the training.
- (4) For the purposes of promoting fatigue risk management, an air operator shall have a procedure for communicating the following information to its employees:
 - (a) industry reports on fatigue;
 - (b) industry best practices in respect of fatigue risk management;
 - (c) advancements in the science relating to fatigue;
 - (d) the results of the data analysis conducted in accordance with the process referred to in subsection 700.216(2);
 - (e) updates to the fatigue risk management system; and
 - (f) the results of the review of the fatigue risk management system.

700.219 Quality Assurance Program for the Fatigue Risk Management System

- (1) The air operator's quality assurance program for the fatigue risk management system shall include a process for the audit of the fatigue risk management system that includes procedures for
 - (a) auditing the extent to which the air operator has implemented its fatigue risk management system, including
 - (i) a checklist setting out all of the components of the air operator's fatigue risk management system that are to be audited, and
 - (ii) a plan establishing the frequency of the audits and the manner in which they will be conducted;
 - (b) auditing the fatigue risk management system in the event of an accident or incident;
 - (c) analyzing the findings of the audit and determining the contributing factors of those findings;
 - (d) developing, implementing and monitoring preventive measures and corrective actions to address the findings of the audit; and
 - (e) keeping and updating records, including the findings of the audit, the preventive measures and corrective actions to address those findings and any follow-up taken in respect of those measures and actions.
- (2) The air operator's process for the periodic review of the effectiveness of its fatigue risk management system shall include procedures for the assessment of
 - (a) the fatigue risk management process;
 - (b) the reliability of the safety performance indicators; and
 - (c) the attainment of the safety objectives.
- (3) An air operator shall have procedures for the ongoing monitoring of the effect of the variance described in the notice of intent on the flight crew members' levels of fatigue and alertness.

[700.220 to 700.224 reserved]

700.225 Safety Case

- (1) The air operator shall ensure that a safety case is established in respect of a flight subject to an exemption referred to in section 700.200 to demonstrate that the variance described in the notice of intent does not increase the level of fatigue or decrease the level of alertness of the flight crew members.
- (2) The safety case shall consist of
 - (a) a description of the flight in respect of which an exemption set out in section 700.200 applies;
 - (b) the provisions of these Regulations from which the air operator and flight crew members are exempt;
 - (c) a description of the manner in which the flight is conducted results in a variance from the requirements of the provisions referred to in paragraph (b);
 - (d) the data collection methodology and data used initially to establish, in respect of the flight, the baseline levels of fatigue and alertness of the flight crew members and to identify fatigue-related hazards and risks;
 - (e) the data collection methods used to evaluate the safety case on an ongoing basis;
 - (f) the scientific studies used to demonstrate that the variance referred to in paragraph (c) is not likely to have an adverse effect on the flight crew members' levels of fatigue and alertness;
 - (g) an analysis of the effect of the variance on the levels of fatigue and alertness of flight crew members that takes into account the flight crew members' schedule before and after the flight in respect of which the exemption applies and the findings of the fatigue risk assessment;
 - (h) the fatigue risk controls that are implemented to address the findings of the risk assessment;
 - (i) procedures to measure the effect of the variance on the levels of fatigue and alertness of the flight crew members;
 - (j) the preventive measures or corrective actions that are taken to remedy any adverse effect of the variance on the levels of fatigue and alertness of the flight crew members; and
 - (k) the means that will be used to monitor the effectiveness of the fatigue risk management system in managing the safety case.

- (3) A safety case is validated when the following conditions are met:
- (a) fatigue and alertness data have been collected during a period of not less than one year and not more than two years starting on the day on which the flight is first conducted under an exemption referred to in section 700.200, for not less than 20 consecutive flights identified in the notice of intent, and the data shows that not more than 5% of those flights have an adverse effect of more than 5% on the baseline levels of fatigue and alertness of the flight crew members determined by means of the methodology described in paragraph (2)(d);
 - (b) the fatigue risk assessment has been conducted and the findings of the assessment have been analyzed;
 - (c) mitigation measures have been implemented to manage the hazards and risks related to the variance to remedy increases in the level of fatigue and decreases in the level of alertness of flight crew members;
 - (d) the mitigation measures have been monitored to determine their effect on the flight crew members' levels of fatigue and alertness;
 - (e) corrective actions have been taken if the mitigation measures monitored under paragraph (d) do not achieve the desired effect on the flight crew members' levels of fatigue and alertness; and
 - (f) the effectiveness of the mitigation measures and, if applicable, the corrective actions in maintaining the established levels of fatigue and alertness of the flight crew members is shown.

[700.226 to 700.230 reserved]

700.231 Fatigue Risk Management System — Initial Audit

- (1) An air operator shall ensure that an initial audit of its fatigue risk management system is conducted after validation of the safety case in accordance with the process established under subsection 700.219(1).
- (2) The air operator shall analyze the findings of the audit and shall, if deficiencies are identified,
 - (a) investigate and analyze their cause and contributing factors; and
 - (b) develop and implement preventive measures and corrective actions to address the findings.
- (3) The air operator shall assess the preventive measures and corrective actions to ensure that they are effective and are used on an ongoing basis to improve the fatigue risk management system.
- (4) Subsection (1) does not apply if the air operator has already implemented a fatigue risk management system and validates a safety case for a subsequent variance for the purposes of an exemption referred to in subsection 700.234(1) or uses an approved safety case in respect of another flight for the purposes of an exemption referred to in subsection 700.240(1) if an audit has already been conducted.

700.232 Submission of Safety Case for Approval

- (1) The air operator shall submit the validated safety case to the Minister for approval along with a statement that the initial audit has been conducted in accordance with section 700.231 and that the fatigue risk management system meets the requirements of this Division.

700.233 Approval of the Safety Case

- (1) The Minister shall approve the safety case of an air operator if the Minister determines, on the basis of the information provided by the operator, that the conditions of subsection 700.225(3) are met and that the initial audit has been conducted.

700.234 Continuing Exemption

- (1) An air operator and a flight crew member who are exempt under section 700.200 from the application of certain provisions in respect of a flight continue, on receipt of the approval of the safety case by the air operator, to be exempt from the application of the same provisions for that flight and, if applicable, for any other flight described in the notice of intent under section 700.206.
- (2) The exemption referred to in subsection (1) continues to have effect as long as
 - (a) the air operator maintains the fatigue risk management system in accordance with the applicable conditions of this Division;
 - (b) the air operator monitors the effectiveness of the safety case in managing the fatigue and alertness of the flight crew members in accordance with section 700.248; and
 - (c) the air operator remedies any adverse effects of the variance on the flight crew members' levels of fatigue and alertness no later than 60 days after the date on which the adverse effect is identified in the course of monitoring.

[700.235 to 700.239 reserved]

700.240 Exemption for Other Flights

- (1) An air operator and flight crew members who are exempt under section 700.234 from the application of certain provisions in respect of a flight on the basis of an approved safety case are exempt from the application of the same provisions, on the basis of the same approved safety case, in respect of another flight if
 - (a) the air operator has provided the Minister a letter of confirmation in accordance with subsection (2);
 - (b) the duration of the flight duty period for the other flight is not longer than the duration of the flight duty period of the flight;
 - (c) the number of consecutive flight duty periods for the other flight does not exceed the number of consecutive flight duty periods for the flight;
 - (d) each flight duty period for the other flight starts within 60 minutes of each corresponding flight duty period for the flight;
 - (e) the other flight is conducted in the same time zone or across the same number of time zones in the same direction as the flight and is conducted by flight crew members who are all acclimatized to the same time zone;
 - (f) any part of the flight duty period for the other flight that occurs within the flight crew members' window of circadian low does not exceed the duration of the flight duty period for the flight that occurs within the flight crew members' window of circadian low;
 - (g) the other flight is conducted using aircraft of the same type as that used to conduct the flight;
 - (h) the other flight is conducted with the same number of flight crew members on board as the flight;
 - (i) the operating environment of the other flight is similar to the operating environment of the flight;
 - (j) the hazards and risks associated with the other flight are similar to those of the flight;
 - (k) the duration of each rest period before and after each flight duty period associated with the other flight is not shorter than each rest period associated with the flight;
 - (l) the time of day of each rest period of the other flight is similar to the time of day of each rest period of the flight; and
 - (m) the number of consecutive flight duty periods occurring during any part of each flight crew member's window of circadian low for the other flight does not exceed the number of such consecutive flight duty periods for the flight.
- (2) The air operator shall provide the Minister a letter of confirmation for the other flight that will be conducted under an exemption referred to in subsection (1) that sets out
 - (a) a description of the other flight that will be subject to the exemption on the basis of the approved safety case;
 - (b) the provisions of these Regulations from which the air operator and flight crew members will be exempt in respect of the other flight;
 - (c) a description of the manner in which the other flight will be conducted results in a variance from the requirements of the provisions referred to in paragraph (b) in respect of the other flight;
 - (d) a statement that the conditions in paragraphs (1)(a) to (m) are met; and
 - (e) the date on which the exemption will apply to the other flight for the first time.

- (3) An approved safety case in respect of a flight shall not be used for another flight unless
- (a) the provisions of these Regulations from which the air operator is exempted are the same for all the flights; and
 - (b) the manner in which the flights are conducted results in a variance from the requirements of the provisions referred to in paragraph (a) is the same for all the flights.
- (4) The exemption referred to in subsection (1) continues to have effect as long as
- (a) the air operator maintains the fatigue risk management system in accordance with the applicable conditions of this Division;
 - (b) the air operator monitors the effectiveness of the safety case in managing the fatigue and alertness of the flight crew members in accordance with section 700.248; and
 - (c) the air operator remedies any adverse effects of the variance on the flight crew members' levels of fatigue and alertness no later than 60 days after the date on which the adverse effect is identified in the course of monitoring.

[700.241 to 700.245 reserved]

700.246 Non-availability of Exemption

- (1) An air operator who was exempt from the application of provisions in respect of a flight under section 700.200 and who has not validated a safety case in the period set out in paragraph 700.200(3)(b) shall not be exempted from the application of the same provisions and in respect of the same flight for a period of two years after the expiry of that period.

700.247 Fatigue Risk Management System — Audit

- (1) The air operator who has implemented a fatigue risk management system in accordance with this Division shall ensure that an audit of its system is conducted, in accordance with the process referred to in subsection 700.219(1),
- (a) within 12 months after the day on which the initial audit is completed under subsection 700.231(1);
 - (b) within 12 months after the day on which the previous audit was completed;
 - (c) after an incident or accident; and
 - (d) after a major change in the air operator's activities that could affect the levels of fatigue or alertness of the flight crew members.

700.248 Variance — Monitoring of Effects

- (1) The air operator shall monitor, in accordance with the procedures referred to in subsection 700.219(3), the effects of the variance described in the approved safety case on the flight crew members' levels of fatigue and alertness for each period of six months during which the flight that is subject to the exemption referred to in section 700.234 is conducted.
- (2) The air operator shall collect data in respect of a representative number of flights conducted over each period of six months in accordance with the methodology set out in the approved safety case.
- (3) If the monitoring shows that the variance described in the approved safety case has an adverse effect on the flight crew members' levels of fatigue or alertness, the air operator shall develop and take corrective actions to remedy the adverse effect of the variance.
- (4) If corrective actions are taken, the air operator shall assess their effectiveness.
- (5) If the corrective actions remedy the adverse effect of the variance, the air operator shall modify the safety case to take into account the corrective actions and inform the Minister of the modification within 60 days after it is made.

700.249 Fatigue Risk Management System — Review

- (1) The air operator shall conduct a review of its fatigue risk management system, in accordance with the procedures referred to in subsection 700.219(2), at least once every 12 months after the initial audit required by subsection 700.231(1) is conducted.
- (2) The review of the fatigue risk management system shall assess
 - (a) the fatigue risk management process;
 - (b) the reliability of the safety performance indicators; and
 - (c) the attainment of the safety objectives.
- (3) The air operator shall
 - (a) determine what corrective actions are necessary to remedy any deficiency identified by the review and take those actions;
 - (b) keep a record of any determination made under paragraph (a) and the reason for it; and
 - (c) if the air operator has assigned management functions to another person, provide that person with a copy of the determination.
- (4) An air operator shall not assign a duty relating to the quality assurance program for the fatigue risk management system to a person who is responsible for carrying out a task or an activity evaluated by that program unless
 - (a) owing to the size, nature and complexity of the air operator's operations and activities, it is impractical to assign the duty to a person who is not responsible for carrying out the task or activity;
 - (b) based on a risk analysis, assigning the duty to a person who is responsible for carrying out the task or activity will not result in an increased risk to aviation safety; and
 - (c) the audit of the fatigue risk management system will not be compromised.

[700.250 to 700.254 reserved]

700.255 Training

- (1) The air operator shall ensure that training is provided to its employees every 12 months and covers the subjects set out in section 700.218.
- (2) The air operator shall ensure that there is a training record that includes
 - (a) a description of all the training that each employee has received in accordance with this section; and
 - (b) evaluation results for each employee who has received training in accordance with this section.

700.256 Documentation — Keeping up to Date

- (1) The air operator shall ensure that the fatigue risk management system documentation reflects the procedures and processes that have been established and implemented.
- (2) The air operator shall notify the Minister of any changes to the fatigue risk management system within 60 days after the change is made.

700.257 Data and Documentation

- (1) The air operator shall collect data in respect of flight crew members on the following:
 - (a) the fatigue model used to assess the levels of fatigue and alertness of the flight crew members;
 - (b) records of testing for fatigue and alertness;
 - (c) the evaluation of the level of fatigue against the baseline level established for comparative analysis.
- (2) The air operator shall keep the following documentation:
 - (a) records and documents created in the course of conducting an audit or a review under this Division; and
 - (b) any other material created under the fatigue risk management system.

700.258 Preservation of Information

- (1) The air operator shall keep the information collected and created under this Division for five years after the day on which the information was collected or created.

700.259 Access to Documentation

- (1) The air operator shall make available to the Minister on request any documentation that it is required to collect or create under this Division.