

# **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 service.

## Acknowledgements

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To learn more about the Know Your Rights – Prince Edward Island Project, please visit our [Know Your Rights – Prince Edward Island webpage](#).

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# My Legal Rights

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

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

- When accessing public transportation services, you have the right to have a **level of access equal to** anyone else, 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 access to transportation services 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 that they are legally required to provide you with the supports you need to receive the same level of access to their transportation service as anyone else.

The "duty to accommodate" has a limit, however, and this limit is called "**undue hardship**."

"**Undue hardship**" is a legal term. It means that if a service provider can show that it is very difficult to provide a certain type of accommodation, then they don't need to provide it.

It is important to note that it is **not enough** for a service provider to **simply claim** undue hardship. A service provider **must show clear evidence** of undue hardship. Their evidence can relate to factors such as:

1. Whether the cost of the accommodation is so high that it would significantly interfere with their ability to operate. When calculating cost, they must also consider outside sources of funding, such as grants or subsidies from government programs.
2. Whether the accommodation would create serious health and safety risks for their operations.
3. Whether there have been past unsuccessful efforts to accommodate.

4. Whether the accommodation would compromise the purpose of the service or facility.

Even if a transportation provider can show that a certain type of accommodation would create undue hardship, they may still have a legal duty to provide an accommodation.

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

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

- **PEI's [Human Rights Act](#)**, which prohibits discrimination based on disability in most areas of public life, including the manner in which services are provided. This includes transportation services offered by the government and private entities, such as taxi companies.
- The **[Canadian Human Rights Act \("CHRA"\)](#)**
  - Like PEI's Human Rights Act, the **CHRA** prohibits discrimination based on disability.
  - The difference between PEI's Human Rights Act and the CHRA, is that PEI's Human Rights Act applies to transportation providers that operate within PEI only; and, the CHRA applies to transportation providers that operate interprovincially, that is, across more than one Canadian province or territory.
- The **[Canada Transportation Act](#)** and its **[Accessible Transportation for Persons with Disabilities Regulations](#)**, which govern all federally regulated transportation providers and outline accommodations that people are entitled to when accessing a federally regulated form of transportation.
- Common Law – Laws that are made by the decisions of Courts, Panels and Tribunals.

These laws may also be relevant to your situation:

- The **[Accessible Canada Act](#)** – this legislation came into effect in 2019, with the goal of creating a barrier-free Canada by 2040.
- PEI's **[Highway Traffic Act](#)**, which governs most aspects of road transportation in PEI, including licensing requirements, traffic rules, and reporting accidents.

- Other federal or municipal laws may apply depending on the type of transportation – see our overview [below](#).

## **Q: Who must comply with PEI transportation laws?**

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

- Public transportation providers and staff employed by businesses, organizations and government services that provide transportation in PEI.
- Businesses and organizations that provide transportation services in PEI.
- Municipally operated transportation services in PEI, and provincially operated transportation services in PEI.
- Interprovincial transportation operators must comply with provincial laws when operating within PEI borders, as well as with 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 and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

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 Transportation Services

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

#### Provincially Regulated Transportation Services

- Provincial highways

#### Provincially and Municipally Regulated Transportation Services

- Local public transportation
- Paratransit
- Taxis
- Ride-share services

This is a general overview and some exceptions apply. Before making a complaint, consider consulting 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 [PEI Human Rights Commission](#) (for transportation service providers regulated by provincial and municipal governments)
- A complaint to the [Canadian Human Rights Tribunal](#) (for federally regulated transportation service providers)
- A complaint to the [Canadian Transportation Agency](#) (for federally regulated transportation providers)
- In situations involving a government transportation provider, a complaint to the [PEI Ombudsperson](#). The Ombudsperson investigates complaints from people who feel that they have been treated unfairly by a ministry, an agency of the government, a publicly-funded health entity, a municipal entity, a council member, a board member or an officer or employee of the Government.

Before making a complaint to the PEI Ombudsperson, you should first try to resolve your issue through any complaint process that is offered by the government organization.

- A claim before a PEI Court
- You may also consider contacting your local municipality for bylaw enforcement.

You can also contact the [PEI Human Rights Commission](#) by phone at 902-368-4180.

Commission staff cannot offer opinions on the outcome of your complaint, nor can they advise as to whether it will be successful, however, they can provide information as to what the law states and how it may apply to a given situation.

## 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, consider voicing 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.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.



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

**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 member) and advise them of 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 transportation 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 bus

In most cases, staff will be required to assist you because it's very unlikely that requests such as these will amount to undue hardship for the transit provider.

If staff refuse to assist, remind them of their legal obligation to accommodate you to the point of undue hardship, so that you can have an equal level of access to transportation services as anyone else. If this does not help, you can escalate your complaint – for example, by contacting the organization/government service that is responsible for operating the bus, or through an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you.

**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.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you. 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 or ride-share because I am accompanied by a guide dog. What can I do?**

**A:** Aside from a few very rare situations, drivers of public vehicles, such as taxis and ride shares are legally required to transport guide dog handlers **and** their guide dogs.

The PEI [Human Rights Act](#) does not specifically mention service animals, however, under PEI human rights laws, service providers, including taxi and ride-share companies have a legal duty to accommodate people with disabilities up to the point of undue hardship.

Furthermore, the Human Rights Commission has released a [guide on Service Animals](#) which notes that “service providers, business owners, landlords and employers are required to accommodate or support the attendance of a service animal”.

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, consider making a formal complaint with the company that employs the driver.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB’s [Know Your Rights – Prince Edward Island](#) webpage.

If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you.

### **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’s likely that they will be found 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. taxi), 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 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 ride, sharing this information and requesting assistance 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 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:** Under Canadian human rights laws, including the [Canadian Human Rights Act](#), the [Canada Transportation Act](#), and the [Canada Transportation Act's Accessible Transportation for Persons with Disabilities Regulations](#), federally regulated transportation providers, such as airlines are legally obligated to accommodate you up to the point of hardship. Furthermore, people with disabilities have the right to receive the same level of access to federal transportation services as anyone else.

If your requests for accommodations are denied, and/or you are treated poorly by airport/airline staff, consider contacting the airline directly to report your concerns to management and/or to file a complaint through an official complaint process. Many 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](#). Knowledge of these resources may be of assistance when expressing your concerns to management or filing a complaint through an official complaint process.

For more resources on self-advocacy, please visit the Self-Advocacy and Essential Legal Information Handbook on CNIB's <a href="#">Know Your Rights – Prince Edward Island</a> webpage.
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If your concerns remain unresolved, consider consulting with a human rights lawyer about the [options](#) that may be available to you.

## Getting Help

### Legal Resources

#### [PEI Human Rights Commission](#)

The **PEI Human Rights Commission** is an independent office of the government of PEI that is responsible for receiving and investigating complaints of discrimination to determine if PEI's [Human Rights Act](#) has been contravened.

For information on [filing a complaint](#) with the Commission, the Commission's website suggests you first read their [guide for making complaints](#)

The Commission also educates the public about human rights through seminars and workshops; and, prepares and distributes [Fact Sheets](#) to assist the public in understanding PEI's Human Rights Act.

You can contact the PEI Human Rights Commission by phone at 902-368-4180. Commission staff cannot offer opinions on the outcome of your complaint, nor can they advise as to whether it will be successful, however, they can provide information as to what the law states and how it may apply to a given situation.

#### [The Law Society of PEI](#)

The **Law Society of PEI** oversees the legal profession in PEI. The Law Society is the only body that is authorized to determine who may become a lawyer in the province, and is responsible for [responding to complaints about lawyers](#). The Law Society also has a [find a lawyer tool](#) that enables the public to search for lawyers.

## **Community Legal Information (CLI)**

The **Community Legal Information (CLI)** is a not-for-profit organization that provides legal information and education to residents of PEI. CLI develops programs and resources to help individuals better understand PEI's legal system, and how to resolve their legal issues.

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

CLI also operates the [Law Inquiry Line](#) in addition to offering [lawyer referrals](#). Individuals who contact CLI can receive:

- legal information,
- referrals to law-related agencies, and
- referrals to lawyers, when appropriate. Individuals who contact the Lawyer Referral Service will receive a referral to a lawyer, who will provide a 45-minute consult at a cost of \$25.00.

CLI can be contacted [through its website](#) or by telephone at 902-892-0853 or 1-800-240-9798.

## **Legal Aid PEI**

**Legal Aid PEI** provides legal services to low-income PEI residents in the areas of criminal law, family law, and some civil law matters, including child protection law, involuntary hospitalization under mental health laws, guardianship, and adult protection. Depending on the availability of resources, some assistance may be offered in other civil law areas as well.

When determining whether individuals are eligible for Legal Aid services, Legal Aid PEI considers several factors, including:

- Financial eligibility (which varies, depending on income and family size),
- Urgency and seriousness of the legal needs,
- Coverage and resources of the Legal Aid Program, and
- The individual's ability to obtain legal assistance if Legal Aid is refused.

## **PEI Supreme Courts**

The **PEI Supreme Courts** website provides general information about how Courts in PEI operate, and what to expect if you are attending Court. It also provides information about the **[Pro Bono Legal Advice Clinic \(for Self-Represented Litigants\) Prince Edward Island](#)**. The Pro Bono Legal Advice Clinic is a free-of-charge legal clinic for self-represented individuals whose family or civil law matter is before the Supreme Court of Prince Edward Island or the Prince Edward Island Court of Appeal. The clinic is held every Wednesday from 9:00AM – 12:00PM at the Sir Louis Henry Davies Law Courts, 42 Water Street, Charlottetown. People who access this service can meet with a lawyer for a 45-minute consultation. Appointments can be scheduled by phone at 902-368-6005, 902-892-0853 or 1-800-240-9798.

## **Essential Non-Legal Resources**

### **PEI Ombudsperson**

The **PEI Ombudsperson** is an independent office of the Legislative Assembly of PEI. The Ombudsperson conducts independent, impartial and non-partisan investigations of **[complaints](#)** against:

- Boards, commissions, associations and other bodies,
- Health PEI,
- Municipalities,
- Council members,
- Board members, and
- Officers and employees of the Government

The PEI Ombudsperson aims to promote fairness and transparency in the public sector, find fair resolutions, and make recommendations to improve the practices of public agencies.

## **PEI 211**

PEI 211 is a free, confidential service that operates 24 hours a day, seven days a week. It exists to connect individuals to government, health and social services that are available across PEI. The service helps residents of PEI who are looking to find the right community or social resource, but do not know where to start. Individuals can also contact 2-1-1 to report some by-law infractions.

In addition to searching on the [211 PEI website](#), there are [various ways for people to contact PEI 211](#), including calling 2-1-1 to talk with trained professionals to help identify the services that they need.

Services are grouped together into various categories, including (among others) [legal](#), [education](#) and [disabilities](#).

## **Canadian Transportation Agency**

The Canadian Transportation Agency (also called the **CTA**) helps protect the human rights of people with disabilities when accessing federally regulated transportation services. For **federally** regulated transportation services, you may be able to file a [complaint](#) with the CTA.

The CTA also has a toll-free [Accessible Transportation Complaints Help Line](#), wherein staff can provide information and guidance about concerns involving accessible transportation. The hours of operation for the help line are Monday to Friday, 8:00 a.m. to 5:00 p.m., Eastern Time, and the contact information is:

- **1-844-943-0273**
- **TTY: 1-800-669-5575**

The CTA also 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](#)



## 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 also find a list and schedule of PEI's virtual program offerings on [CNIB's PEI 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 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.

You can contact VLRC’s PEI office by phone at 902-566-2580.

## Wayfinding

Wayfinding refers to technological tools that assist people who are blind, partially sighted or Deafblind 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.

