

Transportation

Know Your Rights – Legal Information Handbook

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Disclaimer

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

Acknowledgements

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My Legal Rights

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

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

- You have the right to have an **equal level of access** as anyone else to public transportation services, without discrimination because of your disability.
- You have the right to receive **accommodations** for your disability from a public 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 public transportation provider's "duty to accommodate" means that they are legally required to provide you with the supports you need to have an equal level of access to their transportation service as anyone else. However, 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 that it is very difficult for them to provide you with a certain type of accommodation (because of high costs or health and safety risks), then they don't have to provide it.

It's usually difficult for a transportation provider to claim undue hardship because they have to show clear evidence of undue hardship. Their evidence can only relate to these two factors:

1. Whether the cost of this type of accommodation is so high that it will significantly interfere with their ability to operate their business. When calculating cost, they must also consider outside sources of funding, e.g. grants or subsidies from government programs.
2. Whether this type of accommodation is going to create serious health and safety risks for their operations.

Even if a transportation provider shows that a certain type of accommodation will create undue hardship for them, they still have a legal duty to provide you with the **next best** type of accommodation.

Q: Where do my legal rights come from?

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

- Ontario's **Human Rights Code** which prohibits discrimination based on disability in most areas of public life, including public transportation services.
- The **Canadian Human Rights Act** which prohibits discrimination based on disability in most areas of public life where the federal government has authority – for example, banking, airports, postal service, etc. Your rights under the **Canadian Human Rights Act** are very similar to the rights you have under Ontario's **Human Rights Code**.
- The **Blind Persons' Rights Act** which prevents discrimination against people who have guide dogs.
- The **Accessibility for Ontarians with Disabilities Act** which requires almost all organizations in Ontario to meet minimum accessibility requirements when providing services. There are additional sets of requirements that are specific to transportation service providers. You can learn more about these transportation-specific requirements [here](#). For more information about the **Accessibility for Ontarians with Disabilities Act**, see the Essential Legal Information Handbook.

These laws may also be relevant to your situation:

- **Public Vehicles Act** which regulates the use of public vehicles (e.g. taxis, Lyft and Uber) in Ontario
- **Highway Traffic Act** which governs the vehicle licensing process, the classification of vehicles and the use of public roads in Ontario
- Other federal or municipal laws may apply depending on the type of transportation – see our overview [below](#).

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

A: People, businesses, other organizations and government officials are required to comply with Ontario's transportation laws. This includes:

- Transportation service providers and staff employed by businesses, organizations and government services that provide transportation in Ontario
- Businesses and organizations that provide transportation services in Ontario
- Municipally operated transportation services in Ontario, provincially operated transportation services in Ontario, and federally operated transportation services (when operating within Ontario's borders)

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

A: If you feel you have been unfairly 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. For more resources on self-advocacy, please visit the Self-Advocacy section of the Know Your Rights website.

If your concerns can't be addressed through collaborative discussions, you should consider consulting with a human rights lawyer to see what options you have.

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 regulated by each Level of Government

Federally Regulated: Air, Rail, Marine, Inter-provincial highway

Provincially Regulated: Provincial highway and road, Cycling

Municipally and Provincially Regulated: In-town buses, Paratransit, Subway, Streetcar

This is a general overview and some exceptions apply. Before making a complaint to the applicable level of government, it's best to consult with a human rights lawyer.

A human rights lawyer will be able to explain whether any of the following options is available:

- A complaint to the Canadian Human Rights Tribunal or the Canadian Transportation Agency (for federally regulated transportation service providers)
- An application to the Human Rights Tribunal of Ontario (for transportation service providers regulated by provincial and municipal governments)
- A complaint to municipal by-law enforcement (if a municipality licenses the transportation service provider)
- A claim before an Ontario Court
- A complaint with the police who have the authority to investigate violations of the **Blind Person's Rights Act**

The **Blind Person's Rights Act** says that you cannot be denied services or denied access to services that are normally available to the public just because you are accompanied by a guide dog

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.

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

A: As a first step, voice your concerns to the transportation provider. Many large transportation service 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 your concerns are still not addressed, you should consider consulting with a human rights lawyer to see what options you have. Your legal options will depend on [which level of government has authority](#) over the type of transportation service you're concerned about.

Q: A bus, streetcar, or train that I ride is inaccessible. For example, the vehicle lacks audio signals that identify stops and the driver (or other staff members) do not reliably assist me. What can I do?

A: There are several things you can do to stand up for your rights.

Get Immediate Assistance

To get immediate assistance when onboard, approach the driver (or other staff people) to 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 this does not help, you can gradually escalate your complaint – for example, to higher levels of management or to an official complaint process. If your concerns are still not addressed, consider consulting with a human rights lawyer to see what options you have. Your legal options will depend on [which level of government has authority](#) over the type of transportation service you're concerned about.

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?

You can also connect with community organization, like CNIB, to develop an advocacy strategy.

Under the **Accessibility for Ontarians with Disabilities Act**, transit companies are required to train their employees on how to provide accessible customer service. In addition, most buses and streetcars are required to have audio announcements that notify passengers of destination points (though some exceptions apply).

Even though there aren't strong legal penalties for companies that fail to meet these requirements, most companies don't want to look bad for failing to comply with the law.

For more information about the **Accessibility for Ontarians with Disabilities Act**, see the Essential Legal Information Handbook.

Q: I sometimes have difficulties navigating through transit stations and terminals. What can I do?

A: There are now many [technological tools](#) that can help people navigate through public spaces, including transit stations and terminals. If these kinds of technological tools don't meet your needs, your next steps will likely depend on how often you travel through this public space.

If you use the transit station or terminal only rarely (for example, if you are only passing through for a one-time meeting) consider asking for help from those around you to locate staff, like a security guard or ticket collector. When you speak with staff, explain that you are having trouble navigating the station because of your sight loss. Explain what assistance you require in as much detail as possible. When you disclose your disability to an employee, you trigger that organization's legal duty to accommodate you to the point of undue hardship.

If you use the station or terminal more frequently, consider contacting the transportation service provider directly to explore options for ongoing accommodation. Many transit organizations have a designated person responsible for accessibility who can assist you. If this does not help, you can gradually escalate your complaint – for example, through an official complaint process or to higher levels of management.

If your concerns are still not addressed, consider consulting with a human rights lawyer to see what options you have. Your legal options will depend on [which level of government has authority](#) over the type of transportation service you're concerned about.

Q: I was denied access to a taxi, Uber, or Lyft because I am accompanied by a guide dog. What can I do?

A: Aside from a few [very rare](#) situations, drivers of public vehicles in Ontario (like a taxi, Uber, or Lyft) are legally required to transport guide dog handlers **and** their guide dogs.

CNIB has developed a [tip sheet for ordering a Taxi, Uber, or Lyft](#) 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 company that employs the driver. 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.

Here's an example of a [successful complaint](#) to Uber in Toronto and Ottawa from February 2018.

Information about Taxi Company Policies

For taxi companies, you will likely have to contact them by phone to learn about their non-discrimination policy and the consequences for a driver who violates the policy.

Uber publishes its [Non-Discrimination Policy](#) and [Service Animal Policy](#) online. Uber offers [Uber Assist](#), which is a program designed by Uber to assist passengers with disabilities.

Lyft also publishes its [Anti-Discrimination Policy](#) and [Service Animal Policy](#) online.

Second, consider consulting with a human rights lawyer to determine whether any of these options is available:

- An application to the Human Rights Tribunal of Ontario
- A complaint to municipal by-law enforcement (if the municipality licenses the taxi company, Uber or Lyft)

Here's an example of a [successful complaint](#) to municipal by-law enforcement in Ottawa from February 2019.

- A complaint with the police who have the authority to investigate violations of the **Blind Person's Rights Act**

The **Blind Person's Rights Act** says that you cannot be denied services or denied access to services that are normally available to the public just because you are accompanied by a guide dog. Here's an example of a [successful complaint](#) to police in Toronto from February 2018.

When *can* I be denied access to a taxi because I have a guide dog?

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](#). These situations are very rare; 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.

A driver can't simply pretend to have a serious medical condition or a genuinely held religious belief. If you choose to file a legal complaint and a driver **doesn't have clear evidence** to support their claims, it is likely that a court or tribunal will find them liable for discrimination.

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 immediately assist you and to wait with you until that other vehicle arrives.

Q: I've arranged a pick-up from a public vehicle (e.g. a taxi, Uber, Lyft), but I'm worried that the driver won't be able to identify me when it arrives. 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 also 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 company when scheduling a pick-up, 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.

Getting Help

CNIB Services

We're here to help – contact CNIB for more services, support and resources. Some ways we can assist include:

Vision Loss Rehabilitation Ontario

[Vision Loss Rehabilitation Ontario](#) (VLRO) provides people with the practical skills they need to live safely and independently, including using transportation services. For example:

- Guiding techniques: a comfortable way to walk with a sighted person and the ability to use remaining vision and other senses to travel
- Using a white cane and other mobility tools
- Finding and crossing intersections
- Navigating new environments like a workplace or school campus

You can learn more about Vision Loss Rehabilitation Ontario by visiting their [Frequently Asked Questions page](#).

CNIB's Guide Dog Program

[CNIB's Guide Dog Program](#) can assist guide dog handlers with advocating for themselves and understanding their rights when using transportation services. They can also provide public education to organizations through guide dog ambassador speaking engagements, lunch and learns, etc.

CNIB's Advocacy Team

[CNIB's Advocacy Team](#) can assist clients with advocating for themselves and understanding their rights related to transportation services.

Legal Services

Legal Aid Ontario

Legal Aid Ontario provides legal services to low-income Ontarians. In order to receive services from Legal Aid Ontario:

- You must meet their [financial eligibility criteria](#); and
- Your problem must fall in one of these areas: domestic violence, family law, immigration and refugee law, criminal law, or poverty law.

Even if you don't meet these two requirements, you can call Legal Aid Ontario's [toll-free hotline](#) and a representative can [refer you](#) to other organizations or agencies that can help you with your legal problem.

Ontario's Community Legal Clinics

In Ontario, legal help is available to low-income people through 73 independent community legal clinics, including 13 [specialty clinics](#). To get the contact information for your regional community clinic, visit [this website](#).

Pro Bono Ontario

Pro Bono Ontario is a non-profit that provides a toll-free legal advice hotline to help people with their legal needs. By [calling their hotline](#), you can speak to a lawyer for 30 minutes about a civil law matter (they do not provide advice for problems related to family law or criminal law)

The Human Rights Legal Support Centre

The Human Rights Legal Support Centre (also known as HRLSC) is an independent agency, funded by the government of Ontario, to provide legal services to individuals who have experienced discrimination. They have a [toll-free hotline](#) where you can get:

- Legal assistance in completing an application to the Human Rights Tribunal of Ontario
- Legal advice about how to address the discrimination that you experienced

ARCH Disability Law Centre

ARCH Disability Law Centre (also called ARCH) is a specialty legal clinic that practices exclusively in disability rights law. ARCH has a [toll-free hotline](#) where you can get:

- up to 30 min of free, confidential legal advice
- referrals to organizations that can provide you with further help

If you meet certain eligibility criteria, ARCH may be able to provide you with additional legal services.

Wayfinding Tools

The following resources provide more information about technological tools that assist with navigation and orientation:

- [Blind Square](#) is a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.
- [Key 2 Access](#) is a pedestrian mobility app that allows users to wirelessly request crossing at intersections without having to locate the button on the pole. It also allows users to wirelessly open doors and obtain information regarding indoor spaces.
- [Access Now](#) is a map application that shares accessibility information for locations based on users' feedback.
- [Be My Eyes](#) is a volunteer-based app that connects people with sight loss to sighted volunteers, who can assist with tasks such as checking expiry dates, distinguishing colors, reading instructions or navigating new surroundings.
- The [American Foundation for the Blind](#) provides an overview of some of the apps that are available to assist consumers with reading product labels, menus, etc.

Helpful Information

Federal Government

For **federally** regulated transportation services, you may be able to bring a complaint about discrimination based on disability to the Canadian Human Rights Tribunal. You can find more information about filing a complaint [here](#).

The Canadian Transportation Agency (also called the **CTA**) helps protect the human rights of people with disabilities to access federally regulated transportation services. You can learn more about filing an accessibility complaint with the CTA [here](#). The CTA publishes a range of helpful materials such as:

- [Take Charge of Your Travel: A Guide for Persons with Disabilities](#)
- [Travelling with a Service Animal](#)
- [Travelling with an Attendant](#)

The CTA is also responsible for creating and implementing the new accessible transportation requirements under the **Accessible Canada Act**.

The **Accessible Canada Act** is a federal law that was created in 2019, which is modeled off the **Accessibility for Ontarians with Disabilities Act**. The **Accessible Canada Act** created [new requirements for federal transportation service providers](#) that will come into force between 2020 and 2022.

Provincial Government

[The Access Forward website](#) offers free training modules for service providers, including transportation service providers on their obligations under the **Accessibility for Ontarians with Disabilities Act**. It was created in partnership with the Government of Ontario to assist organizations with meeting the training requirements under the **Accessibility for Ontarians with Disabilities Act**. To learn more about the legal force of the **Accessibility for Ontarians with Disabilities Act** standards, please see the Know Your Rights – Essential Information Handbook.

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