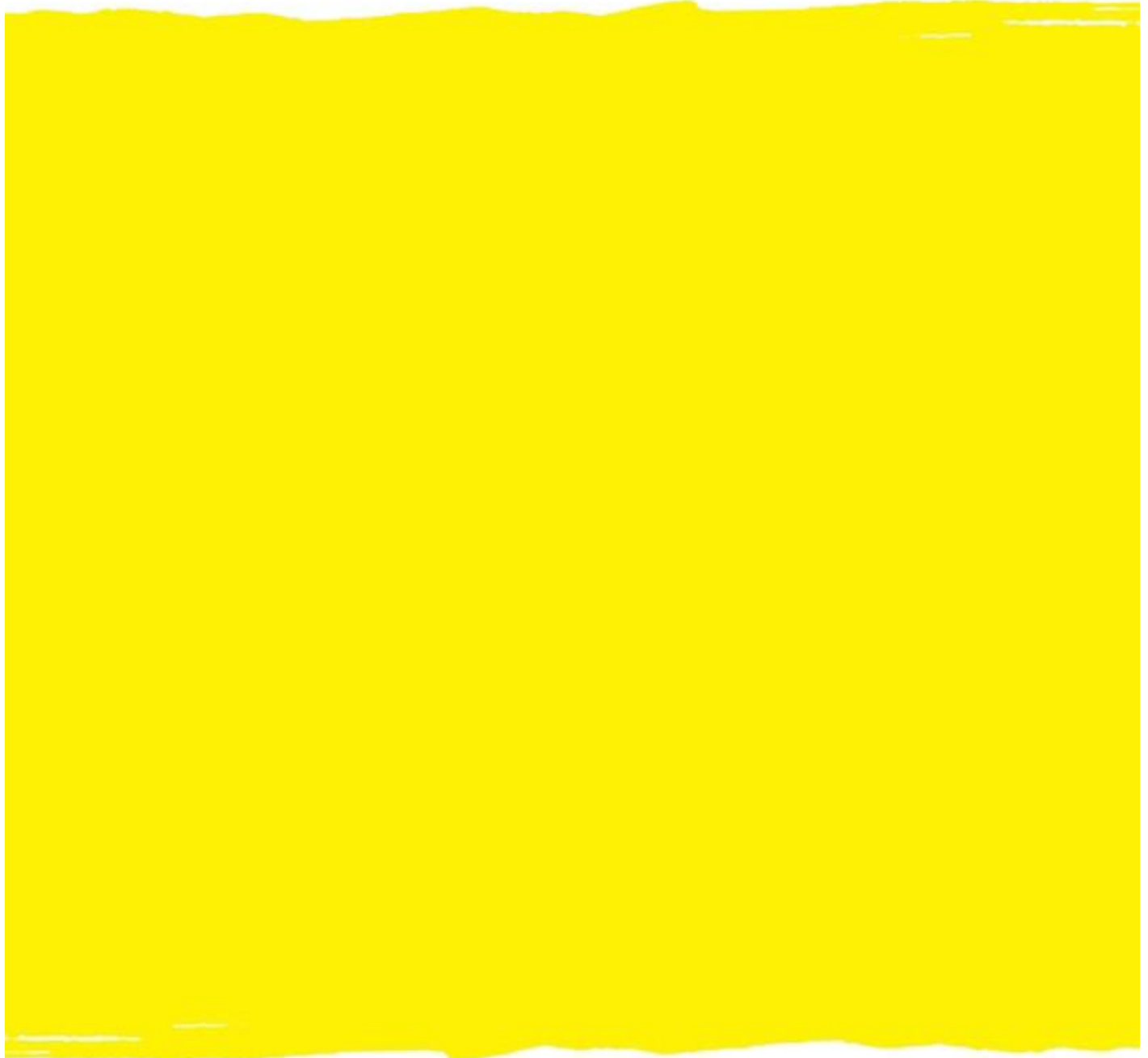


# Transportation

**Know Your Rights – Legal Information Handbook**



January 2022



## 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.

## Acknowledgements

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To learn more about the Know Your Rights project, please visit [cnib.ca/KnowYourRights](http://cnib.ca/KnowYourRights)

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# My Legal Rights

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

A: Under Saskatchewan 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 service animal, such as a guide dog.

## Duty to Accommodate & Undue Hardship

A transportation provider's "**duty to accommodate**" means they are legally required 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 don't 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.

## **Q: Where do my legal rights come from?**

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

- Saskatchewan's [Human Rights Code](#)
  - Prohibits discrimination based on disability in most areas of public life, including public transportation services.
  - Allows the Saskatchewan Human Rights Commission to create and maintain its [Policy on Service Animals](#).
- The [Canadian Human Rights Act](#) which prohibits discrimination based on disability in most areas of public life where the federal government has authority.
- 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](#)
  - Guarantees equality of the law including equal benefit of the law without discrimination.
- [The Vehicle for Hire Act](#)
  - Regulates the use of public vehicles (e.g., taxis, limos, and rideshare services such as Lyft or Uber in Saskatchewan).
- [The Traffic Safety Act](#)
  - Governs the vehicle licensing process, the classification of vehicles and the use of public roads in Saskatchewan.
- Depending on the type of transportation, [other federal or municipal laws may apply](#).

## **Q: Who must comply with Saskatchewan's transportation laws?**

**A:** Transportation providers are required to comply with federal and provincial human rights laws, and provincial transportation laws. This includes:

- Transportation providers and staff employed by businesses, organizations and government services that provide transportation in Saskatchewan.
- Businesses and organizations that provide transportation services in Saskatchewan.
- Municipally operated transportation services in Saskatchewan, and provincially operated transportation services in Saskatchewan.
- Interprovincial transportation operators must comply with provincial laws when operating within Saskatchewan 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.

For more resources on self-advocacy, please visit the [Self-Advocacy section of 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 (e.g., flying from one province to another)
- Rail (e.g., travelling by train from one province to another)
- Marine (e.g., travelling by boat between provinces through a waterway, such as the Great Lakes St. Lawrence Seaway System)

- Interprovincial highways (e.g., using a coach bus service to travel between provinces)

### **Provincially Regulated**

- Provincial Highways

### **Provincially and Municipally Regulated**

- Local public transportation
- 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 carrier, or obtain 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 service providers)
- If the transportation provider is provincially or municipally regulated, a complaint to the [Saskatchewan Human Rights Commission](#).
- You may also consider contacting your local municipality for matters concerning things like licensing or bylaw enforcement matters.

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...**

Building on the Disability Strategy, Saskatchewan is developing accessibility legislation to meet the unique needs of Saskatchewan residents. Accessibility legislation will create enforceable standards designed to help identify, remove and prevent accessibility barriers experienced by people with disabilities. The [Discussion Guide for Accessibility Legislation](#) contains detailed information,

questions and updates about accessibility legislation. Alternate formats can be requested by phone or email:

Toll-free: 1-877-915-7468

TTY: 306-787-7283

Email: [accessiblesk@gov.sk.ca](mailto:accessiblesk@gov.sk.ca)

## 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 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 your concerns are still not addressed, you should consider consulting with a 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.



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 obtain independent legal advice regarding your specific circumstances. You may also find it helpful to contact the [Saskatchewan Human Rights Commission](#), the [Canadian Human Rights Commission](#), and/or the [Canadian Transportation Agency](#) for information and direction.

**Q: The buses I use are inaccessible. For example, the buses 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 [Saskatchewan 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?

You can also connect with community organizations, like [CNIB](#), to develop an advocacy strategy.

### **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 Saskatchewan (including taxis and rideshares) are legally required to transport guide dog handlers **and** their guide dogs.

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 company that employs the driver.

For taxi companies, 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.

Uber publishes its [Non-Discrimination Policy](#) and [Service Animal and Assistive Devices 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.

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

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

- a complaint to the [Saskatchewan Human Rights Commission](#)
- 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](#).

Many Saskatchewan municipalities, such as [Saskatoon](#), also have bylaws in place that require vehicle for hire drivers to allow passengers to be accompanied by their service animal.

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

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

You may choose to let the company know you are accompanied by a service animal in advance of their arrival to avoid any unnecessary delay.

**Q: When ordering an Uber 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 contacting the driver to advise them of your sight loss, and provide them with specific instructions about where to find you, and how to contact you when they have arrived.

When the driver arrives, ask for the driver's name, the licence plate number, and the person they are picking up, to 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.

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: I've arranged a pick-up from a public vehicle (e.g., a taxi, Uber, Lyft), but I'm worried 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.

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

**A:** To begin, 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; and you may 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.

# Resources

## Legal Services

### [Public Legal Education Association of Saskatchewan \(PLEA\)](#)

PLEA is a non-profit, non-government, charitable organization which exists to educate, inform, and empower individuals through law-related education.

PLEA can help members of the public by providing general legal information, suggesting resources, and telling people about different options for obtaining legal advice.

PLEA provides free legal information on a variety of topics, on its website, including [Human Rights](#).

### [Pro Bono Law Saskatchewan \(PBLs\)](#)

PBLs is a non-profit, non-government organization that provides free legal advice to low-income individuals in Saskatchewan. PBLs operates and partners with 14 free legal clinics across Saskatchewan. PBLs tries to fill the gap of legal services between government funded legal aid and hiring a private lawyer.

### [Community Legal Assistance Services for Saskatoon Inner City \(CLASSIC\)](#)

With a commitment to social justice, decolonization, and the dignity of all peoples, CLASSIC provides free legal services, programming and supports to people who experience poverty and injustice, including services in relation to human rights issues.

### [Saskatchewan Legal Coaching and Unbundling Pilot Project](#)

This resource provides individuals with a lower cost alternative to full legal representation. Through this service, individuals receive limited legal services where you hire a lawyer to handle only part of your case or to do a specific task.

### [The Saskatchewan Human Rights Commission \(SHRC\)](#)

The SHRC promotes human rights through public legal education and policy development. The SHRC has created [Policies and Guidelines](#) and [Information Sheets](#) on human rights topics. For information on filing a complaint with the SHRC, refer to the “[Filing a Complaint](#)” section of the SHRC website.

### [\*\*Accessibility Legislation for Saskatchewan\*\*](#)

Saskatchewan is in the process of developing a set of laws that will cover accessibility in outside built spaces (such as parks, crosswalks, and parkades) and other key areas. Information about Saskatchewan’s progress in developing this legislation is available at the [Accessibility Legislation for Saskatchewan website](#).

## **Legal Resources related to Transportation**

### [\*\*The Canadian Human Rights Commission\*\*](#)

The **Canadian Human Rights Commission** deals with complaints under the **Canadian Human Rights Act**. For **federally** regulated transportation services, you may be able to bring a complaint about discrimination based on disability to the [Canadian Human Rights Tribunal](#). Learn more information about [filing a complaint](#).

### [\*\*The Canadian Transportation Agency\*\*](#)

The **Canadian Transportation Agency** (“CTA”) helps protect the human rights of people with disabilities, when they access federally regulated transportation services. Learn more about [filing an accessibility complaint](#).

The **CTA** also publishes a range of helpful materials such as:

- [Accessibility and the Canadian Transportation Agency](#)
- [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**.

## Essential Non-Legal Services

### [Ombudsman Saskatchewan](#)

**Ombudsman Saskatchewan** takes complaints about provincial government ministries, agencies, Crown corporations and most health entities.

**Ombudsman Saskatchewan** also takes complaints about Saskatchewan cities, towns, villages, resort villages, rural municipalities, northern municipalities, and municipal council members.

You may contact **Ombudsman Saskatchewan** to discuss a concern, or [make a complaint](#), regarding any of the entities above.

### [CNIB Programs](#)

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

- [CNIB Virtual Programs](#)
  - CNIB offers a range of free virtual programs for children, youth, adults and families.
  - You can access a list of CNIB's virtual program offerings on [CNIB's website](#).
  - You can access a list and schedule of CNIB Saskatchewan's program offerings on [CNIB Saskatchewan's website](#).
- [Technology Training](#)
  - Join CNIB tech leads from across the country for programming that highlights the suite of programs, apps, products and services that will help empower you to achieve your personal and professional goals.
- [Virtual Vision Mate](#)



- The Virtual Vision Mate program exists to address the feelings of isolation that many people with sight loss experience. Through the Virtual Vision Mate program, people who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversation.
- [CNIB SmartLife](#)
  - CNIB SmartLife is an interactive retail experience that gives people with disabilities hands-on access to the latest breakthroughs in assistive technologies, as well as tried-and-true favourites.
  - SmartLife's goal is not necessarily to sell products but is to give customers the skills and confidence they need to make the most out of assistive tools that can help them lead better lives.
- [CNIB Advocacy Team](#)
  - The CNIB Advocacy Team can assist participants with advocating for themselves and understanding their rights.
- [CNIB Guide Dogs](#)
  - CNIB Guide Dogs can assist guide dog handlers with advocating for themselves and understanding their rights. This program also provides public education to organizations to provide knowledge about the rights of guide dog users.

## [\*\*Vision Loss Rehabilitation Canada\*\*](#)

**Vision Loss Rehabilitation Canada (“VLRC”)** is a not-for-profit national healthcare organization and the leading provider of rehabilitation therapy and healthcare services for individuals with vision loss. VLRC’s services are tailored to the unique needs and goals of each person they assist. Specifically, VLRC certified specialists provide a range of services that help individuals with vision loss lead more independent, active lives.

Contact information for VLRC’s Saskatchewan offices is available in the [“Locations” section of the VLRC website](#).

## Other Services

### [SaskAbilities](#)

SaskAbilities is a registered charity that is dedicated to providing programs and services to people experiencing disability in Saskatchewan. SaskAbilities has branches located in Regina, Saskatoon, Swift Current and Yorkton.

## Wayfinding

Wayfinding refers to technological tools that assist partially sighted, blind and Deafblind persons with navigation and orientation. Such tools include:

- [BlindSquare](#): a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.
- [Key 2 Access](#): 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 about indoor spaces.
- [Access Now](#): a map application that shares accessibility information for locations based on users' feedback.
- [Be My Eyes](#): 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](#), which provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.

