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Notes:

Alternative Dispute Resolution and Customer Experience in the  
Aviation Sector

by

JOSÉ LUÍS RODRIGUES DE OLIVEIRA HERCULANO

A dissertation presented to the

FACULTY OF LAW  
INDEPENDENT COLLEGE DUBLIN

*MA in Dispute Resolution*

*May, 2020*

## **DECLARATION**

I hereby certify that the material which is submitted in this dissertation towards the award of the Masters (MA) in Dispute Resolution is entirely my own work and had not been submitted for any academic assessment other than part-fulfilment of the award named above.

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## **Country Codes Used in this Report**

**EU28:** The 28 Member States before Brexit

**AT:** Austria  
**BE:** Belgium  
**BG:** Bulgaria  
**CZ:** Czechia (Czech Republic)  
**CY:** Cyprus  
**DK:** Denmark  
**DE:** Germany  
**EE:** Estonia  
**FI:** Finland  
**IE:** Ireland  
**EL:** Greece  
**ES:** Spain  
**FR:** France  
**HR:** Croatia  
**HU:** Hungary  
**IT:** Italy  
**LT:** Lithuania  
**LU:** Luxembourg  
**LV:** Latvia  
**MT:** Malta  
**NL:** Netherlands  
**PL:** Poland  
**PT:** Portugal  
**RO:** Romania  
**SI:** Slovenia  
**SK:** Slovakia  
**SE:** Sweden  
**UK:** United Kingdom

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## **Abstract**

This work captures the trends in relation to Alternative Dispute Resolution in the aviation sector. It analyses mainly the experience of air travel consumers when facing disruptions that are described in the scope of the Directive 2011/83/EU on consumer rights, the Montreal Convention for the unification of certain rules for international carriage by air and the Regulation 261/2004(EC) on common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights in flights with departure or arrival in Irish airport or Irish airlines. So, this work aims to find out customers' satisfaction in dealing with disruptions and their willingness to engage in ADR when facing a disruption in air travel. The consumers' experience is data collected through a survey where it is analysed their profile, their level of satisfaction with the way airlines handled the disruptions, their awareness of air passenger rights and Alternative Dispute Resolution and which type of ADR they are willing to engage in the case a major disruption. This data is supported by a description of Alternative Dispute Resolution and Online Dispute Resolution and how these methods have been growing to the application in the aviation sector.

There were many relevant findings in this research, such as the fact that younger consumers are more common users of air transportation than older consumers and a diversified group of participants were found to consuming the Irish service of air travel, being people from not only Ireland but also many countries in Europe and South America. Furthermore, the level of satisfaction was found related to compensation received by the participants and confirming trends observed by relevant studies that, in general, costumers are not aware of air passenger rights. It is not possible to affirm the same about ADR since the results collected were very balanced between participants that aware and not aware of ADR. Finally, it seems that, in general, once being presented the characteristics and advantages, consumers are willing to engage in ADR, mainly ODR, to resolve their disputes in the aviation sector. At the end of the work, a few recommendations were made to

improve the main difficulties exposed by the participants exposed to air travel disputes, which were miscommunication and lack of information about their rights.

**Keywords:** alternative dispute resolution; aviation sector; Ireland; level of satisfaction; air passenger rights

## **List of Abbreviations**

**ADR:** Alternative Dispute Resolution

**APR:** Air Passenger Rights

**AFP:** *Agentur für Passagier-und Fahrgastrechte* (Agency for Passenger Rights)

**B2C:** Business to Consumer

**EC:** European Commission

**ECC:** European Commission Centres

**ECC-Net:** European Consumer Centres Network

**EU:** European Union

**IATA:** International Air Transport Association

**NEB:** National Enforcement Body

**ODR:** Online Dispute Resolution

**UNCITRAL:** United Nations Commission on International Trade Law

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## **CHAPTER 1: INTRODUCTION**

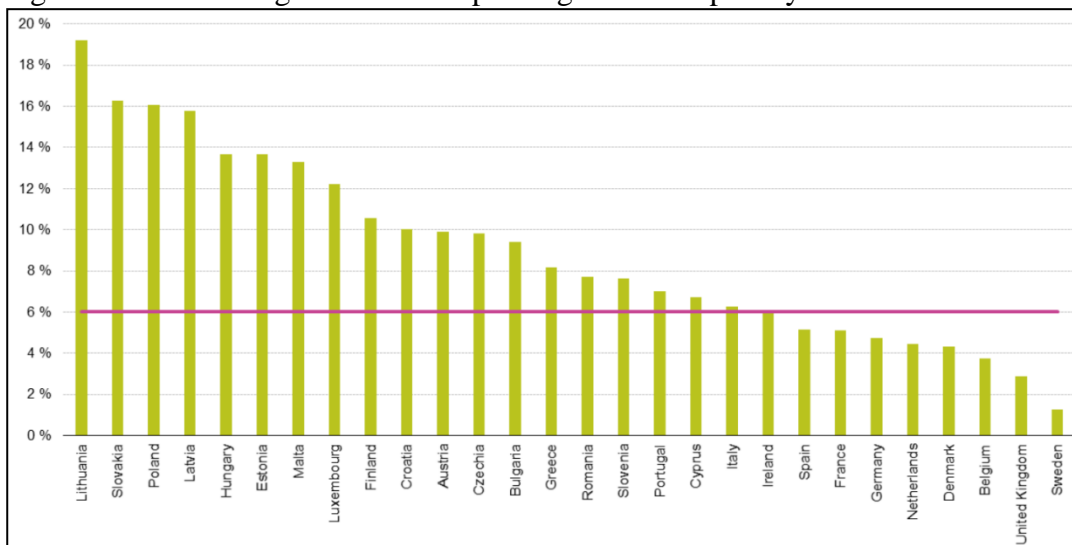
### **1.1. Introduction**

Since the establishment of air travels at the beginning of the 20th century, this sector has been seen as the most promising regarding passenger transportation. It is very accurate indeed the fact that the transportation of people for long distances, including intercontinental distances, would suffer a boom when people realise the advantages of using the air as transport instead of railways and ships. In fact, to travel to some places is only viable by aeroplanes. Considering this, a few big companies started the endeavour to facilitate the use of this type of transportation, for example, the American Boeing. The United States, by the way, were the first to invest heavily in this matter, with the first commercial flights and airports (Burns & McDonnell, 2011). The Air Commerce Act of 1926 was introduced to regularise commercial aviation by establishing standards, facilitation and promotion of commercial aviation (Federal Aviation Administration, 2015) and, since then, many other regulations were established at the same time that air travel had become more democratic.

After the Second War, this industry grew steeply, and much more people were using this type of transportation. With the years to come, many manufacturers became necessary for the democratisation of air travel, as the beforehand mentioned Boeing and the European Airbus, with their legendary Boeing 737 from 1968 and Airbus A320 20 years later for larger aircraft and the Canadian Bombardier and the Brazilian Embraer, that manufacture smaller aircraft. With this “boom” and competition for the market, these companies have been producing the safest and most comfortable aircraft, but this came through many mistakes and pain. The fact is that the aviation sector developed its safety and customer’s protection through accidents and disruptions, many of them victimising hundreds of people, for example, the ghastly accident in Tenerife, where the collision of 2 Boeing 747 jet (the well-known Jumbo) killed 583 people amongst passenger and crew in 1977. Nowadays, however, the air transport is considered the safest of all, giving the users the maximum support.

In today's world, air transport has supported economic growth and prosperity, mainly in the tourism and trade sector. In fact, in 2018 tourists travelling internationally by air have spent around 850 billion dollars, with a value of goods estimated at 6.7 trillion dollars (International Air Transport Association, 2019). Not only that, but according to the IATA report (2019), more than 22,000 city pairs are regularly serviced by airlines, as well as the decreasing cost of fares and more connections to direct flights, helped the air travel to become more accessible for people, with the increase of passenger demand in 2018. Following the same trend in Europe, in the year 2017, the number of air passengers surpassed 1 billion, with 47% being intra-EU (Eurostat, 2019). The growth in total passenger air transportation by Member State is shown in Figure 1 below. The Table 1 shows an overview of the air passenger carried per Member State in 2018.

Figure 1: 2017-2018 growth in total passenger air transport by Member State.



Source: Eurostat, 2019.



Table 1: Overview of EU28 air passenger transport by Member State in 2018: passengers carried (thousands)

		Total transport		National transport		International intra-EU-28 transport		International extra-EU-28 transport	
		Number of passengers	Growth (%) 2017-2018	Number of passengers	Growth (%) 2017-2018	Number of passengers	Growth (%) 2017-2018	Number of passengers	Growth (%) 2017-2018
<b>EU-28<sup>(1)</sup></b>		<b>1 105 937</b>	<b>6.0</b>	<b>181 850</b>	<b>3.6</b>	<b>513 531</b>	<b>4.6</b>	<b>410 555</b>	<b>9.1</b>
Belgium	BE	34 506	3.7	9	-10.9	24 717	0.8	9 781	11.9
Bulgaria	BG	12 138	9.4	315	12.5	9 414	10.6	2 408	4.5
Czechia	CZ	17 838	9.8	62	-8.5	12 200	7.2	5 577	16.2
Denmark	DK	34 701	4.3	1 947	-0.2	23 475	3.3	9 279	8.2
Germany	DE	222 422	4.7	23 626	-0.9	123 158	4.5	75 638	7.0
Estonia	EE	2 996	13.7	28	13.3	2 330	11.2	638	23.6
Ireland	IE	36 345	6.0	99	13.6	29 906	4.1	6 341	15.9
Greece	EL	54 259	8.1	8 554	2.6	36 699	10.1	9 006	5.9
Spain	ES	220 611	5.1	40 057	10.8	148 341	3.2	32 213	7.7
France	FR	161 991	5.1	31 035	3.4	72 894	4.8	58 062	6.5
Croatia	HR	9 731	10.0	528	0.4	7 498	9.1	1 705	18.3
Italy	IT	153 352	6.3	32 183	3.4	90 443	5.5	30 727	11.7
Cyprus	CY	10 927	6.7	0	-	7 424	9.0	3 503	2.2
Latvia	LV	7 037	15.8	11	67.6	4 984	12.9	2 043	23.2
Lithuania	LT	6 254	19.2	0	1547.8	4 681	17.0	1 573	26.5
Luxembourg	LU	3 989	12.2	1	-31.1	3 599	12.0	389	14.8
Hungary	HU	15 176	13.7	0	30.6	11 530	8.7	3 646	32.9
Malta	MT	6 806	13.3	0	5042.9	6 179	12.4	627	22.7
Netherlands	NL	79 644	4.5	3	21.4	50 088	3.6	29 553	6.0
Austria	AT	31 138	9.9	585	10.1	21 267	8.7	9 286	12.8
Poland	PL	43 746	16.1	1 905	-13.9	31 401	12.0	10 440	40.4
Portugal	PT	51 018	7.0	5 170	4.3	36 156	5.9	9 692	13.2
Romania	RO	19 317	7.7	1 420	3.7	15 191	5.9	2 706	21.7
Slovenia	SI	1 811	7.6	0*	-	1 111	10.1	700	3.9
Slovakia	SK	2 794	16.3	21	-14.5	2 003	11.7	771	31.5
Finland	FI	22 174	10.6	2 992	8.4	13 579	8.8	5 603	16.3
Sweden	SE	38 945	1.3	7 640	-2.8	23 710	1.0	7 595	6.7
United Kingdom	UK	272 190	2.9	23 661	1.0	167 477	1.4	81 053	6.6

(<sup>1</sup>) Double counting is excluded in the intra-EU-28 and total EU-28 aggregates by taking into consideration only departure declarations.  
0 less than 500 passengers carried  
(-) not applicable  
0\* real zero no passengers carried

Source: Eurostat, 2019.

This growth also means an increase in disruptions in this sector. And it is also true for Ireland, since this country has two large airlines, being one of them the largest low-cost airline in the world and handles most of the flights in Europe and Ireland. According to a report of the European Consumer Centre Ireland (2018), in 2017, from a total of 1031 cases received by this body, 385 were related to air travel (37.4%) and the majority of complaints made by consumers based in another European country against Irish airlines. A new report published in 2019 of the ECC Ireland, 1397 cases were received by this body, and 886 (63.4%) were related to air travel in 2018, a growth of 130%, with most part of the complaints involving consumers based in another European country against Irish airlines. Both reports show similar trends regarding the reasons for the claims in these two years.

The mass cancellation of flights announced by the largest airline in Europe was decisive to the number of disputes, as well as difficulties in obtaining assistance in case of disruptions like long delay or cancellation, contract of purchase and with online bookings via third-party booking websites (European Consumer Centre Ireland, 2018).

Air transport associations saw the need to establish regulations that protect consumers when facing uncomfortable situations in relation to air travel. The Regulation 261/2004 (EC) of the European Parliament (2004, p.46/2), which sets common rules on compensation and assistance to passengers in the events of cancellations or long delay flight, for example, in the section 22, states that a Member State should ensure and supervise through an appropriate body to enforce the rules within the Regulation, the so-called National Enforcement Bodies. In Ireland, this body is the Commission for Aviation Regulation.

In the context of conflict resolution, that are many ways where a consumer may escalate a complaint and one of them is through Alternative Dispute Resolution. Its use is becoming more and more common to solve conflicts in the past decades and, for air travel disruption, this is not different. When compared to traditional methods of resolution, as litigation, ADR carries many advantages that ease the access of a fair agreement for consumers. In many countries in Europe that are several institutions that handle these cases through ADR and a part of them are even NEBs. In the Irish case, despite having a few ADR entities able to handle aviation sector complaints, none of them works exclusively with cross-border Air Passenger Rights (APR), that is, they share other types of dispute in their scope in a general way, according to the European Consumer Centres Network on Alternative Dispute Resolution in the Air Passenger Rights (2019). The ADR entity in Ireland is the European Consumer Centre Ireland that deals with consumer-related issues, also having an Online Dispute Resolution (ODR) platform that is shared with the other European Consumer Centres. Therefore, some allegations of incorrect practices and misbehaviour may occur, as the European Commission reckons (Commission for Aviation Regulation, 2017). It is the

necessity to improve the service of ADR in the aviation sector in order to increase the passengers' satisfaction with the service given by the air transport companies that this work has found motivation.

## **1.2. Aims and Objectives**

This work focus on the experiences of passengers that had issues with air travel companies and how ADR could be applied to get the best outcomes from dispute arisen. For this reason, it is needed to give a voice for air passengers that faced disruptions and how this experience would influence in their view of conflict resolution. Therefore, this work's aim is: to get to know the customers' experiences when facing a disruption in the aviation sector and how they see Alternative Dispute Resolution as a way of having their future disruptions being resolved.

To support the aim described above, information about complaints in the aviation sector in Ireland need to be collected as well as customers experiences and how they interact with themselves. When comparing with traditional ways of dispute resolution, ADR or ODR might be a good option in this kind of dispute, so a comparison between ADR and litigation is present, exposing its main advantages. Having gathered the air passengers' experiences, to reach satisfactory experiences in dispute resolution, the intention is to instigate the use of ADR and improve the system that is already in course. There are many types of ADR, and some of them are more applicable to air travel disruptions than others. In this case, the participants' feedback is essential to verify the best way to approach in this matter. One way to do that is comparing Alternative Dispute Resolution bodies in countries that deal with Air Passenger Rights, such mentioned before. This comparison will help to get tips about their system, and it will bring a glimpse of how it would work in the Irish case.

So, briefly, the aim is:

- To find out customers' satisfaction in dealing with disruptions and their willingness to engage in ADR when facing a disruption in air travel;

And the objectives are:

- Obtaining information about complaints in the aviation sector in Europe and, more precisely, in Ireland;
- Comparing ADR and ODR with traditional ways of dispute resolution in the aviation sector and how it can be applied in the aviation sector;
- Gathering experiences of air passengers that suffered disruptions and their opinion about how they feel after the resolution;
- Coming up with strategies to improve dispute resolution through ADR.

The body of this work is divided into five chapters. The first chapter, the literature review, is where the relevant texts and background that support the dissertation will be presented and linked to a better understanding of the work. In this chapter is presented a historical view of ADR and ODR, its types and, as a link to the discussion that will be made later, a comparison between these methods and litigation. Also, the relevant regulations that deal with aviation consumers' disputes and how they intertwine amongst themselves and this work is presented in this chapter.

The second chapter explains what methodology was used, peeling off a research onion to explain the philosophy and approaches adopted the methods used to collect and analyse data, with a thorough description. The end of the second chapter outlines the ethical concerns presented regarding the method used.

The third chapter prompts the data collected through the method used in this research, with details using tables for better understanding.

In the fourth chapter, the analysis and findings will be shown with a better understanding of the results found in the previous chapter and relating with part of the literature review.

The fifth chapter is where the discussion is found, relating the results and analysis with a critical view over the methods and literature, as well as how the results take part in the aim and objectives, with the difficulties and limitations found in the process of research.

The initial idea of this work was to get opinions from the two sides of a dispute, the passenger and company; however, the difficulty to get this data from the latter party associated with the break out of the recent pandemic was a hindrance to obtain it. For that reason, a survey was made to collect the primary data and then associating with trends observed in studies made by entities in the area of consumer rights and air passenger rights. This work will be important to expose the general feeling towards dispute resolution in this sector and how the relationship can be improved as well as the level of satisfaction through ADR.

## **CHAPTER 2: LITERATURE REVIEW**

### **2.1. Introduction**

This research aims to outline the experience of air passengers when facing a disruption in the aviation sector and how Alternative Dispute Resolution might enhance the relationship between customers and companies. Therefore, it is important to acknowledge the importance of ADR throughout the history, and that is where this review starts, presenting the development of the methods and its applicability in today's world and the most common types of ADR that might be used in the aviation sector. Also its use, when compared to traditional methods of dispute resolution, will be exposed, as well as their differences, which brings supportive theories of how it can be used in this area. The same way, due to the fact that most part the aviation business is handled electronically (e-commerce), an overview of Online Dispute Resolution is also presented, as well as the differences comparing to litigation and the overall analysis of Cortés (2011) regarding ODR in Europe. In the following sub-section, an explanation of the scope of the pertinent regulation that rule over the air passenger rights, that is the Directive 2011/83/EU, the Montreal Convention and the Regulation 261/2004/EC associated with the survey conducted by Kantar (2020) and studies from other entities concerning passenger rights focusing, for the purpose of this work, in the air transport. Lastly, the application of ADR in the aviation sector is present by the example of the NEB in Austria, which is one of the countries that apply ADR with more efficiency in this sector and showing their procedure of dispute resolution.

### **2.2. Alternative Dispute Resolution**

The nature of dispute resolution is closely associated with adjudication processes, most specifically the courts. However, with the ever increase amount of population and under the influence of globalisation, the number of disputes has grown considerably. In fact, many evidences of Alternative Dispute Resolution have been found and documented, from the most simple to the

most common of the societies. Barrett (2004) points out in his book examples of societies that practiced forms of ADR, beginning with the Mari Kingdom in 1800 B.C., that used mediation and arbitration in disputes. With the growth of commercial activity and diplomacy, the use of ADR became essential for peaceful resolution of commercial disputes. Not only that, but these methods became usual in many aspects of regular life disputes, such as between buyers and sellers, companies and costumers, government and population. As Barrett (2004, p.50) affirms, these conflicts “are potential areas of conflict that ADR processes can help resolve. In a society with broadly distributed rights, there is a great opportunity for using ADR”.

During the course of the 20<sup>th</sup> century, the ADR had grown significantly, mainly in the period post war, and governments started to apply ADR procedures in order to alleviate the load of conflicts dealt within the courts. While the United States government established laws to take advantage of ADR, such as the Wagner Act 1935 (Barrett, 2004), the European Union adopted, for example, the New York Convention 1958 and the UNCITRAL (United Nations Commission on International Trade Law) Model Law 1985. Even widely used in the diplomatic field, it was very rare to find law practitioners using ADR at that time, but the ADR’s rapid and recent development in the past two decades makes it appropriate now to pause and reflect on its proper role within the legal system (Raven, 1988). There is no doubt that there is an ongoing recognition by the legal profession towards ADR and many see it as a tool to be worked out along court proceedings.

Raven (1988) predicted that these methods would be not only used as an alternative, but also will complement the court system, becoming associated with the expansion of options for resolving disputes. And in fact ADR has grown in range, use and applicability, becoming part of legal systems. This affirmation is very factual, if we observe the example taken in the Irish case. Ireland has engaged in alternative dispute resolution into its law’s framework with the establishment of laws that support its use that dates back to the first arbitral regime in Ireland, with the Arbitration Act 1954 and the adoption of the New York Convention and UNCITRAL Model Law resulting in

the Arbitration Act 2010. It is worth to mention the Mediation Act 2017, which set rules for mediation procedures and facilitates the settlement of disputes by mediation. This Act has many features that show how the Irish law is eager to narrow the relationship between mediation and court procedures, for instance the determination of solicitors to advise clients to consider mediation as means of attempting to resolve the dispute and the role of the court, which involves invitation to parties to consider mediation and to adjourn proceedings to facilitate mediation (Mediation Act 2017, 2017).

Why is it important to understand the origin and development of ADR that we know today? Alternative Dispute Resolution (ADR) are methods that are not litigation, that do not involve directly court. It is relevant to understand the evolution of ADR throughout the time in order to understand how the society has been accepting the use of ADR in the most diverse situations and how it developed for the use in consumer x company conflicts. These methods were developed in order to expand the array of possibilities to dispute resolution. Therefore, it was just a matter of time to compare the resolution made through ADR and the traditional litigation, which is the very reason why it has thrived in the last decades. Also many people still do not have any idea what ADR is exactly, how the processes are and how they can engage. There are many types of ADR, but the most practiced and known are mediation, arbitration, conciliation and negotiation.

Mediation is a process which an independent and neutral third party chosen by the parties in dispute, the mediator, facilitates and assists the parties in reaching a mutually acceptable agreement. It is voluntary in its nature and probably the most important characteristics of mediation is that all the process is entirely confidential and the outcomes only depend on the parties (a win-win result), the mediator does not take any decision in any matter, with a settlement agreed between the parties involved (Law Society of Ireland, 2018).

Arbitration is, differently of mediation, a method of resolution that an independent and neutral third party also chosen by the parties in dispute or appointed by an institution adjudicates, determines the



outcomes of the dispute. The decision made by the arbitrator is called award, that must be justified, and it is final and binding in nature (Law Society of Ireland, 2018).

The last two methods, conciliation and negotiation, are used in a large variety of cases. Conciliation is very similar to mediation, but the difference is that in conciliation the third party is allowed to expose his/her recommendation and can give alternatives for the resolution of the conflict, whereas mediator's role is to assist and facilitate. Two or more parties can take part of negotiation meetings; however the negotiation itself is not shared with anyone outside the negotiation circle. So the own parties try to arrange an agreement without assistance of any third party.

Evaluating all the four methods and applying to disputes in the aviation sector, there are some that may bring better results, whereas some are more difficult to apply. Mediation and conciliation have features that facilitates the communication, through a third party, between the parties, including the self-determination characteristic, which may bring customer and company closer. Arbitration may be used to more extreme cases when both parties are not getting an agreement but both want to sort their issues out. Negotiation is not a practical method to be applied in the aviation sector itself, but it is actually associated with the other methods during the procedures.

Naturally, when analysing ADR processes and litigation processes, the differences stand out and these features are essential to understand the trend observed in the last decades on the use of ADR. The main differences between these two are regarding speed of process, confidentiality, determination of outcomes, voluntary and cost:

- Speed of process: the litigation process is very formal, so when bringing a dispute to courts the claimants and respondents must follow a set of steps to present the case and, after that, wait for the judge's availability to carry on with the case. On the opposite, ADR processes are much faster; once the third party is appointed they can manage the best date for meetings and set a deadline to limit the time spent for the procedures;

- Confidentiality: in relation to this feature, ADR may be seen as a good way to keep all information amongst the participants. In litigation, all procedure is entirely open to the public since the presence of the general public in a courtroom is widely accepted with just a few exceptions, and the verdict is also published. However, ADR processes are usually utterly confidential; all procedures, information, documents and evidences are protected by law and agreed between the parties. Although arbitration has its awards open to the general public, everything else is confidential;
- Determination of outcomes: in litigation cases, the determination of the results comes from the judge, it is his/her who, after evaluating the evidences, will end the proceeding with the decision making role. In arbitration, the role of decision-maker is granted to the arbitrator, who decides for the award bringing, as in litigation, a win-lose process. However, in the other methods of dispute resolution, the decision-maker role is granted to the parties involved, they are responsible for the mutually satisfactory outcomes, bringing a win-win process;
- Voluntary: an essential characteristic of ADR is its voluntary nature. An ADR process does not start if one the parties does not agree to engage into and they can withdraw at any moment, in the case of mediation. This brings to the procedure a lighter and amicable environment since all parties are there willing to resolve their issues. Though, in litigation, once the process is started by the claimant and the respondent is called by the judge, there is no option to withdraw and they must face the final decision, which might undermine relationships;
- Cost: one of the main differences between these two methods, the cost of litigation can be enormous, since it involves the cost of courts and opening procedures, the cost of solicitor's honoraries and mainly the cost of the judge's

decision for the losing party. ADR, however, is widely chosen for the low cost of the procedures. Obviously there are complex cases that involve a significant amount of money, as in commercial disputes, where the costs are not far off the ones in litigation. Still, in the most of cases, the costs are reduced due to the fact that in some methods solicitors are not so essential for the ongoing process, as in mediation cases, for example, the costs and fees are shared between the parties, which can reduce the monetary value of the dispute enormously.

There are also many other advantages that worth to mention and are not as apparent as the ones described above. Raven (1988) cites a few more that might be convenient for disputes in the aviation sector. First of all, there is much more involvement of the clients in ADR processes than in litigation, where the solicitors take care of all the process. Secondly, alternative dispute resolution is much more amicable than litigation, which means that the relationship between the parties is hardly undermined. Thirdly, these methods can make use of experts to help with the decision making, professionals that understand and have knowledge about the subject in dispute, which may not happen in court. Moreover, ADR provides more flexibility and creativity when presenting alternatives for resolution, with the possibility of brain storm and discussions to analyse the options presented, which can be very useful on international disputes, since this flexibility opposes to the bureaucracy of courtrooms and there are not big issues related to jurisdiction.

### **2.3. Online Dispute Resolution**

The inherent characteristics of alternative dispute resolution are very appropriate for many different areas of dispute. With the establishment of the internet and the ever-growing development of faster technologies, the trading had to adapt in order to supply the demand of consumers. Soon enough, the commerce between people from different countries became more natural and faster, which brought the establishment of e-commerce. In Europe, the number of internet users has been

increasing throughout the time, with half of the population being regular users, which lead to the growth of the business to consumer (B2C) e-commerce, becoming the most common form of cross-border shopping in the European Union, where one-third of European citizens used the internet to buy something online in 2008 (Cortés, 2011) and, according to the Eurostat, this amount has increased since 2008 to a point between 50% and 73% in 2018 (Eurostat, 2019). These electronic innovations facilitated the cross-border relationship, and the aviation industry took advantage of it. It is much common now customers buying tickets and getting information via companies' website than at the check-in desk, but it brought some difficulties for the consumers to fight for their rights against airlines, since it is common the customer not being in the same country as the airline. In fact, as any type of trading, complaints are unavoidable, and the lack of application and inspection of cross-border regulation and ways to enforce existing laws, as well as the distance between the parties are indeed a hindrance to have a greater efficiency and high levels of satisfaction and trust among consumers. This is more obvious when we consider that most parts of the complaints are for small claims and they are unsuitable for the court since the costs of proceedings are frequently more considerable than the amount claimed, which make consumers not trying to assert their rights. The necessity of having these inherent issues associated with borderless online marketplace brought to a burst of use of alternative methods of dispute resolution, due to the fact that court proceedings are very inconvenient for the parties in this regard.

The necessity of creating a close relationship between parties in a borderless trade helped with the establishment of the Online Dispute Resolution (ODR) that is simply ADR processes assisted by information technology and internet, generally with an online platform, but still keeping the same features and processes. It creates the opportunity for a resolution of lesser-value and cross-border disputes which could not merely be resolved otherwise (Cortés, 2011). ODR in commerce is used to improve the trust of consumers, and it can be applied in a broad range of cases with small or large claims or online and offline cases, such as works of the European Commission and CyberSettle

platforms. Also, there are a few ODR platforms that have successfully addressed online disputes, such as PayPal online mediation and, regarding the first ODR platform, the eBay's SquareTrade.

The use of Online Dispute Resolution has many characteristics, and they can bring advantages or disadvantages, according to Cortés (2011), many, obviously, associated with ADR. The advantages are:

- Time-saving: when in an ODR process, the parties are flexible to work in a most convenient time, even more, when the process is asynchronous, which means that there is no need to the parties to be at together as the same time;
- Convenience of the procedure: the flexibility brought by asynchronous communication allows the parties to get the best response for the discussion without feeling under pressure or intimidated by the other party, encouraging a better analysis of the options discussed;
- Cost savings: it is undeniable that ODR offers a lower cost than offline proceedings, since there are no expenses with travel and accommodation, for example, which is very important if we consider the case of airlines, with consumers being part of different countries and it is also advantageous for small claims, as consumers may feel more confident to access to justice;
- Litigation: Online Dispute Resolution has basically the same characteristics described when ADR was compared to litigation. Parties have more control over the process and decisions, they can choose the right professional and expert for the claim, and they may reach a win-win result;
- Control over outcomes: the parties have more control over the decision making, fostering brainstorm, bringing new alternatives for resolution and a friendlier environment. Courts can be very stressful for the parties, and it is always a win-lose decision.

As the same way, ODR brings a few disadvantages:

- Lack of personal contact: maybe the most direct drawback and very cited as the reason for not using ODR, the personal contact between the parties is not present, and it may lead to miscommunication. However, more and more methods to remedy that has been used, such as videoconferences. It is important to note that the neutral third party has to adapt themselves to this online environment in order to interpret better and facilitate the communication between the parties;
- Technological problems: it is very likely that the parties have different knowledge about technology and have difficulty in using the platform of ODR;
- Language barriers: in borderless conflicts, it may happen that the parties do not speak the same language or, for the reason that most of the platforms are in English, they do not speak this language or do speak it but as a second or third language, which may bring misunderstandings;
- Legal difficulties: the absence of clear standards for ODR creates many challenges, mainly if the need of public enforcement arises.

H In Europe and, consequently, in Ireland, there are many initiatives to foster the use of online dispute resolution. It is mainly promoted by the European Consumer Centres Network, and it is applied for all Member States including Norway, Iceland and Switzerland to improve the consumers' confidence within the European market, to provide feedback to the European Commission on consumers' disputes and to co-ordinate the operation of approved national ADR and ODR schemes (Cortés, 2011). The data gathered from ECC-Net is essential for the development of this work since the motivation is due to the statistics observed in the reports. Consumers that contact the ECC are suggested to approach the trader in order to seek an amicable solution. If it fails, ECC may contact the trader or recommend an ADR or ODR provider. However, Cortés (2011) is very precise when outlines that, due to the fact that ADR and ODR are voluntary, if traders

refuse to cooperate the only option left is litigation, but ECC hardly advise in this matter. That is why it is crucial for a well-organised system that provides assistance for consumers in Europe.

In the context of ODR, it is also essential that places where the parties have traded, provide law support under their jurisdiction and judicial tools to enforce the rights effectively. For European consumers, this must be provided by the European Union (EU) that rule over all the 28 Member States<sup>1</sup> (not considering the Brexit) and standardise the system of laws amongst these states. The European Commission is the body of the EU responsible for designing European development policy. It proposes and implements laws which must keep up with the objectives of the EU treaties that have been approved democratically by the Member States, as well as planning and preparing new European laws to defend the interests of the Union and its citizens and making and ensuring the correct implementation of the laws (European Commission, 2019). Ireland, as a member state of EU, follows the regulations established by the commission, including regulation that concerns air passenger rights.

The relationship between consumers and airlines might be distant and, when there is a disruption, the consumer will try to communicate with the company by internet or phone call. Online dispute resolution is a way of narrowing this relationship and way for the consumers to seek for their rights. As it will be discussed afterwards, the European Union established many regulations in order to facilitate and enforce passenger rights, and the use of ODR is common in many of the Member States.

## **2.4. Regulations and Directives for European Consumers**

The European Commission, as the body responsible for regulation and implementation of laws in the European Union, has established a number of protective regulations to support consumers of air

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<sup>1</sup> The 28 member states are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the United Kingdom.

travel carriers. Being a community of many states, the EU needs to have a common interest and harmonisation regarding the laws. Each Member State follows its own directives and laws, but as for being part of the Community, they must comply with the regulations implemented. In fact, there are many regulations that deal directly with air travel disruption and consumer rights. Understanding the regulations and directives and how they are applied and in what cases is essential to acknowledge how the EU assists and supports the passenger rights and the measures taken to implement, inspect and enforce the rules.

The first worthy of mentioning is the Directive on Consumer Rights (Directive 2011/83/EU) that includes cross-border business to consumer rights. In its sub-section 7, the text clarifies the importance of harmonisation of regulatory aspects to the Member States for consumers and traders with their need for relying on clearly defined legal concepts of cross-border contracts (European Parliament, 2011). This directive is applied for any contract between a consumer and a trader, which can be any natural or legal person who acts for purposes related to their business and air travel companies are part of its scope.

As a matter of trading in the aviation sector, the Articles 6 and 8 of the Directive 2011/83/EU are the most significant. The Article 6 states the requirements for distance and off-premises contracts with emphasis to the provision of trader's and goods' information, such as characteristics of the product and trader's contact (sub-section 1a), information of price of the service including taxes and fees (sub-section 1e), arrangement of payment and trader's complaint handling policy (sub-section 1g) and the duration of the contract and the consumer's obligations under the contract (sub-sections 1o and 1p, respectively). If we consider that the absolute most part of air travel services are embed in a distance contract, the Article 8 sets all the rules on this matter, as the paragraph 1 and 4 associated with Article 6 regarding information available to the consumer and paragraph 2 concerning electronic contracts.



Another regulation in this area is the Montreal Convention that concerns the unification of rules for international carriage by air. The scope of this convention applies to all international carriage of persons, luggage or cargo performed by aircraft, this document rules over and limit the liability of the carriers in case of death or injuries and delay, damage, destruction or loss of luggage, as described in the Article 3(1), the latter being a very common disruption in this sector. The Article 17 is clear when it prompts the liability of the carriers, in its paragraph 2, in case of destruction, loss or damage to luggage checked and also unchecked, providing that the damage did not result from inherent defect, or loss after a 20-day period after the date when it was supposed to arrive, as described in paragraph 3. Then, the customer has the right to enforce the terms of the contract agreed in the purchase. (International Civil Aviation Association, 1999). It is interesting to notice that this convention predicts the use of alternative dispute resolution as outlined in the Article 34, where arbitration is considered in any dispute relating to a contract under the convention and the seat of the arbitration shall be the convention itself, with the jurisdiction in any of the States Parties. For the purposes of the air travel trading, the most important regulation implemented by the European Parliament is the Regulation 261/2004/EC, cited here from now on as the “Regulation”, that establishes the common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay flights. These events are the most common source of complaints in the aviation sector in Ireland (Commission for Aviation Regulation, 2018). This regulation was intended to strengthen the rights of air passengers and to make sure that air carriers operate under harmonised conditions within the Community. Under the sub-sections 5, 6 and 7 of the Regulation, it applies to all kinds of passengers, scheduled, non-scheduled and package tours departing from an airport located in a Member State or departing from a third country for one situated in a Member State when a Community carrier operates the flight and the obligations brought by this Regulation shall rest with the operating air carrier (European Parliament, 2004). These rules narrow and define the type of costumers that should be supported by this regulation,

also defining the party liable to the application of the rules. It actually follows many of the rules stated in the Montreal Convention and both should be associated. Not only does this Regulation set the rules in this matter, but also it advises the air carrier towards measures that reduce the amount of complaints. Although being a regulatory document, there are issues with the application of enforcement of this regulation (European Commission, 2020). Nevertheless, it is essential to understand all aspects of the Regulation in order to analyse the situation in Europe.

The Regulation is unambiguous concerning the scope. The scope is applied to passengers departing from or arriving at airports located in the European Union territory unless, in the departure in a third country, the customer was given assistance and the air carrier is part of the Community (European Parliament, 2004). This information must not be taken for granted, since there is a significant number of disruptions that have been placed during flight connections in countries that are not part of the EU and are not carried by and European airline. There are also specific conditions or disruptions that this Regulation applies:

- Denied boarding: it usually happens when the company oversold tickets. The company should then call for volunteers to surrender their reservation and give the possibility of getting a full refund or re-routing, as well as assistance agreed in the contract between customer and air carrier;
- Cancellation: when a flight is cancelled the company must ensure the possibility of getting a refund or re-route and all measures supported in the Article 9 of the Regulation;
- Long delay: the Regulation applies for delayed flights at least 2 hours (up to 1500km flights), 3 hours (between 1500 and 3000km lights) or 4 hours (for all flights). It falls into the Article 9 and, in case of more than 5 hours delay, the right of refund and re-route;

- Upgrading and downgrading: the case when a passenger is placed in a higher or lower class than purchased, varying between 30% up to 75% depending on the distance. Upgraded passengers may not request payment.

The Regulation, as mentioned above, also gives instructions that an air carrier has to take when facing these situations. Its Article 7 establishes the amount of compensation to be given to costumers under the four situations, which depends on the distance in the case of denial boarding or cancellation, varying between €125 and €600. Articles 8 and 9 treat the refund, which must be the full cost of the tickets at the time of the purchase, re-routing under comparable transport conditions to their final destination at the earliest opportunity, and the caring for the cases of cancellation and delay, such as meals, refreshments and hotels accommodation in the case of one or more nights becomes necessary, including transportation (European Parliament, 2004).

The appointment of a national enforcement body supported by the Regulation is essential to ensure that the rights for the passengers are respected and the rules complied. Not only that, but also the NEG is responsible for inspection and action in case of infringements, as stated in the Article 13 and the government must appoint a NEG in the relation to this.






























With the information collected about the regulations that are applied to the aviation sector, it is easy to understand why many of the complaints handed to the National Enforcement Bodies, for example, the Commission for Aviation Regulation in Ireland, are put away, since many of them are not part of any of the scopes of the regulations and directives. It only shows that it is essential, when arising a dispute, to look thoroughly at each case presented and also for the customers, to provide the right and precise information in relation to this area.

With section 22 of the Regulation the Member State has to appoint a body to deal with the issues described above and the passenger is free to decide whether or not he/she wants to be represented by another person or entity. In the case of Ireland, the Commission for Aviation Regulation is not only the body responsible for dealing with air travel disputes but also responsible for airport charges

and slot regulation and licensing and approvals related to the airports of Dublin, Cork and Shannon. According to the annual report of 2017 (Commission for Aviation Regulation, 2017), this body investigated 981 air passenger complaints in this year, with the top 5 complaints being: cancellation (50%), long delay (46%), denied boarding (4%), downgrading and upgrading (0%), obtaining an amount of around €140,000 for passengers affected by flight disruptions. The annual report of 2018 (Commission for Aviation Regulation, 2018) brings an amount of 2218 cases investigated by this body, an increase of 126% compared to the year before, with the long delay being the responsible for 52% of the complaints concluded, 44% for cancellation and 4% for denied boarding, with the entity obtaining around €460,000 for passengers affected by flight disruptions in 2018. It is important to notice that the number of complaints vastly increased over a period of one year only and can be justified by the increasing number of travels from and to Ireland (2%), despite the fact that the EU-average use of air transport has decreased since 2014 (Kantar, 2020).

The report and survey by Kantar (2020) illustrates the trend of disruptions in the air travel sector, where more than a quarter of air travellers had experienced at least one disruption, being departure delay of 2 hours or more (15%) the most significant issue, followed by delayed, lost or damaged luggage and arrival delay of 3 hours or more in the last one year. As shown in the table below, the most significant issues were departure delay and flight cancellation, the latter justified by the mass cancellation in Europe at the end of 2017 and the beginning of 2018.

Table 2: Respondents who travelled by air in a period of 12 months time (%).

		Departure delay of 2 hours or more	Arrival delay of 3 hours or more	A flight cancellation	Denied boarding (e.g. because of overbooking)	Delayed, lost or damaged luggage	A personal injury	Other	No disruptions
EU28		15	6	6	1	7	0	2	72
BE		19	6	8	1	9	0	2	66
BG		6	1	3	1	1	0	0	86
CZ		12	3	3	1	5	0	1	80
DK		12	10	6	1	7	1	2	75
DE		14	7	6	2	6	0	2	73
EE		11	5	2	1	5	0	4	77
IE		15	3	4	0	2	0	1	78
EL		12	2	3	0	3	0	0	81
ES		13	6	5	0	8	0	2	73
FR		17	8	6	1	12	0	4	63
HR		22	12	10	10	13	0	0	65
IT		10	6	7	3	12	0	2	73
CY		12	1	2	0	4	0	1	81
LV		9	5	4	2	4	0	2	80
LT		6	2	2	0	4	0	2	86
LU		22	7	7	0	12	1	3	64
HU		13	0	10	0	7	0	6	71
MT		13	8	4	1	6	2	4	69
NL		14	5	6	1	4	0	3	75
AT		12	6	10	3	10	0	3	65
PL		13	3	4	1	2	1	2	78
PT		15	5	4	1	6	1	3	76
RO		8	1	5	2	0	4	0	82
SI		12	3	6	1	5	0	4	70
SK		7	1	1	0	4	0	1	88
FI		16	5	8	1	8	1	2	74
SE		17	9	8	0	10	0	3	68
UK		18	7	7	0	6	0	1	72
1st MOST FREQUENTLY MENTIONED ITEM		2nd MOST FREQUENTLY MENTIONED ITEM			3rd MOST FREQUENTLY MENTIONED ITEM				

Source: Kantar, 2020.

The survey also shows that, of the respondents who had encountered air travel disruptions in the 12 months sample, 53% say some form of remedial action was taken in the most significant instance. However, of those 53% air travellers, 47% did not receive anything for the most significant disruption that qualified under EU legislation (Kantar, 2020), a number significant enough to stand out and worthy of more attention. Not only that but also the study prompts that only 32% of the respondents are aware of EU passenger rights, of these 14% aware of air passenger rights. In the case of Ireland, 45% of the respondents confirm this trend, 19% of these aware of air transport (Kantar, 2020). It is essential to notice that, although the spreading of information concerning this topic through internet and others ways of communication, the users still need to be more informed

about their rights and where to find advice or hand a complaint. In fact, over two-thirds of the respondents would contact the transport company in Europe and nearly 70% in the Irish case.

The trends above show that a significant change in reaching the consumers with the necessary information about passenger rights needs to be done to narrow the relationship between customers and transport company, increasing the overall satisfaction. Disputes emerged in the air travel sector are the most significant in Europe and Ireland, since this country have the largest airline in Europe and does not have a rail and shipping transport as developed as many other countries in Europe.

## **2.5. ADR in the Aviation Sector**

In Europe, as the Regulation recommends, each Member State must provide a regulatory body to enforce its directives. As mentioned before, many of the institutions provide ADR for APR. Still, Ireland is not the case, despite having an NEB, this entity deal with different areas within the aviation sector (European Consumer Centres Network, 2019). There are many countries that are considered a reference in the use of ADR in this sector, offering methods well structured to dispute resolution and one these countries Austria. In this country, the body that deals with passenger rights is the AFP. Not only does this body handle cases in the aviation sector, but also with railways, bus services and shipping and, in conformity with the Regulation (EC) No. 261/2004, the AFP is the National Enforcement Body and also uses Alternative Dispute Resolution methods for the disputes arisen. This body receives complaints, after the claimant having contacted the company stating the issue, where the departure and arrivals points or the location of the headquarters of the company acting as a respondent is located in Austria with a time-frame of up to two years after being sent to the company concerned. It does not take cases where the court or administrative proceedings are pending or have been adjudicated or have already been the subject of an arbitration or enforcement procedure, claims for which another arbitration body/office for alternative dispute resolution or NEB is responsible (Agentur für Passagier-und Fahrgastrechte, 2017).

For the submission of a complaint to the AFP, the passenger needs to fill out a form in the website (in German or English) or, if it is not possible, via letter. This form has all information needed for the beginning of the process such as full personal details, all documents needed for the procedure, a description of the facts of the case, the complaint already sent to the company and their reply and current claim against the company. All the procedures must be conducted in German, although it is possible the submission in English, as well as the procedure; however, in this case, the procedure is not binding. The ADR method used by AFP is described as being arbitration, though with differences from the arbitration practised in Ireland. A third-party arbitrator is appointed to analyse the case based on the documents received and request any material or statement from the parties, providing a deadline for each request. The procedure pretty much uses ODR; however, the AFP may invite one or all parties, with the premises for practical reasons, to attend verbal negotiations in order to facilitate the agreement. After evaluating all the documents and statements, the arbitrator proposes a solution that should be in cooperation with the parties, but the acceptance of the proposed solution is not mandatory. In the case of acceptance of both parties, the procedure is closed and an effective extrajudicial agreement is reached, but in the opposite case, that is, if one of the parties does not agree, the procedure is terminated by a conclusive, non-binding and non-contestable recommendation aimed at settling the matter. In this way, any of the parties can initiate legal proceedings (Agentur für Passagier-und Fahrgastrechte, 2017).

Being an ADR, the procedure is much faster when compared to litigation, with the cases solved at an average duration of six weeks and, in the most complex cases, six months. Still, this time frame is set by the AFP's arbitrator when evaluating the issues. Not only that but all process is confidential, the AFP is bound to protect all data shared along the procedure.

## **2.6. Conclusion**

This chapter outlined the evolution of Alternative Dispute Resolution, since its earlier use and how it has been applied nowadays. Its evolution is due to many advantages brought by its types' characteristics over traditional methods of dispute resolution. Many of these characteristics are shared with Online Dispute Resolution, both used in the aviation sector as shown by the reports presented by entities such as the European Parliament and the Commission for Aviation Regulation. The regulations that are involved with customer rights and air transport showed which disruptions are part of their scope and these very disruptions were the object of study from Kantar (2020) and it will support this research, since its observed trends are pertinent and to be compared with the results of this work. Also, an overview of the use of ADR in the aviation sector by an NEB was important to verify how the procedures are done in this regard.



## **CHAPTER 3: RESEARCH METHODOLOGY AND METHODS**

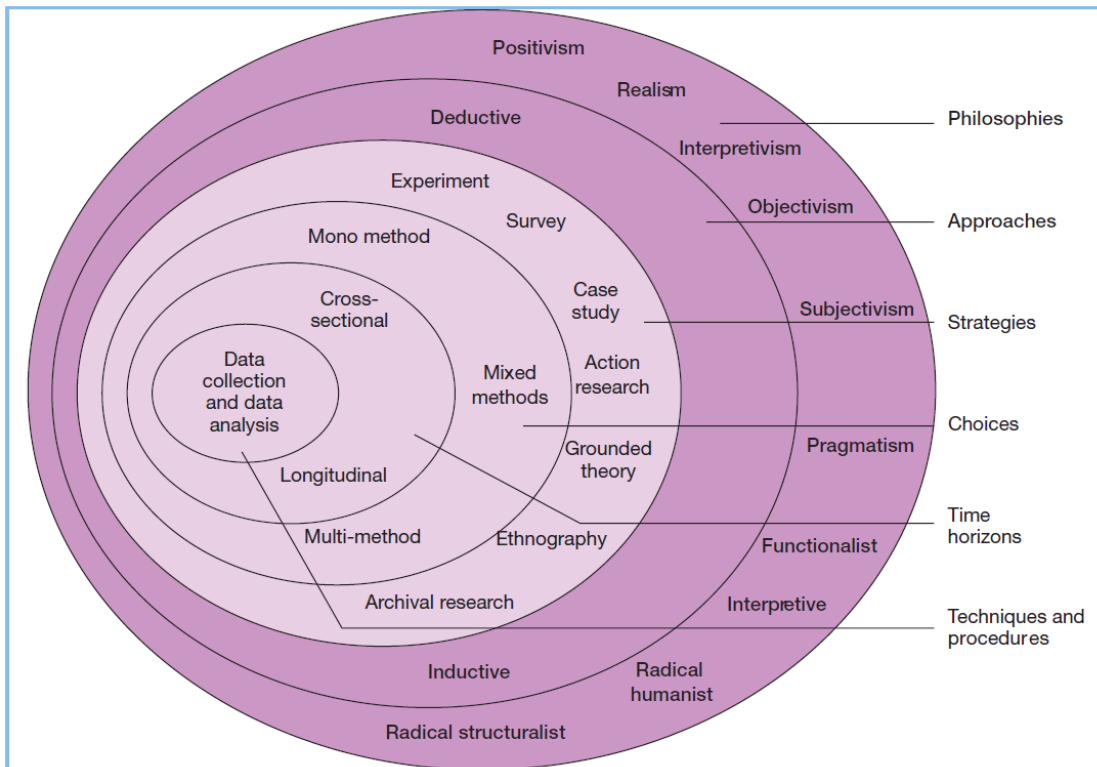
### **3.1. Introduction**

This dissertation outlines the experiences of subjects regarding the aviation sector in both a quantitative and qualitative way. Therefore, this chapter explains how the methodology of research and approach matches with the aim and objectives. The research philosophy and approach will be discussed in detail, considering the best way found to analyse the data gathered. As this work considers the opinion of the subjects under determined parameters, the best way found to collect and assess the data is explained in greater detail below. Furthermore, the method of data collection is presented with each part of the study explained and how these parts are relevant for the research. Towards the end, ethical concerns for the method chosen are presented considering the method design and data collection.

### **3.2. Research Methodology**

For the research methodology, we need to analyse how the author is getting the data and analysing them. One tool that is very helpful to understand the research methodology is the research onion, as presented by Saunders, Lewis & Thornhill (2007) in Figure 1. It will be used in this work to explain each step of the research.

Figure 2: The research onion.



Source: Mark Saunders, Philip Lewis and Adrian Thornhill 2007.

The research must be analysed from the outer to the inner part of the onion, that is, from the philosophy to the data collection and data analysis. The research philosophy is much related to the researcher and how he/she views the environment around the data. The European Consumer Centres release, annually, reports regarding consumer complaints, including in the aviation sector. This data is fundamental since the trends observed in these reports give reason for the urgency to study this area. Therefore, credible and valuable quantitative data is collected from reports of the Commission for Aviation Regulation, from the European Consumer Centre in Ireland and a study from Kantar on the passenger rights in Europe, which includes data collected from air travel customers that had experienced disruptions in relation to the aviation sector, as presented by Kantar (2020).

Remenyi (1996) points out that there are basically two types of research philosophies, Positivism and Phenomenology, which is also known as Interpretivism. The first relies on independence of the researcher from the researched, adopting causes with their following effects, which leads to

emphasis in quantifiable observations of data through statistical analysis. The latter relies on the study of the situation behind the data collected and focus on subjective interpretation. While these views are different, they may not be mutually exclusive and, actually, Saunders et al. (2007) recognises a few more research philosophies, as shown in the Figure 1. When taking into account costumers' experiences one can point out the Interpretivism as the obvious choice. Though, there are alternatives ways to assess experiences with the intention of generalisation of results. The use of statistics is also used when, for example, the level of satisfaction is part of the research question. In the case of this work, even if the data relies on experiences, the same experiences are taken into account by setting possibilities supported by the scope of the pertinent regulations and associating them with the scope of regulations. The Interpretivism philosophy, under these conditions, would not represent well the generalisation desired when analysing the data. Therefore, the study is lead to a Positivist philosophy.

The following part of the onion is the approach, which is how the findings and conclusions are presented, that is, how the research is designed to reach the results (Saunders et al., 2007). The Deductive approach brings the idea of existing broad theories that are tested in order to reach more specific theories or hypotheses. The opposite, the Inductive approach recognises patterns that, afterwards, produce a solid argument. It can be said the first is more connected to a positivist philosophy, whereas the latter corresponds to Interpretivism. However, Saunders et al. (2007) reckon that not necessarily they must be used in strictly, the first can be used in Interpretivism and the latter in Positivism or even both at the same time, it depends on how the researcher wants to answer the research questions. With information gathered from the regulations, established theories, aviation sector entities' reports and from air travel customers, the patterns found will be thoroughly analysed. The outcomes assessed bring the possibility of, afterwards, coming up with, theories, hypotheses and solutions that depend on these data. Due to fact that there are already results from previous researches and theories from authors in the field and these results and hypothesis are to be

tested as well as solutions for the results are to be proposed, Inductive and Deductive approaches are combined for this work.

When setting the research questions, it is essential to establish a research strategy that best answer the questions. There are, in fact, some strategies that are better for Inductive and Deductive approach, but the researcher must evaluate which one guides best for the research. (Saunders et al., 2007). The idea of this work, with the information collected within the studies of consumer protection entities as well as previous experiences analysed in surveys are compared with the data collected from customers and ways to enhance positive resolution of disputes are developed. The Survey in this case is used since it was the best way to get a standardised response from the subjects. Owing to that, the data are analysed, the trends are compared and a strategy is developed to enhance the relationship between the two parties, air carriers and customers. An interview was also considered, but the difficulty of gathering data from both consumers and, mainly, employees inside the entities (airlines, dispute resolution bodies) was in fact a barrier to the development of this strategy. Since quantitative and qualitative data are analysed separately, a Mixed Method Research Choice is used.

Lastly, due to the study is done in a particular time horizon, a Cross-Sectional Study is adopted in this work.

### **3.3. Method**

The primary data collected for this study was an online questionnaire sent to air travel consumers that had any disruption with an airline based in Ireland or any disruption in departures or arrivals in an Irish airport. These issues must be within the scope of the Regulation 261/2004/EC and the Montreal Convention. This survey consisted of multiple choice and free response questions regarding ADR and the aviation sector. Twenty-five people answered the questions that were sent by e-mail or social media via link to complete the questions. The subjects of this work were self-

selected based on their disruptions experienced. They were found by getting in touch with people that the author knew that had these issues and people that have acquaintances that experienced these issues as well. Those people were contacted and were asked to explain, informally, what happened to analyse then if they were suited for the survey. It was imperative to get to know if their complaint was part of the scope cited above and, therefore, their data would be valuable to the research or not.

The questionnaire was made initially using the Microsoft Word as a draft and then made using the Google Forms platform, since it is very straightforward and intuitive for both researcher and subjects. Not only that but also this platform organises the data in sheets also using graphic figures. Microsoft Excel was also used to analyse the data gathered. The link for the questionnaire was: <https://forms.gle/A3YkaaQYQ1gUuFoh9>. The complete survey is found in Appendix B, and the results for open questions can be found in Appendix C. The link was active from 4th of April until the 1st of May.

The questionnaire starts with an introduction explaining what the survey consists on and the number of questions followed by the procedures, showing how the questionnaire will be taken, as well as the benefits, confidentiality, compensation, participation and any question about the survey that the subject might have. The survey is divided into five sections: the Introduction, the Customer's Profile, the Disruption Questions, the Passenger Rights and the Alternative Dispute Resolution.

Once the participant read the Introduction part and agreed with the terms of the questionnaire, he/she can start with the survey. In case of not agreeing with the terms, the questionnaire will go to the end and can be finished. The next part is the Customer's Profile. Here it is asked their profile, their full name, age, where he/she lives and nationality, to trace their identification, range of age, where they are from and where they live. This information is critical to trace if the issues are more common for younger or older air travellers and if the issues tackles Europeans and non-Europeans. The question about age is a multiple choice with the options "18-29", "30-39", "40-49", "50-59", "60-69" and "70 or more". Their nationality is asked in the following question to know where the

participants are from and if it affects people from Europe or other parts of the world. Also their e-mail contact is asked, so they may be available to be contacted for further information. The following question asks whether the participant lives in Ireland or not. Lastly, it is asked the approximated number of flights taken in the past 12 months. This information will tell if the participant is an eventual or frequent user of air carrier services. It is also a multiple-choice question where the options are “1-3” standing for 1 to 3 flights in one year, which means an eventual user, “4-7”, which means a moderate user and “8 or more”, which means a frequent user. All these questions in this section are required.

The following section regards the disruptions experienced. The first question asks the kind of disruption that the participant faced and, here, the subject can choose the reasons of complaint that are “Cancellation”, “Delay (more than 2 hours)”, “Denied boarding”, “Upgrading or downgrading”, “Delayed, lost and damaged luggage” and “Personal injury (on board or in the course of embarking or disembarking)”. Note that all these options match with the requirements of the Regulation and Montreal Convention. The next question is to whom the participant handed a complaint when facing the disruption and the options available are “The transport company”, “A consumer association”, “A national authority responsible for passenger rights”, “A solicitor”, “An out-of-court dispute resolution body” or “Did not complain”. It is very common people that have issues and do not complain since it can be an exhausting process or they might think that it does not worth the effort since it was just a small issue and the amount claimed is not high. Question 9 asks what the outcomes of the escalation of the complaint were. The answers available are “Accommodation”, “Foods and drinks”, “Compensation for the disruption suffered”, “Reimbursement of the cost of the ticket”, “Re-routing”, “Complaint not accepted” and “Other”. These options are the ones predicted by the regulations cited before. The option “Complaint not accepted” is relevant since it is common that passenger complains and the airline does not see as part of the relevant regulation and the last option is for the case the passenger had sought for another type of resolution that is not with the

company or the company gave a more than 1 type of compensation, like “Accommodation, food and drinks”. The last question of this section regards the customer’s satisfaction with the way the company handled the complaint. The options are “Very satisfied”, “Rather satisfied”, “Neither satisfied nor dissatisfied”, “Rather dissatisfied”, “Very dissatisfied” and “No opinion”. All the questions in this section are required.

The fourth section analyses the knowledge of the participants about passenger rights. The first question in this section asks if they agree with the statement “I have been informed about air passenger rights in the EU”, bringing as options “Strongly agree”, “Partially agree”, “Neither agree nor disagree”, “Partially disagree”, “Strongly disagree” and “No opinion”. The following question intends to know considering their previous experience, to whom they would complain when facing a disruption and the options available are “The transport company”, “A consumer association”, “A national authority responsible for passenger rights”, “A solicitor”, “An out-of-court dispute resolution body” and “Would not complain”. Although this question is very similar to Question 8, this answer depends on the experience of the customer with the previous disruption, which can make then changing their opinion if they do not feel satisfied with how it was handled. The last question is if the participant agrees with the statement “I am aware of what Alternative Dispute Resolution is” and the options are “Strongly agree”, “Partially agree”, “Neither agree nor disagree”, “Partially disagree”, “Strongly disagree” and “No opinion”. All questions in this section are required.

The last section relates to the customers and Alternative Dispute Resolution. Before starting with the question, predicting that participants might not know what ADR is, a brief explanation of what Alternative Resolution is presented. After that, the first question of this section asks if the participant agrees with the statement “I would engage in Alternative Dispute Resolution if I had a major travel disruption”, whose options are “Strongly agree”, “Partially agree”, “Neither agree nor disagree”, “Partially disagree”, “Strongly disagree” and “No option”. The following question wants

to know which way the subjects would engage when trying ADR. The options were “Face-to-face meeting”, “Telephone”, “Videoconference” and “Online dispute resolution platform”. The next question asks if the participant would like to share their experience, with a space to tell the story about what happened. This is in order to get closer to the experience suffered and to acknowledge what were the main points of satisfaction and dissatisfaction through which the participants thought relevant. Finally, the last question is a space where the respondent can comment anything about the survey, giving their opinion. In the section, only the two last questions are not required.

### **3.4. Ethical Concerns**

Despite the intention of carrying out a questionnaire, there were no major concerns since no vulnerable was involved, and the name of the participants who took the survey are not revealed. All information about participants in this work is only used here and will be kept for a few weeks after the submission and final approval in a secure location, being destroyed afterwards.

Regarding the questionnaire, in the introduction section, it was clear for the participants how the survey would be conducted and what the survey consists on, procedures and benefits parts, respectively. It is also outlined the confidentiality, as said in the previous paragraph and the fact that there is no compensation for the participants who took the survey. The policies are set and the subjects must agree on the terms beforehand (Appendix A). When designing the survey questions, the author tried to make as less questions as possible and as much straightforward as possible to make the subjects answer with full concentration throughout the survey. It is an excellent strategy to keep the same level of interest when answering them, and the participants do not feel exhausted when going through the survey. However, the number of non-mandatory questions is resumed by only 2 out of 17. There are also two open questions, the last ones, where, if the participants wish, they can expose their experience in a more detailed way and they can give their opinion about the



survey itself that might be used in the case of further research in this matter. The author intends to send the final version of the dissertation for the respondents after the approval.

### **3.5. Conclusion**

The understanding of research philosophy and approach is vital to the construction of the research and the analysis of data. Not only that but the choice of them determines how the research will be carried out in order to reach the aim set due to the research question. To reach this understanding, one needs to define which method is best used in the research and why it is used, as well as why the others are not used. For this work, the Positivist philosophy and Deductive/Inductive approach are considered the best to be applied. The same is applied for strategy, which was a Survey, for choices, which was Mixed Method and for time horizon, which was Cross-Sectional. As explained, the main method to respond to the research question is the Survey and each of its sections, as well as its questions, are discussed, with the intention behind the questions asked. Finally, it needs to be considered, for every research that deal with primary data of this nature, in this case, consumers, ethical considerations, with no major concerns regarding this matter, since, before even responding the questionnaire, the participants were asked to accept the terms and conditions, all of them being over 18 years old, there were also clarified about procedures, benefits, confidentiality, compensation and participation.

## **CHAPTER 4: PRESENTATION OF THE DATA**

### **4.1. Introduction**

As discussed in chapter 3, the research relies on a Survey to collect the data. In this chapter, the results of the survey are disclosed, first, the quantitative, and the qualitative afterwards. The data analysis itself is presented in the following chapter. The survey is presented with statistic data, with tables describing all the answers for all quantitative data and descriptions got from the penultimate question, taking into account particular quotes and from the last question with an opinion about this research.

### **4.2. Survey**

The survey for the primary data was sent to thirty-nine (39) people. From these, twenty-five (25) respondents answered the preliminary question asking if they agreed to the terms of the survey, the rest (14) did not respond to the preliminary question and, consequently, did not respond the survey. Thus, only those 25 questionnaires were completed and used for the data analysis.

The survey is divided, in five parts, where the first part is the terms of the survey and the rest are part of the data to be collected. The first of these four sections is the Customer's Profile. For the reason of confidentiality, the first question and the fourth question which ask the Full Name and the e-mail address will not be herein exposed. The reason for these questions is in order to the researcher send this work for the respondents when it is finished.

#### **4.2.1. Quantitative Data**

Question 2 regards the range of participants' age. Table 3 shows that most of the respondents (60%) are in the range of 18 to 29 years old, followed by 8 participants (32%) in the range of 30 to 39 years-old, 1 participant (4%) in the range of 40 to 49 years old and also 1 participant (4%) in the

range of 50 to 59 years old. None of the participants were in the group of 60 to 69 or 70 or more years-old.

Table 3: Age of the participants.

Q2:	Participants	
18 - 29	15	60,00%
30 - 39	8	32,00%
40 - 49	1	4,00%
50 - 59	1	4,00%
60 - 69	0	0,00%
70 or more	0	0,00%

The question 3 asks the participants' nationality. From these, 8 (32%) stated they are Brazilians, 6 (24%) are Slovenians, 4 Irish (16%), 3 Spanish (12%), 2 Hungarians (8%) and 2 Argentineans (8%). It means that more than half of the participants are European citizens (60%), while the rest are not, more specifically, South Americans.

Question 5 concerns if the participants live in Ireland or not. The vast majority of the respondents answered that they do live in Ireland (72%) and only 7 participants (28%) live elsewhere, as shown in Table 4 below.

Table 4: Participants living in Ireland.

Q5:	Participants	
Yes	18	72,00%
No	7	28,00%

Question 6 shows the frequency of travels in the period of 1 year; that is, it shows if the participant is a frequent user of air transport. The most common answer for this question was from participants that are travel rather often; 4 to 7 travels in the last 12 months, with 10 respondents (40%). After that, 9 travellers that used air transport 8 or more times in the past 12 months (36%) and 6 (24%) participants answered that did not often travel in the last year, with 1 to 3 flights taken, according to the Table 5.

Table 5: Frequency of flights in the past 12 months.

<b>Q6:</b>	<b>Participants</b>	
1 - 3	6	24,00%
4 - 7	10	40,00%
8 or more	9	36,00%

The following section regards the Disruption Questions. There are three questions where the participant exposes briefly how his/her experience was. The first question of this section, the seventh in total, asks what kind of disruption the respondent had. By far, the most common disruption was a cancellation, with 13 participants, more than half of the total (52%). Followed by that, 7 of the air travellers (28%) experienced a delay of more than 2 hours, which is the minimum according to the Regulation and 20% experienced delayed, lost or damaged luggage. None of the participants had experienced denied boarding or upgrading or downgrading or personal injury in this survey, as shown in Table 6.

Table 6: Disruption experienced.

<b>Q7:</b>	<b>Participants</b>	
Cancellation	13	52,00%
Delay (more than 2 hours)	7	28,00%
Denied boarding	0	0,00%
Upgrading or downgrading	0	0,00%
Delayed, lost or damaged luggage	5	20,00%
Personal injury	0	0,00%

The eighth question asks to whom the participants complained when they had the disruption. There were six multiple-choice options, where the most common answer (76%) was the transport company, with nineteen participants. The next most common answer (20%) was the passenger that did not complain to anyone when they faced the issue, with 5 participants. Only 1 participant answered that he/she complained to a consumer association (4%). No participants complained to a national authority responsible for passenger rights, to a solicitor or an out-of-court dispute resolution body, as shown in Table 7.

Table 7: To whom the participant complained when facing the disruption.

Q8:	Participants	
The transport company	19	76,00%
A consumer association	1	4,00%
A national authority responsible for passenger rights	0	0,00%
A solicitor	0	0,00%
An out-of-court dispute resolution body	0	0,00%
Did not complain	5	20,00%

In Table 8, 8 participants answered “Other” (32%) with two of them stating they received nothing and also two had their lost luggage back with no compensation, to one participant was given €250 compensation and re-routing in a later flight, to another one, after the cancellation was given a voucher to be used in 24 months, another was offered a coach trip to destiny and a refund and to the last participant that answer this option was given the option between a refund or wait until normalization, but nothing more. Participants that complained to the transport company also did not have their complaint accepted by the company, with 7 answers, which gives 28%. Food and drinks were given to 4 of the respondents (16%). Three respondents got compensation for disruption suffered (12%), and two participants were given reimbursement of the cost of the ticket, 8% each. Only one participant got accommodation as compensation in the case of cancellation (4%). No participant answered re-routing for this question.

Table 8: Outcomes of the disruption.

Q9:	Participants	
Accommodation	1	4,00%
Food and drinks	4	16,00%
Compensation for disruption suffered	3	12,00%
Reimbursement of the cost of the ticket	2	8,00%
Re-routing	0	0,00%
Complaint not accepted	7	28,00%
Other	8	32,00%

The level of satisfaction was measured in the question 10. From all respondents, nine persons were very dissatisfied with the how the disruption was handled (36%), whereas eight of them (32%) were

rather satisfied with it. 20% of the passengers were neither satisfied nor dissatisfied and also 12% were rather dissatisfied with the disruption was handled. None of the respondents were very satisfied and also none of them had no opinion concerning this question, as shown in Table 9.

Table 9: Level of satisfaction with the way the disruption was handled.

<b>Q10:</b>	<b>Participants</b>	
Very satisfied	0	0,00%
Rather satisfied	8	32,00%
Neither satisfied nor dissatisfied	5	20,00%
Rather dissatisfied	3	12,00%
Very dissatisfied	9	36,00%
No opinion	0	0,00%

The next section of the survey regards Air Passenger Rights. The first question, the eleventh in total, asks the participants if they have been informed about air passenger rights in the European Union with most part of them stating they strongly disagree with that (32%), followed by 5 participants that answered partially disagree and 5 answered neither agree nor disagree, with 20%. Three air travellers stated that they strongly agree with the statement (15%) and also three respondents answered that they partially agree with the statement. In contrast, only one had no opinion regarding this matter (Table 10).

Table 10: I have been informed about APR in the EU

<b>Q11:</b>	<b>Participants</b>	
Strongly agree	3	12,00%
Partially agree	3	12,00%
Neither agree nor disagree	5	20,00%
Partially disagree	5	20,00%
Strongly disagree	8	32,00%
No opinion	1	4,00%

Question 12 asks the participants to whom they would complain, considering previous experiences, when facing a disruption in the aviation sector. The answers were pretty close to the question eight of this survey. Following the same trend with the most of the participants (88%) saying they would

complain to the transport company. Two participants (8%) would complain to a consumer association and only one would complain to a national authority responsible for passenger rights for this question (Table 11). None of the participants would complain to a solicitor or an out-of-court dispute resolution body. Also, none of them would not complain in case of a disruption suffered, considering the past experience disclosed.

Table 11: To whom the participant would complain when facing a disruption.

<b>Q12:</b>	<b>Participants</b>	
The transport company	22	88,00%
A consumer association	2	8,00%
A national authority responsible for passenger rights	1	4,00%
A solicitor	0	0,00%
An out-of-court dispute resolution body	0	0,00%
Would not complain	0	0,00%

The last question of this section asks if the air passenger is aware of what Alternative Dispute Resolution is. This question was very balanced between participants that strongly disagree and strongly agree with this statement, with 28% for the first and 24% for the latter, two very opposite answers, as shown in the Table 12. Three respondents partially disagree with this statement as well as three that had no opinion in relation to this, with 12% each. The same way, three participants stated that neither agree nor disagree (12%) and three of them answered that partially agree with it.

Table 12: Awareness of ADR.

<b>Q13:</b>	<b>Participants</b>	
Strongly agree	6	24,00%
Partially agree	3	12,00%
Neither agree nor disagree	3	12,00%
Partially disagree	3	12,00%
Strongly disagree	7	28,00%
No opinion	3	12,00%

The final section of the survey is related to two Alternative Dispute Resolution questions. The first question, the fourteenth in total, asks if the respondent would engage in ADR if they had a major

travel disruption. For this question, none of the participants did answer “Partially disagree” or “Strongly disagree”. Ten respondents did answer that they partially agree with the statement (40%), whereas eight opted for “Strongly agree” (32%). Five participants answered “Neither agree nor disagree” (20%), whilst none had no opinion regarding this topic, as shown in Table 13.

Table 13: Participants would engage in ADR when facing a major travel disruption.

<b>Q14:</b>	<b>Participants</b>	
Strongly agree	8	32,00%
Partially agree	10	40,00%
Neither agree nor disagree	5	20,00%
Partially disagree	0	0,00%
Strongly disagree	0	0,00%
No opinion	2	8,00%

The last quantitative question wants to know how the air passenger would prefer to engage in ADR. There were only four options to choose and the most part of the participants would prefer to use an online dispute resolution platform, with 36% of the respondents, followed by telephone meetings, with 32%. Six participants (24%) would prefer a face-to-face meeting, whereas only 4% of the participants would prefer videoconference (Table 14).

Table 14: How participants would prefer to engage in ADR.

<b>Q15:</b>	<b>Participants</b>	
Face-to-face meeting	6	24,00%
Telephone	8	32,00%
Videoconference	1	4,00%
Online dispute resolution platform	9	36,00%

#### **4.2.2. Qualitative Data**

The last two questions of the survey are descriptive questions. Question 16 asks the participants to describe the experience they had when facing a disruption as air passengers. From all 25 participants, 12 described what happened (48%), whereas the rest did not respond to the question, since it was not required. The answers came from very different passenger profiles, since nationality



or frequency of flights. Moreover, these participants had very different levels of satisfaction, awareness of APR and ADR.

Amongst the participants that shared more details about their experience, most of them indicated that the disruption was due to cancellation, as also observed in the question 7. Some of them stated that there was a lack of proper communication between the company and themselves. This trend was also observed for cases of long delay. It was found a mix of feelings towards the disruption suffered and how it was handled by the airline that is discussed in the following chapter.

### **4.3. Conclusion**

The data collected, despite being a small sample, could transcribe the experience of the participants statistically. There were presented data of the customers' profile and data of the most and least causes of disruptions and how these disruptions were handled by the transport company. The latter influences on how the participants felt about it and whether or not they were satisfied with the results. Their awareness of APR and ADR was also explored and how they would engage in ADR in the case of a major disruption. At the end, some participants described their experience and how they felt about it, which was helpful to have a gist of how bad experiences provoked by a disruption could influence in their general feeling towards the air transport companies.

## **CHAPTER 5: FINDINGS**

### **5.1. Introduction**

In this chapter, the findings concerning the results found in the previous will be analysed. The survey was constructive in finding trends related to air passenger disruptions and air passenger rights. Despite the sample of participants not being large, it is possible to have an overview of how this can also be related with many of the data presented in the literature review, mainly regarding the use of ADR in this sector, effectiveness of dispute resolution by the air carrier and consumers' satisfaction. This chapter is divided into four sub-sections that describe each subject of this survey, being: Customers' Profile, Disruptions in the Aviation Sector, Air Passenger Satisfaction and Air Passenger Rights and, finally, Alternative Dispute Resolution for Air Passengers.

### **5.2. Customers' Profile**

The first step to analyse the trends observed is the customers' profile, that is, what kind of people have responded to the questionnaire. It is important to outline again that the participants were self-selected, people that did have disruptions in this matter. As shown in the previous chapter, it was observed that most of the participants are young people, between 18 and 39 years-old. This shows that people in this range of age tend to travel much more than older people. However, for the reason that the sample was not large, it was impossible to have a real figure to compare this number amongst the ages. But comparing the options chosen by the participants, 18 to 29, 30 to 39, 40 to 49 and 50 to 59, the first is much more significant than the other ones. Reasons for that can be lifted if we consider that the youngest are usually in college or are in jobs that are not in management positions, which means that less responsibility is taken and, at the same time, more free time is available. Kantar (2020, p.64) shows in its socio-demographic analysis survey that people between 15 and 44 years-old tend to use air travel more than people between 45 and more than 75 years old, with 54%.

Considering that this survey is taken in Ireland and it considers only subjects that suffered a disruption flying to or from an Irish airport or using an Irish airline would be easy to think that most part of the participants would live in this country. There was actually a question specifically asking where the participants live, and from the results, it is clear that the participants are not only Irish citizens but people from different parts of Europe and South America. In fact, it was found that 40% of the participants are not born in Europe. Considering that all the participants had their issues in Irish territory or by Irish companies, the results lead to: there are many immigrants living in Ireland; there are many tourists going to or leaving Ireland; the two main Irish air carriers are largely used within Europe and, more specifically, within Ireland. The largest airline in Europe is Irish, having flights to roughly all European countries and also happens to be a low-cost company (Schoorman, 2020), so it is natural that the disruptions could affect not only Irish citizens or people living in Ireland, but also people who live outside of it.

The major part of the respondents can be considered as frequent users of air travel, with between 4 and 7 and 8 or more flights in the past 12 months. However, the range of frequency of flights taken is not far off of each other. It seems that disruptions might affect all types of users of air transports, as the number of frequent users and rather frequent users and non-frequent users are somehow balanced. From these participants, 28% did not have the complaint accepted, which means that measures were taken for the majority of the cases.

### **5.3. Disruptions in the Aviation Sector**

From the numbers present in the literature review regarding the types of disruptions, it is possible to observe a connection between these numbers and the results collected in this survey. The survey made by Kantar (2020, p.63) shows, as in the Table 6 that, from all the participants, the major part had disruptions regarding flight delay (21%) followed by delayed, lost or damaged luggage (7%), flight cancellation (6%) and denied boarding (1%) (Table 2). They did not analyse directly for cases

of upgrading or downgrading. Obviously, this research takes into account all the cases from all airports and air carriers, whereas the survey made for this work takes flights with departures and arrivals from Ireland or Irish air carriers. Also, analysing the annual report from the Commission for Aviation Regulation from 2017, the top complaints were cancellation, long delay, denied boarding and upgrading and downgrading, whereas in the report from 2018 the top complaints were long delay, cancellation and denied boarding (the exact numbers in percentage are shown in the literature review, sub-section 2.4). For this survey, the answers led to the ranking: cancellation, long delay and delayed, lost or damaged luggage. The numbers very much match with the report from the Commission for Aviation Regulation in 2017. For all the surveys and reports, long delay and cancellation still deserve to be worked on by the air carriers in general, since it has been one of the most significant disruptions.

The European Commission, as mentioned before, advises consumers to present their complaint, in the first moment, to the transport company. It even provides a complaint form to be sent in cases of disruption. In fact, by the results of this survey, the participants followed this recommendation, since the vast majority of them handed the complaint to the airline, with only one case of complaint handed to a consumer association. It is interesting the fact that a few participants did not complain. Even though the survey did not ask the reason, there are many possibilities for that, such as the passenger did not know how or where to complain, the complaint would be too troublesome, it was useless to complain, or the amount involved was too small. One of the participants, when describing their experience pointed out that the amount paid for the ticket was too small to bother when was given the opportunity to choose between waiting for better conditions to fly or refund. Hence, they preferred to wait instead of complaining. When taking into account the price of flights carried by low-cost companies, this might be a very pertinent reason.

If the outcomes of the disruption are considered, the answers contain two different interpretations. The first considers the subjects that did not have the complaint accepted or chose the option

“Other”, since the number is much more significant compared to the other results. For the people that answered “Other” the company gave some compensation after analysis of the case individually or options for the passenger to choose. Some subjects did not have the complaint accepted, a quite large number compared to the others and the reason might be that the transport company did not consider the complaint into the scope of the regulations. The second considers the remaining answers, with cancellation and long delay as the reason for getting reimbursement or amenities. For more than a half of the cases, the complaint was accepted by the transport company and the passengers got some sort of compensation. Re-routing was not directly offered, but as an alternative associated with compensation. The open answers for this question (participants that answered “Other”) can be found in Appendix C.

#### **5.4. Air Passengers Satisfaction and Air Passenger Rights**

Now, the experience of the participants in this survey is directly related to the outcomes of the disruption suffered. For the respondents that had the complaint not accepted, they felt at least neither satisfied nor dissatisfied with the way the disruption was handled. For all that answered at least “Rather satisfied”, they got some kind of compensation from the airline. It can be noticed that the satisfaction is intimately related to receiving compensation. Also, it can be said that bad experiences are likely to cause a low level of satisfaction. However, participants that got compensation might not feel satisfied with how the issues were handled. Overall, the number of participants that are at rather or very dissatisfied outruns the number of participants that feel rather or very satisfied, with none of the participants feeling at the highest level of satisfaction.

There are actually many reasons that influence the consumers’ satisfaction regarding their experience when facing a disruption. It was found that most of the participants do not feel they are well informed about air passenger rights in the EU, with answers “Strongly disagree” and “Partially disagree” more numerous than “Strongly agree” and “Partially agree”. The survey shows that the

outcome of the experience suffered had implications on the participants' satisfaction, though it is alarming that consumers do not know or are not adequately informed about this matter. There was no connection found between the level of satisfaction and awareness of APR in the EU, for both subjects that are satisfied and dissatisfied were found saying that they are aware of APR, as well as subjects that are satisfied and dissatisfied were found saying that they are not aware of APR.

Past experiences may influence on how people behave in a future similar experience. For this reason, the survey asked the participants, considering the experience, to whom they would complain in case of a new disruption in the aviation sector, with all the options similar to the ones from the eighth question. It was found that, regardless the past experiences, the major part of the participants would still complain directly to the transport company, whilst the ones that did not complain would hand the complaint to the transport company. Only one participant that had complained to the transport company would now complain to a consumer association, and the same person felt very dissatisfied with the way the disruption was handled.

### **5.5. Alternative Dispute Resolution for Air Passengers**

In relation to Alternative Dispute Resolution, the results were quite balanced, with air passengers divided between aware and not aware about ADR. Furthermore, from the survey, most part of the subjects that said that they are aware of ADR also feel informed of air passenger rights, as well as subjects that said that is not aware of ADR do not feel appropriately informed about APR. This observation brings the theory that ADR could be an alternative to be implemented and used by the consumers if they had more information about consumer rights in this area.

After being introduced with a short explanation of Alternative Dispute Resolution, the participants were asked if they would engage in ADR if they faced a major travel disruption. The vast majority said they agree with the statement, with only five subjects that neither agree nor disagree and two that have no opinion about this. It means that, once consumers that experienced travel disruptions

see the advantages of engaging in ADR, they would use it to reach a positive settlement. It can be considered that there are people that still do not feel confident with the results that can be brought by ADR or afraid of the process demands too much effort or stress to reach a positive outcome. Not only that, but considering their answers for the type of ADR they would engage, all of subjects that were still in doubt if they would engage in ADR answered they would engage if it was either by telephone or by an online dispute resolution platform, which means if they can choose, they would not need to engage in a formal and interpersonal type of dispute resolution. This trend is also observed for the most of the participants that stated that would engage using some type of ODR, that is, a non-personal meeting. Others, however, insist that a face-to-face meeting would be more helpful.

There were few participants that described their experience in detail in the penultimate question. The overall feeling gathered from this open question is that the participants wished that the airline could have managed the disruption in a better way. One of the major problems found was miscommunication. As Participant #2 said: *"I've chosen to travel by an Irish airline from Madrid to Porto, but my flight was cancelled 20 minutes before the departure time without any further information"* or as Participant #4 said: *"I get in touch with the complain site of the company. Within 3 months they answered me"*, which is a plenty of time to get an answer. Miscommunication was also observed in long delay cases, such as stated by Participant #11: *"When flight was delayed unexpectedly all I did was wait patiently. It also happened to me a few minutes before boarding the gate was changed"*.

Overall, there were bitter feelings observed amongst some participants towards the airlines. There are many examples of that in the answers, as Participant #9 *"I have spent 18hs in the airport with no assistance. I missed my day work and got no compensation from the airline"*, Participant #11 *"It was unpleasant and stressful"* and Participant #6 *"...the world of business not generally care about human matters"*. Despite this overall feeling, it was also observed that many times the airline is not

to blame for issues, for example, the Participant #14 *“It was very inconvenient, but I felt it was not the company fault and I didn’t complain about it”* and Participant #23 *“It was very unfortunate but I realise sometimes it’s out of the company’s control”*.

The last question obtained only one significant answer with comments about this work. The idea of ADR applied to the aviation was seen as rather valuable, as commented an *“Interesting area to examine”* and *“... it appears that dispute resolution could be an applicable [sic] to explore and remedy arising matters”* by Participant #6. This shows that ADR can be very welcomed for the customers; however, it is needed more opinions like that to support this result.

## **5.6. Conclusion**

This chapter presented an analysis of the results obtained in the survey made with air passengers that suffered disruptions in the aviation sector. It was presented in, each sub-section, the elements inherent to each part of the survey. It was shown that the participants were in general young people that are rather frequent travellers, with most part of them that suffered cancellation and long delays. In spite of the majority complaining when faced the disruption, a high number did not have their complaint accepted, but overall, the results concerning satisfaction were quite balanced. It was observed that satisfaction is connected with the outcomes of past experiences. Also, there is a high grade of disinformation about APR, but it is not the case about ADR, though the level of awareness of ADR is still low. At the end, most part of the participant would feel more comfortable to engage in a sort of ODR in order to resolve their disputes.



## **CHAPTER 6: DISCUSSION**

### **6.1. Introduction**

This chapter will correlate the findings in the previous chapter and discuss the results observed from the survey, the correlation between the data obtained from the air passenger customers and data found in the literature. The idea of this work was to find out trends amongst air passengers relating to disputes against air transport companies by acknowledging their experience when facing a disruption. The initial idea was to carry out interviews with customers and people who work in airlines to gather the opinion from both sides and how, from their opinions, to come up with solutions to enhance their relationship and satisfaction by introducing methods of Alternative Dispute Resolution. However, problems with finding subjects, mainly from the companies, it was found difficulties to reach out the results idealised at first moment. Nonetheless, by approaching through a survey, very valuable findings were obtained and discussed in this chapter. There were problems to carry out the survey since, for a survey, the size of the sample is very important to avoid statistical error; therefore a sample with 25 respondents might bring dubious results, but with the results suffice the discussion in this matter.

The chapter is, then divided into five sub-sections: Customers' Profile, where it is discussed how this survey connects with surveys from others entities in relation to air passengers; Disruption in the Aviation Sector, where the results are interconnected with the pertinent regulations, mainly the Regulation EC 261/2004; Air Passengers Satisfaction and Air Passenger Rights, which shows how the participants feel about their experience, how it connects with compensation received, as well as awareness of APR and which measures can be taken to improve the communication between companies and consumers; Alternative Dispute Resolution for Air Passengers, when it prompts whether or not ADR should be used in aviation and whether or not consumers are willing to engage in ADR.

## **6.2. Customers' Profile**

The survey presented many aspects that were also found in the relevant literature. Overall the participants that experienced disruptions in the aviation sector are young and frequent travellers and, when facing the disruptions, tried to get an agreement with the air transport company. The same trend was observed in the survey held by Kantar (2020, p.64), where the percentage of customers that used air transportation was higher for passenger between 15 and 54 years-old. One can state many possibilities for this trend, but for that, it is needed a social-demographic survey to analyse, which was not carried in this work.

The fact that participants in the survey come from different parts of Europe and South America shows that in Ireland, there is a high level of migration and tourism. It is a fact that the modernisation of air transportation and globalisation is related to the results, because, considering that the survey is taken in Ireland, only a few respondents (4) are Irish, that was massively outrun by people from other countries in Europe and South America. Moreover, despite being the minority, there were indeed participants that do not live in Ireland, which shows that the Irish airlines succeed in providing flights all over Europe. This brings up the possibility that, if a disruption in this matter is considered, language might be a hindrance when dealing with it. This possibility can be analysed in further works in this area.

The results concerning the customers' profile are very interesting in the point of view of the airlines. The fact that so many different nationalities, cultures and languages should not be taken for granted. If taking into account that 40% of the respondents were not Europeans, there is the possibility that they might not be familiar with the regulations that rule over air transport in Europe, since, despite being the Montreal Convention being in common with many countries in different parts of the world, the same cannot be guaranteed for the Regulation, even though it is based on that convention.

### **6.3. Disruptions in the Aviation Sector**

The disruptions related to the aviation sector must be closely related to the ones described in the Montreal Convention and the Regulation. If we analyse the numbers in the study made by the Steer Group for the European Commission (2020) regarding the level of protection of APR in EU in 2018, over 94% of the flights arriving and departing from the EU28 plus Iceland, Norway and Switzerland were part of the Regulation's scope. Hence, a thorough investigation of these issues is essential for this research. The results obtained with the survey match with the results presented by the Commission for Aviation Regulation Ireland in 2017 and 2018 and the survey by Kantar (2020). Overall, the two main causes of disruptions are cancellation and long delay, which is precisely what it is shown in this research. However, these issues are usually connected with out-of-control reasons, that is, disruptions that may happen even if all measures were taken by the company to avoid it, such as, in most of the cases of long delay, bad weather in the place of the flight to be taken or in another previous flight in another place where the aircraft had operated, all the reasons appropriately described in the Regulation (sub-section 14). Unfortunately, for these reasons, it is rather difficult to prevent or avoid disruptions totally, but the directives presented in the Regulation, mainly the Articles 5 and 6, must be complied. There are a few other reasons for those two disruptions, such as pilot strikes, as the ones in 2018 (RTÉ News, 2018) that affected Ireland, Germany, Sweden, Belgium and the Netherlands, and in 2019 (The Guardian, 2019), that affected the UK, and the massive cancellation provoked by the outbreak of the COVID-19 pandemic (Hunt, 2020).

The European Commission in its website provides all the information for customers that wish to complain against an airline and also provides a complaint form where all the relevant information for the complaint must be described. For the majority of the participants, the complaint was dealt with the company itself or with a consumer association. In some cases, the participants did not complain some reasons should be recognised. For the survey there was no question that asked the

reason why the passenger did not complain, which ought to be part for future works in this area, but Kantar outlines a few reasons for that (note that this study considers passenger rights in general) and it found out that almost half of the participants think that it was useless to complain and a quarter said that the amount was too small (Kantar, 2020).

For the cases analysed, the customers had their case heard and a great number of them had their complaint dismissed. In this regard, it should be considered the reasons for dismissing and it relies mainly on the Regulation's scope. It can be reckoned that passengers, due to the inconvenience, may claim a compensation that is not in the contract of purchase or even surreal claims; however, this work did not analyse these possibilities since this part of the survey should rely strictly in the qualitative data. For the cases where the disruption was not dismissed, the amenities to be offered by airlines were, in most cases, offered, which follows the Regulation standards.

#### **6.4. Air Passengers Satisfaction and Air Passenger Rights**

For any company that delivers services, consumer satisfaction is highly regarded, and the feedback observed from the consumers ought to be taken into account. The survey carried out in this work brought many important results concerning this theme. When considering experiences of disruptions in the aviation sector, the participants' feedback was one of the priorities, because the use of ADR can be considered by the way the air transport company handled the disruption. Kantar (2020) provides an analysis of the consumer satisfaction with the way the transport company dealt their complaint and it was found that more than a half of the respondents were satisfied by the way their complaint was dealt, even though 37% of the respondents have had at least one disruption, but, again, this survey considers all types of transportation. For this work, the satisfaction is intimately related to receiving compensation, and it can be deduced that bad experiences are likely to cause a lower satisfaction level, though participants that got compensation might not feel satisfied with how the issues were handled. Despite not providing a precise answer for that reason, which could be

found if an interview was carried on, some possibilities can be lifted, as the distress caused by pursuing compensation and how the company gives support and inform passengers of their rights and complaint procedures.

The Regulation outlines in its scope many procedures to inform passengers regarding the occurrence of disruptions. More precisely in its sub-section 20, “Passengers should be fully informed of their rights in the event of denied boarding and of cancellation or long delay flights, so that they can effectively exercise their rights” (European Parliament, 2004, p.46/2). Nevertheless, as important as that is the information of APR before a disruption has happened as well. This gives a feeling of what to expect, what to do and to whom to complain when facing a disruption. Kantar (2020) reckons that the majority (66% on average in the EU) of their survey respondents are not aware of passenger rights in general, with only 14% being aware of APR.

Furthermore, from the same study, more than three quarters of the respondent had never read, heard of or seen information about passenger rights, with only 5% having answered “Yes” for air transport. The data obtained in this research states that six subjects answered they are somehow aware of APR in the EU. These numbers show that information is essential. The problem to overcome is how to make consumers aware of this information, how to publicise it and how airlines and regulatory bodies, like the Commission for Aviation Regulation, can increase the level of satisfaction by informing consumers properly about their rights. Considering that, according to this research data, the participants are prone to handle the complaint to the airline even if they had a bad experience with the disruption suffered. The easiest way to do it is to invest in publicising the pertinent regulation where APR is part of the scope, as it was shown in the report from the European Commission (2019) on the application of the Directive 2013/11/EU on the application of ADR for consumer disputes and the Regulation 524/2013 on ODR disputes. This information should be given in the act of purchase, even though there is actually information in the contract, but obviously only a small part of the buyers read the terms and conditions. The measure that can be

taken is to reinforce the specific regulations and the entities that support consumers. Airports are also the place where the passenger should get information through leaflets, screens and expand the investment in propaganda in TV, radio and, as nowadays every person has a smartphone, websites. Finally, a system of required feedback after the conclusion of the cases of disruption should be very helpful to understand what the points that need to be worked on according to the consumers.

### **6.5. Alternative Dispute Resolution for Air Passengers**

Alternative Dispute Resolution is highly regarded as an optimised way of dispute resolution, an alternative for the litigation process. At the beginning used in the diplomatic field, in the past decades it was observed a democratisation of ADR in general disputes. Its inherent characteristics, as cited in the ADR guide made by the Law Society of Ireland (2018), make its use extremely advantageous. With a series of advantages brought, as the ones cited by Raven (1988), ADR ought to be used in many types of conflicts, including the ones in the aviation sector. Not only ADR itself, but also ODR that also brings within many advantages over litigation have been largely used in Europe. Cortés (2011) remarkably points the evolution of ODR in Europe and its use for disputes. With that in mind, the European Commission recognises ADR and ODR and, with its report on the application of the Directive and Regulation 264/2013 for consumer disputes (European Commission, 2019). This report reckons that most disputes were related to air transportation in its ODR platform. So, after all this information, it is impossible to deny the importance of ADR and ODR.

The survey found that the awareness of ADR was very balanced, which means that, even with the growing of ADR in the past decades, there are still many people that do not know what it is and how the processes of resolution are, that is, mediation, arbitration, conciliation and negotiation. It is likely that the information about it is only acknowledged when facing a disruption, but the results show that, even in that way, many consumers are not aware of ADR as means to resolve disputes.

The results also outline an interesting finding: it seems that awareness of ADR is connected to awareness of passenger rights. Therefore, it can be concluded that when informing APR to consumers, they, in some way, also acknowledge ADR. It was not possible to observe this finding deeper since the sample was not significant and errors are inherent to quantitative data, but from the results collected, it is possible to have a rough idea of that. It leads to the possibility of using the strategies to remedy lack of awareness of APR as being also helpful to remedy lack of awareness of ADR, as does the Austrian AFP.

As mentioned before, the characteristics of Alternative Dispute Resolution bring many advantages that are useful when applied to a significant travel disruption. This can be proved when observing the results from the question 14 of the questionnaire. Almost 80% of the respondents that gave their opinion if they would engage in ADR when facing a major travel disruption would agree with this statement, which leads to the conclusion that ADR would thrive much more if more people were informed and consumers are rather open-minded to try it out. It would be interesting to ask, in further studies, if the participants have ever engaged in ADR before to see if they feel satisfied with the outcomes. However, if studies in this area are taken in consideration, such as reports from the AFP (2019), Kantar (2020) and the European Commission (2019), the results are very promissory. Still, it was found a lack of confidence towards ADR in the aviation sector, though the subjects of this research are keen to engage in ODR rather than a face-to-face meeting. Even though the research did not ask the reason for this choice, the advantages of ODR describe in the literature can give a gist for that, such as the convenience of time and procedures. In fact, for passengers that live abroad, like the seven that participated in this survey, ODR is more indicated if the airline does not have an office in their countries. Nevertheless, even that way it can be seen that people often choose the most comfortable way of dealing with disruptions. The results give 36% opting for an online dispute resolution platform. So it is important the work from the European Commission, such as described in the report of the application of ADR and ODR in Europe, because it shows that more

and more companies are being part of the ODR platform, more and more consumers are using this platform with a very satisfactory uptake by consumers. Perhaps the example of the Austrian AFP might be applied in the Irish case, for the procedures to be taken for making a complaint, as described in the sub-section 2.5 seems to bring good results for dispute resolution. In fact, the agility of the process of arbitration made by the AFP brought, in 2018, 79% of mutual agreement, with 43% of the cases resolved in only two weeks and an average time for conclusion in 39 days (Agentur für Passagier-und Fahrgastrechte, 2019). These numbers are very attractive if we consider that, in the same year, the Commission for Aviation Regulation only concluded the investigations in 19% on the first three months, and 59%, on the first seven months (Commission for Aviation Regulation, 2018), which shows that the fact the Austrian NEB relies on ADR to resolve disputes makes the procedures much faster.

The open questions were also crucial for this work, since the participants could give their opinion with more details. Regarding the question 16, the participants could describe the disruption suffered. For the reason that this question was not mandatory, the number of people that responded to this question was not high, but still, 48% were willing to share their experience. The problem found in this case was that, for a reason it was not an interview, some details could not be collected, though the general experience could be observed. The issues of cancellation and long delay are still a problem and cause of distress, even more because these inconveniences cannot be predicted, so a thorough compliance to the Regulation's instructions by the staff would be essential to keep high standards in this regard and, therefore, increase the level of satisfaction.

Finally, the study of the application of ADR in the aviation was found highly regarded for the participant that answered the last question, finding very applicable to explore and remedy arising matters. Unfortunately, precise question concerning the opinion on the application of ADR in the aviation was not made, but it would be interesting to see air passengers' opinion, mainly the ones that had experience ADR before.



## **6.6. Conclusion**

The results discussed in this chapter brought valuable information about three areas: air passengers profile and satisfaction, air passenger rights and inherent disruptions and Alternative Dispute Resolution on the view of air passengers. Despite the initial idea of having a set of interviews with both passengers and companies' representatives, the results found in this chapter could present data that matches with surveys found in the bibliography. A few recommendations were also exposed to enhance future works in this area as well as recommendations to overcome problems found such as information and application of ADR and ODR in this area. The literature was essential to support the results with theories that were in part tested, such as awareness of ADR, the application of Regulation's directives and advantages of Alternative Dispute Resolution and Online Dispute Resolution. New theories were also brought, such as the relationship between consumers' satisfaction and compensation and awareness of APR and willingness to engage in ADR in case of a major travel disruption. In spite of collecting good results, the size of the sample was a problem, because for quantitative data obtained through a survey, as big as the sample size as little the statistic error. Moreover, for being a survey, data could justify many of the answers and enhance critical analysis could not be provided, but overall the results seemed very satisfactory.

## **CHAPTER 7: CONCLUSIONS**

This work intended to relate the inherent causes of disputes within the aviation sector and the possibility to apply Alternative Dispute Resolution in this context. The aim of this work to find out customers' satisfaction in dealing with disruptions and their willingness to engage in ADR when facing a disruption in air travel. For that, it was needed to bring up the background of ADR in how it is applied, not only in this sector, but also in general, including reasons that made it thriving in the past decades. This background is essential to understand how the disruption could be resolved more effectively by using ADR. Concerning the customers, a survey was designed to collect the data needed for the analysis. Despite being also a study of satisfaction and awareness of APR and ADR, an interview, which was considered at first and not carried on due to difficulties to get in touch with airlines representatives, the survey brought valuable information to analyse trends in this sector. Overall, the participants that experienced disruptions in the aviation sector are young and rather frequent travellers and, when faced the disruptions, tried to get an agreement with the air transport company. However, most of them feel that the airline handled the disruption in an unsatisfactory way, even amongst the participants that got some compensation.

In the same way, they feel that they are not well informed regarding air passenger rights in the EU. It was observed that information about consumers' rights in this sector to passengers is connected with their satisfaction. This results and findings can be used to justify the application of new strategies to narrow the relationship passengers x airlines when a dispute arises, if this research is to be considered as applicable in studies of consumers' satisfaction.

Perhaps the most significant issue observed in this research was the fact that a big part of the respondents are not aware of APR as also observed in studies in this matter, even for frequent travellers. In spite of the efforts of ensuring regulations that support consumers by European entities and enforcement from NEBs, this problem ought to be tackled by, not only the entities themselves, but also the air transport companies.

The final part to be analysed for this work concerns ADR and ODR in this area. In fact, they are thriving and are more and more recognised as an efficient way of dispute resolution. It was observed that many countries are resorting to ADR in relation to aviation sector through the ECC platform and even applying it by NEBs, such as AFP. Also, the results of this research were quite balanced in relation to awareness of ADR, though, once presented the pros and characteristics of it, the participants, overall, felt that it might be a way of resolving their conflicts when facing a significant air transport disruption, since most part of the respondents would engage in ADR in case of a major travel disruption. It would be beneficial, in this sense, if a narrower partnership between airlines and National Enforcement Body, the Commission for Aviation Regulation is established, to create stricter inspections and new strategies to dispute resolution. Online Dispute Resolution was the most preferred way to engage in resolving a conflict according to the participants; therefore, the importance of this type of dispute resolution should be highly considered in further works in this area.

The findings in this research confirmed many trends observed in relevant studies in the aviation sector and the participants' opinions and experiences seemed to support further studies in this area. As governments in Europe facilitate the use of ADR, the aviation sector should not stay in the back of these trends, even more if ODR is considered. The increase of complaints handled by relevant entities that deal with APR is the reason why this work is important. Despite not being possible to prevent disruptions in this area, this work brought many ideas and areas where entities should be work on in order to get better results of satisfaction and, consequently, more use of their service.

There are a few recommendations to address and support the issues which arose as a result of the findings and discussions. Considering the research findings, it is recommended further research to be carried out in relation to air passenger satisfaction and applicability of Alternative Dispute Resolution in the aviation sector. A socio-demographic study should be incorporated in the following works in this matter to widen the results for customers' profile, including cultural

background and language difficulties for communication. Considering the survey, the inclusion of more detailed questions about the information of APR as a way to address how the participants were informed about it and how entities ought to tackle this matter in the participants' opinion. Moreover, it should be considered a more in-depth analysis regarding the possibility of further investments in the application of ADR in the framework of the companies and entities, asking these bodies if it is considered as a way to reach better results with more efficiency and increasing the level of satisfaction. Finally, as the Regulation's scope also includes persons with reduced mobility or special needs, it is essential to include these subjects to analyse their experience.

In conclusion, the exploration of experiences in this matter is important to understand how disruptions are handled and how the regulations are applied and enforced by the NEBs. With the growth of ADR in commercial disputes, this area could be developed even more to apply in this essential sector, and perhaps it can positively impact the future relationship between costumers and air transport companies.

## **REFLECTION**

This work was very difficult in my opinion to be carried on. There were many issues found throughout the process of researching that made me reflect on life itself. Despite being planned since the proposal in mid 2019, I found very difficult to start researching at the same time as dedicating myself on the college's modules and exams and my work. In fact, now I really admire the majority of college students in my country, where they study and work at the same time. I had never had this experience before during my graduation process because, first of all, my family had conditions to financially support me during the six years in the university, and also I worked as a researcher for the university which do not included physical work and I do here in Ireland. By the way, another difficulty found was the difference I felt as what I was accustomed studying in Brazil and what I started studying here. My background is Engineering and its approach in research is totally different from Law's approach. The analysis of experiences, finding patterns and develop theories in this area that I decided to try in this Masters were found challenging, but, in my opinion, I did my best to learn and overcome this issues.

At the beginning of my journey to research for this work I felt lost in many moments and the struggled brought by the difficulties found affected me psychologically I was only able to start something related to my research in the second month of 2020. After my first contact with the supervisor I felt much better and finally could work on hard to work on the literature and methods to be used in my research. However, as it is normal, I had to face many ups and downs during the research, mainly with the collection of primary data, which I had to change my approach because of the difficulty found to get information from different sources. With the break out of the COVID-19 pandemic the preoccupation with my own health and, mainly, my family's health in Brazil also affected me psychologically. Compared to Ireland, Brazil does not have a structured health system and being afar was motive of apprehension. However, I tried to use the time of quarantine to work harder in the designing of the survey and in contacting the participants. Thankfully, the respondents

where very helpful and my friends helped me to get in touch with people that experienced disruptions in this area.

The final weeks I worked as hard as I could to provide the best research I managed to deliver and, although I struggled to write in many moments, I was able to finish it in time for the submission. To help in this process of writing I started with therapy in the beginning of March, which was important for me to see this work as a way to reach my aims set for my life and to get the best I could to finish this work. Therefore, this work was essential to overcome my fears, to find strength that I did not I had, to leave my comfort zone and to see in a different perspective the process of researching.

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## **APPENDICES**

### **Appendix A: Consent Form**

The consent form was sent together with the questionnaire and the participants that agreed with the terms and conditions were able to respond it.

## **MA IN DISPUTE RESOLUTION SURVEY RESEARCH**

### **INTRODUCTION:**

I am José Luís Herculano and I am currently in the final semester in MA in Dispute Resolution at the Independent College, Dublin, Ireland. This questionnaire consists in 17 questions and it takes around 10 minutes to be completed. The purpose of this questionnaire is to analyse the relationship between customers and air travel companies and customer's experiences when facing a disruption.

### **PROCEDURES:**

You will be asked a series of questions relating to your experience when facing a disruption as air travel customer. Please answer the questions to the best of your ability.

### **BENEFITS:**

Your answer will contribute to a growing knowledge database and satisfaction research on the field of Alternative Dispute Resolution and Aviation Sector. Furthermore, it will contribute to a Masters student dissertation at the Independent College Dublin, Ireland.

### **CONFIDENTIALITY:**

All data will be kept confidential and no personal will be shared. Only the researcher and supervisor will have access to the information given. All data will be deleted after the conclusion of this work.

### **COMPENSATION:**

There is no direct compensation.

### **PARTICIPATION:**

Participation on this work is utterly voluntary; you can withdraw at any time by closing your browser.

#### QUESTIONS ABOUT RESEARCH:

You can ask anything regarding this research by sending an e-mail to XXXX@XXXX.XX.

I have read and understood the above consent form and desire of my own free will to participate in this study. (Required)

- Yes
- No

## **Appendix B: Questionnaire**

### **Questionnaire Questions:**

1. Full Name: (Required)
2. Age: (Required)
  - 18 – 29
  - 30 – 39
  - 40 – 49
  - 50 – 59
  - 60 – 69
  - 70 or more
3. Nationality: (Required)
4. E-mail contact: (Required)
5. Do you live in Ireland? (Required)
  - Yes
  - No
6. How many flights did you take in the past 12 months? (Required)
  - 1 – 3
  - 4 – 7
  - 8 or more
7. What kind of disruption did you face? (Required)
  - Cancellation
  - Delay (more than 2 hours)
  - Denied boarding
  - Upgrading or downgrading
  - Delayed, lost or damaged luggage

- Personal injury (on the board or in the course of embarking or disembarking)
8. Who did you complain to when facing the disruption? (Required)
- The transport company
  - A consumer association
  - A national authority responsible for passenger rights
  - A solicitor
  - An out-of-court dispute resolution body
  - Did not complain
9. What were the outcomes of the disruption? (Required)
- Accommodation
  - Food and drinks
  - Compensation for disruption suffered
  - Reimbursement of the cost of the ticket
  - Re-routing
  - Complaint not accepted
  - Other
10. How satisfied were you with the way it was handled by the company? (Required)
- Very satisfied
  - Rather satisfied
  - Neither satisfied nor dissatisfied
  - Rather dissatisfied
  - Very dissatisfied
  - No opinion
11. To what extension do you agree with the following statement? I have been informed about air passenger rights in the EU. (Required)

- Strongly agree
- Partially agree
- Neither agree nor disagree
- Partially disagree
- Strongly disagree
- No opinion

12. Considering your previous experience, to whom would you complain when facing a disruption? (Required)

- The transport company
- A consumer association
- A national authority responsible for passenger rights
- A solicitor
- An out-of-court dispute resolution body
- Would not complain

13. To what extension do you agree with the following statement? I am aware of what Alternative Dispute Resolution is. (Required)

- Strongly agree
- Partially agree
- Neither agree nor disagree
- Partially disagree
- Strongly disagree
- No opinion

Alternative Dispute Resolution consists in methods of conflict resolution that do not involve litigation. ADR is usually divided in four types: mediation, arbitration, conciliation and negotiation. In Alternative Dispute Resolution the parties involved try to reach a mutual and satisfactory

agreement by working together to present alternatives for resolution assisted by an independent and neutral third party. The processes are taken in a voluntary and confidential way and does not involve all the formality and bureaucracy of a courtroom, bringing many advantages as speedy procedures and cost saving.

14. To what extent do you agree with the following statement? I would engage in Alternative Dispute Resolution if I had a major travel disruption. (Required)

- Strongly agree
- Partially agree
- Neither agree nor disagree
- Partially disagree
- Strongly disagree
- No opinion

15. Amongst all methods of Alternative Dispute Resolution, which one of the options below would you prefer to engage? (Required)

- Face-to-face meeting
- Telephone
- Videoconference
- Online dispute resolution platform

16. If you wish, please share your experience when facing the disruption.

17. Do you have any comments regarding this research?

## **Appendix C: Transcriptions of Open Answers**

The subjects not listed herein did not respond any of the open questions.

### ***Subject #2:***

#### **Question 9**

*Other: They put me on a bus trip to the final destination and after my formal complaint, I got refunded.*

#### **Question 16:**

*I've chosen to travel by an Irish airline from Madrid to Porto, but my flight was cancelled 20 minutes before the departure time without any further information. I only discovered that it was cancelled because one email was sent to me saying the options that I could choose (rebook, cancel or refund). And then they put all passengers in a hotel and told us we would have to take a bus to Porto in the next morning because of the weather conditions. By the time I got in Porto, I went straight to the consumer desk at the airport and filled a form to claim my 100% refund and got it 3 weeks later.*

### ***Subject #3***

#### **Question 16:**

*They cancelled flight, I wanted re-rout flight so I texted them, since website didn't work properly. They told me reroute is not possible, but I'll get a refund.*

#### **Question 17:**

*No.*

### ***Subject #4:***

#### ***Question 16:***

*My flight was cancelled and I have to wait a day to get another one. I get in touch with the complain site of the company. Within 3 months they answered me and gave me a voucher with more than the law has determined.*

### ***Subject #5:***

#### **Question 9:**

*Other: I had my luggage back in 2 days*

### ***Subject #6:***

**Question 16:**

*I had to cancel a transatlantic flight for a serious personal reason and hoped that I could receive a refund based upon giving plenty of notice; however the world of business does not generally care about human matters.*

**Question 17:**

*Interesting area to examine. Too many companies are able to operate without being held accountable for various issues that arise to protect their vested financial interests. Thus, it appears that dispute resolution could be an applicable to explore to remedy arising matters*

**Subject #7:****Question 16:**

*I couldn't go to Italy because I twisted my ankle, so I tried to cancel the booking and get reimbursement, but I didnt get it. I rescheduled it and flew three weeks later.*

**Question 17:**

*No.*

**Subject #8****Question 16:**

*In 2019, I was travelling from Brazil to Ireland with British Airlines and my flight connection was in London. Once I arrived in Dublin, Ireland, I realised it was missing one of my luggages. I went to the customer service at the airport and they told me they've found the luggage but it was not in Dublin. So that I had to write down my full name, address and phone number because the luggage would to send me asap. In the next day, I received a call from the customer service and I received the luggage at home with no defect.*

**Subject #9:****Question 16:**

*I boarded a flight at 12am I spent three hours inside the plane until we were said that the flight wasn't going to take off. At 3am we were sent back to the airport. Neither no food nor water was provided and through a text message we were said they weren't able to book accommodation for us. We were left alone and whats worse, it was our responsibility to assure a place in the following flight which was supposed to take off at 12pm the next day. Of course that flight got delayed as well. I have spent 18hs in the airport with no assistance. I missed my day work and got no compensation from the airline.*

**Question 17:**



No.

**Subject #10:**

**Question 9:**

*Other: 250e compensation + rerouting in later flight.*

**Question 17:**

No.

**Subject #11**

**Question 9:**

*Other: Nothing*

**Question 16:**

*When flight was delayed unexpectedly all I did was wait patiently. It also happened to me a few minutes before boarding the gate number was changed and then you move around because you think you are late. It was unpleasant and stressful.*

**Subject #12**

**Question 17:**

No.

**Subject #14:**

**Question 9:**

*Other: My flight was delayed because of a wind storm. They offered the option to receive reimbursement or wait until normalization.*

**Question 16:**

*I faced a 5 hours delay due to weather conditions. When we're in the boarding queue, they informed that the flight would have to wait until the weather conditions have improved. It was a late night flight from the Shannon airport to London. They said that it would probably take three hours until a new boarding and those who didn't want to wait could go home and ask for reimbursement. As I paid only 20 euros for the return ticket, I decided to wait. Nothing else was offered to the ones that decided to wait. I remember be sleeping on the airport bench waiting for a boarding announcement. It was very inconvenient, but I felt it was not the company fault and I didn't complain about it.*

**Subject #15:**

**Question 9:**

*Other: Amount refunded in credit to use within 24 months.*

**Question 16:**

*I had to fill in an online form on Aircanada website to the amount paid. The have not provided yet, the minimum time to come back to me is in 6 weeks.*

**Subject #19:**

**Question 9:**

*Other: nothing*

**Question 16:**

*Flight company cancelled our booking with more than 2 weeks in advance and did not offer any refund or credit.*

**Subject #20:**

**Question 9:**

*Other: they found my luggage the following day. No compensation.*

**Subject #23:**

**Question 16:**

*It was unfortunate but I realise sometimes it's out of the company's control.*