



Transportation

Know your rights! — Guide to legal information

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Important

The information in this guide is of a general nature, and should not be taken as legal advice. If you require information about a specific legal issue, **contact a lawyer or a legal aid clinic.**

Acknowledgements

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This document covers the area of **transportation**. A number of **general** and **specific** issues are addressed. The document also includes some of the laws and sections in them that will be useful to you in **standing up for your rights** in regard to transportation whenever they are not respected.

General issues

This section covers general issues about rights when it comes to transportation, as well as specific recourses available to you. For information about [general recourses](#), you can consult the document entitled [Advocacy and Essential Legal Information](#).

What are my rights in regard to transportation in Quebec?

Internationally

The **Convention on the Rights of Persons with Disabilities**¹, was signed by Canada in 2010. **Articles 9 and 20** of that **Convention** are relevant to our purpose here. Paragraph 1 of article 9 of the **Convention** covers the issue of accessibility:

“To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies

¹ This Convention was adopted by the United Nations on **December 13, 2006**, and ratified by Canada on **March 11, 2010** and by Quebec on **March 10, 2010**. For comments on this Convention, see V. A. Boujeka, **La convention des Nations unies relative aux droits des personnes handicapées et son protocole facultatif**, RDSS sept-oct. 2007, n° 5, p. 799.

and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. »

Those measures include the elimination of barriers to accessibility. Article 20 of the **Convention** pursues the same concept by addressing the issue of personal mobility as follows: “States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities.” This section covers means of transportation.

Nationally

In Quebec, transportation is covered by a number of statutes. Section 15 of Quebec’s **Charter of human rights and freedoms** provides that “No one may, through discrimination, inhibit the access of another to public transportation or a public place, such as a commercial establishment, hotel, restaurant, theatre, cinema, park, camping ground or trailer park, or his obtaining the goods and services available there.” Section 10 of the **Charter** is also relevant, attesting to the **right to equality without discrimination**. Thus, there is an **obligation to provide reasonable accommodation** to ensure access to transportation.

At the same time, one of the priorities for intervention in the policy entitled [À part entière : pour un véritable exercice du droit à l’égalité](#) (APE)² concerns accessible environments, which include transportation infrastructures. The authorities responsible for organizing public transit must, by law, prepare a development plan aimed at **ensuring access to disabled people**.

The main statute in this regard is Quebec’s [Transport Act](#). As well, the mandate of the **Société de l’assurance automobile du Québec** (SAAQ) calls for it to apply certain parts of the Transport Act, which essentially falls under the responsibility of Quebec’s **ministère des Transports**. The

² **APE**, adopted in 2009, aims to increase social participation by disabled people. The policy includes an implementation plan that includes 420 formal undertakings.

Transport Act governs means of transportation, and the transportation of people and goods.

At the federal level, we have the [Canada Transportation Act](#). There are also a number of [applicable regulations](#), including the **Accessible Transportation for Persons with Disabilities Regulations**, adopted on June 25, 2020, the **Air Transportation Regulations** and the **Personnel Training for the Assistance of Persons with Disabilities Regulations**.

What can I do to stand up for my rights in regard to transportation?

Please note that there are also [general recourses](#). You will find them in the document entitled [Advocacy and Essential Legal Information](#). There are **two** recourses specific to transportation.

1. File a complaint with Quebec's ministère des Transports

If you are a victim of unsatisfactory treatment or have been discriminated against, you can file a complaint with **Quebec's ministère des Transports** using its [online form](#).

In more complex cases or ones where a legal opinion is warranted, the complaint will be forwarded to the [Service Quality and Complaints Commission](#) so that the client's complaint can be addressed further to the response previously provided to **Quebec's ministère des Transports**.

2. Public Protector

If you are dissatisfied with the outcome of the complaint process involving the **ministère des Transports** presented above, you can file a complaint with the **Public Protector**. It is important to exhaust all recourses with the local service quality and complaints commissioner before appealing to the

Public Protector because the latter can only, in principle, intervene as an [authority of second instance](#) (except in an emergency). Other than due to dissatisfaction with the outcome of your initial complaint, you can also file a complaint with the **Public Protector** if you have not received a response from the Commissioner within 45 days after filing your initial complaint.

You can file your complaint with the **Public Protector** [online](#).

Once your complaint has been received, there will be an investigation into the situation. After that, the **Public Protector** will be in a position to make a recommendation and ensure its implementation and that improvements are made to the situation.

Specific issues

This section covers specific situations and certain rights in regard to **transportation** that can be trampled.

I often run into barriers when I try to use a transportation service. I would like to file a complaint, but I don't know where to start. What can I do?

You can start by [filing a complaint with Quebec's ministère des Transports](#), as indicated above.

In a case of discrimination, you can also file a complaint with the **Commission des droits de la personne et des droits de la jeunesse**. For additional information about this recourse, you can consult the document entitled Advocacy and Essential Legal Information.

A bus, a tram or a train I use is not accessible. For example, there is no audio message identifying the stops, and the driver (or other staff) will not always help me. What can I do?

If you require immediate assistance, you can try another employee, a supervisor or passengers, explaining your disability and what kind of help you need. An employee of any public or private transportation authority is **required to offer you reasonable accommodation**.

Since 2004, public transit authorities must obtain approval from Quebec's **ministère des Transports** of a development plan for the transportation of disabled people (section 67 of the **Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration**). Section 5 of the [Act respecting public transit authorities](#) requires authorities to offer accessible services to disabled people. Those authorities are also **required to provide reasonable accommodation**.

You can **file a complaint with the public transit authority concerned**, and consider paratransit services offered by the authority serving your area.

Depending on your situation, you can also access the free services provided by the **Commission des droits de la personne et des droits de la jeunesse**, the **Office des personnes handicapées du Québec** and other community agencies. You can also **consult a lawyer** to determine your rights in your particular situation.

I sometimes have difficulty getting around in public transit stations and terminals. What can I do?

Ask a public transit official whether there are any services that could accommodate you. Some public transit authorities let you [bring along someone to accompany you for free](#).

Quebec's **Charter** entitles you to be accompanied by a **guide dog** when you use public transit. Public transit authorities must provide reasonable accommodation, as provided in section 10 of the Charter. You can refer to [Commission des droits de la personne du Québec c. Vithoulkas \[1982\] C.P. 285](#).

You might also consider paratransit services offered by the public transit authority in your area (section 67.1 of the **Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration**). However, it is important to note that there is nothing in section 67 of that same act explicitly requiring public transit authorities to make their stations accessible to everyone. If there is no adequate solution for your situation, you can **consult a lawyer** or a **legal aid service** to determine your rights.

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

Refusing a customer because they have a guide dog is a **violation of their right to equality and dignity** under sections 4, 10 and 15 of **Quebec's Charter of human rights and freedoms**. However, drivers who are allergic to dogs may refuse to take a guide dog because that is part of their

rights. You can refer to [Commission des droits de la personne du Québec \(Gauvin\) c. Hétu, 1992 \(TDP\)](#).

In its 2008 decision in the matter of [Commission des droits de la personne et des droits de la jeunesse \(Le May\) c. Coopérative de taxis de Montréal](#), the **Tribunal des droits de la personne** ruled that a taxi driver's refusal to take a disabled person because the latter was accompanied by a service dog was discriminatory. The driver and the employer had to pay \$5,000 in damages³.

Quebec's **Charter** also applies to private-sector transportation companies such as Uber and Lyft. Thus, these companies' drivers are required to accept guide dogs.

If a taxi, Uber or Lyft driver still refuses to take you because of your guide dog, you can file a complaint with the **Commission des droits de la personne et des droits de la jeunesse** on the grounds of discrimination.

Are there circumstances under which I can be refused access to a taxi or another public vehicle on the grounds that I have a guide dog?

Drivers also have rights that are protected under Quebec's **Charter**, whereby they are entitled to reasonable accommodation. Moreover, when the driver and the customer sign a contract, the driver is obligated to provide reasonable accommodation, which excludes excessive constraints. Inasmuch as a driver has a condition that requires reasonable accommodation, such as an allergy to dogs, he or she may refuse to take a customer accompanied by a guide dog. A court decision ordered a taxi

³ See also [Commission des droits de la personne et des droits de la jeunesse c. Montuori Holdings Corporation \(Pizzeria Napoli enr.\), J.E. 2008-405; EYB 2008-132579 \(T.D.P.\)](#).

company to implement a policy that clearly sets out its drivers' obligation to serve customers with guide dogs or service dogs, unless the driver has an allergy supported by a medical certificate. The matter of [Commission des droits de la personne et des droits de la jeunesse \(Beauregard\) c. Anwar, 2015 \(TDP\)](#) is a case in point.

I arranged for a public vehicle (for example a taxi, Uber or Lyft), but I am worried that the driver will not be able to identify me. What can I do?

You can always agree on a specific meeting place and time. However, in order to avoid any unfortunate situations, you should check the [Accessible transportation guides](#) as to what would be the best approach in view of the challenges faced by disabled people.

In this case, under the **Highway Safety Code**, the [Regulation respecting road vehicles adapted for the transportation of handicapped persons](#) aims to regulate the transportation of disabled people by **ensuring their safety** on board by taking their reality into account.

When your rights are not respected, stand up for them!

We hope this guide will help you stand up for your rights as they relate to education. We believe that you are in the best position to defend your rights. When your rights are not respected, you have the right to stand up for them and to make sure that others **Know your Rights**.

CNIB is here for you. Since its inception in 1918, CNIB has undertaken a variety of advocacy initiatives to **break down barriers** for people who are blind and to **advocate for an inclusive society**.

Please feel free to contact us for referrals and to take advantage of our services.

DroitsDevant@inca.ca

1 800 465-4622

Visit the campaign website for information on other rights:

cnib.ca/en/support-us/advocate/quebec-advocacy/know-your-rights

Join the conversation on social media by using the tagline:

#KnowyourRights

Together, enforce the rights of blind people!

