Transportation

Know Your Rights Alberta – Legal Information Handbook

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CNIB

Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal issue, contact a lawyer.

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My Legal Rights

Q: What legal rights do I have when it comes to transportation in Alberta?

A: Under Alberta laws, people with disabilities have important legal rights when it comes to transportation:

- You have the right to have a **level of access equal to** anyone else regarding transportation services, without discrimination because of your disability.
- You have the right to receive **accommodations** for your disability from a transportation provider up to the point of **undue hardship**.
- You cannot be denied services or denied access to spaces that are normally available to the public because you are accompanied by a guide dog.

Duty to Accommodate & Undue Hardship

A transportation provider's "**duty to accommodate**" means they are legally required to take steps to provide you with the supports you need to have a level of access to their transportation service that is equal to anyone else.

The duty to accommodate has a limit and this limit is called "**undue hardship**." Undue hardship is a legal term. It means that if a transportation provider can show it would be too difficult for them to provide you with a certain type of accommodation, then they do not have to provide it.

It is important to note it is **not enough** for an employer to **simply claim** undue hardship. An employer **must show clear evidence** of undue hardship, which can relate to factors such as:

- The cost of the accommodation, if the cost is so high that it would significantly interfere with the transportation provider's ability to operate their business.
- The accommodation would create serious health and safety risks for the transportation provider's operations.

Even if a transportation provider shows that a certain type of accommodation will create undue hardship, they may still have a legal duty to provide you with the next best type of accommodation, such as ordering transportation for you and requesting that it be provided as a priority response.

Q: Where do my legal rights come from?

A: Your legal rights come from a variety of different laws, including:

- **Alberta Human Rights Act**, which prohibits discrimination based on disability in most areas of public life, including public transportation services within the province.

- The **Canadian Human Rights Act**, which prohibits discrimination based on disability in most areas of public life where the federal government has authority, including airlines and inter-provincial transportation.

- Alberta's **Blind Persons' Rights Act**, which prohibits denying services or facilities generally available to the public to a blind person accompanied by a guide dog or to a certified dog-trainer accompanied by a dog in training.

- The **Canada Transportation Act** and its **Accessible Transportation for Persons with Disabilities Regulations,** which govern federally regulated transportation providers and outline accommodations that people are entitled to when accessing a federally regulated form of transportation.

- The **Canadian Charter of Rights and Freedoms**, which guarantees equality of the law including equal benefit of the law without discrimination.

- Alberta's **Traffic Safety Act**, which governs the vehicle licensing process, the classification of vehicles and the use of public roads in Alberta.

- Alberta's **Transportation Network Companies Regulation** (under the **Traffic Safety Act**), which regulates the use of ride-for-hire services such as Lyft or Uber in Alberta. Note that both ride-for-hire companies and taxi companies are also regulated at the municipal level.

- Depending on the type of transportation, **other federal or municipal laws may apply.**

Q: Who must comply with Alberta's transportation laws?

A: Transportation providers are required to comply with federal and provincial human rights laws, and provincial transportation laws. They are also subject to municipal bylaws in the community that they serve. This includes:

- Transportation providers and staff employed by businesses, organizations, and government services that provide transportation in Alberta.

- Businesses and organizations that provide transportation services in Alberta.

- Municipally and provincially operated transportation services in Alberta.
- Interprovincial transportation operators must comply with provincial laws when operating within Alberta borders, as well as within federal human rights law.

Q: What can I do to enforce my legal rights?

A: If you feel you have been discriminated against when accessing or trying to access a transportation service, there are things you can do to stand up for yourself.

In general, you should first try to resolve your concerns by speaking with the people and organizations who are directly involved in an informal and collaborative way.

If you need help addressing an accessibility barrier or need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support **here**.
For additional resources on self-advocacy, review the **Self-Advocacy & Essential Legal Information Handbook** on the Know Your Rights website.

Your legal options depend on which level of government has authority over the type of transportation service you're concerned about:

Summary of Transportation Services

Federally Regulated

- Air (such as flying from one province to another)
- Rail (such as travelling by train from one province to another)
- Marine (such as travelling by boat between provinces through a waterway, such as the Great Lakes St. Lawrence Seaway System)
- Interprovincial highways (such as using a coach bus service to travel between provinces)

Provincially Regulated

- Provincial highways

Provincially and Municipally Regulated

- Local public transportation, including paratransit

- Taxis
- Rideshare services

It is important to note that this is a general overview, and exceptions may apply. You may wish to confirm with the transportation provider, or get independent legal advice, before making a complaint regarding discrimination and transportation.

If your concerns can't be addressed through collaborative discussions, you may want to consider:

- A complaint to the **Canadian Human Rights Commission** or the **Canadian Transportation Agency** (for federally regulated transportation providers)
- A complaint to the **Alberta Human Rights Commission** (for provincially or municipally regulated transportation providers)
- You may also consider contacting your local municipality about licensing or bylaw enforcement issues.

You do not need to hire a lawyer to make these complaints but may wish to consult with one if your complaint is not resolved or to determine other options that may be available to you.

Did you know…
Alberta and Prince Edward Island are the only two provinces who have not yet enacted accessibility legislation. Organizations, such as **Barrier-free Alberta**, are advocating for strong and effective accessibility legislation. The goal is to have legislation in place by 2025.

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to having an equal level of access to transportation services.

This section describes barriers that are commonly experienced and suggests practical next steps. Keep in mind that, in most situations, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

Public Transportation

Q: The buses that I use are inaccessible. For example, they tend to lack audio signals that identify stops, the drivers do not reliably assist me and drive by me on occasion, and at times, the signage and location of the bus stops makes them difficult to find. What can I do?

A: To get immediate assistance when on board, approach the driver (or other transportation service staff members) and inform them about your sight loss. Explain what problems you are experiencing and what assistance you require in as much detail as possible. When you disclose your disability to a staff person, you trigger that transit provider's legal duty to accommodate you to the point of undue hardship.

You can ask for different kinds of assistance – for example, staff could help you by:

- guiding you to a seat
- helping load or unload bags
- announcing stops
- advising you of any hazards or safety issues when exiting the vehicle

In most cases, staff are required to assist you because it is very likely that requests like this do not amount to undue hardship for the transit provider.

If staff have problems with your requests, consider reminding them of their legal obligation to accommodate you, to the point of undue hardship, so you can have an equal level of access to transportation services as anyone else.

If you have exhausted these options, and the transportation service provider continues to take the position that they cannot accommodate you, you may wish to consult with a lawyer to obtain independent legal advice regarding your specific circumstances. You may also find it helpful to contact the **Alberta Human Rights Commission**, the **Canadian Human Rights Commission**, and/or the **Canadian Transportation Agency** for information and direction.

Ongoing Advocacy

To advocate for a more permanent solution, you will likely need to learn more about the transit provider – for example:

- Why have they not upgraded their vehicles to provide audio signals?Why does it seem like their staff are not well-informed about their legal obligations and not properly trained to provide accessible customer service?

If you need help addressing an accessibility barrier or need individual advocacy support, CNIB may be able to help. CNIB advocacy support services are available to give you the tools and resources you need to take action and confidently advocate for yourself. Submit a request for one-to-one advocacy support **here**.

For additional resources on self-advocacy, review the **Self-Advocacy & Essential Legal Information Handbook** on the Know Your Rights website.

Q: When using an accessible transportation service, the booking and scheduling process is inflexible. I have limited control about when I arrive and depart from my destination. What can I do?

A: Inflexible ride schedules can be frustrating. It helps to schedule your ride as far in advance as possible to ensure you are prioritized in the queue. If the service runs on a strict schedule that does not accommodate your needs, consider calling them and asking about alternative ride options. It may be possible for them to adjust their schedule.

Q: I often encounter barriers when trying to use a transportation service. I'd like to make a complaint, but I don't know where to start. What can I do?

A: As a first step, voice your concerns to the transportation provider. Many large public transportation providers have a designated person responsible for accessibility who can assist you.

When you speak with an employee or representative of the transportation provider, explain what problems you are experiencing and what assistance you require in as much detail as possible. When you disclose your disability to the transportation provider, you trigger that organization's legal duty to accommodate you to the point of undue hardship.

If this does not help, you can gradually escalate your complaint – for example, to higher levels of management or to an official complaint process.

If you have exhausted the options outlined above, and the transportation service provider continues to take the position that they cannot accommodate you, you may wish to consult with a lawyer to get independent legal advice regarding your specific circumstances. You may also find it helpful to contact the **Alberta Human Rights Commission**, the **Canadian Human Rights Commission**, and/or the **Canadian Transportation Agency** for information and

direction. Your legal options will depend on **which level of government has authority** over the type of transportation service you're concerned about.

Taxis and Rideshares

Q: I was denied access to a taxi because I am accompanied by a guide dog. Are there any circumstances where I can be denied access to a taxi because I have a guide dog? What can I do?

A: Most of the time, drivers of public vehicles in Alberta (including taxis and rideshares) are legally required to transport guide dog handlers **and** their guide dogs.

A driver of a taxi can **legally** deny you and your guide dog access if the driver can prove it would cause them undue hardship. Examples include:

- A driver who has a **serious** medical condition that prevents them from working with dogs.
- A driver who has a **genuinely** held religious belief that prevents them from being near dogs.

It's important to know that even if a driver has a valid legal reason for denying you service, they and their parent company are **still legally required** to provide you with the **next best** accommodation. For example, the next best accommodation could be for the driver to arrange for another vehicle to assist you immediately and to wait with you until that other vehicle arrives.

CNIB has developed a **Tip Sheet for Ordering a Taxi or Uber** that describes some practical steps you can take to reduce the risk of a bad experience. If you are still denied access because of your guide dog, there are many ways you can stand up for your rights.

First, consider making a formal complaint with the taxi company. You will likely need to contact them by phone to learn about their non-discrimination policy, and the consequences for a driver who violates the policy.

As a result of your complaint, the driver may face a range of disciplinary measures, including being prohibited from continuing to work for the company.

If your matter remains unresolved, you may want to consider other options such as:

- a complaint to the **Alberta Human Rights Commission**
- contact the police, using the non-emergency line, to seek enforcement of the provincial offence set out under the **Blind Persons' Rights Act**

- a complaint to municipal by-law enforcement (if the municipality licenses the taxi company)

Here's an example of a **successful complaint to municipal by-law enforcement in Ottawa from February 2019.** In this instance, the Uber driver was charged with a bylaw offence, after refusing a ride to a blind person.

Q: When ordering a rideshare or taxi through an app, I worry about the possibility of getting into the wrong car, as my sight loss prevents me from being able to match the numbers/letters on the physical licence plate with the numbers/letters provided in the app. What can I do?

A: When you schedule your ride, consider advising the ride service of your sight loss. Ask for the name of the driver, and/or the license plate. Provide them with specific instructions about where to find you, and how to contact you when they have arrived.

When the driver arrives, ask them for their name, the licence plate number, and the person they are picking up. Compare it with what your app is telling you. Rather than asking "Are you X?" or "Is your licence plate number Y" or "Are you here to pick up Z?", ask the driver open-ended questions and let them answer. For example, "What is your name, license plate and the name of the person you're picking up?"

Some accessibility features offered by **Uber**, such as IOS VoiceOver, Android TalkBack, and wireless Braille display, may be of some assistance.

Rather than using the GPS function for your pick-up location, consider manually entering a more specific location and include detailed instructions. If VoiceOver is available, you will receive a notice that will be read aloud when your driver arrives.

You can also use the "contact your driver" feature to communicate with your driver and suggest ways to spot you. For extra peace of mind, Uber allows you to share your ride details with loved ones, including a specific route and estimated time of arrival. According to Uber, friends or family members will receive a link where they can see the driver's name, photo, and vehicle information, and track where the rider is on the map in real time until they arrive at their destination – all without downloading the Uber app.

Q: When I arrange a pick-up from a taxi or rideshare, I worry that the driver won't be able to identify me. What can I do?

A: When you are scheduling the pick-up, consider telling the taxi company that you have sight loss, and you will need the driver to physically guide you (or provide some other

accommodation) to help you locate or access their vehicle. It may be helpful to arrange for a very precise pick-up location, so there is less room for error.

While you are not required to disclose your disability to a taxi or rideshare company when scheduling a ride, sharing this information and requesting help triggers the company's duty to accommodate you to the point of undue hardship. The company and driver are then required to take the necessary steps to ensure that you receive an equal level of access to their service as anyone else.

Air Travel

Q: When attempting to travel by air, I was denied accommodations and was treated poorly by airport and airline staff. What can I do?

A: Airline companies, such as **Air Canada** and **WestJet**, provide online information about their accessibility services and policies. The **Canadian Transportation Agency** also dedicates a section of its website to **Accessible Transportation**, which includes **Standards and Guidelines for Accessibility.**

You may wish to review these policies and resources in advance of travelling to confirm what you are entitled to. You may also consider contacting the airline in advance of your travel date to advise them of your need for accommodation in as much detail as possible.

Air travel is regulated by the federal government. Persons with disabilities have a right to equal access to federal transportation services. If your requests for accommodation are denied and/or you are treated poorly by airport/airline staff, you may wish to take the following steps:

- **Contact the Canadian Transportation Agency** to discuss the issue, and/or file a complaint.
- **File a complaint with the Canadian Human Rights Commission.**

Here is an example of a **successful complaint to the Canadian Transportation Agency** dealing with wheelchair accessibility. The CTA makes it clear that transport companies must make best efforts to accommodate persons with disabilities.

Web: cnib.ca

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Toll Free: 1-800-563-2642