



CONSUMER AFFAIRS

B E R M U D A

Promoting Confident Consumers and Responsible Traders

Consumer Goods & Services Travel and Hospitality Handbook

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1. Airline Cancellations and Delays

Depending on the airline you might be able to get compensation if your flight was cancelled or delayed. If your flight is cancelled or delayed it is important that you contact the airline so that you are made aware of what you may be entitled to.

1.1 Airline Delays

If your flight has been delayed, due to the fault of the airline, depending on the airline's policies and procedures you may be entitled to:

- Food and drink;
- Access to phone calls and emails;
- Accommodation if you're delayed overnight - and journeys between the airport and the hotel

If the delay is the fault of the airline, the length of the delay, the distance of the flight and the countries you are flying to and from will determine if you are entitled to compensation. As a general industry rule of thumb, the table below depicts the distances and delays needed in order to become eligible for compensation.

Flight Distance	Duration of Delay
Less than 1,500 km	2 hours
Between 1,500 km and 3,500 km	3 hours
More than 3,500 km	4 hours

If you are eligible for compensation the airline might give you vouchers as compensation while you are at the airport. Consumer Affairs advises that if you are subjected to a flight delay while you are at the airport that you ask someone who works for the airline for assistance if you are not offered any help.

If the airline offers to provide you compensation for the delay, Consumer Affairs advises that you keep all receipts for any expenses incurred as a result of the delay (i.e. food, hotel, taxis, etc.) and try to claim from the airline later. Airlines will likely only pay for "reasonable" expenses. Consequently, if you are granted compensation for a flight delay you are unlikely to get money back for alcohol, expensive meals or luxury hotels.

However, it is important to note that you are unlikely to get compensation if the delay was because of something outside of the airline's control (e.g. bad weather or a health risk or security risk).

1.2 Airline Delays of More Than 5 Hours

If your flight is delayed more than 5 hours, due to the fault of the airline, you may be entitled to:

- A full refund for the flight;
- A full refund for other flights from the airline that you won't use in the same booking, eg connecting flights and/or return flights;
- If you're part-way through a journey, a flight back to the airport you originally departed from.

If you have experienced a delay of 5 or more hours it is recommended that you talk to an airline representative to discuss the possibility of a refund. Industry methods of best practice dictate that you should get the refund within 7 days of the date of the flight.

If you do elect to take the flight, after having experienced a delay of 5 or more hours which is the fault of the airline, you may only be entitled to a partial refund. Consumer Affairs advises that you review the terms and conditions of the airline and determine their approach to compensation for delays due to their fault.

1.3 Airline Cancellations

If your flight is cancelled you have the right to either:

- A full refund - including other flights from the airline that you won't use in the same booking such as onward or return flights;
- A replacement flight to get you to your destination; or
- A replacement flight to your originating destination.

If you have to wait long enough for your replacement flight, the airline may be obligated to help you with the expenses you incur as a result of their cancellation. Such expenses may include:

- Food and drink
- Access to phone calls and emails
- Accommodation if you're delayed overnight, as well as journeys between the airport and the hotel

The airline might give you vouchers to cover your expenses while you are waiting at the airport for your replacement flight. Consumer Affairs advises that you inquire with an airline representative at the airport if you're not offered anything following confirmation of the flight cancellation.

If the airline does not give you help at the airport, Consumer Affairs advises that you keep receipts for your expenses and try to claim from the airline later. Airlines only pay for "reasonable" expenses. If you are granted compensation for a flight cancellation you are unlikely to get money back for alcohol, expensive meals or luxury hotels.

If you are part-way through a journey (i.e. your connecting flight is cancelled) and you do not want a replacement flight, you have the right to a replacement flight back to the airport you originally departed from.

In this circumstance Consumer Affairs advises that you ask for a refund or replacement at the airport if you can. If not, you can claim from the airline later. You also have a legal right to:

- Help with costs - if the cancellation delays you 2 or more hours
- Compensation - if you'd be delayed 2 or more hours by the replacement flight offered and you were given less than 2 weeks' notice

Consumer Affairs advises that you review the terms and conditions of the airline and determine their approach to compensation for delays due to their fault.

1.4. Travel Agent Cancellation

If your booking was for a package holiday Consumer Affairs advises that you contact the company or travel agent that arranged or facilitated the purchase of your travel arrangements and request clarity as to how you may obtain a refund.

1.5 Personal Cancellation Due to Covid-19

You might not want or be able to travel if for example:

- You have to self-isolate;
- You have to quarantine; or
- Coronavirus restrictions change in the place you're visiting.

If the company doesn't cancel your booking, you can ask for a refund but you don't have an automatic right to one. Check the terms and conditions of your booking to see what you can do.

You can find out if your travel is affected by coronavirus restrictions on the Bermuda Tourism Authority's official website. Consumer Affairs advises that you also check the foreign travel advice on the Government of Bermuda's official website.

Remember coronavirus restrictions and government advice might change before you travel or while you're away.

Tell the company if the government advises that travelling to a country will put your health or safety at risk. This might help you argue for a refund. If the company won't give you a refund, it's usually better to wait and see if they cancel the booking later. If they cancel the booking, they should refund you.

2. Post COVID-19 Travel Tips

If you are unable to travel because of the Covid-19, you might be able to get a refund or choose to rebook your existing travel arrangements for another time.

Consumer Affairs advises that you check the website of the company you booked with and review any emails you've received from them as they might have a coronavirus refund policy.

Given the impact Covid-19 has had, and continues to have on the travel industry, Consumer Affairs advises consumers to consider the following tips when travelling:

1. Download and use the app of the airline you are flying with. You can do everything on it (i.e. get your boarding pass, track your bags, inform you on cancellations, see your incoming plane and change a flight). This will help you avoid waiting in long lines to talk to an agent. Usually these apps will inform you of a flight cancellation before the flight crew are made aware.
2. Schedule your flights earlier than you need to; sometimes even a whole day early if necessary. Due to unforeseen delays and cancellations many consumers are missing important events like weddings, funerals, cruises, international connections and graduations. If you have to be somewhere by a specific time and date, Consumer Affairs advises that you spend the extra money, if you can, to ensure that you arrive at your destination **early; even if it means arriving a day early**. If you are at the airport longer than usually have something to eat and relax. If you arrive a day earlier stay in a nearby hotel and experience the local sights and activities. It is better to arrive early than to face the stress and anxiety associated with missing the purpose of your trip entirely.
3. If possible schedule your flights first thing in the morning so that way you have more rebooking options if your flight, or connection flights are cancelled. This may mean you will have to consider booking at 3:00am flight. Additionally, early morning flights less likely to experience delays or be cancelled.
4. Schedule longer layovers. With the number of delays and cancellations now being observed in international travel a one hour layover is not enough of a buffer in the event you have to experience a cancellation and have to rebook a flight. Consumer Affairs advise that, where possible, you try to schedule 3 hour layovers to ensure that you are equipped to be able to respond to unforeseen events.
5. Airlines are currently understaffed and overworked. This includes not only pilots and flight attendants but also ground crews. Without ground crews there is no one to park the planes, drive jetways, load and unload baggage or scan boarding passes.

Due to being understaffed this has contributed to many of the delays currently experienced by consumers of airline service providers. Given the current understaffing of airlines, and the potential for delays, this is further reason to make sure you schedule your flights earlier with longer layovers.

6. Given the potential for delays and the likelihood of experiencing stress and anxiety, Consumer Affairs advises consumers to always **exercise their manners** when dealing with airline staff. Airline staff are overworked and stress themselves. Failure to remain polite and courteous with airline staff will likely result in the airline staff refusing to provide assistance and elect to assist other passengers than **show respect**. Airline staff are people too.
7. Consumer Affairs advises consumers to refrain from public intoxication as being drunk on an airplane is considered a federal offense in the United States of America. If you do decide to drink alcohol while travelling on airlines, Consumer Affairs advises consumer to consume alcohol responsibly. If you drink too much at the airport bar while waiting for your flight (i.e. due to a delay or long layover) you are putting yourself at risk of not being allowed on the plane and **not eligible for a refund**.
8. Given the possibility of delays, and the increasing cost of travel, Consumer Affairs advises consumers to spend the extra money to obtain travel insurance. Although travel insurance will result in additional travel expenses, it is better to have a measure of security than face the risk of losing all of the money you have invested into a trip. Many times airlines are not responsible for refunds if the delay or cancellation is outside of their control (i.e. a *force majeure* event that is unforeseen and outside of their control, such as a weather delay).
9. Given the pent up demand for travel, Consumer Affairs has observed that **many flights quickly become full**. This can cause issues for families that book their travel last minute and wish to sit together. To **ensure that your party can sit together** while travelling, Consumer Affairs advises consumers to book their flights in advance and as soon **as it becomes available select their seats on the airline**. Once the seats on the airline are allocated to passengers airline staff will likely be unable to rearrange the seating of the airline to accommodate your request.
10. Beware cheap seats and the possibility of airlines being **oversold**. If you use a third party website to purchase cheap/discount seats (i.e. Expedia, Kayak, Hotwire, etc.), and the airline is overbooked and **no one volunteers to give up their seats**, the airline will likely elect to **bump the passengers that purchased the cheap/discount seats first**.
11. Prior to arriving at the airport Consumer Affairs consumers to take a shower, brush your teeth, avoid using fragrant sprays (i.e. cologne, perfume, body spray), pack a sweater and an extra set of clothes in your carry-on bag.

In the event that you are subjected to a delay or cancellation, there is the possibility that your check-in bags were on a separate flight that has already left. Always be prepared for the possibility that you might have to overnight somewhere other than your final destination.

3. Claiming Compensation for Cancellations

If your flight is cancelled, depending on the terms and conditions of your airline, you may be entitled to compensation if the cancellation of your flight is the airline's responsibility, and **both of the following criteria apply**:

- The replacement flight delays your arrival by 2 or more hours; **and**
- Your flight was cancelled less than 14 days before departure

The amount of compensation you may be entitled to depends on:

- When the flight was cancelled (i.e. 7-14 days before, the day of departure, etc.)
- The distance of the flight;
- The length of the delay; and
- The departure and arrival times of the rescheduled flight

If the above criteria are satisfied Consumer Affairs advises that you review the terms and conditions of the airline and submit a claim with the airline to get compensation.

Once you have reviewed the terms and conditions of the airline, and you have confirmed you are entitled to compensation, Consumer Affairs advises that you contact the airline as soon as reasonably possible. The airline's customer services department will usually help. Consumer Affairs advises that you be prepared to provide all of your flight details, booking reference numbers and proof of purchase.

Once you have spoken to the airline's customer representative, it is advised that you follow-up with a written claim. In your written complaint it is advised that you state what went wrong and what you want the airline to give you.

In support of the complaints process, secure all supporting documentation and records of correspondence between yourself and the airline. Consumer Affairs advises that you take notes of who you have spoken with from the airline as this could be useful if you decide to take your claim further.

If you've asked the airline to compensate you, and they refuse to provide you with appropriate compensation, it is advised that you contact Consumer Affairs and submit a formal complaint.

Alternatively, if you have travel insurance you might be able to claim from your travel insurance provider. It is at this stage Consumer Affairs notes the value of the protection travel insurance may afford you as a consumer. Consumer Affairs advises that when you seek to obtain travel insurance confirm whether the insurance provider covers cancellations.

3.1 Vouchers vs Refunds

When seeking compensation for a delayed or cancelled flight it is usually best to ask for a refund instead of an airline voucher. When you contact the airline it is recommended that you ask whether you are able to choose between the two options.

If you are thinking of accepting a voucher, Consumer Affairs advises that you review the terms and conditions of the voucher and make note of the following conditions:

- When the voucher expires;
- What limitations are restricting the use of the voucher; and
- Whether you can change your mind later and get a refund

3.2 Refund Delays

If you are experiencing delays in obtaining a refund (i.e. longer than 7 days) Consumer Affairs advises that you contact the airline and ask how long the refund will take. It is worth telling the airline if you need the money urgently (e.g. if you've lost your job).

If the refund takes longer than the airline or travel agency said it would take to reimburse you, it is advised that you submit a formal complaint with the airline; either orally and/or written. If after submitting a formal complaint you have not received the refund, contact Consumer Affairs and submit a formal complaint so that Consumer Affairs may assist with resolving the matter.

3.3 Refund Refusals

If the airline or travel agency refuses to provide a refund, and you have travel insurance, it is advised that you check your insurance policy to confirm whether you can make a claim. To confirm whether you can make a claim you could either read the terms and conditions of your insurance policy or contact the insurer and speak to a customer service representative directly. If you claim on your travel insurance policy you might have to pay an excess fee or a higher fee for travel insurance with the insurance provider in the future.

If you booked airline travel arrangements on behalf of someone else you might not be able to claim back the monies paid unless they are also named on your insurance policy (i.e. you booked travel arrangements for yourself and your children and partner). In this circumstance it is advised that you ensure the individuals that you have booked the travel arrangements for are also named on the insurance policy as beneficiaries.

Alternatively, if you are unable to make a claim on your travel insurance policy you could check if you can get a refund if you paid by card or PayPal instead. You can try to get a refund from your card provider at the same time as starting your insurance claim. You can only get a refund from one of them - if you keep the money from both it could be fraud.

3.4 Refunds and Bankruptcy

If the airline or travel agency you booked with has gone out of business you should check if your booking will still go ahead by either:

- Checking the company's website; and/or
- Calling or writing to the company

If you booked with a travel agent, you should contact the other companies your travel is with (e.g. your flight or hotel provider).

4. Travel Insurance

Travel insurance can give you extra protection if your holiday doesn't go as planned. It is particularly important to take out travel insurance if you are travelling independently because you may find yourself stranded with no way to get home and no-one to help sort out your holiday problem.

Travel insurance can protect you against the following events:

- Cancelling or cutting short your trip for reasons beyond your control;
- Missed transport or delayed departure for reasons beyond your control;
- Medical and other emergencies;
- Personal injury and death;
- Lost, stolen or damaged items, including baggage, passports and money; and
- Accidental damage or injury caused by you.

If you don't have travel insurance you will have to pay out of your own pocket to deal with a problem while you're away. Or you may lose money if you have to cancel a trip and can't get your money back. This could cost you thousands of pounds.

4.1 Availability of Travel Insurance

Travel insurance is widely available. You can buy travel insurance from:

- Insurance companies;
- Banks;
- Travel agents;
- Airlines; or
- Holiday companies.

Sometimes travel insurance might be included as an extra service offered through your existing financial service provider. Consumer Affairs advises that you contact your service provider to confirm the existence of insurance services, the cost associated with insurance coverage and the scope of coverage.

Your travel agent may offer you travel insurance as part of a package holiday. You can opt for this type of insurance if you want to but you don't have to buy this insurance as it is likely that you may be able to obtain better insurance at a better price from a licensed insurance provider. The travel agent is breaking the law if they try to make you take it out or charge you more for your holiday because you refuse to accept it. If this happens contact Consumer Affairs for guidance.

4.2 Before You Buy Travel Insurance

Before buying travel insurance it is important to consider the following:

- Where you are travelling;
- How old you are (i.e. there may be special policies for older travellers over the age of 65);
- How often you travel (i.e. if you travel several times a year, it may be better to buy an annual travel policy rather than several single-trip policies).
- What you'll be doing while you're away (i.e. may need extra coverage if you're taking part in adventure sports);
- Whether you are travelling independently or on a package holiday (i.e. a package holidays usually offers greater protection if things go wrong with transport or accommodation so you may not need to make a claim on your travel insurance); and
- How you are travelling (i.e. cruise lines and budget airline flights may not be covered by some insurance policies).

Your travel insurance should always include the following cover:

- Medical expenses and cover for getting you home if you're injured or fall ill abroad;
- Personal injury and cover for accidents or damage caused by you;
- Cover for lost or damaged items;
- Cover for lost or delayed baggage; and
- Cover for cancellation or missed departure.

How much you pay for your insurance will depend on the amount of cover you're likely to need. Additionally, Consumer Affairs advises that you check if your household contents insurance policy covers you for items you take away from home. If it does, you could choose a larger **excess** on your travel insurance policy.

Before you purchase travel insurance policy you should shop around to compare available travel insurance policies. The cheapest policy may not offer best value for money so it is important to confirm the scope of the policy as well as how much the policy costs. If you have particular needs it may be better to find an insurer that offers specialist cover.

4.3 Making a Claim

Consumer Affairs advises that when you are travelling that you make sure you take your insurance policy number and the emergency contact details away with you to ensure you can make a claim while travelling. In the event you face an emergency you will know exactly who to speak to if you have a problem and it can be dealt with as quickly as possible.

If you need to make a claim on your travel insurance policy when you get home, Consumer Affairs advises that you check the following things before you send off your claim:

- That you are within the **time limits** for making a claim;
- That you are covered for what you're claiming for;
- That you confirm how much the **excess** is; and
 - the “excess” is the amount of money that your insurer will take off the claim. It may not be worth making a claim if the amount you're claiming for is less than this
- That you review the **small print** in your insurance policy.
 - Consumer Affairs advises that you confirm that there is nothing in the terms and conditions that prevents you from claiming

Upon returning home Consumer Affairs advises that you contact your insurer as soon as possible and ask them to send you a claim form. The insurance provider may be able to email this to you to speed things up. Upon receipt of the claim form Consumer Affairs advises that you complete claim form carefully and keep a copy for yourself at the same in which you submit the completed claim form.

In support of your insurance complaint Consumer Affairs advises consumers to include copies of all evidence that will support their claim (e.g. receipts or medical certificates). Consumer Affairs advises that you keep copies of the original evidence provided in a safe location in case your claim is queried or refused.

Upon receipt of your insurance claim your insurer may ask if you have other insurance that may cover the claim. In this circumstance you will need to let them know if you have other insurance that may also offer cover your claim (e.g. home contents insurance).

If your belongings are lost or stolen while you are travelling abroad Consumer Affairs advises that you tell the local police within 24 hours of the items going missing. If this is not possible, Consumer Affairs advises that you tell someone else (e.g. such as your tour rep, hotel manager or transport provider) and get a written report in support. If you have to replace essential items (e.g. toiletries or emergency clothing) Consumer Affairs recommends that you ask for and keep all receipts to send to your insurance provider as evidence in support of your claim.

If you need medical treatment while you are away, Consumer Affairs advises that you try to contact your insurer straightaway and get them to agree to the medical treatment while abroad. Consumer Affairs advises that you contact your insurance provider before the medical treatment is carried out, although Consumer Affairs appreciates that this may not be possible in an emergency.

If you require medical aid while travelling abroad, you may have to pay up-front for medical treatment and claim the cost of medical treatment when you return home. Consumer Affairs advises that you always make sure you get receipts for any treatment or medication you are given.

If you did not tell your travel insurer about any pre-existing health condition before you took out the insurance policy, you may not be covered if you need treatment for this health condition while you are away. Additionally, you may not be able to claim for the cost of any medication that you usually need and may have to take while you're travelling.

Travel insurance should cover you for pregnancy if you are in normal health. However, some airlines won't let you fly if your baby is due within a few weeks.

If you need to make a claim because you have cancelled or shortened your trip, your insurer will likely only accept your claim if you have a good reason for doing this. Good reasons for the cancellation or shortening of your trip may include:

- Unexpected death, illness or injury of you, your partner or people travelling with you;
- A fire, burglary or unexpected damage happens to your home;
- You're made redundant;
- You're pregnant and are advised not travel after you took out the insurance; and
- You're called for jury service or as a witness in court.

If you have to come home early your insurer will usually only refund any extra travelling costs and the cost of any unused time in your holiday accommodation.

4.4 Travelling Alone

When travelling alone you cannot rely on a hotel representative or tour guide to help you if you have a medical emergency so it's especially important to have medical insurance. Without insurance medical emergencies abroad can cost thousands of dollars.

If you have travel insurance Consumer Affairs advises that you contact your insurance company if you have a medical emergency. Your insurance policy should have given you an international number that you can use to get in touch with your insurers. Your call will usually be dealt with by an assistance company which is appointed by the insurer to arrange the necessary medical treatment.

4.5 Third Party Fault

If you think your illness or accident was caused by your hotel or accommodation you might need to think about making a personal injury claim. However, as an independent traveller it can be very complicated and expensive to make a personal injury claim.

You are unlikely to be able to make your claim in a Bermuda court. Instead, you will probably have to make a claim in the country where your accident occurred or where you became ill. If you are thinking of making a claim for an accident you had on holiday, Consumer Affairs advises that you get legal advice.

4.6 Insurance Claim Refusal

If you have an insurance claim refused by your insurance provider, it is important to check the small print in your insurance policy to make sure that you are covered for your claim. An insurer may refuse to pay out some or all of your claim because:

- You have an **excess** on your policy. The excess is the amount of the claim that the insurer won't pay at all;
- You have an **exclusion** on your policy. Exclusions are things for which you're not covered and usually found in the small print;
- You've been overcharged for what you're claiming for. An insurer will only refund reasonable costs. If these are too high, you may have to pay for part of them yourself;
- You didn't take reasonable care. For example, if you left bags unattended or gave them to someone you didn't know and they go missing, the insurer may refuse to pay out;
- Your cover does not replace new for old. Insurers may pay out less than you're claiming for, to allow for wear and tear of your belongings;
- You left valuables in checked-in luggage; and/or
- You didn't tell the insurers about a pre-existing medical condition when you bought the insurance.

If you think that you are covered, and you are of the view that your insurer is acting unfairly, Consumer Affairs advises that you file a written complaint against the insurer. Your complaint should outline what term or condition in your insurance policy you are relying on when you made your complaint and communicate how you would like the matter to be resolved.

You should give the insurer up to 8 weeks to reply to your complaint. If they don't come back to you, or you don't agree with their response, you can ask for a **letter of deadlock**. A letter of deadlock confirms that you and your insurer have been unable to reach an agreement. You can then take your complaint to the **Bermuda Monetary Authority**. The Bermuda Monetary Authority will look into your complaint and make a decision.



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